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A NEW READING OF SOLON'S LAW ON *STASIS*:  
THE SOVEREIGNTY OF THE *DEMOS*<sup>1</sup>

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INTRODUCTION

Solon's so-called "law against neutrality"<sup>2</sup> has been the subject of much debate. Its study has given rise to a vast body of literature, begging many questions such as its authenticity and purpose which, to authors of the ancient world,<sup>3</sup> seemed to contradict the politics and spirit of Solon.<sup>4</sup> My aim here is to demonstrate that his law on *stasis* was perfectly in tune with his reforms<sup>5</sup> and the way in which he envisaged the government of Athens. Specifically, I will try to show, through the analysis of this law, that the sovereignty of the *demos*, understood above all politically as the civic body as a whole in assembly (*ekklesia*)<sup>6</sup> and, therefore, as the city's legitimate power, along with its

<sup>1</sup> This research has been aided by the Spanish Ministry of Science and Innovation, Project PID2020-112790GB-I00, and by the Complutense University (UCM), Project PR108/20-29.

<sup>2</sup> Aristotle, *Athenaion Politeia*, VIII, 5 and Plutarch, *Solon*, XX, 1. For further accounts, see Ruschenbush 2014, p. 73-76, F 38a-38j; Rhodes 1981, p. 157-158; Leão, Rhodes 2015, p. 57-66, F 38a-37m.

<sup>3</sup> Plutarch, *Solon*, XX, 1; Plutarch, *Moralia*, 550C; Plutarch, *Moralia*, 823f.

<sup>4</sup> Authors who have accepted the authenticity of the law: Lavagnini 1947; Goldstein 1972; Bers 1975; Develin 1977; Manville 1980; Carawan 1993, p. 311; McGlew 1996, p. 115-119; Leão 2002; Maffi 2005; Forsdyke 2005, p. 98-99; Schmitz 2011; Leão, Rhodes 2015, p. 63-66; Gouschin 2016; Vardoulakis 2017. *Contra*: Fritz 1977; David 1984; Pecorella Longo 1988; Gabba 1994; Van't Wout 2010 (even if, according to him, it is based on Solonian principles and attitudes); Teegarden 2014; Ruschenbush 2014, p. 76.

<sup>5</sup> Bers 1975, p. 493-498, esp. 497.

<sup>6</sup> For the different meanings of *demos*, see Finley 1973, p. 12; Hansen 2010, p. 502-515; one of the meanings of *demos* is that of "people gathered in assembly" (n° 3), synonymous with *ekklesia*. For the meaning of *demos* in Solon's times: Werlings 2010, p. 223-266.

representative council, the *Boule* of Four Hundred, already existed at that time. Before continuing with the analysis, however, it is essential to examine the Greek text of the law, as cited by Aristotle. My intention is to propose a new translation/interpretation of the law, particularly as regards the expression *μη θῆται τὰ ὄπλα μηδὲ μεθ' ἐτέρων*, which will also be discussed in further detail and reformulated in the last section of this paper:

ὁρῶν δὲ τὴν μὲν πόλιν πολλακίς στασιαζούσαν, τῶν δὲ πολιτῶν ἐνίους διὰ τὴν ῥαθυμίαν ἀγαπώντας τὸ αὐτόματον, νόμον ἔθηκεν πρὸς αὐτοὺς ἴδιον, ὃς ἂν στασιαζούσης τῆς πόλεως μὴ θῆται τὰ ὄπλα μηδὲ μεθ' ἐτέρων, ἄτιμον εἶναι καὶ τῆς πόλεως μὴ μετέχειν.

And as he saw that the state was often in a condition of party strife, while some of the citizens through slackness were content to let things slide, he laid down a special law to deal with them, enacting that whoever when civil strife prevailed did not place his arms at the disposal [of the *demos*/assembly] without allegiance to either party was to be disfranchised and not to be a member of the state.<sup>7</sup>

A number of recent works<sup>8</sup> provide and/or recoup valuable comments and analyses. In a paper published in 2010, in which she defends a stance of “active neutrality” in a *stasis*, Van’t Wout had the considerable merit of recuperating, to my mind, the correct translation of the expression *μηδὲ μεθ' ἐτέρων*. For her, this should not be understood as an accumulated negative, bearing in mind the first negative (*μη θῆται*), but as a sentence with its independent negative value, offering examples of this and of the meaning of the expression, which had fallen out of use by the Hellenistic period.<sup>9</sup> Thus, the translation of the fragment would be as follows: “without allegiance to either party”. It is likely that the interpretation that would make Solon’s law lose its true meaning in later contexts was already being misconstrued,<sup>10</sup> as will be discussed, in the Classical period at the time of Lysias or subsequently, perhaps because the law had not been fully preserved or only partially so. What is not so convincing about Van’t Wout’s work, however, is the interpretation of the first part of the sentence (*μη θῆται τὰ ὄπλα*) as “active neutrality”,<sup>11</sup>

<sup>7</sup> Aristotle, *Athenaion Politeia*, VIII, 5. Modified translation taken from H. Rackham. The part underlined in the Greek text could belong to the original law: see Leão, Rhodes 2015, p. 64, and Leão 2002, p. 29-30.

<sup>8</sup> See, for example, Maffi 2005; Van’t Wout 2010; Gouschin 2016.

<sup>9</sup> See arguments in Van’t Wout 2010, p. 293-294. See, for example, [Demosthenes] LXI, 52. Lysias, XXIV, 26. Isocrates, XXI, 13. Thucydides, II, 67, 4. Thucydides, II, 72, 1. All dates are BCE unless otherwise stated.

<sup>10</sup> In Plutarch, for example: see note 2. See also Cicero, *Ad Atticum*, X, 1, 2; Aulus Gellius, *Noctes Atticae*, II, 12, 1.

<sup>11</sup> His translation: “whoever [...] does not ground his arms”. Van’t Wout 2010, p. 291-293.

even though his analysis of the expression using different examples brings to light several valuable aspects.<sup>12</sup> I will return to this point later on.

In a more recent paper, Gouschin, who offers the habitual interpretation of the text of the law,<sup>13</sup> viz. the binding obligation to take up arms for one side or the other, returns to the idea, defended by other authors before him,<sup>14</sup> that Solon's intention was to avoid tyranny—something he failed to achieve. Gouschin observes that Solon himself abided by the law as a private citizen, highlighting the interesting passage in Diogenes Laertius which, together with other sources mentioning this episode, had already been interpreted by other authors as a reference to his law.<sup>15</sup> It tells how Solon suddenly appeared in the Assembly, bearing arms, in order to avoid the tyranny of Pisistratus, while a *boule* is also mentioned:

[Solon] rushed into the Assembly (εις τὴν ἐκκλησίαν) armed with spear and shield, warned them of the designs of Pisistratus, and not only so, but declared his willingness to render assistance [...]. And the members of the council (ἡ βουλή), who were of Pisistratus' party, declared that he was mad.<sup>16</sup>

Diodorus Siculus offers a slightly different version, indicating that Solon rushed into the agora “arrayed in full armour” and gathered the *plethos* around him, urging the citizens to take up arms:

Solon, seeing toward the end of his life how Peisistratus, to please the masses, was playing the demagogue and was on the road to tyranny, tried at first by arguments to turn him from his intention; and when Peisistratus paid no attention to him, he once appeared in the market-place (εις τὴν ἀγορὰν) arrayed in full armour, although he was already a very old man. And when the people, the sight being so incongruous, flocked to him (συνδραμόντος δὲ τοῦ πλήθους πρὸς αὐτὸν διὰ τὸ παράδοξον), he called upon the citizens to seize their arms (παρεκάλει τοὺς πολίτας ἀναλαβεῖν τὰ ὅπλα) and at once make an end of the tyrant.<sup>17</sup>

<sup>12</sup> See especially Van't Wout 2010, p. 292: this expression “describes the act of putting oneself at the disposal of a specific military group or leader; it denotes the physical act of positioning oneself and one's arms within a military group.”

<sup>13</sup> Gouschin 2016, p. 101.

<sup>14</sup> See especially Lavagnini 1947, p. 88.

<sup>15</sup> Diogenes Laertius, I, 58. Echoes of the Solonian law: Lavagnini 1947, p. 92-93; also Goldstein 1972, p. 538, n. 5; Von Fritz 1977, p. 247; Gouschin 2016, p. 109. For Lavagnini the aim of Solon was to provoke the automatic mobilization of citizens in defence of the state: 1947, p. 84.

<sup>16</sup> Diogenes Laertius, I, 49, tr. R. D. Hicks; Gouschin 2016, p. 109. See note 18.

<sup>17</sup> Diodorus Siculus, IX, 4, .1-2, tr. C. H. Oldfather.

