

# *REFLECTIONS*

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## **The Origins of American Democracy Part 1: Greek and Roman Contributions**

Some 2,500 years of history and experience have informed America's fundamental concepts about rights, liberty and governance. The roots extend from the philosophical underpinnings of ancient Athens' great democratic experiment; extend through the political and legal developments of the Roman Empire; incorporate Christianity's theological beliefs, and were shaped by the Enlightenment's emphasis on rationalism. The Founding Fathers' genius was in merging ideals from disparate epochs to form a nation dedicated to the worth, dignity and freedom of the individual.

Democracy in the ancient world developed in Athens about 500 B.C. All male citizens over the age of 18 were eligible to vote and expected to partake in the governance of that city-state. Such governance was accomplished through the Assembly, a sovereign body in which every citizen was eligible to participate, offer proposals, present amendments, debate issues, and vote on any matter that required a governmental decision. The Assembly, exercising final and absolute authority, reached decisions via vote of a majority of those present.

Most of the Assembly's preparatory work was accomplished by a Council of 500, whose citizen members were selected by lot to serve one-year terms. Persons, regardless of station, who committed offenses against the state were tried by jury-courts whose members were chosen randomly from a panel of 6,000 citizens who volunteered for this service. Although Athens had a direct rather than representational democracy, which lasted some two hundred years, the principles it developed were basic to the formation of this nation's democratic republican form of government.

In early societies, law was often arbitrary, interpreted and administered according to the memories and prejudices of rulers or their appointed ministers. When Rome was formed as a republic, with citizens participating in government, it was necessary to have a set of laws accessible to all. By 450 B.C., the existing laws were codified, written on twelve tablets and posted in the public Forum. This was the beginning of Rome's legal system, its most significant contribution to Western Civilization. As the city grew into an empire and encompassed ever-increasing persons and territories, its sphere of influence expanded significantly. Additional laws, and new interpretations of existing rules, were created to regulate a society that was growing larger and more complex. The laws spread through the empire, so that even with the fall of Rome they remained and continued to evolve in lands not under the sway of barbarians.

In 529 A.D., the Byzantine emperor Justinian collected, edited and issued all of the laws and imperial edicts as a unified and comprehensive body of civil law (*Corpus Juris Civilis*). This became the basis for civil law throughout Western Civilization

during the Middle Ages. It also influenced the development of Canon Law, and was central to the reforms instituted by Pope Gregory VII in the 11<sup>th</sup> century.

In America, which prohibits the state from establishing or interfering with religious practice, spiritual and temporal codes are maintained separately. This is a relatively modern development, as the major legal codes of history included the sacred and the civil, imposing sanctions for moral or religious transgressions, as well as social and secular matters. This comprehensive approach was true of ancient Hebraic law, Medieval Christianity, and Chinese Confucianism. It also existed in ancient Rome which, while generally tolerant of various religious practices, required adherence to a state religion to maintain political and social order. (Islam in the Middle East currently does not distinguish between the spiritual and the secular, the church and the state. Most Islamic nations are governed by the law of Shariah, which addresses not only the conduct of the individual but also the running of the state. It specifies sanctions for religious as well as civil abuses, with human law subordinate to divine law as interpreted by the religious leaders.)

Roman law was based on the concepts of equal justice and the rights of the individual. It contained principles -- such as the presumption of innocence; the ability to think whatever one wishes free from censure; and the right to face one's accuser -- that have been passed on to the present. The Roman concepts and procedural approach to law have proved to be lasting and highly adaptable. They were developed in a pagan society, evolved to fit a Christian world in the Middle Ages, found useful in the industrial and capitalistic periods after the 17th century, and still serve us today.

The basic principles of American democracy and governance are indeed rooted in concepts that began to emerge half a millennium before our Lord's birth, but which were modified to incorporate Judeo-Christian values at the outset of our relatively fledging nation. When forming our government, it can be said that the Founding Fathers raised their eyes to the heavens, but never blinked when contemplating man's fundamentally brittle nature. After all, they were, among all other encomiums, astute historians.

### Picture

