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Solon, the Lawgiver, in the Light of Recent Discoveries and Criticism

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SOLON, THE LAWGIVER,
IN THE LIGHT
OF RECENT DISCOVERIES
AND CRITICISM.

CHARLES A. CASTELLANO, S. J.

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A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in Loyola University.
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Vita Auctoris

Charles Anthony Castellano, S.J. was born in New York City, New York, June 11, 1907. He moved to Newport, Rhode Island, where he attended St. Joseph's Grammar and High School. He entered the University of Detroit in 1923 and Milford Novitiate of the Society of Jesus in 1926. He received his Litt. B. from Xavier University, Cincinnati, in 1930; studied at the Gregorian University in Rome and St. Louis University, St. Louis from 1931 to 1934; taught at John Carroll University, Cleveland, from 1935 to 1936. He transferred from St. Louis University to Loyola University in the summer of 1935.
CHAPTER I

INTRODUCTION and BACKGROUND

That Solon was one of the truly great figures in Athenian history and that he deserves mention in every history of democratic development no one denies. Why he merits this twofold distinction is something upon which no two authors are in complete agreement. Antiquity has, comparatively speaking, bequeathed us an abundance of material but, unfortunately, antiquity does not always agree with itself. Ancient authors question one another and the science of archeology challenges the words of ancient authors.

This thesis does not have the effrontery of claiming to settle so venerable a controversy. Its purpose is to endeavour to revaluate the great variety of statements, to trace modern changes in opinion (i.e. those occasioned by a more thorough study of the recent discovery of the Constitution of Athens), to assemble and contrast the opinions of prominent historians. The result, it is hoped, will be a fairly complete summary both of what Solon actually did and of what men think he did.

So much has been written, so many suggestions have
been ventured on the matter under discussion that lengthy preliminary remarks would only needlessly enlarge an already sizeable subject. It seems much more satisfactory to attack directly the problem at hand.

The main purpose of this introductory chapter is to present in outline the economic and political background which is of paramount importance to any understanding of the measures to which Solon gives his name. In addition it will be necessary to do some defining of terms which will occur frequently in the course of the thesis and to call attention to a fundamental principle that, if borne in mind, will help to a more balanced judgment of the value to us of Solon's reforms. Finally, we shall point out and discuss briefly the main sources we possess for his life and actions.

"Geographically Attica was a backwater of Greek life lying off the main lines of communication."(l) Applied to the period of the migration of nations and for several centuries after, this statement is in every way accurate. Its importance, moreover, cannot be minimized. The geographic position of Attica combined with the bareness of its soil was destined to affect in no small degree its social, political and economic life. "Hence, the migratory passages which agitated the whole of Hel-
las left Attica untouched, and for this reason Attic history is not divided into such marked epochs as that of Peloponnesus; it possesses a superior unity, and presents an uninterrupted development of conditions of life native in their origin to the land." (2)

Someone has written an entire volume on the influence of geography on history. If ever such an influence was demonstrated, it was demonstrated in Attica. The soil was too poor to grow wheat in any quantity. Of the staple foods barley alone could thrive and this only in a moderate degree. Throughout all Athenian history there stalked the spectre of the grain problem. Even when Athens was at the height of her power, her statesmen were ever harassed by the necessity of providing grain for the population. In a country not especially noted for the severity of its judicial penalties, to trifle even with the price of grain meant death.

We shall see how it was rather the aridity of the soil than the excessively grasping policy of the landowners, harsh though they were, that forced liberalizing policies on the nobles and gave the first impetus to democracy. For we must remember that in the period we are treating Attica was not suffering acutely from over-population. That Athens should turn to commerce was inevit-
able; it was either that or national stagnation. Solon deserves special credit because he was the first to grasp the situation and apply the remedies. Unable to grow her own food, Athens had to produce merchandise to exchange for food. But even this was not sufficient. She had to guarantee for herself the possibility of exchange; she had to keep open the lines of communication. Hence, Athens was literally forced out to sea. That she became supreme in the Aegean may be partially due to other causes; that she became a great sea power was inavoidable. It had to be that or subjection to that nation which would give her food.

But a land governed and controlled by landowners cannot turn to commerce without profound political changes. Commerce breeds a new power in the state. It creates the great class of moderately wealthy men of business. Sooner or later this group will become conscious of its strength and will refuse to play second fiddle to aristocrats by birth. It will demand civic privileges and the right of making its words felt in the management of the state. Solon's vision in this regard, even if he had no other title to fame, would be sufficient to stamp him as a man of genius. It is true that he left the main burden of government exactly where he found it, on the shoulders of the aristocracy by birth. Yet, by a truly extraordinary miracle
of moderation, he opened the door to the man of commerce. The miracle of it was that the door he opened was a small door which at the time may have appeared an almost insignificant entrance. Yet, we shall see how it contained within itself the power to widen and enlarge so as to pass the throng that was to besiege it. Athens, owing to Solon's foresight, achieved democracy with the very minimum of bloodshed. This alone would entitle her to a uniqueness amid all the democracies in history.

Thus far we have viewed Attica in the large. Much of what has been said would, for the most part, apply equally well to any nation with her geographical background. Let us turn now to specific problems which confronted Solon when in 594 B.C. (3) a suffering populace and a fearful governing class bestowed on him the title of archon and granted him almost limitless powers to remedy the ills of state. First, let us allow the original sources to speak for themselves.

Plutarch in his life of Solon paints the following picture: "The Athenians..., fell to their old quarrels about the government, there being as many different parties as there were diversities in the country. (4) The Hill quarter favored democracy, the Plain oligarchy, and those that lived by the sea-side stood for a mixed
form of government, and so hindered either of the other parties from prevailing. The disparity of fortune between the rich and the poor, also reached its height at that time; so that the city seemed to be in a truly dangerous condition; with no other means but despotism able to free it from disturbances and settle it. All the people were indebted to the rich; and either they tilled their land for their creditors, paying them a sixth part of the increase, and were, therefore, called Hectemorii and Thetes, or they engaged their body for the debt, and might be seized and either sent into slavery at home, or sold to strangers. Some (for no law forbade it) were forced to sell their children or fly the country to avoid the cruelties of their creditors; but the most part and the bravest of them began to combine together and encourage one another to stand to it, to choose a leader, to liberate the condemned debtors, divide the land and change the government." (5)

Aristotle in his Constitution of Athens gives the following description: "But as has been said before, the persons of the people were mortgaged to their creditors, and the land was in the hands of the few. Now, seeing that such was the organization of the constitution, and that many were in slavery to the few, the people rose against the upper class. The strife was keen, and for a long time the two parties were
face to face with one another till at last, by common consent, they appointed Solon to be mediator and Archon (6) and committed the whole constitution to his hands; the immediate cause of his appointment was his poem (7), which begins with the words,—

I see, and within my heart deep sadness has claimed its place
As I look on the oldest home of the ancient Ionian race: (8)

and so he continues, fighting and disputing on behalf of each party in turn against the other, and finally he advises them to come to terms and put an end for the quarrel existing between them. By birth (9) and reputation Solon was one of the foremost men of the day, but in wealth and position he was of the middle class, as is manifest from many circumstances, and especially from his own evidence in these poems, where he exhorts the wealthy not to be grasping.

But ye who have store of good
who are sated and overflow
Restrain your swelling soul,
and still it and keep it low;
Let the heart that is great within you
be trained in a lowlier way;
Ye shall not have all at your will,
and we will not forever obey.

Indeed, he constantly ascribes the origin of the conflict to the rich; and accordingly at the beginning of the poem he says that he fears "the love of wealth and an overweening mind," evidently meaning that it was through these
that the quarrel arose. (10)

Economically, then, the poor were literally ground down beneath the heels of the rich. In every way the outlook must have been gloomier than it is for the poor in the modern state. In our industrialized environment, the poverty-stricken workman has at least some hope of betterment. There is the perennial expectation that industry will "pick up", that somehow wages will advance and times will be better. Besides, there is always the ballot, which, though it invariably issues in a disappointment, does nevertheless tinge the future with a rosier hue. On the other hand, early sixth century Attica seemed to promise nothing but abject slavery for the downtrodden poor.

The liberal attitude on the part of the rich (for it was a liberal attitude even to consider a change in the status quo) and the moderate spirit on the part of the poor, whereby both parties indicated their willingness to hearken to the decision of a mediator, are a definite indication, even at this early date, of that admirable sense of balance which was to be one of the outstanding traits of Greek civilization. It was a homage paid by an emotional people to the rule of reason.

We have already hinted above that the lower classes in Athenian society had no say in the management of the government. We must now examine this in greater detail, because,
otherwise, the full scope and profound significance of Solon's political reforms will be almost meaningless.

Before proceeding farther, we must take note of two points; first, there is general disagreement on the exact political arrangement before the time of Solon; secondly, Solon's name became so intimately connected with the later Greek democracy that there was a strong tendency among later writers to attribute much to him which may well have been established by others long before him.

On one point there is general unanimity of opinion. The main power in the state was concentrated in the hands of the Archon. It is true that, speaking strictly, there were nine archons, but, already many years before Solon's time, it was in the office of the President Archon that the chief civil authority resided. Religious authority rested with the King Archon. The military authority was in the hands of the Polemarch. The six archons names Thesmothetae had merely routine functions. Of these later Aristotle says, "The Thesmothetae were appointed many years afterwards, when these offices (the three mentioned above) had already become annual; and the object of their creation was that they might record in writing all legal decisions and act as guardians of them with a view to executing judgment upon transgressors of the law." (11)
Commenting on this early organization Greenidge has this to say, "The members of the board constituted in 683 were called officially by their special titles, and the title "Archon" was applied strictly only to the president. The executive and judicial powers of the president must have been enormous at a time was Athens possessed by an ill-organized assembly (probably dependent on the summons of the magistrate), no executive council, no written law but a few recorded utterances until the time of Draco, and no audit from the popular courts." (12) Aristotle tells us that during this period the members of this group of archons were chosen "according to qualifications of birth and wealth." (13) As to the electors of this body, Aristotle states clearly that, at least before the time of Draco, this function was exercised by the members of the Areopagus. "Whereas in early times the Council of Areopagus summoned suitable persons according to its own judgment and appointed them for the year to the several offices." (14)

Aristotle in the fourth chapter of his Constitution of Athens attributes to Draco constitutional reforms which have provoked a large amount of violent discussion. This would have comparatively little interest for us here did it not in part involve the question of electors before the Solonian reforms. Aristotle would have it that the "fran-
chise was given to all who could furnish themselves with a military equipment." (15) Kenyon in his Greek edition of the Constitution would accept Aristotle's opinion wholeheartedly and attribute to Draco the character of a constitutional reformer. Yet, even Kenyon must admit that such a character of a constitutional reformer, is at variance with Aristotle's statement in Pol.--II, 12 to the effect that Draco made no change in the constitution. Moreover, he admits that "it is strange that Plutarch, who certainly was acquainted with Aristotle's work, should have attributed the property qualification and the institution of the Boule to Solon." (16)

