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# CLASSICAL PHILOLOGY

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## SOLONIAN JUSTICE<sup>1</sup>

GREGORY VLASTOS

### I. THE JUSTICE OF THE *POLIS*

#### A. THE NATURALIZATION OF JUSTICE

SOLON's Fragment 4<sup>2</sup> is a document of the highest importance in the development of Greek political ideas. For here, as Jaeger has shown, justice is presented as a natural, self-regulative order.<sup>3</sup> To be sure, "natural" does not mean "secular." The most self-consciously naturalistic chapters of Greek thought—pre-Socratic philosophy and Hippocratic medicine—continue to assume that natural events can be no less "divine"

than supernatural ones.<sup>4</sup> Certainly, Solon thinks of justice as a divine power.<sup>5</sup> But he describes its operation in Fragment 4 strictly through the observable consequences of human acts within the social order. The vindication of justice comes "like an inescapable plague upon the whole *polis*; swiftly the *polis* falls into evil bondage; bondage stirs up strife and slumbering war; war destroys many in the beauty of their youth" (ll. 17–20).

Jaeger contrasts this with the Homeric and Hesiodic sanctions of justice: famine and plague (Hesiod *Op.* 243); sterility of women (*ibid.* 225); barrenness of land (*Od.* xix. 111; Hesiod *Op.* 232 and 237) and of sea (*Od.* xix. 113). Hesiod adds war and military defeat (*Op.* 228–29 and 236–37) to his list of punitive measures. But the list as a whole clearly belongs to the order of magic.<sup>6</sup> It recalls the powers of

<sup>1</sup> This is one of a series of studies in the philosophical foundations of Greek democracy. My grateful thanks are due to the Canadian Social Science Research Council for a grant-in-aid; and to the librarian of Harvard College and his staff for their many courtesies.

<sup>2</sup> All citations of Solon's verse refer to the latest edition by J. M. Edmonds in the "Loeb Classical Library," *Elegy and Iambus*, Vol. I (1944). (Edmonds' numbering is largely as in Bergk.)

<sup>3</sup> "Solons Eunomie," *Sitzber. Preuss. Akad. Wiss.*, 1926, pp. 69–85, at pp. 78–80; *Paideia*, I, 139–40, of the English translation. My heavy debt to Jaeger will be evident throughout the first part of this paper. I also owe much to the following specialized studies, to which I shall refer hereafter solely by the author's name: Charles Gilliard, *Quelques réformes de Solon* (Lausanne, 1907); Ivan Linforth, *Solon the Athenian* (Berkeley, 1918); K. F. Freeman, *The Life and Work of Solon* (Cardiff, 1926); W. J. Woodhouse, *Solon the Liberator* (Oxford, 1938). On the other hand, I have had no occasion to make specific reference to a number of other works which I have found helpful, especially W. C. Greene, *Moirai* (Cambridge, Mass., 1944); and V. Ehrenberg's stimulating essays, *Die Rechtsidee im fruehen Griechentum* (Leipzig, 1921), and "When Did the Greek *Polis* Rise?" *Journal of Hellenic Studies*, LVII (1937), 147 ff.

<sup>4</sup> For the earlier of the pre-Socratics this must be obvious. For the more difficult cases of Anaxagoras and Democritus see, respectively, Diels-Kranz, *Fragmente der Vorsokratiker* (5th ed.; Berlin, 1934–37), 59. A. 48; and my "Ethics and Physics in Democritus," *Philosophical Review*, LIV (1945), 578 ff., at 581–82. For the Hippocratic literature the subject requires fresh treatment; meanwhile see W. Nestle, "Hippocratica," *Hermes*, LXXIII (1938), 1 ff.; and H. Diller, "Wanderarzt und Aetiologie," *Philologus*, Supplementband XXVI (1934), 55–56.

<sup>5</sup> Clear enough in Frag. 4. 14–16; and obvious in Frag. 13, where justice merges with the wisdom and power of Zeus.

<sup>6</sup> I am not forgetting that Hesiod, too, can picture justice in natural terms (as in *Th.* 80–92). After all, it is not hard to see that a wise, "sweet-tongued" judge

the magician-kings who can procure good crops for their people no less than victory in war.<sup>7</sup> It recalls, too, the similar chains of calamities superstitiously imputed to the lunar eclipse,<sup>8</sup> to the unpurified pollution,<sup>9</sup> or to the effect of a curse. The "imprecation and mighty curse" preserved in Aeschines iii. 111<sup>10</sup> tallies with Hesiod almost point for point in its list of sanctions: "that their land bear no fruit;<sup>11</sup> that their wives bear no children like those who begat them, but monsters;<sup>12</sup> that their flocks yield not their natural increase;<sup>13</sup> that defeat await them in camp and court and market place;<sup>14</sup> that they utterly perish themselves, their houses, and their *genos*."<sup>15</sup>

is a social asset, while a "bribe-eater" is a social menace. It takes much more to reach the conception of justice as a comprehensive, self-regulative order. One must see, as did Solon, (1) that *everyone*, not merely the "godlike" dispenser of justice, is bound by this order and may respect or ignore it to the common benefit or ruin and (2) that the train of consequences that issue from just and unjust acts determines the destiny of all in the community so completely that any further appeal to magical sanctions becomes supernumerary.

<sup>7</sup> M. P. Nilsson (*Homer and Mycenae* [London, 1933], p. 220) cites an interesting parallel:

"The kings of the Swedes and the Burgundians were held responsible for the luck of their people whether in the matter of victory, weather, or good crops. It is related that the Swedes sacrificed their king if the crops failed, and the Burgundian kings were deposed if the luck of the war or the crops failed."

<sup>8</sup> Pindar *Paean* 9. 1-20: the eclipse is a "sign" both of social disasters, like war and *stasis*, and natural catastrophes, like frost, storms, floods. (Storm and floods as punishment for "crooked judgments" in *Il.* xvi. 388-92.)

<sup>9</sup> Barrenness of land and womb for pollution in Sophocles *OT* 25-28 and 270-75; Hdt. vi. 139. 1 and iii. 65. 7; Antiphon ii. 1. 10; Paus. viii. 53. 2-4.

<sup>10</sup> J. A. O. Larsen ("Federation for Peace in Ancient Greece," *CP*, XXXIX [1944], 145-62, at 147 and nn. 3, 4, and 6) has called attention to the same comparison and further to the striking similarity of the formula in this curse with that in the stele at Acharnae which purports to be the Plataic oath (see L. Robert, *Études épigraphiques et philologiques* [Paris, 1938], pp. 307-8, ll. 39-46, with the emendation of l. 42 suggested by Robert at p. 314). The imprecatory formula in many other Greek oaths is much the same (see examples cited by Robert, p. 313, nn. 2 and 3).

<sup>11</sup> Cf. *Op.* 237: καρπὸν δὲ φέρεϊ ζείδωρος ἄρουρα.

<sup>12</sup> Cf. *ibid.* 235: ῥίκτονσιν δὲ γυναῖκες ἐκκότα τέκνα γονεύσιν.

<sup>13</sup> Cf. *ibid.* 232-34.

<sup>14</sup> Cf. *ibid.* 246-47.

<sup>15</sup> Cf. *ibid.* 244: μινύθουσι δὲ οἴκοι.

Solon is as earnest a moralist as Hesiod. But instead of turning loose upon his audience the traditional repertoire of superstitious terrors, he makes them look at history, considering cause and effect. There is no evidence that he thinks of a concept of social causality; but he certainly thinks *with* one. Snow and hail come from clouds; thunder from lightning; the ruin of the city from big men; the bondage of the *dēmos* from ignorance.<sup>16</sup> Fragment 12 gives the opening lines of what must have been a similar comparison between nature and politics: "The sea is stirred by (ἐξ) the winds; if someone does not move it, it is the justest of all things."<sup>17</sup> Semonides of Amorgus had pictured the sea as double-natured, capriciously shifting from one mood to its opposite: "often she stands quiet and harmless . . . ; often she is mad, borne along with thunder-striking waves."<sup>18</sup> Solon objects: the change is not arbitrary; disturbance is not the natural ("just") state of the sea;<sup>19</sup> if it gets into this condition there must have been a disturbing cause.<sup>20</sup>

To appreciate the naturalism of this way of thinking, one should recall that it by-passes entirely a set of ideas which had recently attained wide influence over Greece generally and over Athens in particular: the conception of justice in terms

<sup>16</sup> Frag. 9 in paraphrase. "From" is ἐκ with a temporal-causal sense. In the last clause the relation is expressed through the dative, αἰδῶλη.

<sup>17</sup> For δικαιοσύνη in the manuscripts Edmonds substitutes ἀκαιοσύνη, without good reason, it seems to me.

<sup>18</sup> Frag. 7. 37-40 (Diehl). Θάλασσα ἀπῆμων here (cf. Hesiod *Op.* 670: πόντος ἀπῆμων) is the simplest clue to θάλασσα δικαιοσύνη in Solon. But cf. also Hdt. vii. 16 (cited by Linforth, *ad loc.*): "winds, falling upon the sea, do not suffer it to be in accordance with its own nature" (φύσει τῇ ἐωντῆς χρῆσθαι): when disturbed, the sea cannot "be itself."

<sup>19</sup> The natural state is "just": cf. *Περὶ ἀγῶν* 1: ἡ δικαιοσύνη φύσις, of the straight line in which the physician should make extensions in the treatment of dislocations and fractures; and again (*ibid.*): ὑπὸ τῆς δικαίης φύσεως ἀναγκαζόμενος with the same sense.

<sup>20</sup> That it is the winds that agitate the sea is, of course, no invention of Solon's (*Il.* iv. 423; Hesiod *Op.* 675).

of religious pollution. We know that Draco's code of homicide—published in Solon's boyhood—is steeped in this ideology.<sup>21</sup> We know, too, that the Cylonean feud—which reached a critical stage before Solon's archonship—turned about the "pollution" of one of the contending parties.<sup>22</sup> Finally, we may recall that Solon was intimately associated both with Delphi, the official center of the theory and practice of purification, and with Epimenides, a rival prophet of ceremonial purity.<sup>23</sup> This was more than a religious matter; its sponsors recommended it as the means to the "justice" and "unity" of the state.<sup>24</sup> Conversely, the state must have seen in the doctrine of purification a powerful sanction of its centralized justice: the "stain," a source of public danger, creates a public interest which requires the compulsory intervention of central authority.<sup>25</sup>

<sup>21</sup> This is a safe inference from the interdict against the slayer, as well as from his exile and from the right of killing or arresting him should he return unlawfully. See Bonner and Smith, *The Administration of Justice from Homer to Aristotle*, I (Chicago, 1930), 113 ff., for the English translation and interpretation of Draco's law. (Hereafter I shall refer to this book, to which I am deeply indebted, as "Bonner and Smith.")

<sup>22</sup> Hdt. v. 71; Thuc. i. 126; Plut. *Solon* 12. Plutarch adds that Solon actively intervened in the settlement which procured the exile of the "polluted" party.