Aristotle, Plutarch and Aelian<sup>18</sup> also refer to similar episodes, as will be discussed below. This account of Solon's action, apocryphal or not, was probably shaped by the Solonian law of neutrality at an earlier date, at least before Aristotle and maybe in the fifth century. The tradition of Solon's opposition to the tyranny of Pisistratus can be traced back to the lawgiver himself and was retrieved, probably from an Attidographic source, by Aristotle and other authors such as Polemon who, according to Philostratus, wrote an entire work entitled, *Solon Asks for His Laws to Be Repealed when Pisistratus Receives a Bodyguard*.<sup>19</sup>

Finally, in a paper in which he also translates the law as "taking the side of one or the other party", Maffi highlights the similarities between Solon's law and subsequent legislation and regulations aimed at defending democracy or the political regime in power, such as the specific case of the law of Ilion, which he then goes on to analyse.<sup>20</sup> From among these laws, the author cites, but without going into details, the important law against tyranny and oligarchy from Eretria, published by Knoepfler in 2001 and 2002, which will be commented on below in relation to Solon's law. As will be seen, Solon's law would not have been intended to prevent only tyranny, through armed action, but also any other type of regime whose aim was to curtail the sovereignty of the *demos*, such as the "oligarchical" government that Isagoras tried to establish at the end of the sixth century. Even though the law was perhaps never enforced at a particular trial,<sup>21</sup> which does not mean to say that it never existed, it was probably put into effect, in a way, at the end of the sixth century, with Cleisthenes in exile, when Isagoras and his Spartan allies seized the acropolis, thus triggering the reaction of the *demos*. Solon's aim was to define a behaviour regarded as essential for a citizen and which would have already been more or less revealed in Cylon's attempt to seize power when the people "as a whole" (*pandemei*) "flocked" to the acropolis to prevent tyranny.<sup>22</sup>

<sup>18</sup> Aristotle, *Athenaion Politeia*, XIV, 1-2; Plutarch, *Solon*, XXX, 1-2; Aelian, *Varia Historia*, VIII, 16.

<sup>19</sup> Solon, fr. 11W; Aristotle, *Athenaion Politeia*, XXIV, 1-2. Philostratus, I, 542. For sources on similar episodes see Rhodes 1981, p. 201-202 (with scepticism about its authenticity); see recently Gouschin 2016, p. 108-109. Mühl (1955) postulated a peripatetic construction of this tradition, but Lavagnini (1947, p. 92) has assumed an Attidographic source for the passages in Aristotle and Plutarch. This Attidographic source would echo an oral tradition that could go back perhaps to the fifth century. The appeal of Ephialtes to Solonian laws (Anaximenes *FGrHist* 72 F 13; Jones 1987, p. 67-68) points to the possibility that he was regarded as a democratic figure in fifth century. Cf. Lysias, XXX, 28.

<sup>20</sup> Maffi 2005. For the Law of Ilion: see note 101.

<sup>21</sup> Goldstein 1972, p. 538; Leão 2002, p. 32.

<sup>22</sup> Herodotus, V, 71; Thucydides, I, 126; Plutarch, *Solon*, XXII. For the danger of a massive exodus in *stasis* situations: Aeneas Tacticus, XVII, 1. Knoepfler 2002, p. 176.

THE MEANING OF THE EXPRESSION “θέμενος τὰ ὄπλα”. TAKING UP ARMS ON BEHALF OF THE *DEMOS*, THE DEMOCRACY, THE *POLIS* OR THE FATHERLAND

Since it is not the usual term for indicating the taking up of arms, for which λαμβάνει τὰ ὄπλα is employed, as noted by Goldstein,<sup>23</sup> the expression μὴ θῆται τὰ ὄπλα has been examined and discussed at length by different authors. It can mean, according to *LSJ*, (a) “rest arms, i.e. halt, with arms in an easy position but ready for action”, and (b) “bear arms, fight”.<sup>24</sup> Many authors translate this as “to place one’s arms—whether literally or metaphorically<sup>25</sup>—at the disposal” [of either side],<sup>26</sup> although the military inspiration of the metaphor seems undeniable.<sup>27</sup> For Goldstein, it is a technical expression, a formula appearing in different sources. Whereas Van’t Wout, comparing it with other passages in which τίθημι τὰ ὄπλα appears, has claimed that “to take arms” does not have to be understood as a metaphorical expression or a “technical term”, but should be translated as “ground the arms”, maintaining an active neutrality.<sup>28</sup>

The expression appears in different passages, underscored by Goldstein,<sup>29</sup> which are worth recalling. Several of them seem to indicate an active, effective and real armed involvement in a struggle and not, therefore, an “active neutrality” as defended by Van’t Wout. In these passages, the linguistic turn τίθεσθαι τὰ ὄπλα is often accompanied by similar expressions such as ὑπὲρ τοῦ δήμου, μετὰ τοῦ δήμου, πρὸς τὴν πόλιν, μετὰ τῆς πόλεως, ὑπὲρ τῆς πατρίδος. Namely, it is an invitation, in the context of an armed struggle, “to place arms at the disposal” (or a reward for placing arms at the disposal) of the city’s legitimate power—in all these cases, the *demos*, democracy, the *polis* or the fatherland—and to become actively engaged in it. Thus, for instance, in Demosthenes it is said, “He [Alcibiades] had also taken arms in the cause of democracy (ὑπὲρ τοῦ δήμου θέμενος τὰ ὄπλα), twice in Samos and a third time in Athens itself.” Aeschines, for

<sup>23</sup> Goldstein 1972, p. 543-545: “to take up arms”.

<sup>24</sup> Also in *LSJ*: (c) “lay down one’s arms, surrender” and (d) “keep your arms in good order”: *LSJ*, s.v. “τίθημι”, A, II, 10. For the uses of “rest arms” or “lay down one’s arms” with a meaning sometimes opposite to “bear arms, fight” see: Van’t Wout 2010, p. 291, with references in n. 8 and 9.

<sup>25</sup> For a metaphorical interpretation, see Develin 1977, p. 507 (“Take sides with”). Schmitz (2011) interprets it as an appeal to participate in the voting process. Vardoulakis 2017 renders it as “whoever did not take a stand in a stasis”. See also the translation by H. Rackham: “did not join forces with either party”.

<sup>26</sup> Leão, Rhodes 2015 p. 59; also in Gouschin 2016, p. 101.

<sup>27</sup> Leão, Rhodes 2015, p. 63-64 (with further bibliography).

<sup>28</sup> Goldstein 1972, p. 543-545; Van’t Wout 2010, p. 295.

<sup>29</sup> Goldstein 1972, p. 545.

his part, observes, “Man, if you fail to take up arms in behalf of the state (τῆ πόλει, ὑπὲρ ἧς τὰ ὄπλα μὴ τίθεται), or if you are such a coward that you are unable to defend her, you must not claim the right to advise her, either.”<sup>30</sup> Lycurgus affirms the importance of “taking up arms for the fatherland” in the context of Chaeronea, in terms similar to those of the epitaph reproduced by Demosthenes, *On the Crown*, for the fallen on that occasion. Lycurgus has the following to say in this connection:

Therefore, gentlemen, if at a time of fears like these, a time of such great danger and disgrace, there was a deserter from the city, a man who neither took up arms in his country’s defence (καὶ μῆτε τὰ ὄπλα θέμενον ὑπὲρ τῆς πατρίδος).<sup>31</sup>

Lycurgus’ account chimes with the events in Athens involving Chaeronea and, particularly, with the law enacted at the time (337), on the motion of Eucrates, to prevent anyone wanting to establish a tyranny “or overthrow the Athenian People or the democracy at Athens” from doing so,<sup>32</sup> as had already been envisaged in the decree of Demophantos.<sup>33</sup> The Eucrates’ law doubtless referred to the danger of establishing an oligarchy, in this case banning the meeting of the Council of the Areopagus.

The expression τίθημι τὰ ὄπλα is also used later in an inscription from 302, when the Athenians awarded Nikandros of Ilion and Polizelos of Ephesos the *isoteleia* for coming to the aid of the democracy twice: during the Lamian War (323-322) and the democratic regime of Hagnonides in 318.<sup>34</sup> The same language was still being used at the beginning of the third century in the decree in honour of Strombichos, for having decided to betray his commander and assist the Athenians in removing the Macedonian garrison in 282.<sup>35</sup>

I have left until last what may be one of the first accounts including the expression in the sense of “taking up arms for the *demos* and/or placing them at the *demos*’ disposal

<sup>30</sup> Demosthenes, XXI, 145 (tr. A. T. Murray). Aeschines, I, 29 (tr. Ch. Darwin Adam).

<sup>31</sup> Lycurgus, I, 43 (tr. J. O. Burtt). Demosthenes, XVIII, 289: οἶδε πάτρας ἔνεκα σφετέρας εἰς δῆριν ἔθεντο ὄπλα [...]: “Here lie the brave, who for their country’s right drew sword” (tr. H. J. Vince).

<sup>32</sup> *IG* II<sup>3</sup> 1, 320, l. 8-10.

<sup>33</sup> For the decree of Demophantos, see note 124.

<sup>34</sup> *IG* II<sup>2</sup> 505, l. 37-38: “They took arms on the side of the People” (τὰ ὄπλα μετὰ τοῦ δήμου τιθέμενοι).