Halliday offered some suggestions that cast serious doubts on the reliability of this chapter of the Constitutions. He says, "Aristotle's Constitution of Athens ascribes to Draco an attempt to remodel the constitution. It is pretty generally agreed however, that the "Constitution of Draco" is an invention drawn from the political literature of the end of the fifth century B.C., when the political pamphleteering tended to adopt an historical form in order to obtain an historical sanction for its proposals. No other ancient author gives even a hint that Draco anticipated Solon in an attempt at constitutional reform. The constitution attributed to him in the Consti-
tion of Athens is inconsistent with Aristotle's statements in the Politics and even in some respects with statements in the Constitution of Athens itself. Its general character is suspiciously similar to the political programme advocated at the end of the fifth century by the "moderates", who posed as champions of the "constitution of our fathers", and in detail there appear to be anachronisms. For instance, both the property qualification and the fines laid down in the "constitution" are stated in terms of currency, whereas the laws of Draco are innocent of money economy and the fines are assessed in cattle. Even in Solon's classification of society property qualifications is expressed not in drachmae but in measures of agricultural produce." (17)

At any rate, whichever side we take, this much is beyond dispute: the franchise was a rare prerogative at Solon's entrance on the political stage. If we accept the account of Draco's reforms, we must recognize at once that a very small number of the generality of the people could have met his qualifications. Even Kenyon, who is enthusiastic about the contents of the much-mooted chapter four, states that "the poorest class, which was probably also the largest, had not even the 'anagkaiotate dunamis' which was afterwards assigned to it by Solon." (18)

If we reject the validity of Aristotle's statements,
we have an even gloomier picture. For the process of election of Archons by the Areopagus might very easily have continued to Solon's time. This is the opinion of Grennidge. "If we decline to recognize the Drachonian constitution embodied in the Aristotelian treatise, this system may have continued at the time of Solon." (19) This would mean, for all practical purposes, a closed circle of political control, because the Areopagus was almost certainly composed of ex-archons, who in turn could so manage affairs that those only be chosen who would be interested in maintaining the existing system. (20) In this case Solon would get credit not only by giving the lowest classes a voice in the government (and this everyone admits) but also for extending the franchise to numberless others who were previously disqualified not by wealth but by birth.

Throughout this paper we are constantly employing the words constitution and constitutional reformer. Consequently, it will not be out of place to call attention to the meaning which the Greeks gave to the word constitution. We are so accustomed to speak of living in a state and under a constitution that it somewhat disconcerting to find the Greeks using these two terms synonymously. Again we have a decided tendency to think of the constitution as a liberty-bestowing device, something that guaran-
tees our freedom. On the other hand, the Greeks conceived it rather as curtailing their freedom than extending it. One way they distinguished themselves from poorly organized states was precisely this, that Greeks lived under discipline, whereas the others did not. In other words, while the constitution might give them liberty, they never forgot that it was a principle of order, and, consequently, that even this freedom was to be exercised within the limits and under the restrictions of law.

Greenidge, a very important authority in this field, makes the following remarks on this point. "With respect to the first two terms, "state" and "constitution", it will be observed that where we possess two abstract or semi-abstract terms, the Greeks had only one. This is not an accidental difference. To us the "state" is an abstraction which should, when used in its strict sense, express the whole of the national life, the "constitution" expressing but a part of it. To the Greek, the constitution (politeia) is the city itself (polis) from an abstract point of view; its professes, therefore, to express the whole of the national life." (21)

In consequence, when we say that Solon changed the constitution of the state, we should bear in mind that, to the Greeks, his innovation involved more than a mere change in a part of the national life. He was conceived as
having changed the whole of the national life. To use Aristotle's ideas on 'politeia', he had changed the 'form' (eidos) of the state (22), the 'life' of the state. (23)

Zimmern in his contribution to Livingstone's "The Legacy of Greece" lays down a caution to be born in mind when studying Greek political trends. We must always distinguish between what is purely national, purely Greek, from what is common to all government. In other words, we must not attempt to generalize, to lay down a fundamental principle of government, from some development which was peculiar to the individual state in which the development occurred. "In reading the Greek political writers, then, we must be careful to distinguish the universal from the local and ephemeral, element. The latter is indeed of great interest and value: but we shall tend to miss the really precious and permanent elements in their thought if we do not take pains to disentangle Thucydides, the illusioned Athenian patriot from Thucydides the scientific historian and psychologist, and Plato the aristocrat born out of due season from Plato the unrivalled student of human nature and of the permanent needs of human society." (24)

In concluding this introductory chapter, I will be serviceable to indicate the chief primary and secondary sources of the study undertaken in this thesis.
I. Primary:

**The Constitution of Athens:**

This important document, which was discovered at the end of the last century, has thrown much light on the Solonian period and the Solonian reforms. The authorship of this work has occasioned much controversy. The question is not so much one of its antiquity, for the date of its composition may be determined with considerable accuracy, but whether it was originally written by Aristotle himself or by one of his pupils.

We shall outline the arguments for and against Aristotle's authorship. Our source for this information is the article by the Reverend Edward Newburn Walker in the Encyclopedia Brittanica.

1 - In general:

Of fifty-eight quotations from Aristotle's work found in grammarians and scholiasts, fifty-five occur in the papyrus.

There is internal evidence that the treatise was composed during the interval of Aristotle's second stay in Athens. This stay has been set between 335 and 322 B.C. The Constitution was written between 329 and 322 B.C.

The date is later than the Politics.

2 - Against Aristotle's authorship:
1) The style.
2) Statements contradict those in the Politics.
3) Lack of historical insight and too easy acceptance of anecdotes.

3 - For his authorship:

1) All ancient authors refer the work to Aristotle.
2) The date of its composition coincides with Aristotle's second residence in Athens.
3) Similarity of thought with passages in the Politics.

To argument one above the reply is made that the Constitution is an historical and popular work in contrast with the technical Politics.

To argument two above, it is replied that it was written later and that Aristotle had changed his views in the meantime.

For Aristotle's authorship are found Kenyon (editor of the editio princeps), Sandys, Wilamowitz, Blass, Gilbert, Busolt and E. Myer. Grundy refuses to accept the authorship. (25) Greenidge in his monumental Greek Constitutional History does not commit himself. While he almost always mentions Aristotle's name when referring to the Politics, he speaks simply of the Constitution of
Athens without naming any author.

Standard histories like Grote and Curtius were written before the discovery of the Constitution; hence, their treatment of certain points regarding Solon must be compared with the information contained in this new document.

**Plutarch's Life of Solon:**

If many of Plutarch's lives tend to include fables and legends rather than facts, yet so many of his statements only corroborate the assertions of other ancient authors that it is safe to conclude his sources for the life were exceptionally reliable and his word in Solon's regard is more than usually trustworthy.

**Poems of Solon:**

A large number of the fragments which bear on our subject are quoted in the two above works.

**Other ancient authors:**

Though many other ancient authors make mention of Solon, very few have anything to offer that is of importance for this thesis. Of course, Aristotle's Politics is of much assistance. Plato has very little to say that is of historical value. Herodotus confines his direct statements about Solon almost exclusively to the story of
Croesus. Of occasional indirect help are Demosthenes, Aeschines, Lysias, Diogenes, Laertius, Aeschines and Suidas.

II. Secondary sources:

Kenyon's Editio Princeps of the Constitution of Athens offers many splendid notes and a helpful instruction.

Greenidge's Handbook of Greek Constitutional History is extremely useful, especially as he gives a complete treatment of the whole of Greek constitutional history, and, thereby, shows the relationship between Solon and other reformers.

Bury's History of Greece contains a fairly thorough treatment of the period.

Cox's Lives of Greek Statesmen, though somewhat out of date, should not be dispensed with.

A great deal of useful information is to be found in Glotz's Greek City and in Halliday's Growth of the City State.

Others of less importance will be found in the general bibliography.
Notes to Chapter I

1) Grundy, G.B., A History of the Greek and Roman World, p. 91


3) The exact date of Solon's archonship was long been a matter of dispute. The majority of authors, however, agree on 594 B.C., though there is some evidence for 592.

4) The Diacriti, the Pedieis, and the Parali.


6) Plutarch and Aristotle give various titles to Solon. He is called a 'corrector' and a 'framer of a constitution' (plut. Sol. Chap. 16); 'reconciler' and 'archon' (Ath- enian Constitution, Chap. 5).

7) Poem because Greek prose had not yet been born. Many of Solon's poems are nothing more than political pamphlets written in verse.

8) This couplet is a contribution of the new-found Constitution of Athens.

9) "Solon, son of Exekestides, was a Eupatrid of middling fortune, but of the purest heroic blood, belonging to the gens or family of the Kodrids and Neleids and tracing his origin to the god Poseidon. His father is said to have diminished his sustance by prodigality, which compelled Solon in his earlier years to have recourse to trade, and in this pursuit he visited many parts of Greece and Asia." Grote, George, History of Greece, vol. 1, p. 577.


11) Ath. Const., chap. 3.


13) Ath. Const., chap. 3.


20) "For the council of ex-archons, the areopagus to which was entrusted the recruiting of magistrates, had found it too easy to manipulate the drawing of lots and to turn it for all practical purposes into co-optation." (Greek City by Glotz, p. 209.)

21) Greenidge, op. cit., p. 4.

22) Aristotle's Politics, iii. 3.

23) ibid. iv. 11


Chapter II

Part I--THE HEKTEMOROI.

Economically, as we have seen in chapter one, the poorer classes of Athenian society found themselves in a very sorry plight. So much we can say without fear of contradiction; and only on so much and not much more are the authorities in agreement. The moment one seeks information on who were poor, the exact why of their poverty, the precise nature of their poverty, at that moment does he leap into a merry welter of contradictory statements. Since, as we have a right to expect, all these opinions are but interpretations and explanations of the chief original sources it seems only reasonable first, that, we bring those sources together, study them and see what justification there is for the interpretations which they have inspired.

No sooner does one mention the agricultural poor of Solon's time, than he finds himself face to face with the interpretation of the word Hektemoroi. The literal translation of "sixth-parter" is both obvious and simple. That these sixth-parters formed one of the classes most hard pressed economically is also beyond question. But who was the sixty-parter? What does the term mean? Does he work the fields for a sixth part of the increase and give five-sixths to the landowner? Or is the situation reversed with the landowner receiving a sixth and the worker five
sixths?

We have four main sources of information, Aristotle, Plutarch, Photius and Pollux. First of all, let us see what they have to say.

In the second chapter of the Athenian Constitution, Aristotle speaks as follows: "...but the poorer classes, men, women and children were in absolute slavery to the rich. They were known as Pelatae and also as Hektemoroi, because, for this rental, they cultivated the lands of the rich. The whole country was in the hands of a few persons, and if the tenants failed to pay their rent they were liable to be hauled into slavery, and their children with them."