<sup>23</sup> For the association with Delphi: Plut. *Solon* 11, 1 and 14. 4; also Aeschines iii. 108. For Epimenides: Plut. *Solon* 12. 4-6. I say "rival"—though the issue is immaterial to my argument—on the strength of Epimenides Frag. 11 (in Diels-Kranz, *op. cit.*, 3. B. 11):

οὐτε γὰρ ἦν γαίης μέσος ὀμφαλὸς οὔτε θαλάσσης·  
εἰ δὲ τις ἔσται, θεοῖς δῆλος, θνητοῖσι δ' ἀφαντος.

This is clearly an attack on Delphic doctrine (so recognized by Willamowitz, *Der Glaube der Hellenen* [Berlin, 1931], II, 37, n. 2). L. R. Farnell (*Cults of the Greek States* [Oxford, 1896-1909], IV, 297) notes that in Epimenides' lustration we find no "recognition of Apollo," in spite of the fact that the purification of the city had been ordered by Delphi (Diog. Laert. i. 10. 110). Altars which memorialized the purification at Athens were "nameless" (*ἄνομος ἀνώνυμος* [*ibid.*]). Why, then, does Farnell (*op. cit.*) assume that Epimenides was Delphi's choice for the lustration?

<sup>24</sup> Plut. *Solon* 12. 1-6.

<sup>25</sup> The crucial process in the transition must have been the pronouncement of the interdict. Originally this was in fact, as it later continued in theory, the business of the victim's family (*JG*, I<sup>2</sup>, 115, ll. 21-22;

In Aeschylus, Sophocles, and Antiphon the orator, we see how strong a hold these ideas must have had at one time over the popular imagination. Plato accords them fulsome deference as the sanction of his own law of homicide.<sup>26</sup> Nor have we any ground for questioning Solon's own pious adherence to the rites and ideology of purification. He conserved intact Draco's law of homicide and maintained the Areopagus not only as a homicide court but also as a "guardian" of the state with broad and undefined powers to "straighten" wrongdoers.<sup>27</sup> This heritage from aristocracy, with its associated ideas of the Erinyes, blood-stain, and propitiation, he kept, but kept in its place.<sup>28</sup> He then turned to a different concept of political justice to furnish the rationale of the new democratic institutions.<sup>29</sup>

The justice of pollution belongs to a realm of mystery, whose logic can be adumbrated in the form of myth but cannot be understood by ordinary human

Antiphon vi. 34; Demosth. xlvii. 69). But the effect of this pronouncement is public business, for it excludes another citizen from the city's public life on the ground that his presence there would be a public danger. The state steps in to reserve this right to itself (*Ath. pol.* 57. 2, and other references cited *ad loc.* in Sandys' edition); therewith the state becomes the compulsory judge of the guilt of the accused and assessor of the punishment which will satisfy the public interest.

<sup>26</sup> The belief in purification seems to have been weakening during the fourth century, its practice falling into disuse (see Bonner and Smith, II, 205-7). Plato's frequent references to "purification in accordance with Delphic rites" suggest a zealot's effort to reverse the trend.

<sup>27</sup> *Ath. pol.* 8. 4.

<sup>28</sup> Solon did not hesitate to invade this sacred area of Eupatrid exegesis under stress of compelling public interest, as, e.g., in his funeral regulations (see below, n. 67).

<sup>29</sup> I do not mean to suggest two watertight compartments. One could cite many magical ideas in Attic civil and constitutional law. The most obvious instance is the whole conception of the oath as a curse. Solon himself was willing to exploit the curse for so mundane a matter as the enforcement of his export regulations (Plut. *Solon* 24. 1). Such vestiges, important as they are, do not affect my thesis that Solon's judicial and constitutional reforms are inspired by a natural rather than by a magical conception of justice.

reason. Its claim to truth rests upon the authority of the oracles which support it or upon the antiquity of the tradition which certifies it.<sup>30</sup> Solonian justice, on the other hand, is intelligible in principle; its judgments are verified in the common experience of the *polis*. Though "obscure" (*ἀφανές*)<sup>31</sup> and "most difficult to understand" (*χαλεπώτατον νοῆσαι* [Frag. 16]), it remains a "measure of judgment" (*γνωμοσύνης μέτρον* [*ibid.*]). The fact that this "measure" is all-comprehensive ("has the end of all things" [*ibid.*]) does not put it beyond the reach of human understanding: Theognis, echoing this very line of Solon's, thinks of "the judgment which has the end of all things" as a gift gods give to *mortals* (ll. 1171–72).<sup>32</sup> Certainly, Solon expects it to be understood in sufficient measure to enlighten the "city-men" (Frag. 4. 5) and the *dēmos* (Frag. 9. 4) as to the ends of their political action or inaction and thus save them from disaster. What "the Athenians"<sup>33</sup> cannot see for themselves, they can at least be "taught" (Frag. 4. 31). And they can test this teaching in the light of their own ex-

perience.<sup>34</sup> "time" will show whether the teaching is madness or the reverse, "when the truth itself becomes public."<sup>35</sup> In this "public" universe of discourse, Solon can now explain what it is that makes justice a matter of common concern to every member of the community. He does so in terms of two ideas: the common peace and the common freedom.

## B. THE COMMON PEACE

Peace (*hēsychiē*) and its opposite, disturbance (occurring in the fragments only as a verb, *ταράσσω*), are matters of ordinary experience. They can be annexed to the domain of magic, as we have seen above. But taken by themselves they belong to the common-sense naturalism of Greek thought. Thus they play an enormous role in Hippocratic medicine. There, next to *krasis* itself, *hēsychiē* is the most general attribute of health.<sup>36</sup> *Krasis* is

<sup>30</sup> Cf. Plutarch's sad explanation of the impotence of Anaxagorean meteorology against current superstition (*Nicias* 23. 2): οὐτ' αὐτοὶ ἦν παλαιὸς οὕτε ὁ λόγος ἐνδοξός.

<sup>31</sup> 'Αφανές here not "unintelligible" but "hard to understand," i.e., discernible, but only to the most penetrating view, as in Heracleitus Frag. 54 (Diels): ἀρμονίη ἀφανὴς φανερῆς κρείττων. To empirically minded doctors the whole of *physiologia* seemed an excursion into the ἀφανές (see Π. ἀρχ. ἰητρικῆς I; even the dogmatic theorist of Π. φύσιος ἀνθρ. affects the same view in chap. i).

<sup>32</sup> Theognis' parallel throws further light on the sense of *γνωμοσύνη* in Solon's Frag. 16; it is "practical" knowledge; through it one keeps clear of *hybris* and *kóros*. Like *σοφίη*, *γνωμοσύνη* (or *γνώμη*) has a *μέτρον* (Frag. 16: *γνωμοσύνης . . . νοῆσαι μέτρον*); and to know this *μέτρον* is to have skill in action (cf. the poet in Frag. 13: *σοφίης μέτρον ἐπιστάμενος*).

<sup>33</sup> Here, as elsewhere (e.g., Frag. 10: *σύμπασιν δ' ὑμῖν*), Solon makes a significant assumption: *all* Athenians are expected to think about the common good. Antidemocratic regimes typically assumed the reverse: e.g., the herald in Euripides *Suppl.* 420–22: γαπόνος δ' ἀνὴρ πένης (as also, no doubt, the ναυτικός δχλος) . . . οὐκ ἂν δύναιτο πρὸς τὰ κοινά ἀποβλέπειν.

<sup>34</sup> Just such a relation of expert to laymen is assumed in Ionian science. E.g., Περὶ ἀρχαῖς ἰητρικῆς 2, it is not easy for *δημόται* to understand the nature and cause of their ailments: ὅπ' ἄλλου δὲ εὐρημένα καὶ λεγόμενα, εὐπετές. οὐδὲν γὰρ ἕτερον ἢ ἀναμνήσκειται ἕκαστος ἀκούων τῶν αὐτῶ συμβαινόντων. The last statement fits exactly Solon's political discourse: to get his point the Athenians need only take stock of τὰ αὐτοῖς συμβαίνοντα. Heracleitus is impatient with his fellows because they cannot understand their own experience (Frag. 17 [Diels]: *ὀκόςιοι* [so Wilamowitz] *ἐγκυρεῖσιν*; Frag. 72 [Diels]: *οἷς καθ' ἡμέραν ἐγκυροῦσι*) after he has explained it all to them (Frag. 1 [Diels]: *πειρώμενοι καὶ ἐπῶν καὶ ἔργων τοιούτων ὀκίω ἐγὼ διηγεῖμαι*).

<sup>35</sup> *ἐς μέσον*. In Herodotus, *ἐς μέσον τίθημι* means to "put anything into a common pool." He uses it for the transfer of political authority from the hands of king or tyrant into the hands of the people (e.g., iii. 142: *ἐγὼ δὲ ἐς μέσον τὴν ἀρχὴν τίθειμι* *ἰσονομίην ὑμῖν προαγορεύω*; Cf. iii. 80 and iv. 161. 15; *ἐς τὸ κοινόν* has exactly the same sense in iii. 80).

<sup>36</sup> As the opposite of *ταραχή*. See below, n. 38. *Ταραχή* versus *ἡσυχία* corresponds to *μετάστασις* versus *κατάστασις*: the unsettling of the normal condition versus the return to normal. E.g., 14. 26–28 ("Loeb" *Hippocrates*, Vol. II, ed. W. H. S. Jones): *ἢν μὲν οὖν παντελῶς ἅπαν ἀναταραχθῇ τὸ αἷμα, παντελῶς ἡ φρόνησις ἐξαπώλλυται*; and 14. 63–64: *καταστάντος τοῦ αἵματος, . . . πέπνυται τὸ νόσσημα*. It is significant that *κατάστασις* comes to mean not only the process of "quieting down" into health but, far more broadly, the constitution itself, whether of the human body, of the seasons, or of the body politic, each of which is a *κατάστασις* (see examples in Liddell and Scott, *Lexicon*, [new ed.], s.v., II, 2, 3).

clearly the more technical concept, worked out in conjunction with Ionian and Italian physics. It is then fair to assume that *hēsychiē* is the prior notion and, as such, the earliest empirical characterization of health, emerging side by side with magical ideas and surviving when these were sloughed off. Thus Solon's only medical allusion refers to the sick as "disturbed"<sup>37</sup> (Frag. 13. 61). This reminds us of the "disturbed" sea in Fragment 12; and again of the political "stirring-up"<sup>38</sup> which gives the would-be tyrant his chance to skim off the cream of state power. As we saw in Fragment 12, *hēsychiē* was "just" for the sea, i.e., the state that keeps the measure of its proper nature; disturbance would be "excess." That *hēsychiē* has the same sense in politics is clear from Solon's exhortation to the nobles:

Still [ἡσυχάσαντες] the strong heart  
within your breast,  
You who have forced your way to  
good things in excess [ἐς κόρον],  
Put your proud [literally, "great"]  
mind within the measure.<sup>39</sup>

And it is further confirmed in Fragment 4, which explicitly contrasts "quietness of life" (*δαιτὸς ἐν ἡσυχίῃ* [l. 10]) with *hybris* and excess (*κόρος*).

