

The Laws of Solon

Plutarch



OVERVIEW

Like the Spartan Lycurgus, the Athenian leader Solon devised a new law code in 597 B.C. His reforms are remarkable in many respects, but particularly because they laid the foundation for a democratic form of government in Athens. In the following excerpt, the Greek biographer Plutarch discusses Solon's reforms—and the unexpected effect they eventually had on Solon himself.

GUIDED READING As you read, consider the following: Some of Solon's reforms involved the regulation of women and women's emotions.

- How do these laws differ from the laws imposed on men?
 - Given the regulations imposed on women, what were the Greeks' views of women at this time?
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Though Solon rejected absolute power, he proceeded with spirit enough in the administration; he did not make any concessions in behalf of the powerful, nor, in the framing of his laws, did he indulge the humor of his constituents. He only made such alterations as he might bring the people to acquiesce in by persuasion, or compel them to by his authority, making (as he says) force and right conspire. Hence it was, that having the question afterward put to him, Whether he had provided the best of laws for the Athenians, he answered, The best they were capable of receiving. Solon seems to be the first that distinguished the cancelling of debts by the name of a discharge. For this was the first of his public acts, that debts should be forgiven, and that no man, for the future, should take the body of his debtor for security.

The greater part of writers, however, affirm that it was the abolition of past securities that was called a discharge, and with these the poems of Solon agree. For in them he values himself on having taken away the marks of mortgaged land, which before were almost everywhere set up, and made free those fields which before were bound: and not only so, but of such citizens as were seizable by their creditors for debt, some, he tells us, he had brought back from other countries, where they had wandered so long that they had forgot the Attic dialect, and others he had set at liberty, who had experienced a cruel slavery at home.

This affair, indeed, brought upon him the greatest trouble he met with; for when he undertook the annulling of debts, and was considering of a suitable speech and a proper method of introducing the business, he told some of his most intimate friends, namely, Conon, Clinias, and Hipponicus, that he

intended only to abolish the debts, and not to meddle with the lands. These friends of his hastening to make their advantage of the secret, before the decree took place, borrowed large sums of the rich, and purchased estates with them. Afterward, when the decree was published, they kept their possessions without paying the money they had taken up; which brought great reflections upon Solon, as if he had not been imposed upon with the rest, but were rather an accomplice in the fraud. This charge, however, was soon removed, by his being the first to comply with the law, and remitting a debt of five talents, which he had out at interest. But his friends went by the name of Chreocopiæ, or debt-cutters, ever after.

The method he took satisfied neither the poor nor the rich. The latter were displeased by the cancelling of their bonds; and the former at not finding a division of lands; upon this they had fixed their hopes, and they complained that he had not, like Lycurgus, made all the citizens equal in estate. But being soon sensible of the utility of the decree, they laid aside their complaints, offered a public sacrifice, which they called Seisactheia, or the sacrifice of the discharge, and constituted Solon lawgiver and superintendent of the commonwealth; committing to him the regulation not of a part only, but the whole, magistracies, assemblies, courts of judicature, and senate; and leaving him to determine the qualification, number, and time of meeting for them all, as well as to abrogate or continue the former constitutions, at his pleasure.

First, then, he repealed the laws of Draco, except those concerning murder, because of the severity of the punishments they appointed, which for almost all offences were capital; even those that were convicted of idleness were to suffer death, and such as stole only a few apples or pot-herbs were to be punished in the same manner as sacrilegious persons and murderers. Hence a saying of Demades, who lived long after, was much admired, that Draco wrote his laws not with ink but with blood. And he himself being asked, Why he made death the punishment for most offences, answered, Small ones deserve it, and I can find no greater for the most heinous.

In the next place, Solon took an estimate of the estates of the citizens; intending to leave the great offices in the hands of the rich, but to give the rest of the people a share in other departments which they had not before. Such as had a yearly income of five hundred measures in wet and dry goods, he placed in the first rank, and called them Pentacosimedimni. The second consisted of those that could keep a horse, or whose lands produced three hundred measures; these were of the equestrian order, and called Hippodatelountes. And those of the third class, who had but two hundred measures, were called Zeugitæ. The rest were named Thetes, and not admitted to any office: they had only a right to appear and give their vote in the general assembly of the people. This seemed at first but a slight privilege, but afterward showed itself a matter of great importance: for most causes came at last to be decided by them; and in such matters as were under the cognizance of the magistrates there lay an appeal to the people. Besides, he is said to have drawn up his laws

in an obscure and ambiguous manner, on purpose to enlarge the authority of the popular tribunal. For as they could not adjust their differences by the letter of the law, they were obliged to have recourse to living judges; I mean the whole body of citizens, who therefore had all controversies brought before them, and were in a manner superior to the laws. Desirous yet further to strengthen the common people, he empowered any man whatever to enter an action for one that was injured. If a person was assaulted, or suffered damage or violence, another that was able and willing to do it might prosecute the offender. Thus the lawgiver wisely accustomed the citizens, as members of one body, to feel and to resent one another's injuries. And we are told of a saying of his agreeable to this law: being asked, What city was best modelled? he answered, That where those who are not injured are no less ready to prosecute and punish offenders than those who are.