From Plutarch we have, "All the people were in debt to the rich; for either they tilled the soil for them and paid one-sixth of the produce, receiving the name Hektemoroi, and Thetes, or they were subject to seizure by their creditors-some were actually in bondage at home, others were being sold into foreign lands." (1)

Photius in his explanation of the word Pelatae says, "Pelatae are men who are in a state of slavery for a wage, since the word "pelas" means near, as for instance 'those approaching nearest by reason of poverty'. In this he claims the authority of Aristotle. And again, "Those working for their neighbors; the same men are called Thetes and Hektemoroi, since they work the land for a sixth of the
produce."

Pollux is somewhat clearer. "Pelatae and Thetes are the names of freemen, who, through poverty, are in a state of slavery for a wage." (2) Later, he says, "Hektemoroi, Pelatae among the Athenians." (3)

Before proceeding to an examination of the texts, it should be observed that, while we are constantly dealing with English translations, all words and phrases that can throw light on this subject are first examined in the original Greek. In other words all arguments are based not on the English but on the Greek.

Let us examine each text and see what it has to offer us. In the Constitution we shall find in outline the reasons why the sixth-parters have occasioned so much discussion. In the first place, the general statement is made that the 'poorer classes were in absolute slavery to the rich.' Yet, immediately following we are told that these people, who are in absolute slavery and called pelatai and hektemoroi, receive at least this latter name of hektemoroi from the fact that 'for this rental' (referring to the sixth) they work the fields of the rich. Now persons, who are in absolute slavery, can hardly be said to 'pay rent' to those to whom they are enslaved. That a slaver owner may allow his slave a certain amount of the fruit of his labors we are ready to admit, but that he should rent out his property
to his slaves seems to demand an explanation of some sort.

The word used for rental offers little light because "mishthosis", as far as we can learn, was used only to express hiring and renting. We must turn, therefore, to the word slavery. If, later, we can find other instances where this word is used in a broader sense, we will have some basis for interpreting Aristotle's word in this place as meaning not slavery in the strictest sense of the term, but slavery of a special kind.

To continue, there is little we can gather here as to the technical meaning of hektemoroi. Aristotle says that they were hektemoroi, because they cultivated the land for this rental. Whether this rental consisted in the workers getting a sixth or paying a sixth is still an open question.

Finally we are told that, if the workers did not pay the rent, they were liable to slavery. Now this term 'liable' to slavery deserves consideration. First of all, a person who is already a slave (and this would seem to be what Aristotle said above) is not 'liable' to slavery. Yet the word that is used means 'liable to slavery', 'liable to be carried away'.

To sum up these remarks, we find

1) the people were slaves;
2) these 'slaves' paid a rental;
3) if they did not pay the rent, they were liable to slavery.
Giving slavery a strict interpretation, we are faced with the difficulty of slaves paying rent. In this case, they who are already slaves, would be liable to slavery for failure to pay the rent. The only way to harmonize the texts seems to be that this slavery was rather a state of serfdom from which state of serfdom, the person involved would become an actual slave only if he failed to pay the required rental. This explanation can be harmonized even with the expression 'absolute' slavery on the assumption that the terms of the contract were so severe that the state of the serf was the equivalent of that of the slave, if not worse.

If the workers are in such a dire state that they can be compared to men in 'absolute' slavery, then it is reasonable to suppose the hektemoroi did not pay the owners of the land one-sixth of the produce but five-sixths. There seems to be no reason why the consideration of the man who pays sixteen percent of the results of his labors as rental should be compared to that of a slave. Even Peisistratus, who was regarded as a mild tyrant, levied a general ten percent tax on all returns from agriculture. Again, an owner who obtains a mere sixth of the fruit of his land can scarcely be called a slave master.

The first point noticeable in Plutarch's statements is that in his general remark as to the state of the people he does not say that they were in slavery but that they were in
debt. There poor people, who are debtors of the rich, he 
tehn proceeds to divide into two classes, those who till 
the soil for the rich and those who have contracted a debt 
with their persons as security. Of these later he asserts 
that they are liable to seizure and that some are already 
slaves.

At once there is a new angel to the case. The 
hektemoroi are not slaves but men who finding themselves in 
debt till the soil for their creditors and receive in part 
a return of the produce. They are distinguished from the 
second class of debtors who have pledged their persons as 
security and, on their inability to pay their debt, are sub-
ject to being seized as slaves. This is in accord with our 
interpretation of the passage from the Constitution, namely, 
that the hektemoroi are not slaves in the strict sense of 
the term, but only in so far as their condition is tantamount 
to slavery.

A real difficulty is presented by the unequivacile 
statement that the hektemoroi paid one sixth of the produce 
to those who controlled the land they tilled. Since Aris-
totle has left no direct statement to contradict this as-
sertion but only led us indirectly to believe that they paid 
fix-sixths, we must, for the moment at least, allow Plut-
arch's words to go unchallenged. Later on, we hope to be 
able so to combine Aristotle's remarks with other evidence
that we will be justified in claiming that in this point Plutarch was mistaken.

Before going on we may well call attention to the fact that the passage from Plutarch's first class of debtors to his second class may have been extremely easy. Due to a failure of the crop or some other misfortune, the hectemoroi may have been forced to borrow to tide over till the coming year. Having no land of their own and already in distress, their only recourse would be to borrow on the security of their persons. This, once more, offers an indirect confirmation of our remarks of Aristotle's 'absolute slavery.' The position of the hektemoroi was so precarious that it took very little to jeopardize their liberty.

Photius, the next author we shall deal with, claims he is quoting Aristotle in what he has to say on our subject. Obviously, since we have no definite grounds to disprove this claim, we must allow it to stand.

The question with Photius is the definition of the word pelatai, but, as he says explicitly that these pelatae were the same as theses and hektomorii, anything said about them will also apply to the class we are studying. Of these pelatai he has a combination of words which once again bring us back to the odd use of the word 'enslaved.' He says that the pelatai were in the state of
slavery for pay. In this he seems to be saying the same thing as Aristotle except that he is viewing the situation from a different angle. Aristotle has called them slaves because they paid rent. Photius calls them slaves because of their pay. These two statements are easily reconciled. Aristotle looks at them from the point of view of what they paid the overlords; Photius from the viewpoint of the amount which they are allowed to keep.

Thus, once more we are confirmed in our conclusion that it was not a slavery in the strict sense of the term. Some species of subjection it must have been, but not slavery as we ordinarily understand the word. Farther along Photius redefines the Pelatai as men working for their neighbors. This would be a remarkable way of describing a slave.

Undoubtedly, the most interesting part of this quotation is the definition of the hektemoroi. "These same men, "he says, "are thetes and hektemoroi, because they work the land for one sixth of the produce. "The words sixth part" are in the dative, a clear indication that the sixth was the reward of their labors and that five-sixth went to the overlord. I see no other way of translating the original Greek.

Our last bit of evidence comes from Pollux III. 82. Recalling that in IV. 165 he says that hektomoroi is an
Athenian name for Pelatae, we find two interesting assertions:

1) Pelatae and theses are the names of free-men,
2) who through poverty are in slavery for a wage.

Now, since the form of the verb 'to be a slave' is a participle agreeing with freemen, one interpretation might be that he is talking about men, natives of Attica, once free but now in slavery. However, if we apply the principle we have been using throughout, that real slaves do not receive a wage, then we must reaffirm that slavery is used in a broad sense to describe men who technically are freemen, but, in reality, are so poverty stricken and so dependent on their overlords that their condition is tantamount to real slavery.

Our conclusions to all that has been said above are:

(a) The hektemoroi were not slaves but freemen.
(b) But they were dependent in some special way to an overlord.
(c) They paid a fixed percentage of their crops to the overlord.
(d) This percentage amounted to five-sixths of the crop.
(e) They were in debt to the owner of the land.
(f) They were distinguished from a second class of debtors who have pledged their persons as security.
(g) Since they were debtors but distinguished from
those whose persons were mortgaged, we may suppose that their debt was contracted with their land as security. Perhaps this was the very land they were working.

h) Their economic life was so precarious that they were in constant danger of having to mortgage their persons.

i) This would not come about through inability to pay their rent, because they did not have to surrender any fixed amount but rather five-sixths of the produce, no matter how large or small the crop might be.

j) Should the crops fail with the result that they had to borrow to live, it may be that part of their dependence on the overlord consisted in this, that they were forced to borrow from him. The security for such a loan would have to be the person of the borrower.
While on the subject of the hektemoroi, there is one question we must examine, even though strictly speaking it would seem to belong to part two of their chapter. Briefly, the problem is this? What did Solon do to relieve the misery of the hektemoroi? We shall try to outline the problem involved.

In the first place, both Aristotle and Plutarch mention the distress of the hektemoroi as one of the greatest difficulties which Solon was called upon to solve. That he did solve it seems to be manifest from this that, while they are always mentioned as those needing help before the reforms, they are not mentioned as those dissatisfied with the solution which he has to offer. This much seems to be established. Solon applied such a satisfactory remedy to their difficulties that we hear no further mention of them.

In the second place both Aristotle and Plutarch, after giving prominence to the sufferings of the Hektemoroi, proceed to talk about relief in the following terms:

Aristotle says, "As soon as he was at the head of affairs, Solon liberated the people once and for all, by prohibiting all loans on the security of the person of the debtor; and at the same time he had laws by which he cancelled all debts, public and private. (4).

Plutarch affirms, "For the first thing which we settled was, that what debts remained should be forgiven, and
no man for the future, should engage the body of his debtor for security." (5)

Both authors cannot but have had the hektemoroi in mind when they wrote the passages just quoted. It is conceivable that two authors should mention two classes of distressed people, proceed to the measures intended for relief did affect both classes. To state it more clearly some authorities would conclude that, because Solon did not make a new distribution of the land, the hektemoroi were not directly benefited by Solon's provisions. They were only benefited indirectly in so far as they could not pledge their persons in case they should find it necessary to borrow money in the future.

On the contrary, we believe that we must seek in the tests of Aristotle and Plutarch some benefit for the hektemoroi besides the indirect one just mentioned. Let us recall once again that their real difficulty resulted from the fact that they received only a sixth part of the produce of the land. Further, they were not in slavery in the strict sense and they have been distinguished from those whose persons were liable to seizure for non-payment of debt. Yet is distinctly stated that they were in debt. Somehow, it must have been the cancellation of the debts which afforded them relief.

The question now arises as to how they became involved in debt and what surety they gave for the money they
borrowed. At first glance, the problem seems insoluble. We are told that the land they worked belonged to their creditors. Hence, the debt they then owed could not have been entered into with the land as surety. In the second place they are distinguished from those whose persons had been mortgaged. On what surety, then, did they borrow the money?

A further problem is created by the fact that Solon's own words inform us that,

"The mortgage-stones that covered her (the earth), by me

Removed,—the land that was a slave is free."