Hence the significance of Solon's reference to *stasis* and war. A lecture on the evils of civil strife would be superfluous for a Greek audience. The point of Solon's message is rather to fix imaginatively a frame of reference within which the occurrence and effects of *stasis* could be

properly appreciated. *Stasis* is not an isolated event that comes only when wilfully fomented by the "lover of dread civil strife" (*Il.* ix. 64). It is an integral part of a breakdown of the state of social well-being, which Solon called *eunomiē*. Consequently, (1) any act of injustice, impairing the "good order," "good sense," and "soundness" of the common life, is a real, though quite likely unintentional, cause of civil strife;<sup>40</sup> and (2) the distemper of the body politic, evidenced by *stasis*, is all-comprehensive in its effects. It is a "plague which comes to *all* the city" (Frag. 4. 17); a "public calamity which comes home to everyone," invading the private security of the family. Therefore, *any* act of injustice, impairing the *common* security, threatens everyone's *individual* security—and family solidarity can interpose no effective protection.<sup>41</sup>

This thought has momentous implications. It says in effect: a direct injury to any member of the *polis* is indirectly, but no less surely, an injury to every member of the *polis*; for, though the initial injustice affects only one or a few, the eventual effects on the common well-being imperil everyone's welfare; hence anybody's wrong is everybody's business. That Solon himself was aware of just these implications is confirmed by the fact that we find them imbedded in his judicial reforms. For the principle of "true criminal law"<sup>42</sup>

<sup>40</sup> The characteristics of *eunomia* which εὐνομία καὶ ἄρτια πάντ' ἀποφαίνει (4. 33) and makes πάντα κατ' ἀνθρώπους ἄρτια καὶ πυνυτά (4. 40).

<sup>41</sup> Ἔρκος and αὐλή for the family and its private sanctities: Schol. on Plato *Euthyd.* 302 d: ἔρκη τοῖς οἴκοις Ἀθηναῖοι φασιν· ἐκ τούτου δὲ καὶ Ζεὺς ἔρκιος παρ' αὐτοῖς, ὃν ἴδρουν ἐν τοῖτοις φυλακῆς χάριν. For the family as a power which could effectively defy the common justice of the city in early times, see *Od.* xviii. 139.

<sup>42</sup> See G. M. Calhoun, *The Growth of Criminal Law in Ancient Greece* (Berkeley, 1927), chap. iv. (I shall refer to this book hereafter simply as "Calhoun.") In spite of his unwillingness to recognize the due place of the doctrine of pollution in the development of Greek criminal law, Calhoun's argument seems to me valid and illuminating. His thesis that "true criminal law" (in his sense of this expression) is a Solonian innova-

<sup>37</sup> Literally "stirred up," *κυκώμενον*. Cf. the hendiadys in Aesch. *PV* 994: *κυκᾶτω πάντα καὶ παραστέτω*.

<sup>38</sup> Frag. 37: ἀνατράξας. For Hippocratic usage cf. οὐρα ἀνατεταραγμένα (*Aphorisms* iv. 70); κοιλὴ παραχῶδης or ἐπεταράχθη (frequently in *Epid.* i and iii); τὰ τῆς γνώμης παραχῶδεα (*ibid.* iii. 8).

<sup>39</sup> Frag. 28c; with μέτροισι, the Kaibel-Wilamowitz reading, followed by Edmonds, in place of μετρητοῖσι of the papyrus.

is precisely that certain offenses against individuals are not merely private wrongs against the immediate victim but public wrongs against the whole community. And this, as Calhoun has argued, was fully recognized for the first time in Greek history in Solon's legislation enabling any citizen (*ὁ βουλόμενος*) to bring action for offenses committed against other persons.<sup>43</sup>

That certain actions menace directly the safety of the whole community had been felt from the earliest times. Those guilty of such acts were treated as outlaws and could be killed by anyone without endamaging the killer (*νηπουνεί τε θάνατο*).<sup>44</sup> The doctrine of pollution created new areas of concern for the public safety and justified new procedures for its protection. Hence the provision of the Draconian law which permitted anyone to slay or commit to the authorities (*ἀπάγειν* [inf.]) a man who unlawfully returns from exile for unintentional murder (*IG*, I<sup>2</sup>, 61, ll. 30–31). If the second alternative were followed (*ἀπάγειν*), a public inquiry would probably be held to establish the identity of the prisoner and the fact of his capture on Attic soil.<sup>45</sup> In this inquiry the captor would act in a genuine, though

rudimentary, sense as prosecutor in the public interest.<sup>46</sup> He could act so precisely because the prisoner "is not prosecuted as a murderer but as a polluted person. . . . He is a public menace."<sup>47</sup>

Solon's originality consists in extending

<sup>43</sup> I say "rudimentary" because the returning exile has already been condemned by previous judgment of court; the captor *could* execute the sentence on the spot. If, alternatively, he is seized and delivered to the magistrates, the captor's initiative in the matter is substantially that of seeing to the execution of the standing verdict. At the public inquiry the captor is also accuser and, in that sense, *bona fide* prosecutor; yet his contribution is that of depositing information as to matters of fact. Solonian public action, on the other hand, calls for wider initiative; *ὁ βουλόμενος* takes it upon himself to interpret the meaning of the law, judge that it incriminates the offender, and assume the responsibility (often with attendant risks) of persuading a court that his judgment is correct.

Bonner and Smith (pp. 122, 168) surmise further that the code's provision against abuse or blackmail of the returning exile, *E*, would entail prosecution by *ὁ βουλόμενος*. If this could be confirmed, it would provide a thoroughgoing anticipation of Solonian public action. But the hypothesis rests on the assumption that *E* "being [α] polluted and [β] *atimos* was debarred from appearing in court to exact the penalty" (I, 122). Now as to [α], do we know enough of the ceremonial etiquette of purification to validate this assumption? Antiphon explains that homicide courts sit in the open air so that jurors and prosecutors may not be *ὁμορφιοί* with the polluted defendant (v. 11). Might not a similar provision suffice to safeguard the ceremonial purity of the court in the present instance? As to [β], again the evidence seems inadequate. What do we know of what the *atimos* could or could not do in such an instance? Reasoning *a priori* from the fact that he could be killed without so much as bringing blood-guilt upon the killer (Demosth. ix. 43; and cf. the broader formula in the Eretrian inscription cited in *RIG.*, II, 49: *ἄτιμος ἔστω καὶ . . . ὃ ἂν πάθει νηπουνεί παθῆτω*), one would assume that he had no rights whatever. But Draco's code unexpectedly assures him residual rights, such as immunity from personal abuse and blackmail. If these, why not others? Incidentally, there is a simpler reason why *E* would not prosecute of his own accord, no matter how abused, so long as he was still at large; for he could not do so without delivering himself up to the authorities for arrest under the law. So the question is, what form of action would be open (1) after apprehension, to *E*; and (2) before apprehension to any third party, *X*, who discovered *E*'s unlawful abuse by someone else? In the case of (2), *X* would surely first take steps toward *E*'s apprehension. If successful, the case reduces to (1). But if unsuccessful, how could *X* prosecute the party guilty of abuse or blackmail without *E*'s presence to give evidence? There is room here for conjecture by analogy with later procedure. But should we not have more than conjecture as a base for so revolutionary a departure in Attica as prosecution by a third party having no direct connection with the case, not even that of *ἀπάγειν*?

tion gears in well with my argument that Solon's whole concept of justice was in no sense a further extension of the doctrine of pollution but a radically new departure.

<sup>43</sup> *Ath. pol.* 9. 1; Plut. *Solon* 18. 5. Thereby, Plutarch explains, "the legislator trained the citizens to feel and suffer in unison with each other like members of one body." The organic metaphor is Platonic; but would Plato have thought of applying the schema of organic unity to the judicial procedure of Athenian democracy? The Athenians themselves clearly thought of this as a distinctive feature of their democracy (cf. Demosth. xxi. 45, quoted below, p. 71; and Hyperides *Eux.* 11 [col. 8], who asks of this procedure, *τί ἐν τῇ πόλει βέλτιον ἢ δημοτικώτερον*). For the opposite conception see Xenophon *Const. Lac.* 10. 6: "For he [namely, 'Lycurgus'] believed that enslavement, fraud, robbery, wrong only the individuals who are injured" (*τοὺς βλαπτομένους μόνον ἀδικεῖσθαι*).

<sup>44</sup> Calhoun, pp. 66–67.

<sup>45</sup> Bonner and Smith, I, 121.

<sup>47</sup> Gertrude Smith, in *CP*, XVII (1922,) 197.

the right of public action to cases in which there could be no question of a "public menace" by contemporary standards of pollution or common sense—i.e., to injuries which impinged *only* on the rights of the particular victim and did *not* obviously affect the rights of the community at large. Such offenses as these had been traditionally held to be the private business of the parties directly concerned; Hesiod warns his brother to mind his own business and keep his ears "out of the disputes of the court-house."<sup>48</sup> Solon's achievement was to break down this way of thinking and validate the opposite assumption that, as Demosthenes was to put it later, "every deed of violence is a common injury, affecting those also who are not directly concerned" (*καὶ κατὰ τῶν ἔξω τοῦ πράγματος* [xxi. 45]). This is a revolutionary departure. It was made possible by Solon's subtler, deeper concept of social solidarity, which discovered a public import even in private wrongs against private persons.<sup>49</sup> The doctrine of pollu-

tion had proved incapable of this advance—witness the fact that under its influence homicide remained through the classical period a private wrong, actionable only by the family of the victim! The advance was made possible through a clear insight into the causal connection of any act of injustice with the common peace and well-being.

Next to the right of public action, Aristotle mentions Solon's introduction of "the appeal to the *dicasterion* to which the masses have owed most of their strength."<sup>50</sup> This included (1) the admission of every citizen as a member of some court of justice—presumably the assembly itself, acting in a judicial capacity;<sup>51</sup> and (2) the right of appeal to this court from the decisions of the magistrates.<sup>52</sup>

We may cite precedents for both of these advances: Point 1 is rightly interpreted by Bonner and Smith as "a rehabilitation and reorganization of the

<sup>48</sup> *Op.* 27–32. I follow Bonner and Smith's rendering for *νεῖκε' ἀγορῆς*.

<sup>49</sup> I say "made possible," not "caused," for I am discussing ideology not social dynamics. Something will be said about the latter in due course; but the paper is a study in ideology, and the references to the causal framework will be only incidental. Meanwhile, I hope that I shall not be credited with the naïve assumption which Ranulf (*The Jealousy of the Gods* [London, 1933–35]) imputes to Calhoun and others: that the cause of the institution of the Solonian *graphe* was nothing but the *idea* of the public import of private wrongs. Ideas become political realities only when backed by groups that possess political power. For a causal explanation one should look to the composition of the forces which first challenged (in the great *stasis* of *Ath. pol.* 2. 1 and 5. 1) and then destroyed (in Solon's archonship) the Eupatrid monopoly of state power.

As for Ranulf's own contribution to the problem, it is a pity that he never distinguished clearly between two problems: (1) how to explain the original institution of the *graphe* and (2) how to explain the fact that, once instituted, the *graphe* worked (on the assumption that it did). Problem 1 is essentially sociological; while 2 is mainly a psychological problem; 1 is a function of the changing relationships of social *classes* under changing historical conditions; 2 is a function of the probable motives of *individuals* under those circumstances. Ranulf's theory of "disguised envy" is largely irrelevant to problem 1; it is substantially an answer

to 2. But even here it remains to be shown that "disguised envy" is not only a motive (which I, for one, would readily grant), but *the* motive—i.e., so much more powerful and more prevalent than other motives impelling Athenians to take the initiative of the *graphe* that it alone "explains" why the *graphe* really worked. Ranulf makes no serious effort to consider these other motives and assess their weight; and this, because of an assumption which determines his very formulation of the problem: "What can have induced Athenian citizens thus regularly, *without benefit to themselves* [my italics], to invoke the law for the protection of others?" (I, 11). Why assume that, in the absence of a lawyer's fee or state salary, the prosecutor would get no "benefit" and be purely "disinterested" in the act—this among a people so avid for *κῆδος ἐσθλόν* (Solon *Frag.* 19), and for the power to be "sweet to one's friends, bitter to one's enemies" (Solon *Frag.* 13. 5)?