<sup>35</sup> *IG* II<sup>2</sup> 666, l. 9-12: λαβόντος τοῦ δήμου τὰ ὄπλα ὑπὲρ τῆς ἐλευθ[ερί]ας καὶ παρακαλοῦ[ν]τος καὶ τοὺς στρατιώτας τίθεσθα[ι] π[ρὸς] τῆμ πόλιν ὑπήκουσεν τῷ δήμῳ εἰς τὴν ἐλευθερίαν [κα]ὶ ἔθετο τὰ ὄπλα μετὰ τῆς πόλεως: “and the People had taken up arms for freedom and appealed that he place his soldiers in the service of the city, he put himself at the service of the People for their freedom and placed his army on the side of the city [...]” (tr. S. Byrne).

in active and loyal defence of its cause”: Lysias’ controversial speech, *Against Philon*, in which the orator has the following to say:

Well, that he lived at Oropus under the protection of a patron, that he possessed ample means, and yet stood to arms neither in the Peiraeus nor in the town (οὐτ’ ἐν τῷ Πειραιεῖ οὔτ’ ἐν τῷ ἄστει ἔθετο τὰ ὅπλα), are my first contention.<sup>36</sup>

This passage might have contributed, moreover, to misinterpret the law of Solon in the sense of understanding it as standing to arms in favour of one side or the other. However, as Bers has also stressed,<sup>37</sup> a careful reading of the whole speech clearly indicates that Lysias is reproaching Philon not for not having joined one of the factions of the *polis* (including the Thirty Tyrants), but for not having sided with the *demos*/democracy, the *polis*/fatherland, in a situation that had led to the restoration of the democracy. Thus, for example, just before the cited passage, he notes:

[...] but when the party of Phyle returned to the Peiraeus, and the people, not only from the country, but from over the border, assembled together, partly in the town and partly in the Peiraeus (οἱ μὲν εἰς τὸ ἄστυ οἱ δ’ εἰς τὸν Πειραιᾶ συνελέγοντο), and when each to the extent of his powers came to the rescue of his fatherland (ἐβόηθει τῆ πατρίδι), Philon’s conduct was the opposite of that shown by the rest of the citizens<sup>38</sup> [emphasis added].<sup>39</sup>

In Lysias’ view, the Athenian people came to the rescue of the fatherland from both the Piraeus and the city to oust the government of the Thirty Tyrants. Following this, the author continues to stress the idea of “placing oneself at another’s disposal” in defence of the cause of the *demos*/democracy:

For he packed up all his belongings and left the city to live beyond the border, at Oropus [...]. For he did not come to the Peiraeus, nor is there any instance of his having placed himself at your disposal.<sup>40</sup>

Placing oneself at the *demos*’ or fatherland’s disposal was not to maintain “active neutrality”, but to become resolutely involved in the fight to restore democracy.

<sup>36</sup> Lysias, XXXI, 14. Tr. W.R.M. Lamb (for all of Lysias’ texts). The idea of two parties also in Lysias, XXXI, 13.

<sup>37</sup> Bers 1975, p. 494-495.

<sup>38</sup> For the events occurring at the time: Aristotle, *Athenaion Politeia*, 38. See *infra*, n. 98.

<sup>39</sup> Lysias, XXXI, 8.

<sup>40</sup> Lysias, XXXI, 9. Aristotle (*Athenaion Politeia*, XXXVIII, 3) points out that “all the *demos*” at one point joined the party holding the Piraeus and Munichia. These were those of the city who had previously held (XXXVIII, 1-2) a meeting in the agora, had deposed the Thirty, and had elected ten of the citizens as plenipotentiaries who acted in bad faith.

Lysias' speech has been one of the most contentious issues with respect to Solon's law on *stasis* because not only does he not cite it directly (*argumentum ex silentio*), but also even denies that there is such a law.<sup>41</sup> The different arguments that many authors have raised to justify the absence of any mention of the law in Lysias will not be discussed here.<sup>42</sup> Instead, it should be merely noted that Lysias' failure to mention it or even his "denial" of its existence is, as Goldstein has admirably stressed, doubtless an able rhetorical ruse, for the orator clearly evokes the law. Although he does so in a context in which Philon was not going to be tried for a crime, but was simply going to be subject to the preliminary scrutiny—*dokimasia*—that any candidate had to undergo before joining the *Boule*.<sup>43</sup> The fact that he did not explicitly mention the law but clearly referred to it in an implicit fashion would, at the same time, have aroused the indignation and protest of each one of the members of the *Boule*, whose reaction would have been precisely to believe that the law did indeed exist and, therefore, Philon was not only unworthy<sup>44</sup> of forming part of the Council, but also guilty of a felony. At the time, as Goldstein has remarked, due to the amnesty<sup>45</sup> no one could be tried for crimes committed before 404. Furthermore, it appears that the Solonian law was no longer in force at that time, following the enactment of Demophantos' law.<sup>46</sup> Besides, it was not specifically enforced at any trial held in Athens before that date, and, therefore, its enforcement might have been a moral obligation,<sup>47</sup> rather than a particular form of prosecution. On the other hand, as Bers<sup>48</sup> also points out, this was a way of avoiding, whenever possible, the resentment of those members of the Council who had not taken up arms or offered financial aid in the event of disability or old age—as Lysias emphasises himself—to overthrow the tyranny of the Thirty. By my reckoning, this passage and the speech as a whole revolves around Solon's law, making an effort "to use the language of the law"<sup>49</sup> and even going so far as to mention clearly (in the text cited

<sup>41</sup> Lysias, XXXI, 27-29.

<sup>42</sup> For a summary, see Leão 2002, p. 32; Leão, Rhodes 2015, p. 65-66.

<sup>43</sup> Goldstein 1972, p. 539-542.

<sup>44</sup> It was not the sole argument against Philon joining the Council: see Lysias, XXXI, 20-23.

<sup>45</sup> Goldstein 1972, p. 542.

<sup>46</sup> See note 124.

<sup>47</sup> Grote suggested that the law functioned like a curse: Grote 1849, p. 191. Impracticability: Lavagnini 1947, p. 81-85. Teegarden 2014, p. 162.

<sup>48</sup> Bers 1975, p. 494.

<sup>49</sup> Lysias, XXXI, 15; Goldstein 1972, p. 542-543.

previously) the punishment for breaking it: *atimia*. Lysias' underlying message might have been that "a man who deserves *atimia* for failing in his duty to the *polis* to defend the *demos*, as stipulated in Solon's law on *stasis*, cannot form part of the Council or pass the *dokimasia* to take up office".

#### SOLON AND THE ASSEMBLY OF THE *DEMOS* "IN THE MIDDLE"

Solon's law on *stasis* is mentioned in the *Athenaion Politeia*, right after the reference to another law against those conspiring to overthrow the *demos*, who in such an eventuality would have been tried by the Areopagus:

[...] and trying persons that conspired to put down the democracy (*καταλύσει τοῦ δήμου*), Solon having laid down a law of impeachment (*νόμον εισαγγελίας*) in regard to them.<sup>50</sup>

Even though the formula (*katalusei tou demou*) seems anachronistic, several authors have given credence to a Solonian law prescribing *eisangelia*,<sup>51</sup> which might have been appended to the pre-Solonian law against tyranny. Appending it to the ancient law against tyranny<sup>52</sup> would have been superfluous if the idea had only been to preclude this regime; probably the aim was also to prevent a government of the type prevailing in Athens before Solon's time, and defined by the *Athenaion Politeia* as "oligarchical",<sup>53</sup> from overthrowing the *politeia* and the laws introduced by him. Quite another matter is identifying who tried these cases. Although Aristotle is clear on this issue, referring to the Areopagus, some authors have considered the possibility that these were transferred to the Heliaea, at least when they carried the death penalty.<sup>54</sup> Solon's law on *stasis*, which is mentioned in the *Athenaion Politeia* after this passage, dovetails perfectly with the law of *eisangelia*. The law against neutrality also defended the existing *politeia* not by trying the person or persons who had conspired to overthrow it, but by declaring *atimos* any private citizen (*idios*) who had not become actively involved in times of strife

<sup>50</sup> Aristotle, *Athenaion Politeia*, VIII, 4, tr. H. Rackham (hereinafter for all the translations of Aristotle).

<sup>51</sup> Rhodes 1979; Rhodes (1981, p. 156) postulates the substitution of the original formula by that of *katalusei tou demou*; the original could refer, according to him, to tyranny. Against a Solonian law of *eisangelia*: Hansen (1980, p. 91) who thinks that the *eisangelia* was introduced by Ephialtes before the assembly. But see Carawan 1985; Carawan 1987 (*eisangelia* cases transferred to the *Boule* and the assembly with Cleisthenes, or maybe, even with Solon: see note 53).

<sup>52</sup> Aristotle, *Athenaion Politeia*, XVI, 10. Ostwald 1955, p. 105-109. Pre-Draconian law: Gagarin 1981, p. 72. Pre-Solonian: Dmitriev 2015, p. 41-44.

<sup>53</sup> Aristotle, *Athenaion Politeia*, II, 2.

<sup>54</sup> Ostwald 1986, p. 12; Carawan 1987, p. 191. Possible *epheisis* to the *demos* in cases carrying the death penalty: Ryan 1994, p. 124.

(*stasis*) by placing his arms at the disposal of the *demos*, in its sense as the assembly of the *demos*, in order to avoid, by force of arms, similar situations.<sup>55</sup>

In this section, stress is placed on the importance that Solon gave to the assembly of the *demos*, the *demos* assembled as the legitimate power legitimised by the reforms of the lawgiver, to wit, to each and every one of the citizens as ultimate custodians of the sovereignty and decision-making capacity of the *polis*.<sup>56</sup> This does not mean to say that the elite, who enjoyed exclusive rights legally recognised by Solon, did not now impinge on the sovereignty of the *demos*. Quite the contrary, the conduct of the elite class as magistrates and in the Areopagus, composed probably of former archons since the time of Solon, provides evidence that they still wielded considerable power. With respect to the political importance of the *demos*, Aristotle notes in his *Politics* that Solon “does appear to have founded the democracy (τὸν δὲ δῆμον καταστήσαι) by constituting the jury-courts from all the citizens.”<sup>57</sup> The power of the *demos* was political and judicial, both aspects still being closely interlinked at the time. Aristotle and Plutarch claim that Solon permitted everyone to participate actively in politics, even the *thetes* who were allowed to “attend the assembly and sit in judgement” (συνεκκλησιάζειν καὶ δικάζειν).<sup>58</sup> In the *Athenaion Politeia*, it is said that the lawgiver granted the *demos* the right to appeal/transfer or request a new trial (*ephesis*) to the tribunal (the Heliaea) “in order that the people might be sovereign over the verdict” (ὅπως ἤ τῆς κρίσεως ὁ δῆμος κύριος).<sup>59</sup> Although, as has just been seen, the Areopagus retained the right to try crimes against the state,<sup>60</sup> according to Aristotle Solon apparently granted the *demos* the capacity to judge the *dokimasia* and *euthynai* of the magistrates, an aspect that has

<sup>55</sup> Different phases in the process of reversion of the *politeia*: Maffi 2005, p. 139-140.

