

The Intellectual Background of the Law Reform in Late Fifth-Century BCE Athens

The objective of the project is to understand the origins and peculiarity of the Athenian law reform, which took place in the years 410-399 BCE, mainly against the intellectual background influencing Athens in that period. The law reform aimed at re-organising the pre-existing laws – chiefly laws of Solon and Draco (the Athenian lawgivers and constitution-makers of the 7TH–6TH century BCE). A special legal board worked on this task, not only produced the postulated revision of laws, but also resulted in introduction of additional legislative procedures, and thus new legal principles, which profoundly altered the Athenian legal system. The refined laws were displayed mainly in the forms of inscriptions in The Royal Stoa on the agora: some have been preserved to this day, among them, the Draconian law on homicide. The reform was carried during a difficult period for Athens: the Peloponnesian War with Spartan coalition (eventually lost by the Athenian side) as well as internal political strife marked primarily two oligarchic coups, the rule of the Four Hundred and the rule of the Thirty Tyrants which overthrew democracy. The works on reform were interrupted by the second coup, and then continued after the restoration of democracy in 403/402 BCE until 399 BCE.

Unsurprisingly, the events prompted many scholars to examine the law reform also in the context of these political conflicts. My project, in turn, focuses on the hypothesis about the intellectual background of the law reform. The principal research questions are: what intellectual factors influenced this legal reform and what was their pragmatic absorption regarding legal issues? Further, what does this process tell us about the Athenian legal culture? And, finally, how and to what extent intellectual debates, ideas, axiology, ideology were interconnected within the legal aspects of Athens' functioning in the Classical Period.

The reform served for the Athenians as a vehicle of introduction of the new principles altering the hitherto existing legal system. The most important were: 1) differentiating two categories of statutes: *nomoi* – laws of general character, which outrival *psephismata*, that is decrees concerning specific matters; 2) ban on application of laws (*nomoi*) and decrees (*psephismata*), which are not written; 3) prohibition of enactment of statutes against individuals. To explain the peculiarity of these rules, as well as the whole concept of the reform, it is necessary to analyse the sources in terms of interpenetration of ideas, ideology of legislation, axiology of law, intellectual and philosophical movements, concepts of law, legal discourse, ways of thinking about law and assessment of social behaviour regarding legal order (like e.g. litigiousness), which may have influenced legal changes of the late 5th century BCE. A key point for my research is thus the notion of legal culture as the most important element of the intellectual background, which understands law as a 'product' of a given culture, where mutual interactions: law-culture emphasize the imagery of law and also the social practice regarding legal norms.

To answer these research questions one ought to examine (combining the skills of a lawyer and a historian) sources directly associated with the law reform but chiefly texts reflecting 5th century intellectual background of Athens. The analysed sources include legal inscriptions, forensic speeches coming from the times surrounding the legal reform (e.g. Andocides, Lysias, Antiphon), comedies and tragedies, sophistic and philosophical texts, but also historical texts (Thucydides, Herodotus) and, to some extent, the 4th-century sources to check the reception of law reform (such as Plato, Demosthenes).

The result of the research will be a description of the elements of the Athenian intellectual culture of the Classical Period, which influenced the legal reform of 410-399 BCE. The project is the basis for understanding Athenian legal culture, highlighting the impact of intellectual movements, axiology of law, legal discourse on real changes in legal issues. This examination is an important step toward better comprehension of the relations between law and democracy, mainly through its views on the evolution of democracy through the prism of the influence of events of the late 5th century BCE, including the elaborated law reform. Elucidating origins of this transformation, apart from political factors, is the chief expected result of my project.