<sup>50</sup> *Ath. pol.* 9. 1.

<sup>51</sup> *Ibid.* 7. 3, 9. 1–2; cf. *Pol.* 1274 a 3; see also Bonner and Smith, I, 153–59.

<sup>52</sup> It is now the people's turn to "straighten" justice. Cf. *Pol.* 1274 a 16: *τὸ τὰς ἀρχὰς ἀλπεῖσθαι καὶ εἰθνεῖν* and 1281 b 35: *ἀρχαιτελείας καὶ εἰθνεῖν τῶν ἀρχόντων*. (It is not necessary to assume that *εἰθνεῖν* meant in Solon's time the regular audit of retiring magistrates [see Gilliard, pp. 288–89, and Bonner and Smith, I, 164–65].) Here, once again (see, above, n. 33), Solon denies in principle a basic antidemocratic dogma (cf. Eurip. *Suppl.* 418).



Homeric *agora*" (I, 166); Point 2 may well have been inspired by contemporary experiments in the Ionian laboratory of democratic politics. The well-known Chian decree provides for appeals from the decisions of magistrates to the final judgment of a "public council."<sup>53</sup> But Solon again outdistances his precedents. Appeals to an assembly which included of right all citizens<sup>54</sup> is a very different matter from appeal to a court of elected officials.

The precious right of "straightening crooked judgments" now ceases to be the exclusive privilege of public officials—whether these be the nobles of the Homeric and later aristocratic period or even the elected council of more democratic times. It now belongs in principle to the people as a whole. Here again Solon's statesmanship is true to the logic of his position as here interpreted: injustice, a public evil, affects everybody; therefore, justice, a public necessity, is everybody's business. The most radical institution of fifth- and fourth-century Athens—the public dicasteries—is no more than a

literal application of this very principle. Solon certainly did not envisage anything so extreme. But history has a way of carrying the logic of an idea far beyond its author's intentions.

Without attempting a complete analysis of Solon's constitutional changes,<sup>55</sup> we may notice, finally, one of the oddities in his reform-program which is without known precedent or parallel: "he who will not take arms with either party when the *polis* is in a state of strife, should be disfranchised and have no share in the *polis*" (*Ath. pol.* 8. 5, and parallel references as cited by Sandys, *ad loc.*).<sup>56</sup> "He intends apparently," Plutarch interprets, "that no man should be insensible or indifferent to the common weal, making his private affairs secure and flattering himself that he does not share the pain and sickness of the fatherland . . ." (*Solon* 20. 1). This is flowery language; but the thought is true to the concept of civil strife as we have found it in Solon's poems: Strife is no mere private dispute; it is the end-product of *hybris*, which disrupts the common well-being; neutrality in such a matter is impossible, except for one who wilfully abstracts himself from the common life.

<sup>53</sup> No. 1 in M. N. Tod, *A Selection of Greek Historical Inscriptions* (Oxford, 1933). I say "final judgment" on the strength of ἐπιθώσις in l. 18, which I interpret with Tod, in the active sense, "with power to inflict penalties." The "public council" of this inscription is an elective body able τὰ ῥ' ἄλλα πρήσσειν τὰ δῆμον καὶ δίκας δμύσαι (ll. 19–20).

<sup>54</sup> Aristotle *Pol.* 1274 a 3: τὰ δικαστήρια ποιήσας ἐκ πάντων. Certainly there is no property qualification; what of an age qualification? Bonner and Smith (I, 162) think it unlikely since none is mentioned in our sources. But this, of course, is not conclusive, especially (1), as Bonner and Smith themselves point out (I, 162, n. 1), no age qualification is mentioned for the Solonian *doulē*, while the Cleisthenian is known to have excluded men under thirty; and (2) there was the well-known age limit of thirty for jurors later on (*Ath. pol.* 63. 3). A more "extreme" democracy would be more likely to reduce age limits than to increase them. On the other hand, Bonner and Smith's position on this point follows from their other assumption, reasonable enough (see above, n. 51), that assembly and Solonian popular court consisted of the same people. In any case, the issue is of no great consequence for my argument. An age limit of thirty, if it did exist, would scarcely affect the democratic complexion of the Solonian popular court.

<sup>55</sup> Εἰσαγγελία would be specially worthy of notice in a more exhaustive study. Before Solon it meant denunciation of private wrongs by the wronged (*Ath. pol.* 4. 4). Solon extended it to offenses which were in no sense private injuries but only threats to the security of the constitution: τοὺς ἐπὶ καταλύσει τοῦ δήμου συνισταμένους (*ibid.* 8. 4; though the phrase ἐπὶ καταλύσει τοῦ δήμου is certainly post-Solonian; there is no reason to think that Solon would refer to the government as δῆμος; see below, p. 82). The implicit logic of private prosecution for a public danger is, once again, the solidarity of "our" *polis*.

<sup>56</sup> This is sometimes rejected on the ground that it is never invoked by the orators (Gilliard, p. 292). It would then have to be an invention of Aristotle or his source. Yet fourth-century conservative circles can hardly be considered enthusiasts for universal participation in *stasis*! Their motto would be rather ἡσυχία, ἀπραγμοσύνη (Isoc. *Antidosis*, 151). Their Theramenes was held up as a man who could be a loyal citizen under any constitution: δπερ ἐστὶν ἀγαθὸ πολίτου ἔργον (*Ath. pol.* 28. 5).

C. THE COMMON FREEDOM

So it is with his concept of freedom. This, too, is felt as the common concern of the *polis*, because the bondage of any one endangers the freedom of everyone. Thus the bondage of the *hektemoroi* is not viewed as their individual misfortune but as the common disaster of the *polis*. It is the "land" ("Black Earth, great mother of the Olympian gods" [Frag. 36. 4-5]), which is "enslaved" by the "ward-posts" (*ῥοι*) and must therefore be "freed." The point at issue here requires a clear understanding of the historical facts to which Solon refers in this poem: the interpretation of these facts, the fruit of painstaking and imaginative scholarship, may be summarized as follows:<sup>57</sup>

The sale of the ancestral lot (the *kleros*) was prohibited in pre-Solonian Attica. But a loophole in the law had been found through what later came to be called "sale with option of redemption" (*πρᾶσις ἐπὶ λύσει*). This permitted the peasant to borrow money, on condition that, pending redemption of the loan, he would pay the creditor a fixed proportion of the yearly produce. Thus the creditor got not only a yearly income but also a hold over the labor of the debtor, who remained on the land "as life tenant of what had been his ancestral holding."<sup>58</sup> Lewis points out that the peasant's promise to deliver the fixed annual payment itself required real security; since land was inalienable, the peasant had to offer his own person (and/or that of his family) as security at the time of the original contract. His creditor then could hold over him the constant threat of selling him off into slavery, and therewith

had "a control in effect if not in law of the debtor's person and actions."<sup>59</sup> Of this "most harsh and bitter bondage" (*Ath. pol.* 2. 3) the ward-stones were the visible sign. And this is what Solon ended when he abolished retroactively all debts on the security of the debtor. Deprived of their real security, the agricultural debts could not be enforced, ownership reverted to the peasant, and the ward-stones could be "pulled up" (*ἀνέλлон* [Frag. 36. 6]).

So when Solon speaks of the "land" as "enslaved" by the ward-stones, he thinks of the land whose incumbrance by debt entailed the subjection of the peasants. This is the peasant's land. Yet he equates the bondage of *their* land to the bondage of *the* land, i.e., the fatherland.<sup>60</sup> How explain this tremendous assumption? Only by comparing "enslavement" in this fragment with the different, though related, sense of "enslavement" in Fragments 9 and 10, where it clearly means the subjection of the whole city—poor and rich alike—to a tyrant. How does the city fall into such a fate? Because, as we know from history,<sup>61</sup> it was divided within. Wherever there is "disturbance," there the would-be tyrant gets his chance.<sup>62</sup> Thus the logic of history justifies Solon's assumption that the enslavement of the *hektemoroi* is tantamount to the enslavement of the *polis* itself; for history showed that there could be no peace in Attica if the peasants were oppressed. They had power enough to make *stasis*, and this would rob the whole *polis* of its freedom.

<sup>57</sup> Lewis, *op. cit.*, p. 150.

<sup>58</sup> For γῆ with the sense "state" and/or "fatherland" see Frag. 28a: *πρεσβυτάτην . . . γαίαν Ἰαονίας*; Frag. 32: *εἰ δὲ γῆς ἐφεισάμην πατρίδος . . .*; Frag. 34: *πείρας χθονὸς πατρίδος*. Cf. also Callinus Frag. 1. 7; Tyrtæus Frag. 9. 34 (Diehl); Theognis 1214. Cf. also the original sense of *dēmos*, "country" (below, n. 115).

<sup>59</sup> *Ath. pol.* 13.

<sup>62</sup> Frag. 37. To be sure, in Frags. 9 and 10, Solon attributes "bondage" to ignorance; but this is elliptical, stressing one aspect of the conditions which lead to tyranny.

<sup>57</sup> Following Woodhouse; and Naphtali Lewis, "Solon's Agrarian Legislation," *AJP*, LXII (1941), 144-56. Their interpretation is ingenious, well thought out, and makes good sense from every point of view. Much of it rests on tenuous evidence; but it must be accepted in the absence of a more satisfactory construction of the data (see also below, n. 93).

<sup>58</sup> Woodhouse, p. 111.

Freedom must either be enjoyed in common, or else it would be lost in common. The *polis* is one, and its freedom is indivisible.

The most important of all of Solon's reforms is a direct application of this view of freedom: If the freedom of each is the concern of all, then the *polis* must protect everyone against personal enslavement, even to the extent of ransoming, with state funds, Athenians who had already spent many years as slaves in other lands.<sup>63</sup> Thus he "liberated the commons once for all" (*Ath. pol.* 6. 1). But more than this was required. As a protector of the common liberty the *polis* could brook no rival; it had to curb the power of the noble clans to secure a privileged freedom within their own proud circle. The judicial reforms already mentioned struck a heavy blow against their monopoly of state power. But there were others:

1. Eligibility to public office had been a matter of noble birth; Solon made it a matter of property.<sup>64</sup>

2. Appointment to office had been made by the sole authority of the Areopagus (*Ath. pol.* 8. 2); now it became a matter of sortition from panels elected by the tribes.<sup>65</sup>

3. The Areopagus itself was further weakened by the creation of a new council of four hundred, "one hundred from each tribe" (*Ath. pol.* 8. 4); its powers included the probouleutic function which in Sparta belonged to the senate and the kings (Plut. *Lycurgus* 6. 4).<sup>66</sup>

<sup>63</sup> Frag. 36. 8-9. The use of state funds is, of course, only an inference; but how else could they be "brought back"?