<sup>56</sup> For the power of the *demos*: Wallace 1998. More cautiously: Rhodes 2006.

<sup>57</sup> Aristotle, *Politics*, 1274a. The term “democracy” must be understood as the Aristotle’s interpretation as it is anachronistic for Solonian times.

<sup>58</sup> Aristotle, *Athenaion Politeia*, VII, 3. Plutarch, *Solon*, XVIII, 2-4.

<sup>59</sup> Aristotle, *Athenaion Politeia*, IX, 1. Identification of the Heliaea with the *ekklesia*: Ostwald 1986, p. 9-12. Popular courts—*dikasteria*—of first instance: Hansen 1981-1982; Hansen 1989. Only one tribunal: Sealey 1987, p. 60-64. For *ephesis*: Humphreys 1991, p. 28, n. 43. “Transfer” more than “appeal” since Ruschenbusch 1961; compulsory transfer: Sealey 1987, p. 63-65. For a new interpretation of *ephesis*: Pelloso 2016.

<sup>60</sup> But transfer to the *demos* in capital cases might have also been possible: see note 53.

been discussed at length and on which I will not dwell here.<sup>61</sup> In the ninth chapter of the *Athenaion Politeia*, emphasis is placed on the fact that:

[...] and third, what is said to have been the chief basis of the powers of the multitude, the right of appeal to the jury-court—for the people, having the power of the vote, becomes sovereign in the government (γὰρ ὃν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας).<sup>62</sup>

In his poems, Solon himself indicates that “gathered the *demos*” (ἐγὼ [...] συνήγαγον δῆμον), which in all likelihood involved more than physically convening it and can also be interpreted in the sense of politically establishing it as a sovereign body, specifically as *demos* constituted in assembly.<sup>63</sup> In another poem, he stresses, “If I must rebuke the masses [*demos*] openly, their eyes would never have seen in their dreams what they now have.”<sup>64</sup> This fragment is thought-provoking because here Solon claims:

He would not have restrained the masses (κατέσχε δῆμον) nor would he have stopped until he had stirred up the milk and got rid of the cream. But I stood in “no-man’s land” between them like a boundary marker.<sup>65</sup>

Evidently Solon refers to the fact that he could have availed himself of it to set himself up as a tyrant. What is important about this passage is that he presents the *demos* as a key element to achieving political power. The *demos*—admittedly, still heavily

<sup>61</sup> *Dokimasia* entrusted to the *demos*: Aristotle, *Athenaion Politeia*, VII, 1; Plutarch, *Solon*, XXV, 1-2. Also *Euthynai*: Aristotle, *Politics*, 1274a 15-18; 1281b 32-4. *Contra*: Rhodes 1981, p. 316 and p. 542; Ostwald 1986, p. 50-62. Carawan accepts “the right of citizens to bring charges before the *euthynoi* and to initiate prosecutions by *apochairtonia* or an analogous procedure” (appeal to the Court): Carawan 1985, p. 119; Carawan, 1987, p. 188. Also Ostwald (1986, p. 13) suggests the possibility that the *demos* could initiate the *euthynai* process before the Areopagus and/or that it could appeal to the Heliaea following its judgment. *Dokimasia* and *euthynai* directly in the hands of the *demos* with Solon: Jones 1987, p. 67-68; Wallace 1998, p. 18-19; Rihll 1991, p. 113; Ryan 1994, p. 133. Valdés Guía 2002, p. 41-42.

<sup>62</sup> Aristotle, *Athenaion Politeia*, IX, 1.

<sup>63</sup> Solon, fr. 36 W, l. 1-2. In this passage *demos* can be understood in more than one sense: firstly, the common people (the normal use in Solon’s poetry); secondly, the people gathered in assembly; and, lastly, all the Athenians (who take an oath on his laws: see note 66). For these three meanings: Hansen 2010, p. 502-503. *Demos* in Solon: Werling (2010, esp. p. 223-266), who sees in this passage the meeting of a concrete assembly. The *demos* has some “sovereignty” in Homer: *Odyssey*, XVI, 424; XVI, 375-382; *Iliad*, VI, 194; XX, 184; IX, 575-580; Scheid-Tissinier 2002, p. 13-20. For the role of the assembly in the birth of the *polis*: Morris 1994; Raaflaub 1997.

<sup>64</sup> Solon, fr. 37 W, l. 1-3, tr. D. E. Gerber (hereinafter for all the translations of Solon’s poems). In this passage *demos* is referred to the common people (see Hansen, 2010, p. 503, n. 5) rather than to the political body of the Athenians.

<sup>65</sup> Solon, fr. 37 W, l. 8-9. μεταχίμωι is a military metaphor. See Loraux 2001, p. 102-103. Domínguez Monedero 2001, p. 151-152. Martin 2006.

influenced by the elite and subject to their prerogatives—was the ultimate custodian of the sovereignty and decision-making capacity of the *polis*. At least as regards major issues, it presumably had the power to control and judge the political management of the *hegemones tou demou*<sup>66</sup> by applying Solonian laws.

Moreover, Solon made the whole *demos* (all the Athenians) take an oath on his laws,<sup>67</sup> since any one of their number could sit in judgement in the Heliaca. Accordingly, he apparently introduced the Heliastic oath,<sup>68</sup> which in the legend of Ardetos was associated with the one taken by all the people at a time of *stasis* to “Zeus *Basileus*, Apollo *Patroos* and Demeter”, the same cults that were probably introduced in the agora of the Kerameikos in the sixth century.<sup>69</sup> Besides the assembly of the *demos* or the *demos* as the custodian of the sovereignty (*kyrios*) of the *polis*, he established a second *boule* (appended to that of the Areopagus which became a council recruited from former archons)<sup>70</sup> with four hundred members, doubtless with links to the assembly

<sup>66</sup> Solon, fr. 4 W, l. 7.

<sup>67</sup> Oath of all the Athenians: Herodotus, I, 29, 2. The magistrates and “all (*pantes*) swore to observe them [the laws]”: Aristotle, *Athenaion Politeia*, VII, 1. The Council and the *thesmothetai*: Plutarch, *Solon*, XXV, 3. See Pollux, VIII, 142. Hesychius, s.v. “τρεῖς θεοί”. For two oaths, one sworn by all the Athenians and the other only by the magistrates (elite), see Valdés Guía 2002, p. 36-43. For the interesting idea that Solon was on the opinion that sovereignty must rest with the law: McGlew 1996, p. 119. To this should be added that sovereignty must rest with all the *demos* (all the Athenians, rich and poor), as a political body, *acting according to the laws*.

<sup>68</sup> Scholium to Aeschines, I, 114. Pollux, VIII, 122; *Anecdota Graecae*, Bekker, I, 443, 29 f. An oath “for Zeus, Apollo and Demeter” also in scholium to Aristophanes, *Equites*, 941; Demosthenes, LII, 9. On the Heliastic oath, see Demosthenes, XXIV, 147-149. Established by Solon in Demosthenes, XVIII, 6. Heliastic oath from Solon: Bonner, Smith 1930-1938, vol. 2, p. 152, n. 5; Ostwald 1986, p. 12, n. 30.

<sup>69</sup> Zeus *Basileus*, the titular god of the *Stoa Basileia* (Hesychius, s.v. “Βασιλειος στοῶν”; *Anecdota Graecae*, Bekker, I, 222, 29), where all the Athenians and archons swore their oath to uphold the Solonian laws, according to Aristotle (Aristotle, *Athenaion Politeia*, VII, 1), is mentioned in a Solonian poem as the guarantor of the *thesmoi*: Solon, fr. 31 W. Although the *Stoa Basileios* was built at the end of the sixth century or at the beginning of the following one (Shear 1994), it is possible to detect the reuse of ancient building materials in its construction (Thompson, Wycherley 1972, p. 88). Besides, an archaic altar and a statue of Zeus are to be found in the vicinity: Thompson, Wycherley 1972. The nearby temple of Apollo *Patroos* was built in Pisistratus’ time: Thompson, Wycherley 1977, p. 77. For a possible cult of Meter and/or Demeter in the area of the later *bouleuterion*: Thompson 1937, p. 205; Martin 1951, p. 273. See, with a bibliography and discussion, Valdés Guía 2002, p. 36-43. For the agora of the Kerameikos built before Cleisthenes: Camp 2001, p. 32-35; Greco 2010, esp. p. 25 (during the Peisistratid Tyranny). *Contra*: Shear 1994.