(5) Plutarch quotes these lines in support of his statement that it was the taking off of debts that afforded relief. There is no need here to enter into a discussion as to whether the stones that Solon removed were marks of ownership or mortgage-pillars. Whatever they were, they indicated a control over the land by the large-land-owners. But who was relieved by the removal of these stones? It was hardly the class of debtors who had irrevocably lost their land and had already mortgaged their persons. But, since these men were not affected by this action and since we must find what it was that benefited the hektemoroi, it does not seem unreasonable that we seek to connect the removal of the boundary stone with the aid rendered to the hektemoroi.
offer the following explanation. Originally, the hektemoroi were small landowners. Through various misfortunes they were forced to borrow on their lands from their wealthier neighbors. Unable to pay their debts, their land was forfeit to their creditors, but, perhaps because this land could not be completely alienated from the tribe or family to which the borrower belonged, the creditor could not assume complete legal control. For all practical purposes the land was his; he had to use and control of it, even though the legal title still remained nominally with the debtor. To indicate his control, the creditor placed on the land some mark, the 'horoi' of which Solon makes mention. The borrower, deprived of his means of livelihood, became a dependent of his wealthy neighbor, working the land for one-sixth of the produce and faced with the constant menace of having to borrow on the security of his person and becoming eventually a slave.

In this way we can explain the statement that the hektemoroi were debtors, since, though their lands were forfeit, the creditor could not affect a complete foreclosure. In this way, we can understand how Solon sided the hektemoroi. By his cancellation of debts, the lands which had never passed under the complete control of the creditor reverted to the hektemoroi and gave him such a satisfactory new start that neither Plutarch nor Aristotle found occasion to mention this class again.
Again, it removes the difficulty of having to explain the exact nature of the 'horoi'. Suffice it to say that they indicated an almost complete control on the part of the creditor.

While our theory may not give complete satisfaction, yet, it does compose a very great number of differences. It accords perfectly with the ten points we established above from the analysis of what ancient authorities to say about the hektemoroi. This in itself is no small recommendation.
NOTES TO CHAPTER II

1 - Plut. Sol. Ch. 13

2 - Polloxx III. - 82

3 - Polloxx IV. - 165

4 - Ath. Const. Ch. 6

5 - Plut. Sol. Ch. XV
CHAPTER III
CANCELLATION OF DEBTS AND THE CHANGE IN THE MONETARY STANDARD.

In accordance with the procedure we have been following thus far, we shall take up the question of the cancellation of debts by presenting the words of Plutarch and Aristotle.

In chapter 15 of his Solon Plutarch makes the following statements: "For this was the first political act of his administration, that what debts were then in existence should be cancelled and no man for the future should engage the body of his debtor for security. Though some, as Androtion, affirm that the debts were not cancelled, but the interest only lessened, which sufficiently pleased the poor; so that they named this benefit the Seisachthea, together with the enlarging of their measures, and raising the value of their money; for he made the mina which before passed for seventy-three drachmas, go for a hundred; so that, though the number of pieces in the payment was equal, the value was less; which proved a benefit to those that were to discharge debts, and no less to the creditors. But most agree that it was the taking off the debts that was called seisachthea, which is confirmed by some places in his poems in which Solon takes honor to himself that from the earth

"he removed the boundary-stones that everywhere encumbered her; from the earth that was once enslaved but now is
that some who had been seized for their debts he had brought back from other countries, where

--so far their lot to roam,

They had forgot the language of their home;

and some he had set at liberty,--

Who here in shameful servitude were held."

In chapter nineteen, we find, "-----observing that the people now free from their debts----"

The two following quotations are from the Athenian Constitution, chapters six and ten.

"As soon as he was at the head of affairs, Solon liberated the people once and for all, by prohibiting all loans on the security of the person of the debtor: and at the same time he made laws by which he cancelled public and private debts. This measure is commonly called the Seisachtheia, since thereby the people had their loads removed from them."

"These seem to be the democratic features of his laws. But, in addition, before the period of his legislation, he made his abolition of debts, and after it his increase in the standard of weights and measures, and of the currency; During his term of office the measures were made larger than those of Pheidon, and the mina, which previously contained about seventh drachmas, was raised to the full hundred."
To our mind the evidence is too scanty to warrant a clear-cut decision as to whether Solon actually cancelled all debts or whether he simply cancelled those debts which involved as surety the land or persons of the debtors, offering, at the same time, some measure of help to others by devaluing the currency. The arguments on neither side are strong enough to afford complete conviction.

To begin with both Aristotle and Plutarch were indebted to Androtion, whom both used as a source of their information. His words, then, cannot be disregarded. Yet, we have little to tell us of the worth of his statements. So few fragments remain of his work, the Atthis, that it is impossible to judge the general accuracy of his assertions.

On at least one point in the quotation given by Plutarch, Androtion seems to be mistaken. His claim that Solon reduced the rate of interest is contradicted in Lysias X.18, where is mentioned a law of Solon which permitted any interest agreed upon by the contracting parties. Of this Glover has this to say:

"Solon gave the trader and merchant new freedom; he abolished stupid impediments to industry like the old client rules; he would have no laws fixing the rates of interest. The use of capital is the secret of economic prosperity, and it is best used by those who know the conditions. Who could best fix the proper interest for a loan on bottomry, on a
voyage to the Black Sea? Surely, the men who know the sea and the seasons and the other risks; then, let them fix their own rates of interest." (1)

When Androtion claims that "the debts were not cancelled, but interest only lessened" he is directly contradicting Solon himself, who lays claim to the two-fold distinction of cancelling the debts entered into with land and the debtor's person as security. Practically, every modern author allows this claim of Solon. The real argument concerns debts involving other securities. It is this latter question which we must examine in greater detail.

Plutarch admits that even in his day the question was the subject of debate; but in the quotation given above, he rejects the opinion of Androtion and those that held with him. Yet, in attempting to support his statement from the poems of Solon, he adduces references which justify only the assumption of the cancellation of debts involving land and the debtor's person. Since he undoubtedly had access to all of Solon's poetry, this inability to produce satisfactory testimony would seem to argue, ultimately, that Plutarch had to rest his case on tradition rather than on direct evidence.

Aristotle, on the other hand, who wrote centuries before Plutarch, is satisfied with the bald assertion that Solon "cancelled all debts." Kenyon in his editio princeps of the Constitution unhesitatingly accepts Aristotle's word
that all debts were cancelled, irrespective of security. Thus, in his introduction he says, "All debts, public and private, were cancelled, and for the future the securing of debts upon the person of the debtor was forbidden." (2)

Commenting on chapter six he gives the same unconditional approval to the letter of the text: "If, however, any doubt remained as to whether it amounted to a clean sweep of all debts, Aristotle's express definition of it as should remove it. It would even appear that it extended beyond debts secured on the land, since no limitation is expressed and public debts as well as private were included. It is hardly likely that debts to the State were secured by mortgage, since payment of such liabilities can seldom be deferred or allowed to fall into arrears. Probably, in dealing with the large number of obligations secured on the person or land of the debtor, Solon found it impossible to avoid touching the remaining classes of debts, and was unable to annul the one without also annihilating the other. As the usual security was evidently real property, it is probably that the amount of debts otherwise secured was comparatively small, so that the extension of the measure without any considerable increase in hardship. In short, Solon's economical reform was
was a complete measure of novae tabulae." (3)

In like manner does Greenidge express his views---"Solon seems to have found but one means of meeting the difficulty---the heroic measure of a cancelling of all debts, whether owed to the individual's or to the state, accompanied by a prohibition against lending on the surety of the person" (4)

Halliday takes a middle position, holding the complete cancelling of debts but suggesting that "changes in the currency and in the system of weights and measures may also have benefited the lower classes." (5)

Grote, writing of course before the discovery of the Constitution and Aristotle's unequivocal indorsement of the complete cancellation thesis, also inclines to take a middle course. "How Androton came to maintain such an opinion we cannot easily understand. For the fragments now remaining from Solon seem directly to refute it, though, on the other hand, they do not go so far as to substantiate the full extent of the opposite view entertained by many writers—that all money contracts indiscriminately were rescinded: against which there is also a further reason, that if the fact had been so, Solon could have had no motive to debase the money standard. Such debasement supposes that there must have been some debtors at least whose contracts remained valid, and whom nevertheless, he desired partially to assist." (6)
John Mitchell, in his article for the Encyclopedia Britannica, after admitting the abolition of all debts involving the debtor's person, gives the following reason for disagreeing with Gelbert and Busolt who maintain that all debts were cancelled. "...strong reasons may, however, be advanced against, among others that the Greek, unlike the Roman revolutionary, though ready to deal freely with the property of others, did not seek to remedy financial difficulties by abolishing debts." (7)

In Hellenic Civilization by Botsford and Sihler we find this note on page 142.

"Aristotle does not say here that he abolished all debts. The only reliable information on the subject which he had was derived from Solon's poems quoted by him. From these poems we have a right to infer that Solon cancelled those debts only which were based on the security (1) of land (2) of the person. It is a pertinent fact, too, that Androton understood that Solon left some debtsuncancelled." (8)

Without attempting to solve the difficulty, we wish to call attention to several points pertinent to this question. First of all, in a large measure, much of the argument ultimately turns on the relative authority of Aristotle and Androton. Of Androton we have little information, except that he enjoyed some reputation as an orator and was one of a line of men who wrote not-too-important chronologies of
Greek history. His cloruit falls within the very period of Aristotle's life. On the other hand, Aristotle deservedly is ranked as one of the most thorough-going scholars of all time.

Secondly, tradition, which is not to be spurned except on very satisfactory evidence, stands in direct opposition to Androtion. Even the story that Solon's friends availed themselves of advance information on the contemplated reforms and borrowed huge sums just before the cancellation, while not conclusive (for they may have borrowed on land) shows how firmly established the tradition really way.

Aristotle and Plutarch both take cognizance of these tales and make an effort of discountenance them. Aristotle does so on the grounds of Solon's general high character.(9) Plutarch retails the story that the great reformer was a victim to his own innovations to the extent of between five and fifteen talents from which, it was said, he released his own creditors (10)

Finally, Androtion's case becomes still weaker when, as we shall see, the change in the standard was imperative if Athens was to achieve the commercial prominence which Solon has destined for her. In other words, if to Plutarch's denial and to Aristotle's silence we can also adduce a strong motive which will connect the new monentary standard to foreign rather than domestic policy, then, Androtion's contention be-
comes almost untenable.

**CHANGE IN THE MONEY STANDARD.**

At the outset we must remember that we are dealing with early Athenian history and must guard against introducing concepts which later become commonplace. For instance, we are so accustomed to consider Corinth as the great rival of Athens, that we may forget that the two countries were fast friends at this period of their history. In the same way, Aegina, which was to be a political football in later Greek history, was at this time at bitter enmity with Athens. It sounds paradoxical that Athens actually borrowed twenty ships from Corinth to wage a war on the Aeginetans. (11). Moreover, Aegina was a great commercial centre when Athens began to make her debut in the world of commerce.