<sup>64</sup> *Ath. pol.* 7. 3: "To each class he gave office in proportion to its *τιμήμα*."

<sup>65</sup> *Ibid.* 8. 1. The mode of election is unknown. We may assume that every member of the tribe had a vote. But the *φυλοβασίλεις* was a Eupatrid (Pollux viii. 111), and this would no doubt give the aristocrats advantages in the electoral process.

<sup>66</sup> Plutarch mentions its probouleutic function (*Solon* 19. 1) but says nothing to preclude other pow-

4. Conspicuous displays of the power and prestige of the noble families were scaled down in two important matters: the conduct of funerals and the public honors accorded to athletic victors.<sup>67</sup>

ers. It seems unlikely that the earlier Council of 400 was limited to *probouleuein* (important as this was), if the Cleisthenian Council of 500 was, in its inception, "virtually the sovereign body of the state" (Bonner and Smith, I, 342). If it was the Solonian Boulē of 400 that headed the democratic forces in the struggle of 508-7 B.C. (*Ath. pol.* 20. 3; Hdt. v. 72; P. Cloché, *Revue des études grecques*, XXXVII [1924], 1-26), it would follow that its constitutional powers were wide and that it was in some sense a democratic counterpoise to the Areopagus. Plutarch thinks that the Boulē of 400 was conceived as a brake upon the "boldness" of the *dēmos*. But if this was Solon's object, why create a new body? The magistrates and/or the Areopagus could have served the purpose. Freeman (p. 73) thinks that the probouleutic function had been exercised by the presiding officer, the archon eponymus. This is a natural enough supposition. But in Sparta this power belonged to the senate along with the kings (Plut. *Lyc.* 6). By analogy we should assume that in Athens it would belong to the Areopagus along with the archon eponymus and perhaps others of his fellow-archons. Aristotle's phrase *τῇ μὲν τάξει εἶχε τὸ διαρρῆναι τοῖς νόμοις* (*Ath. pol.* 6. 6) is certainly broad enough to include *probouleuein*. The Areopagus' general guardianship over the state would of itself make a good peg on which to hang the claim to examine any matter that was to come before the Assembly.

<sup>67</sup> The political import of Solon's regulation of funeral ceremonies has been noticed (e.g., Glotz, *Histoire grecque*, I [Paris, 1925], 434; L. Gernet and A. Boulanger, *Le Génie grec dans la religion* [Paris, 1932], pp. 160-61). But perhaps something remains to be said on the boldness of Solon's move, imposing the rules of the city upon matters which fell so definitely under Eupatrid exegesis (cf. *Athen.* x. 410 a). Less attention has been paid to Solon's "curtailment of the honors of athletes" (Diog. Laert. 1. 55; cf. Plut. *Solon* 23. 3; Diod. Sic. ix. 2. 5) which included (1) fixing a scale for the city's "gift" to athletic victors and (2) regulating the public meals to which, by a widespread Greek practice (Xenophanes Frag. 2. 8-9), victors were entitled (Plut. *Solon* 24. 3 is not very definite; *Athen.* iv. 137 e suggests that the fare was simplified). Bowra ("Xenophanes and the Olympic Games," *AJP*, LIX [1938], 263) thinks it may be reasonably doubted whether "in earlier centuries athletic renown was so universally prized by aristocrats" (*sc.* as in the fifth century). But that it was prized highly enough is clear from his own interesting observations (*ibid.*, pp. 265-66). Solon the merchant confronted a tradition which, since Homer (*Od.* viii. 159 ff.), had exalted the aristocratic sportsman at the expense of the "greedy" merchant. It would be strange if this tradition were anything but strong during the seventh century, when new athletic events were being introduced at the Olympian games and when the Pythia, Isthmia, and Nemea were so growing in popularity that, within three decades after the turn of the century, all three

No less significant were two further classes of reforms, whose erosive effect on the old order was bound to be most damaging upon the noble families who had been its chief beneficiaries. The first of these conferred the heretofore unheard-of freedom to bequeath land outside the *genos* in the absence of legitimate male issue.<sup>68</sup> This, says Plutarch, "made a man's possessions his own property" (*Solon* 12. 2).<sup>69</sup> The second seriously reduced the father's ancient power of life and death over his children: He could no longer sell wife or child into slavery, or

expel at will a son from the household, or exact from him any deference beyond that of food, clothing, and an honorable burial.<sup>70</sup>

To claim, as Glotz does, that "through the entirety of these laws the solidarity of the *genos* was now broken once for all, and its power received a fatal blow"<sup>71</sup> is to indulge in rhetorical overstatement. The Eupatrid families survived the Solonian reforms with such power, sacred and profane, as only a "tyrant" could successfully oppose.<sup>72</sup> The drastic measures of Cleisthenes were required to make constitutional democracy safe against the Eupatrids. Nevertheless, Glotz is right in making Solon the watershed of Athenian history. Before Solon the Eupatrid families *were* the state. After Solon they are only the strongest of the contestants for power within the state. Solon came far short of establishing liberty on equal terms for all; and we shall see that he had no intention of doing so. But he did break the monopoly of freedom hitherto held by the nobles. He did secure for the masses a modest and, as he believed, "sufficient"<sup>73</sup> share in the common freedom of the *polis*.

## II. THE JUSTICE OF WEALTH

### A. THE BIFURCATION OF JUSTICE

Does the same justice that regulates political action extend also over the pursuit of wealth? So one might think from the opening lines of Fragment 13. The wrongdoing of individual money-grabbing is described here in words which are strikingly similar to those used of the class-covetousness and *hybris* of the nobles in Fragment

were reorganized as Pan-Hellenic festivals (E. N. Gardiner, *Athletics of the Ancient World* [Oxford, 1930], pp. 357-77). Bowra's doubt is prompted by the views of Solon, Tyrtaeus, and "Pythagoras." To the last of these I can attach no weight in a matter which calls for historical evidence. As for Tyrtaeus, he was surely trying to exalt in Sparta (as Solon did in Athens) the "common good of the *polis*" (Frag. 9. 15 [Diehl]: *ξυνὸν δ' ἐσθλὸν τοῦτο πόλιν τε παντί τε δήμῳ*) as against the private ambitions of the nobles and their families. Certainly the Sparta of Tyrtaeus was no democracy. But neither did Tyrtaeus speak as an "aristocrat"; he was a spokesman for the cohesive nationalism of the new Sparta of "Lycurgus'" reforms; he was undercutting the system of values of the old regime, where the glory of the *genos* must have reigned supreme. As for the political implications of Olympic victory in seventh-century Athens, the only attempt at "tyranny" of which we know there was made by Cylon, an *Ὀλυμπιονίκης* (Hdt. v. 71; Thuc. i. 126. 1). Finally, it is worth noting that if, as McGregor suggests ("Cleisthenes of Sicyon," *Trans. Amer. Phil. Assoc.*, LXXII [1941], 266-87, at 280), the addition of gymnastic contests meant a certain democratization of the games, the shift apparently came only *after* Solon's archonship (Paus. x. 7. 5 speaks of the addition of foot races as a Pythian innovation in 586 B.C.); if so, Solon was dealing with an institution which was still solidly aristocratic.

<sup>68</sup> See references in Glotz, *Solidarité de la famille* (Paris, 1904), p. 342, n. 3, and p. 343, n. 1. Freeman (p. 115) thinks that "the real purpose" was "to prevent the dying-out of the family." But Solon's legislation was permissive (*ἐξείναι*), not compulsive. Its point is surely the power it confers upon the testator to cut out any member of his *ἀγχιστεία* (other than his own legitimate sons) in favor of an outsider. This adds greatly to the testator's freedom of choice, while safeguarding the continuity of the family.

<sup>69</sup> There is no explicit reference to sale in any of the numerous texts which attest the Solonian institution of the freedom of bequest. Δοῦναι need not imply sale (cf. *Pol.* 1270 a 20 [of Sparta]: *ὠνεῖσθαι μὲν γὰρ ἢ πωλεῖν τὴν ὑπάρχουσαν ἐποίησεν οὐ καλόν, . . . δίδόναι δὲ καὶ καταλείπειν ἔξουσίαν ἔδωκε τοῖς βουλευμένοις*).

<sup>70</sup> Glotz, *Solidarité de la famille*, pp. 351-68.

<sup>71</sup> *Histoire grecque*, I, 434. By *genos* here he means "family."

<sup>72</sup> Woodhouse (p. 138) calls attention to the striking words of Hdt. vi. 35: *εἶχε μὲν τὸ πᾶν κράτος Πεισίστρατος, ἀπὸρ ἐδυνάστευέ γε καὶ Μιλητιάδης ὁ Κυψέλου ἐὼν οἰκίης τεθριπποτρόφου*.

<sup>73</sup> *Frag.* 5. 1: *γέρας ὅσον ἀπαρκεί*.

4.<sup>74</sup> And both are followed by justice exacting the same "inevitable" reparation.<sup>75</sup> But here the identity ends:

1. There is no suggestion that in the case of wealth the sequence of "injustice" and "reparation" is a natural, self-regulative process. There is no parallel here to the observable chain of consequences (injustice—bondage—strife) which we met in the account of political justice; hence no explanation as to *how* the original injustice leads to "disaster" (ἄτη).

2. For all of Solon's initial assurance that unjustly got wealth will not last (Frag. 13. 11–13), he is promptly forced to admit that it may well outlast the life of the unjust man himself; the pursuing justice may only catch up "with the innocent, their children or their seed after them" (ll. 31–32).

This last is a most significant admission. It harks back to a nexus of ideas which had been left behind by Solon's concept of political justice (see Part I, Sec. A). For nothing is so characteristic of the magical view of justice as the postulate that punishment descends biologically upon the sinner's posterity. We have already seen in Hesiod how a man's sin carries with it the extinction of his *genos*.<sup>76</sup> Almost every recorded curse calls down perdition on the *genos* as well as on the guilty man himself.<sup>77</sup> The hereditary

transmission of guilt is championed by Delphi<sup>78</sup> and figures prominently in the doctrine of purification: thus the Cylonian stain descends to successive generations after the event.<sup>79</sup> Yet here is something that baffles the sense of justice of the Greeks. They cannot justify the necessity that children should "pay back" the sins of the fathers.<sup>80</sup> Nor can they see here one of those postulates which, groundless in themselves, at least offer ground for the orderly comprehension of other facts. On the contrary, the inheritance of guilt makes the moral equation less soluble than ever, loading it with unknowns and unknowables from the long-vanished past.<sup>81</sup> That Solon should have to fall back on this very dogma shows how far his view of the justice of wealth has lagged behind his concept of political justice.

I see no way of getting around this bifurcation in his thought. In political justice he is a great innovator, for he thinks of it as an intelligible order of reparation. In acquisitive or distributive justice he is a traditionalist, as Maurice Croiset was the first to observe.<sup>82</sup> If Fragment 13 were all

<sup>74</sup> E.g., the story of Glaucus in Hdt. vi. 86, quoting Hesiod's *Op.* 285 in the last line of the Delphic oracle; cf. also Hdt. i. 191, where Croesus is punished for the sins of his fifth ancestor. Other examples are cited by Glotz, *Solidarité de la famille*, p. 564.

<sup>75</sup> Hdt. vii. 72; Thuc. i. 126. 11–12.