<sup>70</sup> Controversy surrounding the Areopagus: Plutarch, *Solon*, XIX, 4.

and whose very existence has been debated long and hard.<sup>71</sup> Some have seen this *Boule* as the Heliaea, but with the possibility of *epheisis* to the assembly, on the strength of the example of the *Boule demosie* of Chios, invested with judicial powers.<sup>72</sup>

At any rate, developments after Solon's reforms portray the political action of the *demos* meeting in assembly to discuss the city's most pressing matters; firstly, in Pisistratus' attempt to seize power, without ruling out the intervention of the *demos* in the events surrounding Damasias.<sup>73</sup> In the Pisistratus episode it was the very *demos*, gathered in assembly, who gave him a bodyguard. The *Athenaion politeia* notes the following in this respect:

Pisistratus [...] inflicted a wound on himself with his own hand and then gave out that it had been done by the members of the opposite factions, and so persuaded the people (συνέπεισε τὸν δῆμον) to give him a bodyguard, the resolution being proposed by Aristophon [emphasis added].<sup>74</sup>

Herodotus also confirms a meeting in the agora where Pisistratus went to ask the *demos* for a bodyguard and in his poems Solon himself hints at a meeting of the people's assembly (σύμπασιν). Lastly, Plutarch explicitly points out that "a general assembly of the people was held".<sup>75</sup> As a matter of fact, Solon's failure to prevent the tyranny of Pisistratus was mainly due to the fact that it was the sovereign *demos* in the *ekklesia* who had voted the tyrant a bodyguard. Theoretically, it should have been the people themselves gathered in assembly who opposed and rose up in arms against Pisistratus (something that would happen later on in the episode involving Isagoras). But this was not the case. So, at the time, Solon's law could be an effective weapon against an "oligarchy" or an "oligarchical" movement, but not so a tyrannical government that most people recognised as being beneficial to themselves.

<sup>71</sup> Aristotle, *Athenaion Politeia*, VIII, 4; Plutarch, *Solon*, XIX, 1. Rhodes (1981, p. 153) gives some credibility to the Solonian *Boule*; also Wallace 1998. Scepticism: Hignett 1952, p. 92-93; Mossé 1979.

<sup>72</sup> The Solonian *Boule* as the Heliaea: Jeffery 1976, p. 93-94 and p. 231-232. Transfer (*epheisis*) to the full assembly on some occasions: Valdés Guía 2003, p. 80. Chios: ML 8; Jeffery 1961, p. 336-337. For the discussion on the Heliaea, see note 58.

<sup>73</sup> Aristotle, *Athenaion Politeia*, XIII, 2.

<sup>74</sup> Aristotle, *Athenaion Politeia*, XIV, 1.

<sup>75</sup> Herodotus, I, 59, 4; Solon, fr. 11 W. Plutarch, *Solon*, XXX, 2-3, tr. B. Perrin (hereinafter for all the translations of Plutarch).

Solon not only made the *demos kyrios* of the *politeia* through the *ekklesia* and the Heliaea (irrespective of whether or not these bodies are identified),<sup>76</sup> but also placed the *demos*, as he had done with himself and his laws, “in the middle” as the arbiters of all the affairs of the *polis*, through consulting his laws, with the capacity to settle all sorts of issues.<sup>77</sup> It was in that very middle ground in which he had placed the *demos* (as well as the legal arbiters of the political actions of the *aristoi*) that Solon also positioned himself. That “middle ground” also had physical attributes. The assembly of the *demos* traditionally met in the agora.<sup>78</sup> Athens was no exception to the rule in the Archaic period, until the establishment of the Pnyx as the seat of the *ekklesia*.<sup>79</sup> In Athens, there are several agorae corresponding to important historical changes in the city as from the Geometric period: the first to the east of the acropolis.<sup>80</sup> The area to the west of the acropolis, where Apollodorus situated the agora and where the Areopagus was to be found, might also be considered as such.<sup>81</sup> Thirdly, the agora of the Kerameikos.<sup>82</sup> The Homeric agora was where the assembly gathered, as well as being the assembly per se, a meeting at which those convened could be “armed.”<sup>83</sup> The episode of Pisistratus’ disarming, apocryphal or not, shows that the Athenians believed that the *demos* could attend the assembly in the agora bearing arms.<sup>84</sup> Similarly, the very existence of the Leocorion—attested to in the times of Pisistratus—whose hero would have originally been Leos, the herald who convened/enrolled the *demos*,<sup>85</sup> paints a similar picture in the Archaic period. The Leocorion stood precisely outside the agora of the Kerameikos, which points to the possibility that the *demos* was enrolled in the new agora and that those convened turned up bearing arms.<sup>86</sup>

<sup>76</sup> For the debate on the relationship between the Heliaea and the *ekklesia*, see note 58.

<sup>77</sup> Aristotle, *Athenaion Politeia*, IX, 2; Plutarch, *Solon*, XVIII, 3.

<sup>78</sup> Homer, *Iliad*, II, 95 f.; XXIII, 934; XXIII, 448 and 451; *Odyssey*, II, 7 and 10; II, 37. Place of justice: *Iliad*, XVIII, 497 f. See Martin 1951.

<sup>79</sup> See Thompson, Wycherley 1972, p. 48. For the Pnyx, see Forsén, Stanton 1996.

<sup>80</sup> Luce 1998 (with bibliography).

<sup>81</sup> Apollodorus of Athens, *FGrH* 244 F 113. See Greco 2010, p. 25.

<sup>82</sup> See note 68.

<sup>83</sup> See note 77.

<sup>84</sup> Aristotle, *Athenaion Politeia*, XV, 4 (*Theseion*). Polyaeus, I, 21, 2 (*Anakeion*). As places of enrolment in classical times: Andocides, I, 45; Thucydides, VI, 61, 2. See Valdés Guía 2002, p. 157-162.

<sup>85</sup> Cult in the Solonian *axones*: Stephanus of Byzantium, *s.v.* “*Hagnous*”. See Plutarch, *Theseus*, XIII.

<sup>86</sup> The Leocorion and enrolment: Robertson 1992, p. 103. For Leocorion in Solonian times see Valdés Guía 2004. For a recent location of the Leocorion in the northwest corner of the agora, near the Stoa Poikile: Camp, Martens 2020, p. 644-649.

This is what occurred in the Panathenaic procession in this area, as shown by the murder of Hipparchus close to the Leocorion. It is not improbable that other places, such as the city's gymnasiums, might have been used at such moments for assembling the people in general and the citizens in arms in particular.<sup>87</sup>

Pisistratus disarmed the *demos*, as the custodian of the sovereignty of the *polis*, to prevent Solon's law from being enforced. Later on, with Isagoras, it was indeed made effective. At the time, the *demos* took up arms and drove out those attempting to establish an oligarchy. According to the *Athenaion Politeia*, the Council<sup>88</sup> "resisted and the multitude banded together" and the people (*demos*) besieged the Acropolis where Cleomenes and Isagoras took refuge for two days.<sup>89</sup> And for his part, Carawan points out that a decree against the followers of Isagoras was passed by the assembly.<sup>90</sup>

At an earlier date, in a *stasis* after Solon's archonship and before Pisistratus seized power, some sources show the lawgiver himself, as a private citizen, trying to enforce this law, as will be seen, by presenting himself in arms before the assembly. This is borne out by the passages from Diogenes Laertius and Diodorus Siculus included in the introduction,<sup>91</sup> in which the agora is explicitly mentioned. Plutarch offers a similar account combining the agora and the assembly of the *demos*, but without explicitly referring to Solon bearing arms, even if *ἀναστὰς* could refer to "rouse to arms":

Now when Peisistratus, after inflicting a wound upon himself, came into the market-place (*εἰς ἀγορὰν*) riding in a chariot, and tried to exasperate the populace [...]. After this the multitude was ready to fight for Peisistratus, and a general assembly of the people was held (*συνήλθεν εἰς ἐκκλησίαν ὁ δῆμος*). Here Ariston made a motion that Peisistratus be allowed a bodyguard of fifty club-bearers, but Solon formally opposed it (*ἀντέπειν ὁ Σόλων ἀναστὰς*), and said many things which were like what he has written in his poems.<sup>92</sup>

<sup>87</sup> Leocorion: Thucydides, VI, 57; I, 20, 2; Aristotle, *Athenaion Politeia*, XVIII, 3. The Heliastic oath was sworn in the Lyceum: Ryan 1994, p. 127-128. Solon and *gymnasia*: Kyle 1984. Military use of the Lyceum: Jameson 1980, p. 224-225.

<sup>88</sup> The Areopagus according to Hignett (1952, p. 146); as a new version of the Solonian Council of four hundred members according to Cloché 1924; Rhodes 1981, p. 153; Carawan 1987, p. 184-185; Wallace 1998, p. 19; Valdés Guía 2003, p. 77-78.

<sup>89</sup> Aristotle, *Athenaion Politeia*, XX, 3. Similarly in Herodotus, V, 72, 2. For the role of the *demos*: Ober 1993; Forsdyke 2005, p. 133-143.

<sup>90</sup> Carawan 1987, p. 185. See scholium to Aristophanes, *Lysistrata*, 273. The Athenians imprisoned them: Herodotus, V, 72, 4-5; V, 73, 1. Carawan sees in this episode "our earliest instance of *eisangelia* to the assembly".

<sup>91</sup> Diogenes Laertius, I, 49; Diodorus Siculus, IX, 4, 1-2.

<sup>92</sup> Plutarch, *Solon*, XXX, 1-39.