When these points were adjusted, he established the council of the areopagus, which was to consist of such as had borne the office of archon, and himself was one of the number. But observing that the people, now discharged from their debts, grew insolent and imperious, he proceeded to constitute another council or senate, of four hundred, a hundred out of each tribe, by whom all affairs were to be previously considered; and ordered that no matter, without their approbation, should be laid before the general assembly. In the meantime the high court of the areopagus were to be the inspectors and guardians of the laws. Thus he supposed the commonwealth, secured by two councils as by two anchors, would be less liable to be shaken by tumults, and the people would become more orderly and peaceable.

The most peculiar and surprising of his other laws, is that which declares the man infamous who stands neuter in the time of sedition. It seems he would not have us be indifferent and unaffected with the fate of the public, when our own concerns are upon a safe bottom; nor when we are in health, be insensible to the distempers and griefs of our country. He would have us espouse the better and juster cause, and hazard everything in defence of it, rather than wait in safety to see which side the victory will incline to....

That law of Solon's is also justly commended which forbids men to speak ill of the dead. He forbade his people also to revile the living, in a temple, in a court of justice, in the great assembly of the people, or at the public games. He that offended in this respect, was to pay three drachmas to the persons injured, and two to the public.

His law concerning wills has likewise its merit. For before his time the Athenians were not allowed to dispose of their estates by will; the houses and other substance of the deceased were to remain among his relations. But he permitted any one that had not children, to leave his possessions to whom he pleased; thus preferring the tie of friendship to that of kindred, and choice to necessity, he gave every man the full and free disposal of his own. Yet he allowed not all sorts of legacies, but those only that were not extorted by

frenzy, the consequence of disease or poisons, by imprisonment or violence, or the persuasions of a wife.

He regulated, moreover, the journeys of women, their mourning and sacrifices, and endeavored to keep them clear of all disorder and excess. They were not to go out of town with more than three habits; the provisions they carried with them were not to exceed the value of an obolus; their basket was not to be above a cubit high; and in the night they were not to travel but in a carriage, with a torch before them. At funerals they were forbid to tear themselves, and no hired mourner was to utter lamentable notes, or to act anything else that tended to excite sorrow. They were not permitted to sacrifice an ox on those occasions; or to bury more than three garments with the body, or to visit any tombs besides those of their own family, except at the time of interment.

As the city was filled with persons who assembled from all parts, on account of the great security in which people lived in Attica, Solon observing this, and that the country withal was poor and barren, and that merchants, who traffic by sea, do not use to import their goods where they can have nothing in exchange, turned the attention of the citizens to manufactures. For this purpose he made a law, that no son should be obliged to maintain his father, if he had not taught him a trade....

As Attica was not supplied with water from perennial rivers, lakes, or springs, but chiefly by wells dug for that purpose, he made a law, that where there was a public well, all within the distance of four furlongs, should make use of it; but where the distance was greater, they were to provide a well of their own. And if they dug ten fathoms deep in their own ground, and could find no water, they had liberty to fill a vessel of six gallons twice a day at their neighbor's. Thus he thought it proper to assist persons in real necessity, but not to encourage idleness....

All his laws were to continue in force for a hundred years, and were written upon wooden tables which might be turned round in the oblong cases that contained them. Some small remains of them are preserved in the Prytaneum to this day. The Senate, in a body, bound themselves by oath to establish the laws of Solon; and the Thesmothetæ, or guardians of the laws, severally took an oath in a particular form, by the stone in the market-place, that for every law they broke, each would dedicate a golden statue at Delphi of the same weight with himself.

Observing the irregularity of the months, and that the moon neither rose nor set at the same time with the sun, as it often happened that in the same day she overtook and passed by him, he ordered that day to be called Hene kai nea (the old and the new); assigning the part of it before the conjunction to the old month, and the rest to the beginning of the new.

When his laws took place, Solon had his visitors every day, finding fault with some of them, and commending others, or advising him to make certain additions, or retrenchments. But the greater part came to desire a reason for

this or that article, or a clear and precise explication of the meaning and design. Sensible that he could not well excuse himself from complying with their desires, and that if he indulged their importunity, the doing it might give offence, he determined to withdraw from the difficulty, and to get rid at once of their cavils and exceptions. Under the pretence, therefore, of traffic he set sail for another country, having obtained leave of the Athenians for ten years' absence. In that time he hoped his laws would become familiar to them.