<sup>76</sup> E.g., "Theognis" 731–52; Eurip. *Hippol.* 1378–83. Cf. also Hdt. vii. 137: If justice had fallen on Sperthias and Bulis, this would be "only justice" (τὸ δίκαιον); but that it should fall on their children, ὅηλον ὦν μοι οἱ θεῶν ἐγίνετο τὸ πρῆγμα.

<sup>77</sup> For the resulting sense of insecurity see Aesch. *Eum.* 931–34: he who has not been able to propitiate the Erinyes "knows not whence come the blows that strike his life. For his fathers' crimes deliver him into their hands."

<sup>78</sup> "La Morale et la cité dans les poésies de Solon," *Compt. rend. Acad. Insc. et Belles-Lettres* (Paris, 1903), pp. 581–96. However, I see no warrant for Croiset's assumption that the traditionalist ideas in Frag. 13 are due to the immaturity of Solon's earlier thinking and are presumably sloughed off in his mature view of justice. As I shall explain shortly, the philosophy of wealth in Frag. 13 becomes itself the basis of the Solonian view of the social classes in their mutual relations in the state.

<sup>74</sup> Cf. ἄδικος νόος and ἄδικοις ἐργασί in 4. 7 and 4. 11 with ἄδικος and ἄδικοις ἐργασί in 13. 7 and 13. 12; ὕβριος in 4. 8 and 13. 11; κοσμεῖν in 4. 10 with οὐ κατὰ κόσμον in 13. 11.

<sup>75</sup> Cf. 4. 16: τῷ δὲ χρόνῳ πάντως ἧλθ' ἀποτεισομένη with 13. 8: πάντως ὕστερον ἧλθε δίκη (cf. 13. 30–32), also with 13. 25: Ζηρὸς τίσις and with 13. 29: ἀλλ' ὁ μὲν αὐτίκ' ἔτεισεν, ὁ δ' ὕστερον.

<sup>76</sup> See above, n. 15. Cf. also *Op.* 320 ff., where ruin of the *oikos* is attached to unjust acquisition of wealth by formally equating this with crimes against the traditional sanctity of suppliant, stranger, orphan, and parents (ll. 327–32)—all of which bring down the personal displeasure of Zeus (cf. also *ibid.* 284–85, for the perjurer).

<sup>77</sup> E.g., Aeschines iii. 111 (cited above, p. 66); Antiphon v. 11; Andocides i. 126; Lysias vi. 20; Demosth. xxiii. 67; Lycurg. *Leocr.* 79; and the curses cited by Robert, *op. cit.*, p. 313, nn. 2 and 3.

that survived of Solon's verse, we should be unable to credit him with any advance over Hesiod; for his sense of justice would resolve, like Hesiod's, into the pious faith that "justice will triumph over *hybris* in the end."<sup>83</sup> But this faith would have nothing more than piety to vindicate its truth. It would be sadly embarrassed by the fact that the unjust so often prosper more than the just. It would then have to be propped up by an appeal to the inscrutable *moira*, which gives and withholds punishment in ways which transcend our comprehension.

The best confirmation of this reversion to Hesiod is to note how faithfully it is reflected in a doctrine which may be taken as the touchstone of any Greek world view: the doctrine of *technē*. The arts of fire—which symbolize the whole of man's endeavor to change his *moira* for the better by the skilful adjustment of means to ends—appear in Hesiod as a futile effort to circumvent the omnipotence of the gods. Zeus laughs: "As the price of fire I will send them an evil [*sc.* Hope] in which they may all be glad of heart, loving their own misfortune" (*Op.* 57–58). For Solon, too, hope is self-indulgent illusion.<sup>84</sup> Merchant and farmer are classed with the masters of the arts—craftsman, poet, doctor, *mantis*<sup>85</sup>—with the gloomy reflection that there is no "end" to *technē*, just as there is no "end" to wealth.<sup>86</sup> The end of

*technē* and the end of *moira* are incommensurable. The first is immanent and comprehensible; the second is transcendent and incomprehensible; and the first is always at the mercy of the second.<sup>87</sup> *Technē* cannot undo what is fated to be (*Frag.* 13. 55: τὰ μόρισμα).

Wealth belongs to this realm of *moira*, whose reason, known to God, is hidden from us. God gives riches (l. 74). This does not mean that we should not go after them on our own account. It means only, as in Homer, that what we have at any moment of our life should be regarded as the will of God, and piously acquiesced in as such.<sup>88</sup> Man has no rational standard of his own by which to question, far less condemn, the justice of the divine dispensation.<sup>89</sup> Nor has he any means of knowing how long the award of fortune, good or bad, will last. A good conscience is no protection against the "ruin" which may

*Greek Elegists* [Cambridge, Mass., 1938], pp. 96–97) makes the interesting observation that craftsman, poet, doctor, and seer are implicitly bracketed off from merchant and farmer by references to (1) knowledge or skill and (2) divine patrons. One might add that the mechanical arts were for the Greeks the characteristic instance of τελέειν (e.g., *Od.* vi. 232–34). This makes the ominous reflection, in l. 58, all the stronger. With their *technē* and divine patron, craftsman, poet, doctor, and seer are in the same boat with merchant and farmer. Bowra suggests that only the latter two, because of the peculiar uncertainty of their quest for gain, are "related to the victims of ἀτη" (*Early Greek Elegists*, p. 97). But the lines immediately following (63–70) are perfectly general; there is no suggestion that they refer to the *technai* any less than to anyone else; "all works" (πᾶσι . . . ἐπ' ἔργμασιν [l. 65]) refers just as much to the works of the *technai* (the ἔργα of Athena and Hephaestus in l. 50 and the ἔργον of Paeon in l. 57) as to the works of merchant or farmer.

<sup>87</sup> See ll. 59–70, following out the idea καὶ τοῖς οὐδὲν ἔπεισι τέλος in l. 58 and then passing to the complementary idea that the *telos* belongs to *moira*.

<sup>88</sup> E.g., *Od.* vi. 188–90.

<sup>89</sup> *Frag.* 15 is no exception: "Many bad men are rich, many good men are poor." This may look unjust to us, but only because our perspective is so much narrower than the divine, which spans generations. Solon concludes that "we will not exchange virtue for these men's wealth"; rightly so, for "virtue" is humanly "certain" (ἐμπεδον), wealth humanly uncertain.

<sup>83</sup> *Op.* 217: ἐς τέλος ἐξελοῦσα; cf. Solon *Frag.* 13. 28: ἐς τέλος ἐξεφάνη and *ibid.* 8: πάντως ὕστερον ἦλθε Δίκη.

<sup>84</sup> *Frag.* 13. 36: χάσκοντες κοῦφαις ἐλπίσι τερπόμεθα. Cf. Hesiod *Op.* 58: τέρπωνται κατὰ θυμὸν ἐν κακὸν ἀμφαγαπῶντες; and Semonides of Amorgus, *Frag.* 29 (Diehl): κοῦφον ἔχων θυμὸν πόλλ' ἀτέλεστα νοεῖ.

<sup>85</sup> A significant omission here (and also in Aeschylus' account of πᾶσαι τέχναι [*PV* 441–506]) has hitherto passed unnoticed: there is no mention of any political *technē* (king, judge, soldier, etc.). *Per contra*, ἀγοραὶ βουλευφόροι in *Od.* ix. 112, in close association with the agricultural and industrial arts (similarly in Soph. *Ant.* 353).

<sup>86</sup> Cf. l. 58: καὶ τοῖς οὐδὲν ἔπεισι τέλος (of doctors and presumably also of the previously mentioned *technai*) with l. 71: πλοῦτου δ' οὐδὲν τέρμα. Bowra (*Early*

lurk in the best of fortune;<sup>90</sup> for one may have to pay for the sins of a remote ancestor. If we may judge from the stories in Hdt. i. 30 ff., this sense of the capricious reversibility of fortune was a feature of Solon's thought that made a deep impression upon his own contemporaries and became a leading motif in the stories that gathered around his name.

Solon's pious pessimism moves finally toward a goal that had already been reached by the more profane pessimism of earlier Ionians. If the outcome of all striving is insecurity, then seek security in the enjoyment of the moment, which looks to no end beyond itself. "Rejoice your own heart," says Mimnermus (Frag. 7 [Diehl]); and Semonides of Amorgus, reflecting on how soon death cuts short men's endless designs, concludes, "thinking of the end of life, give your soul some pleasure" (Frag. 29. 12-13 [Diehl]). This hedonism has political uses, as yet unexploited; and Solon has his eye on them:

Equally rich are he who has plenty of silver  
And gold and fields of wheat-bearing earth  
And horses and mules—and he who has but  
this,  
Comfort in belly and sides and feet [Frag. 24,  
translation adapted from Edmonds].

This—i.e., all that can be enjoyed at any given moment of one's life—is true "wealth" (*ἀφενος*). In this respect the peasant is the equal of the great landowner.<sup>91</sup> For the latter's surplus (*τὰ περιώσια*) cannot be converted into immediate satisfaction and can therefore be crossed out of the equation of true wealth.

<sup>90</sup> I follow Linforth in taking *ἐξ αὐτῶν* in l. 75 to refer to *κέρδεα* in the preceding line. The alternative attribution to *θυητοῖς* seems less likely on stylistic grounds and, in any case, solves nothing: for if we rationalize *ἀτῆ* here, we are still left with the fateful mixture of good and evil in the "unrefusable gifts of the gods" (ll. 63-64).

<sup>91</sup> Cf. Solon to Croesus in Hdt. i. 32: "The very wealthy is no better off (*δωδιώτερος*) than he who has sufficient for the day (*τοῦ ἐπ' ἡμέρην ἔχοντος*)."

And since the increase of wealth may not keep pace with an even greater increment of desire (Frag. 13. 72-73), the quotient of satisfaction may decrease with the accumulation of property and the *pentakosiomedimnos* may be actually "poorer" than the contented *thēs*. Here, in all essentials, is a subjective conception of economic value. Democritus and others will elaborate but scarcely advance upon it.<sup>92</sup> At the very dawn of political thought Solon is driven to it, so as to fill as best he can the vacuum left in his sense of order by the apparent lack of intelligible order in the acquisitive society.

#### B. UNEQUAL *moira*

Economic justice became a political issue with the demand for a "re-division of the land" (*Ath. pol.* 12. 3; Plut. *Solon* 13. 3). Behind the slogan "equal shares" (*isomoiria*) pressed the imperious need of the peasants, particularly those who held marginal land on the eroded hillsides.<sup>93</sup> The impossibility of scratching out a living from their wretched holdings had driven them to borrow before. It would drive them to borrow again, this time on the security of their land. With no better prospect of repaying the debt,<sup>94</sup> they

<sup>92</sup> Democ. Frags. 283 and 285; cf. Xenoph. *Hiero* 4. 8.

<sup>93</sup> The *ὑπεράκριοι* of Hdt. i. 59; the *διάκριοι* of *Ath. pol.* 13. 4 and Plut. *Solon* 14. 1 and 29. 1. The problem would be further complicated by the existence of some who would be altogether landless. J. L. Myres (*Mélanges Glotz*, II, 666) seems to assume that all the *diakrioi* would be "outside the hereditary *kleroi* of the Plain" and thus unprotected by the old rule against the alienation of the *kleros*. This goes much too far and is, in any case, unverifiable: we have no means of knowing how soon after coming under cultivation new land would assume the status of *kleros*. However, I see no reason why the Woodhouse-Lewis interpretation should exclude the possibility that the outermost patches had not become *kleroi* in time to prevent expropriation by the nobles; their former possessors would then find themselves after the *Seisachtheia* without a legal title to their land, and the demand for the "re-division of the land" would include their own need of resettlement.