This tradition seems to go back at least to Aristotle who, as seen in the passage quoted above, points out that Solon opposed Pisistratus in the context of an assembly.<sup>93</sup> Although he does not explicitly indicate that he presented himself in arms, this seems to have been the case, judging by his description of the events:

It is said that when Pisistratus asked for the guard Solon opposed the request, and said that he was wiser than some men and braver than others [...]. But as he failed to carry them with him by saying this, he brought his armor out in front of his door (ἐξαράμενος τὰ ὄπλα πρὸ τῶν θυρῶν) and said that for his part he had come to his country's aid as far as he could (for he was now a very old man), and that he called on the others also to do the same.<sup>94</sup>

This same tradition is cited by Aelian who also mentions the assembly (παρήλθεν ἐς τὴν ἐκκλησίαν) and says, “Solon sat in front of his house with shield and spear and said that he had taken up arms in defence of his country [ἐξώπλισται καὶ βοηθεῖ τῇ πατρίδι] to the best of his ability.”<sup>95</sup>

On the other hand, Diogenes Laertius refers to another tradition holding that Solon did not join any of the parties: “When civil strife began, he did not take sides with those in the city, nor with the plain, nor yet with the coast section.”<sup>96</sup> Thus, the sources seem to indicate that the lawgiver *literally* enforced his law, insofar as “he placed his arms at the disposal” of the *demos*, viz. of the constituted and legitimate assembly and did not show loyalty for any faction (“without allegiance to either party”). It is common knowledge that his initiative, if true, was unsuccessful and that Pisistratus' first tyranny was established with the acquiescence of the *demos* as a whole. The sources analysed present Solon as bearing arms in the midst of the assembly of the *demos* and, alone, actively opposing the tyranny. He placed himself in that central position in his own poems as a wolf among dogs, again “restraining the *demos*” (κατέσχε δῆμον) or as a shield or as a *horos* in the middle in “no-man's land”.<sup>97</sup> His intention was probably to advocate, through his law, the armed action of each and every citizen at the service of

<sup>93</sup> Aristotle, *Athenaion Politeia*, XIV, 1.

<sup>94</sup> Aristotle, *Athenaion Politeia*, XIV, 2. See commentary of Rhodes 1981, p. 201-202; Gouschin 2016, p. 108.

<sup>95</sup> Aelian, *Varia Historia*, VIII, 16, tr. N. G. Wilson.

<sup>96</sup> Diogenes Laertius, I, 58, tr. R. D. Hicks. For the ambiguity of the expression “does not take part in strife” (στάσεως οὐ μετέχει) when quoting Solon's law: Alexander of Aphrodisia in Aristotle, *Topics*, II, 109b13 (*Commentaria in Aristotelem Graeca*, II, 139, 33); Leão, Rhodes 2015, fr. 38 h.

<sup>97</sup> Solon, fr. 36 W, l. 27. Loraux 2001, p. 102. Cuniberti 2011. As a shield: Solon, fr. 5, l. 5-6 W.

the legitimate power of the city, of the *demos* as a constituent assembly occupying the political centre.

The law on *stasis* and the lawgiver's posture would prevail over time and permeate, in one way or another, the conscience of the *demos* and the narrative of his opposition to Peisistratus. So it would seem that placing the arms at the disposal of the *demos* gathered in assembly, often in the agora, became a duty or moral obligation for combating any attempt at seizing power, whether it was a tyranny (like that of Peisistratus) or the option most feared by the people, *i.e.* a return to the oppressive "oligarchical" political system of the Athenian elite, represented by Isagoras and his three hundred followers.<sup>98</sup> This stance continued to be reflected in the consciences and actions of the Athenians at least at the end of the fifth century, coinciding with another moment of *stasis* and social divide, and in the following century when, due to external and internal circumstances, social cohesion was threatened.<sup>99</sup>

#### SOLON'S LAW ON *STASIS* AND THE ERETRIAN LAW AGAINST TYRANNY (AND OLIGARCHY)

In this section, I would like to make a brief comparison between the second part of the fourth-century Eretrian law against tyranny, discovered in (Aliveri) in 1958—which remained unpublished for a quite a time until being masterfully edited by Knoepfler only recently<sup>100</sup>—and Solon's law on *stasis*, as interpreted here. The similarities are evident and the Eretrian law has doubtless contributed to gain a clearer picture of its Solonian counterpart. However, my aim here is not to dwell on these similarities or, specifically, the Athenian influence on the democracy of Eretria<sup>101</sup> or its anti-tyranny legislation, studied by Knoepfler, or on other similar cases analysed by Maffi.<sup>102</sup>

The first section of the law (A) stipulates the *atimia* of the tyrant, his offspring, and whoever makes an attempt at tyranny and the awards given to the killer of a tyrant or a member of his faction and, on his death, to his children. The law has resonances of

<sup>98</sup> Probably as a council as suggested by Valdés Guía 2002, p. 53.

<sup>99</sup> For the *stasis* at the end of fifth century: Loraux 2001; Shear 2011. See also Gray 2015 (especially chapters two and five).

<sup>100</sup> First part: Knoepfler 2001. Second part: Knoepfler 2002. The fragment in *IG* XII 9, 190 (= fragment A), published in 1857 and since lost, was, according to Knoepfler and Petrakos, the first part of the law.

<sup>101</sup> Knoepfler 2002, p. 157-160.

<sup>102</sup> Above all the Ilion law (*SEG* 46-1562; *IMT* 182): Maffi 2005.

earlier Athenian anti-tyranny laws, especially the decree of Demophantos issued after the restoration of the democracy.<sup>103</sup> In the first section (lines 1-17) of the second part of the Eretrian law, which corresponds to the unpublished fragment—Fragment B—*atimia* is imposed on any magistrate (*bouleutai*, archon or the council itself)—including his descendants—who defends an attempt at tyranny or is absent during such an attempt, as well as on whoever aspires to abolish the constitution in force with a legislative proposal, whether he be a magistrate or private citizen. The law also rewards and declares pure the hands of whoever takes the life of such individuals.<sup>104</sup> Furthermore, it urges the priests and priestesses of Dionysus and Artemis Amarysia to pronounce a curse on anyone speaking out against or acting contrary to these measures.

The fragment which interests us here, and which is reproduced below, appears in the second part (lines 17-26 of fragment B), specifically between lines 20 and 30. The first lines (17-20) contain an incomplete phrase which, in a way, repeats what has already been said in lines 6 to 8 of the text, and which is aimed at whoever puts to a vote, writes up a draft or votes in the assembly to change the *politeia* and establish a regime other than a *boule* or *prytaneia*, whose members were appointed by lot from all Eretrians, namely, a *politeia* contrary to the Eretrian democracy.<sup>105</sup> The rest of the lines (20-24) read as follows:

ἂν δέ τις κ[αθ]ιστεῖ ἢ τυραννίδα] ἢ ὀλιγαρχίην καὶ ἐγβιάρηται, παραχρῆμα βοη[[θεῖν πολίτας  
ἀπάντ]ας τοὶ δῆμοι καὶ μάχην ἄπτειν τοῖς διακωλύ[[ροῦρι τὴν ἐκκλησίην] καὶ πρυτανειήν,  
ἕκαστον ἡγείμενον αὐτὸν I [ικανὸν μάχεσθαι (?) ἄνε]υ [π]αραγγέλματος.

If, on the other hand, someone establishes a tyranny or an oligarchy and imposes itself by violence, that, right now, all the citizens come to the aid of the people (*demos*) and engage the fight against those who will obstruct (the functioning of) the Assembly and (that of) *prytaneia*, each one having to consider himself perfectly fit to fight (?) without waiting for instructions.<sup>106</sup>

This passage is significant for several reasons. Firstly, because it urges, as already noted in a similar but not identical way as regards Solon's law, *all the citizens* (πολίτας ἀπάντ]ας) to take up arms actively to come to the aid of the *demos* (βοη[[θεῖν τοῖ δῆμοι), before specifying that they should fight against whoever obstructs the proper

<sup>103</sup> Andocides, I, 97. For the date, see *infra*, n. 124. For further examples also outside Athens, see Maffi 2005, p. 139-140.

<sup>104</sup> As in the decree of Demophantos: Andocides, I, 95 and 97. See note 124.

<sup>105</sup> Knoepfler 2002, p. 151-160.

<sup>106</sup> All the translations are taken and modified from Knoepfler's translation (in French).

functioning of the assembly. This relationship between the *demos* and the assembly, together with the reference to the *prytaneia* (the representatives of the Council<sup>107</sup>), is interesting. In this case, a clearly active military stance is taken. Knoepfler recognises precedents to these measures in Athens in the decree of Theozotides, which refers to coming to the aid of the democracy (βοηθοντες τῇ δημοκρατίαι) and is echoed in Lysias.<sup>108</sup> In my view, this tradition, not only in Eretria but also in Athens at the end of the fifth century, goes back to the law of Solon. The passage cited above, in which Diogenes Laertius recovers a tradition relating to how the lawgiver acted at moments of crisis brought on by the threat of a tyranny—which has been interpreted here as attributing to the lawgiver the enforcement, now as a private citizen, of his own law on *stasis*—mentions how Solon appeared bearing arms before the assembly and the *Boule*. Both institutions are understood, as is only logical, as being closely associated and identified with the *demos* as a sovereign body.

In the preceding clause of the passage of the Eretrian law cited above (lines 17-20), an attempt is being made to avoid situations such as that which had occurred in Athens with Pisistratus, who had seized power *with the vote of the assembly* on the motion of Ariston, according to Aristotle and Plutarch. At any rate, in Athens in such an eventuality the arms were supposed to be placed at the disposal of the *demos* gathered in assembly, according to my interpretation of the text of the law. The assembly of the sovereign *demos* meeting in the appropriate place (the agora), had to weigh up the danger, as in Eretria, although in this case it was ensured that *an inadequate proposal obtaining a majority of the votes did not jeopardise the political regime*.