To expand her commercial relations Athens had to look east instead of west. In the east were the great centers in Euboea and the prosperous Greek cities in Ionia. In the east, too, was the richest source of grain to feed the increasing population of Attica. In the west the seas were controlled by inimical Aegina.

With these thoughts in mind it is easy to see a profound commercial advantage in the adoption by Solon of a new standard of currency. Thus far Attica had used the Aeginetan standard, which must have hampered her free relations with the eastern centres of commerce. Consequently, though Aristotle
and Plutarch are silent on this aspect of the change, it is not far-fetched in the light of the impetus Solon gave to commerce, to link his change in the currency with the commercial advantages to be derived from it...

Up to the discovery of the Constitution of Athens, it was generally accepted that Solon's reform involved a change with the proportion of 100 drachmas to 73. (12) In the work of Aristotle, however, the proportion laid down is 100:70. Professor Percy Gardner points out that the first is close to the proportion of the Aeginetan to the Attica standard, the second that of the Aeginetan to the Euboic. "It is becoming very natural that Plutarch's authority writing at a time when the Attic standard was in universal use, should have supposed that it was that which was introduced to Solon. But we have in Aristotle a valuable record of the real facts of the case; if we may believe him, it was not the latter Attic standard which Solon introduced but the real Euboic, which was appreciably lighter." This change links Athens to the standard "which was already accepted at Chalkis and Eretria and (with a different system of division) at Corinth." (13)

"Another innovation of Solon's was destined to improve the economic condition of Athens in a much more indirect fashion. The city had down to this time been using money struck on the Pheidonian standards, such as circulated in Pelopanesus or Soeotia. Solon made a sweeping change by
striking coins based, not on this standard, but on that known as the Euboic, which was employed in the great commercial cities of Chalkis and Eretria. This made the currency of Athens interchangeable with that of her wealthy neighbors, though it somewhat complicated exchanges with Aegina and Thbes." (14)

In conclusion it will be servicable to summarize the contents of this portion of the thesis.

1) All debts on the security of the debtor's land and person were cancelled.

2) By law no man could in future give his own person or that of his wife, his children or unmarried sister as security for debt.

3) Citizens sold as slaves in foreign lands were redeemed and restored to their native land. We are not told how this was effected.

4) Androton's contention that debts were not cancelled but relief afforded to debtors by the devaluation of the currency seems hard to defend.
Part Three

IMPETUS TO COMMERCIAL PROGRESS

Contemporary historians, in contract to earlier writers, have placed special stress on the economic factors in Solon's reforms. In common with the general tendency to interpret events in terms of economics, more emphasis is being paid on Solon, the economist, than on Solon, the great legislator. The facts in the case give a measure of justification to the new position, though the recognition of his work in the field of economics must not blind us to his outstanding work in the political field. The truth is that Solon deserves our regard under both these titles.

Already in the introduction we have touched upon the circumstance that Athens, if it was to rise to preeminence in the world of Grecian states, must needs do so on the plane of industry and not on that of agriculture. As an aristocrat Solon may never have averted to this simple truth. The future of the aristocracy of Attica was bound up with the successful cultivation of his landed estates. But Solon was not only an aristocrat. It will be remembered that, for some reason or other, the fortunes of his family had dwindled, with the result that aristocratic Solon became also a man of commerce. Tradition has it that even a young man he had travelled extensively in pursuit of his commercial enterprises. As a consequence to the aristocratic Solon were added a business
instinct and vision which he was to use to such advantage to advance the fortunes of Attica.

Plutarch's remarks are extremely interesting. "Observing the city to be filled with persons that flocked from all parts into Attica for security of living and that most of the country was barren and unfruitful and that traders at sea import nothing to those that could give them nothing in exchange, he turned his citizens to trade, and made a law that no son should be obliged to relieve a father who had not bred him up to any calling. It is true that Lycurgus having a city free from all strangers and land, according to Euripides.

'Large for large hosts, for twice their number small,' and, above all, an abundance of laobrers about Sparta, who should not be left idle, but must be kept down with continual toil and labour, did well to take off his citizens from laborious and mechanical occupations, and keep them to their arms and teach them only the art of war. But Solon, fitting his laws to the state of things and not making things to suit his laws and finding the ground scarce rich enough to maintain the husbandman and altogether incapable of eeding an unoccupied and leisurely multitude, brought trades into credit and ordered the Areopagites to examine how every man got his living and chastise the idle." (15)
"He permitted only oil to be exported and those that exported any other fruit the archon was solemnly to curse or else pay a hundred drachmas himself; and, this law was written on the first table, and, therefore, let none think it incredible, as some affirm, that the exportation of firs was once unlawful and the informer against the delinquents called a sychophant." (16)

"The law concerning the naturalization of foreigners offers some difficulty, because it allows citizenship only to those who were in perpetual exile from their whole family for the sake of exercising some manual trade. This he did, not to discourage strangers, but rather to invite them to a permanent participation in the privileges of the government; and besides, he thought those would prove the more faithful citizens who had been forced from their own country or voluntarily forsook it. (17)

Plutarch therefore, assigns three reasons to motivate Solon's encouragement of trade:

1) Immigration into Attica was increasing;
2) the country was barren and unfruitful;
3) traders import nothing to those who can give nothing in exchange.

The first reason must be read in conjunction with the passage relating to immigration, where Plutarch speaks of the naturalization of immigrants. In the first citation the implication is that manufacturing had to be extended in order to
provide food for the immigrants; in the third we see that the opposite was the case. Solon saw in the immigrants not so much men to be fed as men who could help the Athenians to feed themselves. The immigrants who caught his eye were those who came to stay, those that came with a trade. There can be no doubt of the truth of this interpretation because it is scarcely possible that agricultural labourers would come to Attica for "security of living" when Attica's most serious difficulties were arising precisely from the unhappy situation of the agriculturalists. In describing the causes of Attica's unsettled economic condition neither Aristotle nor Plutarch make mention of the artisan or the tradesman. They seemed to be satisfied at least with their economic status, even if they were not so well satisfied with their political position.

Strictly speaking, then, the increase of immigration is not to be taken closely with the two reasons that follow. Plutarch is simply lumping together the whole situation that faces Solon and giving all the motives at once without distinguishing the ultimate reasons for his policy from the remedy that he recognized.

The second and third reasons assigned by Plutarch may be otherwise expressed by the phrase "need of money." Someway, somehow, Athens had to have money and industry seemed to give the answer. Given something to sell, then money would begin
to flow in and, with money, food and power and even more industry. Perhaps in his travels Solon had learned the lessons of Miletus and Naukratis, the story of their Egyptian trade and their speedy rise to epulence.

And thus, it was that with a firm hand he took control of the situation. No longer might the nobles seek a higher price outside of Attica for the field produce of the reluctant soil. Food grown in Attica had to be sold in Attica; sold where the price could be controlled and profiteering discouraged. Only the fruit of the olive might be placed on the foreign market. The more of this there was to sell, the better. If Solon might have visited fifth century Attica, he could reasonably have been proud of the numerous olive groves to the encouragement of which he had given the first impetus.

Sparta with its rich lands and with a subject race in its very bosom might well train her citizens to despise the tilling of the fields and the business marts of the world. But, Attica was to be different. No son was obliged to support a father who had not trained him either in the art of agriculture or fitted him out with a trade for the new life of industry. To the duties of the Areopagites was added that of examining into each man's means of support. Parasites on the new order of things were to be chastised.

Grecian states just emerging from the narrow seclusion of the tribe and clan were reluctant indeed to share the citi-
zenship with outsiders. It needed a strong hand to sweep away this reluctance. With characteristic courage and foresight, Solon extended the citizenship to all who were in perpetual exile from their native land and to those willing to settle permanently with their families and ply their trades. In recent years someone has coined the phrase that "no man will fight to defend his boarding house". Long ago Solon understood the meaning contained in this saying and took the worth-while outsider into the family bosom. This policy must have had a marked success, for it was continued until the days of Pericles. "...by giving facilities for foreigner to settle in Attica in order to exercise some skilled craft, he encourages the rise of industry, which was to prove, in the long run, the salvation of the poor, and to rescue them finally from the dependence and misery of a purely agrarian regime." (18)

Of course, we must not imagine that Solon literally "stood Athens on its head." Olive groves cannot be pulled like rabbits from a hat. Trade must be fought for and does not come from the mere wish to have it. Yet, it is remarkable that one man should, as it were, have turned an entire state into a new direction; that one man should have solved an internal problem of misery, recognized the need of industry, provided the means for attaining it, even descending to the detail of directing what was to be exported and what was not. Small wonder that the Greeks invested the character of their great lawgivers with an element of the divine.
Notes to Chapter Three

2) Ath. Const., Editio Princeps of Kenyon, introd. p. XXV.
3) Ibid., note on p. 15.
4) Greenidge, op. cit., p. 150.
5) Halliday, op. cit., p. 186.
8) Glover in his Democracy in the Ancient World takes a firm hand against the idea of complete cancellation.
10) Plut. Sol, chap. 15.
11) Thucydides, bk. 1. XL. 2.
13) Gardner Percy (History of Ancient Coinage,) pp. 143-153, as quoted in Halliday's Growth of the City State.
16) Ibid., chap. 24.
17) Ibid., chap. 24.
18) Barket, E., Greek Political Theory, p. 43.
CHAPTER IV

POLITICAL REFORMS.

Part I--The Solonian Census.

"But, even after the ancient evidence has been sifted with every care, any account of Solon's constitutional reforms must contain judgments which are subjective and deductions which are hazardous, and no synthesis can claim with confidence to be true in every part." (1) With this distressing statement does Professor Adcock enter into his treatment of the Solonian constitutional reforms. And Professor Adcock is substantially correct in his assertion. We have already touched upon the fact that later tradition, in its effort to honor Athen's greatest lawgiver, constantly tended to attribute to his laws and reforms of every description, which either already existed before his time or were added after his work was done. Yet in spite of the fact that we cannot claim with confidence to be right in "every part", there is much which can be put forward without fear of serious contradiction.

As is frequent in dealing with this period, the basis of the difficulty lies in the fact that Solon is the first life and blood figure we possess of early Greek history. Others, whether as classes or individuals, we may know by name and even, to a certain degree, by achievement, but in the last analysis, their forms are shadowy and uncertain. The same, to a large degree, may be said not only of persons but also
of institutions. As a consequence, we are constantly faced
with the prospect of dealing with a reformer, when we have
scant knowledge of who or what there was to reform.

We shall divide this section of our thesis into four
parts, a) the classes of citizens; b) the Areopagus; c) the
Council; d) the Assembly. Each of these points will be sub-
divided further into two parts, namely, the situation as
Solon found it and the changes which he made in it.