<sup>94</sup> The tradition that Solon reduced the interest rates (Plut. *Solon* 15. 4) is untrustworthy (see Gilliard, pp. 192-94).

would now lose their land, as they had formerly lost their freedom. Hence the demand to augment their holdings at the expense of the larger estates. The claim was based on "equity" (*τὸ ἴσον*): equality of allotment must have been an old, deep-rooted tradition, for we see it cropping up later in strange places.<sup>95</sup> Thus Isocrates, whom no one could charge with equalitarian prejudices, declares flatly in a tirade against Sparta that "by right every man should have had [*sc.* in Sparta] an equal share of the land" (*Panath.* 179).

The importance of the issue is clear both from Solon's own words and from what we know of history. He had given the commons, in his political reforms, "more than they would have dreamed of" (*Frag.* 37. 2); yet they turned against him, "looked at him askance as an enemy" (*Frag.* 34. 5), when he refused them land. The pressure was so great that anyone else in his place, he declares, would not have succeeded in "holding the people down."<sup>96</sup> Judged by his own "judgment of time" (*δίκη χρόνου* [*Frag.* 36. 3]) Solon's work ended in failure. The people would not be held down. *Stasis* continued long after he had left office, and finally led to the "foul bondage" of tyranny. By an irony of history it was Peisistratus the tyrant, not Solon the liberator, who solved the agrarian problem of Attica, giving the people, if not what they asked for, at least enough to transform them into a reasonably prosperous and therefore "tranquil" part of the state.<sup>97</sup>

<sup>95</sup> Plut. *Solon* 14. 2. Theognis could say: "order has perished, equal distribution for all is no more" (ll. 677-78). Needless to say, *isos* here, as so often later in reactionary social thought, is suffering semantic violence.

<sup>96</sup> *Οὐκ ἂν κατέχευε τὸν δῆμον* (*Frag.* 36. 22 and again in 37. 7). Cf. also *ἐπαύσατο* (*sc.* τὸν δῆμον) in *Frag.* 37. 7. Both words, *κατέχω* and *παύω*, are charged with moral connotations (cf. *κατέχειν κόρον* in *Frag.* 4. 9 and the thrice repeated *παύει* in *Frag.* 4. 35-39).

<sup>97</sup> *Ath. pol.* 16. 7. It seems reasonable to assume that, in addition to the measures enumerated in *Ath.*

What we have already seen of Solon's views would nevertheless explain the logic which prompted his decision. The peasants' claim to freedom falls under the rational justice of the *polis*; it can be recognized as a matter of common concern and protected with the pooled resources of the state. But the claim for a redistribution of land falls under the irrational (or super-rational) justice of wealth and cannot be adjudicated by the state. In the fragments Solon goes actually further. He does not say merely that the state can have no good reason for changing the peasants' god-given *moira*. He says, in effect, that the state has a good reason for preventing such change, for this would produce "excess" (*κόρος*) and *hybris*<sup>98</sup>—the very terms by which the injustice of the nobles was described in Fragment 4. Hence Solon's horror of *isomoiria* between "the mean and the good"—a demand which would strike him as axiomatically self-refuting, since it carried the implication "equal *moira* between those of unequal *moira*." "Equal laws" and "straight justice" must be "adjusted" to these inequalities.<sup>99</sup> Thus property is the absolute precondition of political justice. It fixes inequalities of "privilege" and "honor" which must be respected and preserved as a matter of political justice: "To the *dēmos*

*pol.* 16, some of the estates of the Eupatrid opposition were divided up among Peisistratus' "hill-men" (so Adcock in *CAH*, IV, 65-66, and others).

<sup>98</sup> *Frag.* 6. 3-4. Solon adds: *ἀνθρώποις ὅσοις μὴ νόος ἄρτιος ἦ*. But this moralistic flourish does not qualify the class determination of "sufficiency." Solon does not offer to give more land to any of the *dēmos* who, by moral standards, do have a "wholesome mind."

<sup>99</sup> *Frag.* 36. 18-19: *εἰς ἕκαστον ἀρμόσας δίκην*, "awarded to each his due" (Liddell and Scott, *Lexicon* [new ed.], s.v. *ἀρμόζω*, I, b). Linforth's comments *ad loc.* are significant, though his interpretation of *ἀρμόσας* (the "adaptability of the new constitution to its multifarious purposes") is much too general for the context: *ἀρμόσας* in l. 19 refers to *κακῶ τε καὶ ἀγαθῶ* in the preceding line. The "adjustment" to the unequal privilege of the different social classes is on all fours with Solonian timocracy.



I gave such privilege [γέρας] as suffices;<sup>100</sup> I have neither added nor taken away from their honor [τιμή (Frag. 5)]."

In this, as in his whole concept of wealth, Solon is a traditionalist. His precedents are Homer and Hesiod, where "privilege," "honor," and "wealth" are assigned in unequal portions by *moira*;<sup>101</sup> this dispensation is neither open to question nor capable of justification; it is thus prior to political justice and the ground of all its claims. So Poseidon's grievance that he has suffered "violence" at the hands of Zeus turns on whether or not he is Zeus's "equal" (*Il.* xv. 167). Iris says that he is not; Poseidon insists that he is, countering Zeus's superiority in force (βίη φέρτερος [l. 165]) and priority in birth (γενεῇ πρότερος [l. 166]), with the fact that his own "lot" or "domain"<sup>102</sup> is comparable to that of Zeus: He is Zeus's equal in "portion" (ισόμορος [l. 209]) and must be treated as his "equal in honor" (ὁμότιμος [l. 186]). Man or god, everyone has his place in the order of "honor" established by *moira*; and the essence of justice is to deal with others in accordance with their place in this order, not to covet their

"honor" or encroach upon it.<sup>103</sup> This is how Solon thinks of the "noble" and the "mean."<sup>104</sup> Each class has its own share of "privilege" and "honor" which only "excess" and "*hybris*" would disturb. "Noble" and "mean" are the old aristocratic categories. Solon preserves them with a single innovation: he cancels aristocratic birth from the prerequisites of status. *Moira* can now be simply equated with property: "to each class he awarded political office in proportion to their rateable property" (*Ath. pol.* 7. 3).

Solon's fragments do not allude directly or indirectly to this change from aristocracy to timocracy. The four income classes are not mentioned. Only two classes are in evidence, reminding us of nothing so much as of Anaximander's opposites,<sup>105</sup>

<sup>103</sup> Cf. *Od.* xiii. 141–45. Zeus to Poseidon: *οἱ τι σ' ἀτιμάζουσιν θεοί*, for "the gods are not unjust to you." The context brings out clearly the interconnection of *τιμή*, *βίη*, and *τίσις*. It is "violence" which refuses to "pay" due "honor" and must therefore be compelled to "pay." Compare also the terms in which Prometheus' sin is presented in Aeschylus: he has "robbed" the "honors" and "privileges" of the gods and has thus gone "beyond justice" (*PV* 30 and 38).

<sup>104</sup> *Frag.* 34. 9 and 36. 18.

<sup>105</sup> With one striking difference: Anaximander's opposites are equal. I am justifying this interpretation elsewhere. Meanwhile, suffice it to recall that the "equality" of the basic components of man and the cosmos is a broad feature of early Greek scientific thought: e.g., Alcmaeon *Frag.* 4; Empedocles *Frag.* 17; Parmenides *Frag.* 9: *φάος καὶ νυκτός . . . ἰσὼν ἀμφοτέρων*, with which compare Alexander Polyhistor on Pythagorean doctrine in *Diog. Laert.* viii. 26: *ἰσόμενρά τ' εἶναι ἐν τῷ κόσμῳ φῶς καὶ σκότος*, etc. In the Hippocratic treatises this *isomoiria* of components is the heart of the doctrine of *krasis*: e.g., *Περὶ φύσις ἀνθρώπου* 3. 7–14 ("Loeb" *Hippocrates*, Vol. IV [Jones]), where *καλῶς* *ἔχειν τῆς κρήσις πρὸς ἀλλήλα* is equivalent to *μετρώς πρὸς ἀλλήλα ἔχειν καὶ ἰσως*; and *Περὶ αἵρων* 12. 14–99 ("Loeb" *Hippocrates*, Vol. I [Jones]), where *κρήσις τῶν ὀρέων* exists wherever *παντὸς ἰσομοιρή δύνασται*. Empedocles' words, *τιμῆς δ' ἄλλης ἄλλο μέδει* (*Frag.* 17. 28), have been misunderstood as a negation of *ισοτιμία* (R. Hirzel, *Themis, Dike und Verwandtes* [Leipzig, 1907], p. 314, n. 6). But they should be read in the light of the following line, *ἐν δὲ μέρει κρατεῖν* *περιπλομένοιο χρόνιοι*. We know that *ἐν μέρει κρατεῖν* is a typical democratic assumption (Eurip. *Suppl.* 406: *δῆμος δ' ἀνάσσει διαδοχαῖσιν ἐν μέρει ἐναυσίασιν*; and Bonitz, *Index Aristotelicus*, 455 b 13–23: *κατὰ μέρος* and *ἐν μέρει ἄρχειν*). For the same assumption of successive supremacy between equal opposites see *Περὶ φύσις ἀνθρώπου* 7.

<sup>100</sup> "Sufficiency" clearly implies a measure. Cf. Eurip. *Suppl.* 555: *τὰ γ' ἀρκούνθ' ἱκανὰ τοῖς γε σώφροσιν*; the context relates *τὰ ἀρκούντα* negatively to *πλεονεξία*, and positively to *δική* (l. 548) and *μέτρα* (ll. 539 ff.).

<sup>101</sup> Sometimes *moira* is personalized as the will of Zeus, e.g., Hesiod *Th.* 73–74 (cf. *ibid.* 885: *ἐὰς διεδάσσατο τιμὰς*; and Aesch. *Suppl.* 360: *Διὸς κλαροῖ*; and *PV* 229: *δαίμοσιν νέμει γέρα ἄλλοισιν ἄλλα*). There is a deep-lying connection here between *moira* and the land lot which is the primitive basis of wealth. See F. M. Cornford, *From Religion to Philosophy* (London, 1912), pp. 15–21; and cf. Wilamowitz, *op. cit.*, I, 360, n. 1: "*μόρος* als *κληρος*, Landparzelle, was auch bei Hesych neben anderen Erklärungen steht, ist lebendig in Lokris, Sitz.-Ber. Berl. 1927, 15, und Lesbos IG. XII 2, 74." However, *moira* is broader than landownership. It includes other ways of making one's living, e.g., *technē*. So, e.g., Hdt. ii. 53: *τοῖσι θεοῖσι . . . τιμὰς τε καὶ τέχνας διελόντες*. (Cf. Aesch. *PV* 48, where Hephaestus thinks of his *technē* as *moira* [λαχείν]). This throws further light on the association of the *technai* with wealth in relation to *moira* in Solon's *Frag.* 13.