Secondly, the fragment refers to tyranny and oligarchy. Knoepfler, who sees this inclusion of “oligarchy” as an innovation belonging to the fourth century, for the term was possibly coined at the end of the previous one<sup>109</sup> following the tyranny of the Thirty, raises the issue of the Athenian Heliastic oath, of Solonian origin, in which the following was sworn: “I will not vote for tyranny or oligarchy.” Knoepfler notes that the oath, which could go back to Solon, would have been reworded over time with the addition of the term “oligarchy”.<sup>110</sup> Notwithstanding the fact that this term and its theoretical basis were developed at the end of the fifth century and above all during

<sup>107</sup> Knoepfler 2002, p. 158-160.

<sup>108</sup> *SEG* XXVIII 46, 1, 5-6. Lysias, XX, 17: οὐδὲ ἐβόηθουν. Knoepfler 2002, p. 166.

<sup>109</sup> Knoepfler 2002, p. 163-164; first epigraphic example in the decree of Theozotides (see note 107).

<sup>110</sup> Demosthenes, XXIV, 149-151, tr. A. T. Murray. See note 67. Problems with the oath: Hansen 1993, p. 217-218.

the following one, the awareness of the fact that the *demos* could be overthrown not only by a tyrant, but also by a regime monopolised by the members of the elite bent on imposing a *politeia* similar to the one existing before Solon, already existed as from the sixth century. Thus, those belonging to Lycurgus' faction in the archaic *stasis* tried in all likelihood to re-establish a more exclusionary government,<sup>111</sup> and later on, at the end of the sixth century, there was attempt to do just that with the coup led by Isagoras and Cleomenes. It was this real threat, together with that of a tyranny, that Solon tried to avoid. The idea was to prevent the *demos* or part of the people from being stripped of their citizenship which was apparently what had happened at the end of the tyranny with the *diapsephismos*.<sup>112</sup>

The following lines of the Eretrian law also have evocative and significant implications for my interpretation of Solon's law (lines 24-30):

Ἄν δὲ τι συμβαίνει ἀδυνα[τέον κατασχεῖν (?) τὸ Ἄγ]οραῖον παραχρῆμα ὥστ' ἐ[ξ]ε[ῖν]αι  
 τεῖ βουλευί I [καθίσαι κατὰ νόμον ἢ ἄν] ἀποκλεισθεῖ ὁ δῆμος τῶν τειχέων, καταλ[αμβά- νειν  
 χωρίον τι τῆ]ς Ἐρετριάδος ὃ τι ἂν δοκεῖ σύνφορον εἶνα[[ι πρὸς τὸ ἐκεῖ συνελθεῖ]ν τοὺς β[ροη]  
 θεόντας πάντας· καταλαβόντα[[ς δὲ ὑποδέχεσθαι τὸν ἐλθ]όντα καὶ βολόμενον τῶν Ἑλλήνων  
 βοηθε[[ῖν τοῖ δήμοι τοῖ Ἐρετριῶν].

If something happens that makes it impossible to occupy (?) immediately the *Agoraion* so that the Council is allowed to sit legally or if the people are detained outside the walls, that one seize a place in the Eretrian, any one, which is considered appropriate for the gathering of all the (people)'s supporters in this place; once it has been taken, let us welcome those Hellenes who will come with the will to help the people of the Eretrians.

It foresees the possibility that the *Boule* cannot sit legally in the agora, as was customary, the *Agoraion* arguably being, as Knoepfler suggests, the place of worship of Zeus *Agoraios*, similar to the *Metreon* in Athens.<sup>113</sup> Additionally, provision is made for the possibility that the *demos* may be away from the city (for instance, on the occasion of a military parade in honour of Artemis Amarysia) and, in such an event, envisages finding an appropriate meeting place in the *chora* where primarily all the Eretrians championing the cause of the *demos* could gather, along with those Greeks willing to support them. It is interesting to note the underlying idea in this text, which is an aspect

<sup>111</sup> Herodotus, I, 59, 3; Aristotle, *Athenaion Politeia*, XIII, 3-4; Plutarch, *Solon*, XIII, 1.

<sup>112</sup> Aristotle, *Athenaion Politeia*, XIII, 5. See also Herodotus, V, 69, 2. To be understood as a collective differing from the banished seven hundred: Herodotus, V, 70, 2; V, 72, 1; V, 73, 1; Aristotle, *Athenaion Politeia*, XX, 2-3.

<sup>113</sup> Knoepfler 2002, p. 172-174.

of vital importance in the event of *stasis*, of the legitimate meeting of the *Boule*, as well as the rallying of the *demos*, in this case bearing arms, as a sovereign body or bodies. The passages in Diodorus Siculus and Plutarch dealing with the *stasis* and the imminent tyranny of Pisistratus, in which Solon intervenes, also mention the agora, the gathering of the *plethos* in arms and the meeting of the assembly of the *demos*. In the Eretrian case, the aim was to convene the *demos*, both the *ekklesia* and the *Boule*, and confer on this meeting a legitimate character.

When late authors show Solon putting the law on *stasis* into effect as a private citizen during Pisistratus' attempt to establish a tyranny, the same happened: the occupation of the agora (in Plutarch and Diodorus Siculus), the gathering of the *demos* in assembly (in Aristotle, Diogenes Laertius, Plutarch and Aelian, and of the *plethos* in Diodorus Siculus) and those gathered placing their arms at the disposal of the *demos* as the legitimate and sovereign governing body. In the case of a crisis brought on by *stasis*, it seems that in both Eretria and the Athens of Solon the political and military meeting of the assembly and/or the *demos* as a whole and of the *Boule* was of vital importance.

The final clauses (lines 30-36) of the Eretrian law, which are not reproduced here, stipulate that whoever does not support the cause of the *demos* (βοηθήσει τοῖς δῆμοι) should be impeached (εἰσαγγέλλειν) before the *prytaneis* and that battle should be joined against him. The text ends with the distribution of land confiscated from those who obeyed a tyrant, or any regime other than a democratic one, among those who have fought for the cause of the *demos*. The impeachment before the *prytaneis* of those who had not supported the cause or who had remained neutral might have avoided awkward situations for the democrats, such as Philon's in Lysias' speech discussed above.

In the last part of the law discussed above, the *demos* occupies the political middle ground. The *Boule* and its *prytaneis*, an executive body closely associated with the *ekklesia*, played an important role and had special prominence in the whole process. The meeting of the *demos* and armed conflict were both vital. The similarities to the actions of Solon in the traditions mentioned since Aristotle by Diodorus Siculus, Plutarch, Aelian and Diogenes Laertius in their writings are obvious and significant. Both the recently edited Eretrian law and the intervention of Solon cast new light on the nature of the law on *stasis*, offering further insights into a legal provision that, to my mind, has often been misconstrued. Namely, it would stipulate that the arms be placed at the disposal of the *demos*, and more specifically the *demos* in the political sense of its meeting as a legitimate and sovereign body, through the *ekklesia/Boule*, without

speaking in favour of any of the factions. The punishment in both cases, in Eretria and in Athens, was *atimia*.<sup>114</sup>

In a nutshell, the Eretrian law, drawing on Athens' previous experience, not only with respect to developments at the end of the fifth century, but also to those of the previous century, places the *demos* and, specifically, the *ekklesia* and the *Boule* in the middle ground as a political projection of that sovereign *demos* and stresses the obligation to place the arms at its disposal and that of the legitimate magistrates in a ready manner, even going so far as to encourage direct armed intervention. The law attempts to avoid those aspects that might have derailed these initiatives, such as voting in favour of an uprising (like Pisistratus') or failing to get actively involved in such an event (like Philon).

#### A POSSIBLE RECONSTRUCTION OF THE SOLONIAN FORMULATION OF THE LAW

In light of the foregoing, I will now return to the original law of Solon to raise the question of whether Aristotle's text contains the original formulation or at least what Scafuro has called a "Solonian kernel".<sup>115</sup> Some authors who believe in its authenticity point out that the final sentence τῆς πόλεως μὴ μετέχειν would not have formed part of the original text insofar as it is a later expression.<sup>116</sup> On the other hand, it is entirely possible that Solon's law of *eisangelia*, listed just before his law on *stasis*, does not contain the original wording, as underlined by the majority of authors in favour of a Solonian origin.<sup>117</sup> Following this line of thought, it could be postulated that the law's formula is close to what it might have been like, but maybe not in an exact or literal sense, at least as regards its complete formulation.

If it is finally accepted that what Solon intended was that, in times of *stasis*, the arms should be actively placed at the disposal of the *demos*—specifically the *demos* gathered in legitimate assembly—to fight any attempt to overthrow the regime (his laws), without joining any faction, this begs a further question. It is conceivable that the formula τιθεσθαι τὰ ὄπλα might have been understood in a similar sense, to wit,

<sup>114</sup> For *atimia*: Hansen 1976a; Piccirilli 1976; MacDowell 1978, p. 73-75; Todd 1993, p. 142-143; Leão 2002, p. 29-31; Poddighe 2006, p. 9-15; Youni 2001, p. 124-132, esp. p. 129-131; Youni 2018; this author contends that archaic *atimia* should not be confused with "outlawry", as is usually the case. See, however, Dmitriev 2015.

<sup>115</sup> Scafuro 2006, p. 179.

<sup>116</sup> Leão, Rhodes 2015, p. 64. See note 7.

<sup>117</sup> See note 50.