Let us examine into the question of the four classes in-
to which Solon is supposed to have placed the citizens of
Attica. Of this Aristotle speaks as follows. "He made a
division of all ratiable property into four classes, just as
it had been divided before, namely, Pentacosiomedimni,
Knights, Zeugitae and Thetes....To thowe who ranked as
Thetes he gave nothing but a place in the assembly and in
the juries. A man had to rank as a Pentacosiomedimns if he
made, from hiw own land, five hundred measures, whether
liquid or solid. Those ranked a Zeugitae who made two hun-
dred measures, liquid or solid. Those ranked as Knights who
made three hundred measures, or, as some, say, those who were
able to maintain a horse....Those ranked a Zeugitae who
made two hundred measures, liquid or solid. The rest ranked
as Thetes and were not ligible for any office." (2)

Plutarch's words are, "Next Solon, being willing to con-
tinue the magistracies in the hands of the rich man and yet
receive the people into the other part of the government, took an account of the citizens' estates, and those that were worth five hundred measures of fruits, dry and liquid, he placed in the first rank, calling them Pentacosiomedimni; those that could keep a horse, or were worth three hundred measures, were named Hippada Teluntes and formed the second class; the Zeugitae; that had two hundred measures, were in the third; and all the others were called Thetes, who were not admitted to any office but could come to the assembly and act as jurors. At first, this latter point seemed nothing, but was afterwards found to be an enormous privilege."

(3)

Did, then, these classes exist before the time of Solon? Plutarch definitely assigns the division to Solon; Aristotle on the other hand, describes the classes as prior to Solon. The question is further complicated by the fact that Harpocraron in two instances expressly cites Aristotle's very constitution of Athens for his authority that the division was made by Solon. To add still more to the confusion the Constitution of Athens, in the much-disputed fourth chapter, which we referred to in chapter one, makes mention of fines which varied in size dependent upon whether the culprit was a Pentacosiomedimnus, a Knight or a Zeugites. An additional complication is the fact that the papyris on which the Constitution was found certainly antedates the work of Harpo-
The situation, then, is as follows:—Aristotle twice declares that the classes existed before Solon's time; Plutarch definitely assigns their creation to Solon; Harpocration on two occasions claims Aristotle as his authority that Solon was responsible for their formation. Obviously the problem cannot be resolved on the basis of authorities. Any effort towards composing these differences must be made relying either on external evidence of some sort or through the application of some hypothesis that will, at most, give only a presumptive certitude.

The Cambridge Ancient History (4) in one place at least would seem to draw from the external evidence of a known military reorganization before the time of Solon and suppose that, in this regard, a property qualification was established the purpose of which was military rather than fiscal. For some reason not stated only three classes would be assigned to the pre-Solonian period. "Hippeis, those who serve as horsemen; Zeugitae, those who could equip themselves for the hoplite phalanx; and Thetes, or laborers." However, the information vouchsafed us by the author is so meagre that it is impossible to determine the grounds for his assertions.

So much for the external evidence. As for the hypothesis to reconcile the conflicting remarks, we wish to offer the following, which several authors seem to imply in their
treatment of the question. The names Hippeis, Zeugitae and Thetes are all what we may conveniently call "uncoincd" names or, in other words, names which have a place in a language apart from the technical sense to which, for instance, Solon applied them. Perhaps, it will be clearer if we compare them with the fourth name in the group, Pentacosiomedimni, which is obviously a coined word, one deliberately formed to express a technical meaning.

What we should say, then, is that the names Hippeis, Zeugitae and Thetes existed before Solon's time, without having however, any connection with a political significance or with the precise number of bushels of grain which would entitle a person to be labelled with one of them. In this case Solon would simply have adopted three names already used as social tags (much as the modern Italian "Cavagliere" (or Knight) and invested them with a pecuniary and political meaning. Finding that the group loosely designated as Hippeis contained men of varying degrees of wealth, Solon simply divided off the wealthiest and gave them the name which was the basis of his division, namely, Pentacosiomedimni.

At any rate, this much is certain, that Solon stripped the aristocrats of their automatic qualification for offices in the state. For the future, birth would not suffice for eligibility to perform the highest functions of government. On the other hand, men who previously had to be content with
minor offices, or, perhaps, with no office at all, but who, because of their financial standing, felt justified in claiming some prominence in the state, were now not only eligible for office but also vested with as much eligibility as the aristocracy by birth.

The basis of distinction between the classes and the consequent political privileges bestowed on each are sufficiently indicated in the quotations and need no further amplification here. Several points, however, may be of interest. In the first place, the medimnus, the measure employed for grain contained about one and a half bushels; the metretres, used for wine and oil, contained a little more than eight and one half gallons. It is noteworthy that in Solon's day a metretes of oil and a medimnus of grain were considered equivalent in value. In the fifth century, however, a metretes of oil had about the fourtimew the value of a medimnus of grain. It follows, therefore, that grain at the time of the reform cost at least four times as much as it did in the day sof Pericles. It also indicates the wisdom of Solon's insistence on the cultivation of the olive. If in Periclean Athens, oil produced at home had four times the value of grain, which, to a large extent, had to be imported, then the Athenians might well esteem the man who had done so much to stimulate the production of such a lucrative commodity.

Later on we shall take up the importance to the Thetes
of the right which Solon gave them of taking their places in the assembly. For the present we shall close this question with a quotation from Halliday which admirably sums up the significance of the Solonian census.

"The new arrangements are clearly very important and will have far-reaching effects, for it introduces an entirely new principle into the constitution. It is quite probably that, at the time of its introduction, its full significance was hardly appreciated for no doubt the majority of the already ruling class were also the rich. But in reality it provides for the political representation of wealth. If the rich noble is archon, he is now eligible for that office not because he is noble but because he is rich, and any member of the new merchant class, whose income reaches the prescribed amount, will have a constitutional right, whatever his origin, to hold the highest office in the state. Previously to the Solonian classification political privilege had been the privilege of birth; Solon made it the privilege of wealth and introduced the principle of determining the citizen's obligations and privileges in preparation to his "stake in the country". (5)

The AREOPAGUS.

It will be impossible here to trace the history of the Areopagus. So many are the conflicting opinions that con-
jectures as to its origin and powers before Solon that a whole thesis could easily be written from the literature on the subject. We shall be satisfied with a summary of what seems to us to be a reasonable view of its nature and development. A two-fold question must be considered. Was the Areopagus originally a deliberative body and thus, the direct progenitor of the later Boule or was the Boule already constituted before the Solonian period.

Practically all the Grecian states passed through a period of constitutional development in which a king or supreme magistrate of some sort was supported by a council of nobles which acted in an advisory capacity and, in varying degrees, limited the power of the ruler. From analogy it seems reasonable that Athens passed through such a state of development. We know that at Athens even before the time of Solon there existed an executive body of some kind, tho' even ancient authorities cannot agree on whether it was what was later called the Areopagus or whether it consisted of a separate deliberative body recruited from the nobility.

In this regard, Herodotus connects with the conspiracy of Colon certain state officers called "Prytaneis of the Naucrari." Some authors have tried to prove that these Prytaneis were committee members of a Boule just as the Prytaneis of later Athenian history. However, Herodotus seems clearly to indicate that these Prytaneis were an executive, not a delibera-
tive body, a point which should be sufficient to distinguish them from the Prytaneis of later centuries. Again, Athenian tradition is consistent in attributing the Boule to Solon. It is pointed out, moreover, that the later Boule, unlike other very ancient bodies, observed no archaic rituals or ceremonies. Furthermore, it was convened, not by the archons whose office is of admitted antiquity, but by a committee of Prytaneis, the earliest traces of which are found in the sixth century.

Eliminating an early Boule, such as that founded by Solon there remains the Areopagus for which the evidence as a deliberative and judicial body is both extensive and convincing. It is true that there was current in later Athenian history a tradition that the Areopagus was the creation of Solon, but the arguments on the other side are two weighty to admit of much dispute.

First of all, concurrently with the above mentioned tradition, even as early as the beginning of the fifth century there was always a feeling of respect, veneration and even awe connected with the Athenian's view of the Areopagus. This can hardly be explained as arising from that council's duty of adjudicating cases of homicide. Again, Plutarch (6) expressly mentions a decree of Solon in which the Areopagus is expressly credited with having already sent persons into exile. Besides, there is the convincing circumstance that
in the time of Aristotle, the Areopagus met in the King's Porch under the presidency of the King Archon, who was the direct successor of the original Attic kings. Add to this that the Areopagus is always designated not as a court but as a Boule or council and we can safely assert (1) that the Areopagus was in existence before Solon; (2) that it was the deliberative as well as a judicial assembly (7).

Aristotle's words confirm this two-fold conclusion. "The Council had as its assigned duty the protection of the laws, but in point of fact it administered the greatest and most important part of the government." (8) And later talking about Solon's reforms he says, "But he still assigned to the Areopagus the duty of superintending the laws. It continued, as before, to be the guardian of the constitution in general. (9)

What changes, then, did Solon make in the Areopagus? As we saw in our introductory chapter, the Areopagus was, before, Solon, composed of ex-archons. This Solon left unchanged. But we also saw that the archons at that time were chosen by the Areopagus and only from men qualified by birth. This Solon did change. From now on the Archons were chosen by the people and wealth rather than birth was the basis of their qualification. In this way, he broke the closed circle of political control that existed in both the Areopagus, the most influential body in the state, and in the
archonship, the most influential individual offices in the body politic. Thus, in a very real sense, the Areopagus of the future was to represent indirectly the choice of the people at large.

The BOULE.

Having deprived the Areopagus of its function as a deliberative body and being on the point of establishing a deliberative body composed of all the citizens, Solon had to make provision to prevent this popular assembly from falling from the complete control of the archons, the highest administrative officials of the state. To meet the situation, Solon created what was to become one of the most characteristic and powerful bodies in the political machinery of Athens. This body, called the Boule, was formed primarily to arrange and direct the work of the assembly. Its function was pro-boulcotic in character in so much as it decided on the matter and the ordering of the business of the assembled body of the citizens. At this time, it would seem that its powers were limited to the performance of this function and that the important duties, which later fell to it, were not included in the plan of the founder.

"When he had constituted the Areopagus of those who had been yearly archons, of which he himself, therefore, was a member, observing that the people, now free from their debts, were unsettled and imperious, he formed another coun-
cil of four hundred; selecting a hundred out of each of the four tribes. It was the duty of the council to inspect all matters before they were propounded to the people and to take care that nothing but what had been first assembled should be brought before the general assembly." (10)

Several details merit our consideration. As we saw above, offices in the state were not open to the Thetes and, consequently, this council must have consisted of men who could, at least, meet the qualification of Zeugitae. Since this is the case, it is hard to understand how writers use the institution of this body to bulwark their contention that Solon formed it deliberately as a movement towards democracy. Plutarch indicates expressly that it was to act as a check on the general assembly and keep in bounds people who were now "unsettled and imperious."

As to the method of election to this body or the length of time its members remained in office we have no definite knowledge whatever. The first council, if the wording of the text is to be taken literally, was chosen by Solon personally. In the later democracy the members were chosen by lot, but we have no definite assurance of what the procedure was during the period following immediately upon Solon.