<sup>102</sup> *Moira* in l. 195 means both. The notion of the lot is underlined through the thrice repeated *λαγχάνω* (ll. 190–92).

encroaching upon each other and then compelled to render "justice and reparation to one another according to the ordering of time."<sup>106</sup> First, the rich were guilty of "*hybris*," "excess," and "robbery" (Frag. 4. 8–13). Justice exacted reparation, the ward-stones which they had planted over the *dēmos*' land were pulled up, and the old—"just"—dispensation of land was restored. Then came the turn of the *dēmos* to seek encroachment upon the rich; if unrestrained, they, too, would have committed "*hybris*," "excess," and "robbery."<sup>107</sup> Solon's place is in the middle ground between these aggressive extremes to keep them from overstepping the line which *moira* has fixed between them:

I stood betwixt them as a boundary-mark  
[*δρος*] in the middle-ground between two  
armies [*ἐν μεταχλίῳ*] [Frag. 37].

Like a wolf at bay amidst a pack of hounds, I  
turned,  
Defending myself against attacks from every  
side [Frag. 36, text and translation following  
Linforth].

Holding a mighty shield over both groups, I  
stood,  
To neither would I grant unjust supremacy  
[Frag. 5].

In all this Solon speaks in the first person singular. Yet clearly he was not alone in the "middle ground."<sup>108</sup> Between Eu-

patrids and hectemors was the trading class, whose chief article of export, the amphora, Solon stamped on the new coinage of the public mint.<sup>109</sup> This class would be dead set against any "re-division of land," yet equally opposed to the old aristocratic order. One can imagine its impatience with the Eupatrids' endless feuds,<sup>110</sup> their preoccupation with the advancement of their own house at the expense of the public,<sup>111</sup> their proved incapacity to pursue the far-sighted, aggressive foreign policy required by the interests of trade. The merchants needed the conquest of Salamis, the reform of the coinage, the reform of the system of weights and measures, the influx of skilled workers from abroad. Implemented by Solon, these policies gave Athens a running start in its race for foreign markets against its powerful rivals, Aegina and Megara.<sup>112</sup> Not only these specific measures but the whole of Solon's polity, with its peculiar blend of radicalism and conservatism, answers admirably the needs of this "middle" class: the judicial and political reforms broke the Eupatrid stranglehold on state power; yet the timocratic "adjustment" of office to property

49–52: ὑπὸ δὲ τῆς περισταμένης ὥρης ποτὲ μὲν πλεῖω γίνεται αὐτὰ ζωτικῶν (sc. the humors in the body) ποτὲ δὲ ἐλάσσω, ἕκαστα κατὰ μέρος καὶ κατὰ φύσιν.

<sup>106</sup> Cf. τοῦ χρόνου τάξιν in Anaximander with Solon's δίκη χρόνου (Frag. 36. 3) and τῷ χρόνῳ πάντως ἦλθ' ἀποτερισμένη (Frag. 4. 16).

<sup>107</sup> Frags. 6. 3 and 34. 1.

<sup>108</sup> Cf. Plut. *Solon* 14. 3, and the Delphic oracle (*ibid.* 14. 4), promising that "many in Athens will be your allies." Ἦσο μέσην κατὰ νῆα in this oracle underlines the "middle" position at the expense of an awkward metaphor: the middle of the ship was no place for steering (Aesch. *Suppl.* 717: οἰακος εἰθυντήρος δασάτου νεῶς and *Theb.* 2.f: ἐν πρύμνῃ πόλεως οἰακα ναυῶν). For Solon himself as a man of the "middle" see *Ath. pol.* 4. 3; Plut. *Solon* 1. 2; as merchant, *Ath.*

*pol.* 11. 1; Plut. *Solon* 2. 1. Plutarch's description of the men of the Shore (Plut. *Solon* 13. 1) fits precisely the role which Solon adopted between the two extremes (cf. also *Ath. pol.* 13. 4).

<sup>109</sup> C. T. Seltman, *Athens, Its History and Coinage* (Cambridge, 1924), chap. iii. To be sure, this was not a Solonian innovation: the oil amphora appears also on Athenian coins of the Pheidonian standard. But it is significant that Solon had scarcely left Athens before Eupatrid badges displaced the amphora.

<sup>110</sup> Plutarch says that Salamis and Nisaea were lost during the Cylonian feud (*Solon* 12. 3).

<sup>111</sup> Solon accuses them of stealing temple funds and public property (Frag. 4. 12–13).

<sup>112</sup> Witness the leap in the export of pottery in the first two decades of the sixth century (B. L. Bailey, "The Export of Attic Black-figured Ware," *JHS*, LX [1940], 62–64). Cf. Seltman's interpretation of the reforms of weights, measures, and coinage: "a far-sighted reform that would open the way to world-markets and to prosperity for Athens" (*op. cit.*, p. 16).

would keep the new executive free from the rural masses.

It would be an oversimplification to think of Solon planning his policies in the interests of the merchants alone. In the case of Salamis his appeal was intensely patriotic: the honor of the "fatherland" was at stake; all Athenians were "intolerably dishonored" by the loss of it (Frag. 1-3). He achieved the reconquest of the island in the face of sternly repressive measures from the Eupatrid authorities by mobilizing wide popular support (Plut. *Solon* 8. 2). Later, the manifesto of his reform program opened with the words "Our city" and charged the nobles with threatening to destroy it.<sup>113</sup> It won the support of the *dēmos* by merging the cause of their personal freedom with the common freedom of the *polis*.<sup>114</sup> But it did not say that *dēmos* and *polis* are one. Solon's fragments never use "*dēmos*," as Callinus had used it in Ionia, to mean the whole community, the "little" man as well as the "big."<sup>115</sup> For Solon the *dēmos* remains a fraction of the *polis*, and a troublesome one, no more content with its *moira* than the nobles had been content with theirs. Only those who could be counted on to oppose both these turbulent extremes and to make common cause with either in order to hold the other in check could be said to stand for the good of the *polis* as a whole. That is why, perhaps, Solon never mentions or alludes to the men of the "middle" as a distinct

class, alongside of the nobles and the commons. Their interests merged with the interests of the Solonian *polis*.

### III. CONCLUSION

The main result of this study has been to untangle two strands in Solonian justice and connect each with its counterpart in Solonian policy. One is the rational *dikē* of the *polis*; this is the dynamic principle of Solon's reconstruction of Athenian institutions. The other is the superrational *moira*<sup>116</sup> of private wealth; this is the restraining principle in Solon's conservatism. Thus Solon's *eunomiē* is the resultant of two opposing tendencies. One of them, most clearly seen by Freeman, is the "negative principle of universal moderation," whose maxim is "let none encroach" and whose purpose is not reform but restraint.<sup>117</sup> From this point of view the Solonian *polis* looks like a formidable array of balanced negations, checks, and counterchecks, everyone on his guard against encroachment by anyone else. But there is a mainspring which keeps this system in motion, and this is the initiative of every member of "our" *polis* in the interest of the common well-being. Here is a positive, creative principle, even when conceived under the aspect of *hesychiē*: for this is the law not of mechanical stability but of organic health; it is not a curb upon growth and development, but the reverse. *Eunomiē* could—and did—sponsor far-reaching change, subject only to two conditions: that the motive be the

<sup>113</sup> Frag. 4. 5: *φθέρειν μεγάλην πόλιν βούλονται*.

<sup>114</sup> See above, Part I, Sec. C.

<sup>115</sup> Frag. 1, where *δήμῳ* in l. 16, *ὀλίγος καὶ μέγας* in l. 17, and *λαῶν σύμπαντι* in l. 18 are parallel expressions. However, the adjective *δημόσιον* in Solon (Frag. 4. 12 and 27) shows how difficult it was for any Greek to keep *dēmos* and *polis* apart. As has often been remarked, in Homer *dhmos* means not only "land" but also "people" (e.g., *Il.* iii. 50: *πόλιν τε παντί τε δήμῳ*; cf. *ibid.* xvii. 250: *dhmia pinousi*, and ix. 64: *πόλεμος ἐπιδhμος*). The aristocratic tradition sublimates "*dēmos*" to describe its own "peers," e.g., the Spartan *rhētra* in Plut. *Lyc.* 6, and Tyrtaeus Frag. 9. 15 (Diehl).

<sup>116</sup> Solon's diction does not observe a hard-and-fast distinction of *moira* as "fate" and *dikē* as "justice." So much is clear from Frag. 13. Yet this same fragment also shows that Solon is more likely to use *dikē* when he thinks of destiny as an intelligible principle of moral reparation, as he does in the opening lines; then, under the growing sense of the inscrutability of destiny and the insecurity of man's endeavor, he shifts to *moira* (*Il.* 30 ff.).

<sup>117</sup> Pp. 83-84 and 201-3. Freeman concludes that there is nothing more in Solonian justice than this negative ideal: no "creative idea, not even a political bias" (p. 83).

common peace and the common freedom and that the existing *moira* of property be not disturbed.

In the crucial instance of the *Seisachtheia* there was no redistribution of land. The ward-stones were pulled up from land which had belonged to the peasant and still did, however incumbered. Indeed, the *Seisachtheia* said nothing about land; it only canceled debts on the security of the person. And it did so because the common freedom of the *polis* was here at stake. Thus the most important of Solon's social and economic reforms was prompted by his concept of political justice. Therein lies his greatness: that, despite the traditionalism of his concept of wealth, he was able to envisage this revolutionary conception of justice based on the solidarity of the *polis*.

The nobles had claimed the giving of justice as their exclusive prerogative.<sup>118</sup>

<sup>118</sup> Cf. Eurip. *Suppl.* 430:

δπου τὸ μὲν πρῶτιστον οὐκ εἰσὶν νόμοι  
κοινοί, κρατεῖ δ' εἰς τὸν νόμον κεκτημένος  
αὐτὸς παρ' αὐτῷ,

substituting *εἰπαρῖσαι* for the "one" (sc. "tyrant") in this passage. Incidentally, the immediately following lines here (443-47) bring out another point which I have kept out of the text to simplify the argument: written law had been the first inroad into the nobility's monopoly of justice: it was the first bridgehead of "community" or "publicity" of law. But it did leave them a residual area of "privacy" both (a) in their

So long as justice remained shrouded in mystery and magic, their claim was incontrovertible; for they were themselves the accredited representatives of the oracles. They "had knowledge of divine things . . . and were interpreters [*ἐξηγηταί*] of things sacred and holy."<sup>119</sup> Solon raised no questions about their *expertise* in the supernatural. He conceded their authority in the unwritten law of ceremonial sanctities and its great annex in the written law, homicide. But he then cleared a wide area in which justice was "the immanent righteousness of events,"<sup>120</sup> and as such a matter of "common" or "public" truth. This could never be claimed as the guild secret of a closed corporation. It was open to all men of understanding who could follow the sequence of events and "teach" it to others. Thus the naturalization of justice meant its socialization: it became the common possession of the *polis*, for it defined the common peace and the common freedom of all.

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interpretation of the written law and (b) in the unwritten law.

<sup>119</sup> Plut. *Theseus* 25. 2.

<sup>120</sup> Jaeger's phrase, "Die immanente Gerechtigkeit des Geschehens," in "Solons Eunomie," p. 79.