This part of the thesis would lack completeness if we did not mention Solon's concept that the Areopagus and the
Council or Boule were to act as "anchors" and thus "the commonwealth would be less liable to be tossed by tumults and the people be more quiet." (11) Just how far the Council served its purpose as an "anchor" of the state, it is not our intention to discuss. Nevertheless, its ingenuity must be acknowledged. Situated as it was between the large and unwieldy body of the popular assembly and the important officials of the Areopagus and archonship, it cannot but have given a feeling of security and protection to the generality of Athenians. The wealthy may readily have conceived it as a safeguard for themselves by reason of its exclusion of the lowest class in the Athenian census. The poor, regarding the large number that formed the Council's membership, may easily have deemed it as a guarantee against a return to the harsh conditions from which their liberations had so recently been effected.

The ASSEMBLY.

Of Solon's achievement with respect to the general assembly, very little direct evidence is given us. Both Aristotle and Plutarch are content with the unelaborated assertions that Solon opened the ecclesia to all Athenian freemen. Whether an ecclesia of some kind was already in existence we cannot know with certainty. If such a group did exist, we can be certain that its power was severely
limited. Perhaps it was convened only to gain the support of the commons in the event of war or some other such event of national importance.

A suggestion, however, is found in the comparison Plutarch makes between Poplicola and Solon. "The remission of debts was peculiar to Solon; it was his great means for confirming the citizens' liberty; for a mere law to give all men equal rights is useless, if the poor must sacrifice these rights to their debts and be more than anywhere at the beck and bidding of the rich in the very seats and sanctuaries of equality, the courts of justice, the offices of state and the public discussions."(12)

The implication is clear that Solon together with his cancellation of debts, added a law "to give all men equal rights." These equal rights were exercised in three ways, by a participation in the courts, in the election of magistrates and in the public discussions. These public discussions would be, of course, the meetings of the ecclesia.

We can be certain that the ecclesia, if it existed at all before the reforms, had little or no influence in the management of the government. We have already shown that up to that time control was vested in the Areopagus and the archons. Besides, an influential assembly might by itself have forced action to ameliorate the grievous conditions of the masses. Yet, after the time of Solon we hear no men-
tion of anyone as founder of a new ecclesia. Surely, such a momentous step would have called for considerable comment. We can, therefore, assume that the ecclesia, as an important deliberative body, came into being under the guiding hand of Solon.

It is a temptation, of course, to credit Solon with the authority of all the powers which that body later came to exercise. We can feel confident, however, that these powers were of slow accretion. Indications of this are found in later Athenian history where we see how the balance of power shifted from one arm of the government to the other. A long time was still to elapse before the assembly developed its technique even to the point of making it known to the Boule that certain matters might agreeable be included in the assembly's agenda. At least Solon can take credit for giving a tremendous impetus to the collective importance of the Athenian commons. This step like so many for which Solon was responsible was to assume its full significance only in the days when Athens reached its full stature as a real democracy.

The HELIAEAE.

In the Wasps of Aristophanes, Philocleon enters the Heliaea and cries out, "Is not my power as great as that of any king?" This remark intended though it is as a jibe...
at the Athenians' passion for the give and take of the law court, it pregnant with meaning. Underlying it is the solemn truth that at Athens the law court, notwithstanding numerous abuses connected with it, had become the very cornerstone of Athenian democracy. Aristotle, the keenest mind that Athens was to give to the world, saw it that way and with his usual pitiness sums up the content of his vision with the words, "for when the commons is master of the juryman's ballot, it is master of the state." (14) To Solon must go the credit for leading the way to this characteristic of Athenian national life. Men of his day could still recall the time when laws were expounded and justice rendered by a clique of aristocratic magistrates whose decisions were not only final but also based on laws of which they alone had the knowledge and over which they alone held the mastery. Men could still recall the momentous work of a Draco whose title to fame rested chiefly on his having laid open to the masses those principles of justice under which they might receive an unmerciful chastisement. Draco's work was rather a gesture that a movement in the right direction. The administration of justice remained where it had been and the right of appeal was still a matter of dreams.

We cannot but have noticed that the political reforms of Solon were more in the direction of timocracy than democracy. Wealth was the key to office and poverty gave access
only to the limited functions of an inexperienced assembly. It was at most a cautious step in the way of universal equality. But, if the political reforms were but a cautious step, the judicial reforms stared democracy in the face.

Let us set down the words of Aristotle and Plutarch.

"There are three points in the constitution of Solon which appear to be its most democratic features; first and most important, the prohibition of loans on the security of the debtors person, secondly, the right of every person who so willed to bring an action in behalf of anyone to whom wrong was being done; thirdly, the institution of the appeal to the law courts; and it is by means of this last that they say the masses have gained strength most of all, since, when the commons is master of the juryman's ballot, it is master of the state." (15)

"Solon appears to have established the democracy by composing the jury courts out of all the citizens." (16)

"Solon seems...to have raised the people to great consideration in the state by allotting the supreme-judicial department to them. For this some people blame him as having done what would soon overturn that balance of power he intended to establish, since by trying all cases whatsoever before the people who were chosen by lot to determine them, it was necessary to flatter a tyrannical populace who had got this power, which contributed to bring the government to that pure
democracy it is now.\textsuperscript{(17)}

"And all the others were called Thetes, who were not admitted to any office but could come to the assembly and act as jurors. This right to sit as a jurymen as tifirst seemed nothing, but afterwards it turned out to be an enormous privilege, as almost every matter of dispute came before them in this capacity. Even in the cases which he assigned to the archon's cognizance, he allowed an appeal to the courts.\textsuperscript{(18)}

"He, Solon thought it indeed most necessary to entrust the people with the choice of their magistrates and the power of calling them to account.\textsuperscript{(19)}

Let us take up in order the judicial rights which Solon gave to the people. First of all, he laid the foundation for that extreme individualism in the administration of justice which appears so striking to our eyes. As Glotz puts it, "justice never took the initiative among the Athenians, even in criminal cases.\textsuperscript{(20)} In other words, there existed in Athens no public prosecutor, no organized police force. The others of these was occupied by every individual citizen of Athens. The investigation and punishment of wrongdoing was not regarded as the business of a police department, with the citizens looking on apathetically, almost as if the functioning of such a department absolved them from all interest and responsibility. Crime was not considered so much a violation of an abstract code of laws as a violation of the rights of
the citizens and in this violation each individual felt a personal concern.

Throughout this consideration we must not forget that the Heliaea was open to all citizens including those in the lowest census. With this in mind, we shall consider the importance of the legislation which compelled all magistrates, at the termination of their tenure of office, to render an account of their administration. Of this Grote remarks, "To impose upon the Eupatrid Archon the necessity of being elected to put upon this trial of after-accountability by the rabble of freemen (such would be the phrase in Eupatrid society) would be a bitter humiliation to those among whom it was first introduced; for we must recollect that this was the most extensive scheme of constitutional reform yet propounded in Greece, and that despots and oligarchies shared between them at that time the whole Grecian world." (21) While this examination before a large body of the commons may not have assumed the importance which it did in the fifth century, yet it cannot but have been a powerful deterrent from any flagrant abuse of power. Examination by a popular body before which any citizen might lay his grievances cannot have been a pleasant experience at any time.

In this connection we must not fail to mention the all-important question of constitutionality. Given the right to try cases of every description, the commons were, thereby,
invested with the right of interpreting the constitution. For, sooner or later, cases were bound to arise the adjudication of which would depend upon the jurists' understanding of the wording of the law involved. Thus, Solon, perhaps unknowingly had initiated a most startling democratic trend. In the last analysis, the commons, through their courts of law, when at length they become conscious of their preogatives, were to exercise a control over the very constitution to which they owed their judicial powers. Greenidge's remarks are to the point. "The function of the courts here characterized as democratic is that of the audit of magistrates, and the judgment is but an illustration of the maxim that the character of the constitution will never correspond to the character of the nominal executive, if judicial functions (including political jurisdiction) are given to another body for the state will always be swayed by the classes represented in the judicial body." (22)

No doubt many nations of antiquity gave a subject the privilege of appealing from the decision of a lesser official to the judgment of a higher, perhaps even to that of the chief magistrate or king. However, as far as we know, not even this privilege existed in Attica at the time of Solon's archonship. Hence, it is amazing to find Solon laying down the principle not only of appeal but actually of appeal to general courts wherein even the lowest class in Attica was admitted to parti-
cipation. Plutarch expressly states that this privilege included even decisions rendered by the Archon. It is hard to believe that Solon himself understood the full import of this momentous step which was to culminate in a judicial procedure in which the archons would do no more than preside at a preliminary trial while competence in the case was entirely in the hands of the popular courts. It is not an exaggeration to call this a true revolution in the judicial procedure of the western world. If Solon did not fully grasp what the final issue of his measure would be, yet, that issue was inevitable and inherent in the original provision which he made.

Finally, we must notice that this judicature was a body separate in every way from every other department of the state. It was not the assembly for this latter body was not chosen by lot as were the courts. (23) In the second place the members of the assembly did not take the Heliastic oath to which the jurors bound themselves. Besides, the courts could exercise jurisdiction over and decide the constitutionality of the very decrees of the assembly.

It will be interesting at the close of this chapter to quote several very pointed observations of Greenidge. "That state only is a pure democracy in which no other principle but that of equal representation claims legal recognition. As a matter of fact such a pure democracy did not exist in
Greece; in all we see certain aristocratic or oligarchic elements preserved. Yet, the state was democratic where the true character of such elements was modified by subordination to the popular will, which could criticise and punish all holders of office. This is indeed the practical meaning of democracy in the Greek world; it is a power of fearless criticism which can at any moment issue in action" (24) "Democracy, as we saw means practically though not ideally the power of criticism and punishment by the masses; this power was exercised at Athens through the popular courts, and by their institution Solon was (perhaps unwittingly) responsible for a startling democratic reform." (25)
Notes to Chapter Four

1) Adcock, F. E., Cambridge Ancient History, vol. 4, p. 47
2) Ath. Const., chap. 7.
5) Halliday, op. cit., pp. 121 and 122.
7) This summary is drawn from the treatment given to this question in the Cambridge Ancient History.
8) Ath. Const., chap. 3
11) Ibid.
12) Plut., Comparison of Solon and Poplicola, chap. 3.
13) Aristoph., Wasps, 549.
15) Ibid.
17) Arist. Pol. ii. 12
18) Plut. Sol., chap. 18
24) Greenidge, op. cit. p. 123
25) Ibid. p. 154
CHAPTER FIVE

MISCELLANEOUS LAWS AND CONCLUDING REMARKS

Sedition Laws:

It is not our intention here to quarrel over the genuineness of the so-called Sedition Law. Suffice it to say that both Aristotle (1) and Plutarch (2) makes mention of it and that this points to a well-established tradition. Moreover, the very simplicity of its provisions gives, is a Solonian colouring. The evidence is satisfactory enough, and, in lieu of any testimony contradicting it, we can proceed to a discussion of this interesting bit of legislation.

What was the Sedition Law? Aristotle will tell us. "Further, since he saw the state often engaged in internal disputes, while many of the citizens from sheer indifference waited to see what would happen, he made a few laws with express reference to such persons, enacting that anyone who in time of civil faction did not take up arms with either party should lose his rights as a citizen and cease to have any part in the state." (3)

We realize at the outset that this law could scarcely have been enforced without grave injustice. It gave the victorious party too favorable an opportunity of taking revenge under the cover of legitimate judiciary procedure. Yet, the spirit behind such an enactment, the criticism of the apathy of the masses together with the implication that loyalty
to the existing government had not assumed the character of a national virtue, all these justify us in lingering on what Plutarch calls a "peculiar and surprising" piece of legislation.

Solon, like all great lawgivers understood the utter necessity of the rule of order in the state. This order was more essential than the supremacy of any particular form of government over another. Better a tyranny with order than a democracy with disorder. Now, Solon, perhaps better than anyone else, realized that his legislation, while it had effected a cure of the pressing ills of state, had far from cured these ills permanently. Of this he tells us himself. He foresaw that the dissatisfaction of both the commons and the nobles presaged a recurrence of internal dissensions. Already, he had given the Athenians not the best laws but "the best they could receive." Contention he could not forestall. At most he would attempt to impose a measure by which the period of contention and its conquest disorder might, at least, be shortened. At least, he would make a remote provision to insure a speedy return to the most fundamental requirement of civic well being, the reign of disorder.

Thus it was that he legislated against the spirit of laissez faire. His good citizen was not to be the man who kept aloof from the political concerns of the state but one who was so conscious of membership in the body politic that,
given a "time of civil faction", he would feel constrained not only to study the issues, but actually choose a side, even to the extent of "the taking up of arms". In this way the full strength of contending parties might quickly be estimated, so quickly, it might be, as to avoid all bloodshed by indicating the overwhelming advantage of one over the other.

Myers makes an observation which is much to the point. "It is interesting to note that among the measures urged by modern reformers to correct the evils of modern democracy is found one, compulsory voting, which in principle is wholly like the Sedition Law of the Athenian statesman." (4)

One startling feature of this law cannot fail to impress us. We should expect that the worthwhile citizen he urged to take his stand with the established government, especially, when we recall that, in later Athens, citizens thought themselves deserving of special consideration in the law courts if they could prove that they opposed the rule of the Thirty Tyrants. Instead, as Grote puts it, the existing government ranked simply as one of the contending parties. (5) The fact of the matter is that in Solon's day there was no form of government which might be accounted the norm for Athenian society. Many years had still to elapse before Athenians considered themselves as the embodiment of the highest ideal of democracy.
Lesser Laws:

Since it will be impossible to give even a summary of all the laws attributed to Solon, we shall be content with the enumeration of a few of his legislative enactments, which, though, of less importance than those we have already discussed, are nevertheless sufficiently interesting to merit at least passing attention.

To afford a larger measure of personal liberty to the individual Solon is said to have abrogated the law according to which the property of a man who died without offspring passed automatically into the hands of his family. Under the new enactment such a man obtained the right to bestow his property on whomsoever he wished. This law, then, while preserving the rights of the immediate members of the family, established on a broader basis the individual's control over his own possessions.

Extravagant funeral expenses were expressly forbidden. The exaggerated practices of women mourners were dis­countenances. The general deportment of women in public was regulated. Provisions were made to insure an adequate water supply to the small farmer. Fixed rewards were allotted to victors at the Isthmian and Olympic games. A bounty was offered for the killing of wolves. Men were forbidden to speak evil of the dead and no one might speak evil of the living in the temples, the courts of justice, the public offices are at
Occupied as we have been with the individual accomplish­ments of Solon, we have had little opportunity to view his achievements in their larger aspect, to interpret their mean­ing with reference to subsequent Athenian history; more than that we have been so ingrossed in the works that we have all but forgotten the man. To supply these deficiencies will be the purpose of these concluding remarks.

It was no populace in a gentle mood that Solon faced when he assumed the duties and powers of his office. On the one hand the wealthy, realizing that their power was seriously threatened, were willing to make some reasonable concessions, but, doubtless, their concept of reasonable hardly coincided with that of the poor. Against these were ranged the poor, confident in their knowledge of their oppressors fear. We know that the poorer classes hoped even for an equal distribu­tion of all the country's land. Solon speaks of them as follows:

"So they came in search of plunder, and their cravings knew no bounds,
Everyone among them deeming endless wealth would here be found.
Fondly then and vainly dreamt they; now they raise an angry din
And they glare askance in anger and the light within their eyes
Burns with hostile flames with me." (6)

To face this situation required courage. Small wonder that Solon says,
"Therefore, I took my strength from every side
And turned at bay like wolf among the hounds." (7)

A lesser man might have chosen one of two simple and obvious courses. He might have aroused in the rich an unreasonable fear for the security of their persons and their property and stirred them to crush the poorly-organized and almost helpless commons. Followers he would not have lacked and riches might have been his for the asking. On the other hand, the poor were ripe for revolt. Given a leader who would raise aloft the standard of "stasis" and success was practically assured. Solon had within his grasp the power to take into his own hands the complete control of the state. No one can contest his words:

"But had another held the goal as I
One in whose heart was guile and greediness,
He had kept the people back from strife." (8)

He himself describes for us the opinion of his contemporaries:

"Solon surely was a dreamer and a man of simple mind;
When the gods would give him fortune, he of his own will declined
When the net was full of fishes, over-heavy thinking it,
He declined to haul it up, through want of heart and want of wit.
Had but I that chance of riches and of kingship for one day,
I would give my skin for flogging and my house to die away." (9)

The Cambridge Ancient History offers some interesting comments on this renunciation. "This, almost the greatest sacrifice a Greek could make, crowns the moral dignity of
his career. But it may well be doubted if it was not really the "great refusal", an act which did not serve the best interests of Athens. It was in his own words Solon had stretched his stout shield over both parties in the state; now the arm which held the shield was withdrawn. His economic and legal reforms persisted by their inherent merit: his constitutional work was too tentative to do more than make men able to be contented, if they were willing. Neither the executive nor the popular voice had power enough to defend the constitution against a resolute ambition. It was Athens' fate to try both means: to see a tyrant make a strong executive, and a democrat, if a newly converted one, make Athens in practice a democracy. It was to make two generations and Peisistratus and Cleisthenes to complete Solon's political work, and in those two generations there was much loss as well as much gain. That the gain outweighed the loss was due to the personality of Peisistratus. Athens was fortunate: it may have lain in Solon's power to make her need no such good fortune. But Solon's great services are certain, his failure hypothetical. His claim to fame rests on his bold economic settlement and his code which gave the Athenians that respect for law that steadied them even in the days of their extreme democracy. Athens' neighbor, Megara, faced such an economic crisis, failed to find a Solon, and the result was first a red terror and then a generation of civic strife. If anyone would
criticize Solon, let him read Theognis on Megara. (10)

Glover calls Solon the greatest and first of Greek economists. (11) The truth of this statement goes unchallenged. No great acumen is needed to point out post factum that in following Solon's lead, Athens had acted in the only reasonable manner by which she could care herself a place of prominence in the economic life of the Mediterranean. It was quite another matter to mold the economic future of a people that was torn by dissention and harassed by hunger from without and without, was held of twoo little account to merit recognition in the marts of the world of which it formed a part. Glover's praise then is fully merited. For Solon left his impress on the whole of Athen's future economic life.

But Solon's greatest title to fame lies in his constitutional reforms. Doubtlessly he would have disclaimed the plaudits of later orators and statesmen who acclaimed him as a founder of the democracy. The real democracy began with Cleisthenes. But, we may seriously question whether Cleisthenes could ever have achieved success had it not been for the accomplishments and even mistakes of his distinguished predecessor. We mention mistakes advertently, for at least several of the later reformer's most important measures are directed to correcting defects which Solon's provisions had failed adequately to take care of. The vote of ostracism is,
after all, but a more drastic cure for what Solon had failed to heal with his Sedition Law. The principle underlying both enactments is the same and Solon must have credit for recognizing it first; but, could a tyro assembly have been entrusted with the power of ostracism? The ingenious division into ten tribes aimed at sweeping away the narrow distinctions of clan and gens and locality. Yet, the barriers were first broken down by the substitution of wealth for birth in the selection of the officers of state. Let us recall once more the remark of Solon that he had not given the people the best laws that he could give but the best that they could receive.

Plutarch in his comparison between Solon and Poplicola ranks Solon above the latter in so far as "the beginning of his government was more glorious, for he was entirely original and followed no man's example" but nevertheless "the close of Poplicola's life was more happy and desirable, for Solon saw the dissolution of his own commonwealth." And, truly, if any man has ever seen what seemed to be a complete nullification of his labours, that man was Solon. Before his death he witnessed the advent of tyranny against which he had made such valiant efforts and which, when it was in his grasp, he had refused to take for himself. It is impossible to gauge how far Solon influenced Peisistratus in the mildness of his policy. At any rate, Peisistratus gave to
Solon a magnanimous token of his veneration. When the aging lawgiver denounced the tyrant and urged the people to vigorous opposition, Peisistratus repaid his antagonist by so honoring him, obliging him and sending to see him "that Solon gave him his advise and approved many of his actions". And we are told that Peisistratus "retained most of Solon's laws, observed them himself and compelled his friends to obey." (11)

In conclusion, let us quote a passage from a History of Political Ideas. "There have, no doubt, ben times when for a short period great men and great governments have come near to being sovereign in that sense—when the people have felt in their hearts that this man or this government was for the time securing to them something so infinitely valuable that he or it must be obeyed and maintained in power at almost any cost, and seeing things in the light of that infinite value, they recognized that they ought to follow that person or those persons through thick and thin; so far and for that time the political problem is solved." (13) Indubitably Solon occupied such a position. In his own words:

"Wer't not for me, the people ne'er had set
Their eyes upon these blessings e'en in dreams." (14)
Notes To Chapter 5

1 - Ath. Const., chap. 8
2 - Plut. Sol., chap. 20.
3 - Ath. Const., chap. 8
5 - Grote, op. cit., p. 605
6 - Ath. Const., chap. 12
7 - Ibid.
8 - Ibid.
10 - *Cambridge Ancient History*, vol. 4. p. 58.
12 - Plut. Sol., chap. 31
14 - Ath. Const., chap. 12
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The thesis "Solon, The Lawgiver, in the Light of Recent Discoveries and Criticism," written by Charles A. Castellano, S.J., has been accepted by the Graduate School with reference to form, and by the readers whose names appear below with reference to content. It is therefore accepted in partial fulfillment of the requirements for the degree of Master of Arts.

Rev. Joseph A. Walsh, S.J.  
July 10, 1936

Allan P. Farrell, S.J.  
July 11, 1936