“to place one’s arms at the disposal of *the demos/assembly*”, as it has been rendered in the introduction. Even more so when taking into consideration the possibility, in an emergency, of appearing at the assembly in the agora bearing arms,<sup>118</sup> as might be suggested by Solon’s intervention to urge the people to reconquer the island of Salamis. On this occasion, the lawgiver approached the agora<sup>119</sup> and called out, like a herald (which would have involved convening the people’s assembly), to urge the Athenians to fight for the island. In this case, the expression might have been understood at the time as “to report in arms” “to the agora/assembly”, the habitual place to do so, being taken for granted.<sup>120</sup>

However, perhaps it would be more consistent to claim that the original expression or formula was either shortened (or even modified) or, if it had been preserved in a literal sense, might have been more broadly developed in a hypothetical oath which would have accompanied the law, as occurred, for example, with the decree and oath of Demophantos and as Maffi has postulated with regard to Solon’s law.<sup>121</sup> Unsurprisingly, neither has a complete copy of the law come down to us nor has the oath survived, if it indeed ever existed, insofar as it is unlikely that the law was included among the prescriptions contained in the codification undertaken at the end of the fifth century.<sup>122</sup> The reason for this is precisely the existence of a very recent new decree, that of Demophantos, which declared, “If anyone shall suppress the democracy at Athens or hold public office after its suppression, he shall become a public enemy and be slain with impunity; his goods shall be confiscated and a tithe given to the Goddess.”<sup>123</sup> This penalty is similar to that of archaic *atimia*.<sup>124</sup> Andocides explicitly mentions the decree

<sup>118</sup> Something similar with Cylon but towards the Acropolis: see note 21. For the meeting in the agora to expel the Thirty, see note 39.

<sup>119</sup> Solon, fr. 1-3 W. Noussia Fantuzi 2010, p. 203-210. Diogenes Laertius I, 46; Plutarch, *Solon*, VIII, 1-3.

<sup>120</sup> Or also “to place their arms at the disposal of the fatherland/*polis*”, as it could be understood in Lysias, XXXI, 14, from the context of the whole discourse (as in Lysias, XXXI, 8). The people gathered in assembly conceivably decided on war/peace by acclamation from ancestral times; this right might have been ratified by Solon: see Ryan 1994, p. 130-131.

<sup>121</sup> Andocides, I, 97-98; Shear 2007. Maffi 2005, p. 141. Oaths in Solon’s time: see note 66.

<sup>122</sup> Leão, Rhodes 2015, p. 65.

<sup>123</sup> Andocides, I, 96, tr. K. J. Maidment.

<sup>124</sup> See note 113. *Contra*: Youni 2001 and 2018.

of Demophantos as (being based on) “a Solonian law” no longer in force in 400/399,<sup>125</sup> possibly because its text was meant to replace the law on *stasis* by updating or amending it. Therefore, the defence of the existing constitution (democracy) would have been reformulated at the time and the archaic law would not have been included in the legislative review, Demophantos being precisely a member of the board of *sungrapheis*.

As has been argued, the episode of Solon’s intervention in Pisistratus’ first attempt to set up a tyranny, recounted by late authors, which might have been directly related to the law, suggests that the original law might have included a formula similar to those analysed in the first part of this paper. I propose the following formula:

ὅς ἂν στασιαζούσης τῆς πόλεως μὴ θῆται τὰ ὄπλα [μετὰ<sup>126</sup> τοῦ δήμου πλεθύνοντος] μηδὲ μεθ’ ἐτέρων, ἄτιμον εἶναι.

whoever when civil strife prevailed did not join arms with the *demos* gathered in assembly without allegiance to either party was to be disfranchised.

Besides reproducing a literal expression from a subsequent Athenian inscription in defence of the democracy included above (τὰ ὄπλα[α μετὰ] τοῦ δήμου τιθέμενοι),<sup>127</sup> it is also a formula featuring in the famous inscription from the end the fifth century, from 409<sup>128</sup> to be precise, integrating or amending part of an older piece of legislation: μετὰ τοῦ δήμου τοῦ Αθηναίων πλεθύνοντος (line 25).

This has led me to consider that this ancient expression (δῆμος πλεθύων)<sup>129</sup> might be from the time of Solon. Most authors place the origin of the legislation contained in

<sup>125</sup> Andocides, I, 95. The decree of Demophantos (also in Demosthenes, XX, 159) has been traditionally dated to 410 (Cleogenes was secretary in 410/409—*IG I<sup>3</sup> 375*, l. 1—and Andocides mentions him as secretary: I, 96): Ostwald 1955; Gagarin 1998, p. 126-127; Rhodes 2006, p. 250; Shear 2007, p. 149. But see, however, Canevaro and Harris (2012, p. 124-125) who, after Lycurgus, I, 124-127, refer to this decree as if it had been passed following the Thirty, placing it after 403 by arguing that the text in Andocides, I, 96-98 was not a genuine rendering of the decree. They also contend that the Solonian law cited in Andocides was a different one “no longer in force in 400/399” (I, 99) and that it was replaced by the decree of Demophantos. For the oath: Shear 2007. The authenticity of the Demophantos decree (410) in Andocides has been defended, however, by Sommerstein 2014 and Hansen 2015.

<sup>126</sup> For this meaning of *meta* with the genitive: *LSJA II*: “in common, along with”, “in cooperation with”, “with”, etc. *Meta* can also mean “in the midst of”, “among” (*LSJA I*), which may evoke the midway in which Solon placed himself and his laws.

<sup>127</sup> See note 33. Also ἔθετο τὰ ὄπλα μετὰ τῆς πόλεως: see note 34.

<sup>128</sup> *IG I<sup>3</sup> 105*.

<sup>129</sup> Eight times in the inscription: *IG I<sup>3</sup> 105*, l. 25, 35, 36, 37, 40-41, 42, 43, 45-46.

*IG I<sup>3</sup> 105* either at the end of the sixth century or in the first half of the fifth century,<sup>130</sup> although Ryan has argued that the original law could date back to Solon.<sup>131</sup> Be that as it may, the formula δῆμος πλεθύων, and more specifically ἄνευ τοῦ δήμου τοῦ Ἀθηναίων πληθύντος (“without a (full) meeting of the Athenian people”), appearing repeatedly throughout this law,<sup>132</sup> could date back to the Archaic period. The expression is also to be found in two Eleian inscriptions dated to the first half of the fifth century.<sup>133</sup> Some authors translate Δῆμος πλεθύων as “full (or plenary) assembly”,<sup>134</sup> but others, like Hansen or Rhodes, simply render it as “the assembly of the *demos*”, but as opposed to the Council.<sup>135</sup> For my possible reconstruction of the law on *stasis*, I propose “the *demos* gathered in assembly”, but with the idea of a gathering of “all the *demos*”, versus, as in the inscription *IG I<sup>3</sup> 105*, only a meeting of the *Boule*. In the inscription, the *Boule* is forbidden “without a (full) meeting of the Athenian people” (ἄνευ τοῦ δήμου τοῦ Ἀθηναίων πληθύντος) to start or conclude a war, to inflict the death penalty or to impose large fines. What is thought-provoking about this law is that the *demos* takes on a judicial role,<sup>136</sup> the crux of the matter being the contrast or distinction with the *Boule*.

The interaction between the *Boule* and the assembly can be glimpsed in the Eretrian law and, as already observed, in Diogenes Laertius' account of when Solon appeared bearing arms before the assembly, but “the members of the *Boule* [...] declared

<sup>130</sup> From 508-479, but probably in the archonship of Hermocreon (501): Cloché 1920, p. 32-34; Bonner, Smith 1930, vol. 1, p. 340-344. In the first half of the fifth century: Rhodes 1972, p. 113 and 198. With more bibliography, see Ryan 1994, p. 120-122.

<sup>131</sup> Ryan 1994. If he is right in seeing a Solonian origin for this law, the original prescription would show the co-ordinated functioning of the *Boule* and the assembly, both as the Heliaea. Perhaps on some issues the *Boule* as the Heliaea could reach a final decision (*i.e.* imprisonment), but in others (capital punishment, war and high fines) it would have had to refer to the assembly for a vote.

<sup>132</sup> See note 128. Ryan 1994, p. 122.

<sup>133</sup> *Inscr. v. Ol.* 7, l. 5: σὺν βο λαῖ <π>εντακατίο ν ἀρλανέο ς καὶ δάμοι πλε θύοντι (“with the entire council of 500 and the full assembly”); *Inscr. v. Ol.* 3, l. 8: ἄνευ ς βολάν: καὶ ζᾶμον πλαθύοντα (“without the council and full assembly”). Jeffery dates them c. 500 and c. 475: Jeffery 1961, p. 220, n. 5 and 9. See Ryan 1994, p. 123; Epstein 2009, p. 8.

<sup>134</sup> See Bonner, Smith 1930, vol. 1, p. 201-205; Hansen 1976b, p. 121-122. Ryan 1994, p. 131; Epstein 2009, p. 7 and 14. Cloché (1920, p. 29, n. 1) translates it as “assemblée plénière”.

<sup>135</sup> Hansen 1976b, p. 121-122; Rhodes 1972, p. 197-198; this author translates it as “the people in assembly”, in contradistinction to the *Boule*. See Epstein 2009, p. 7.

<sup>136</sup> Ostwald 1986, p. 34-36. Some authors have suggested that the inscription contained part of the original oath of the *Boule* introduced in 501: Cloché 1920, p. 33-34. Oath of the *Boule*: Aristotle, *Athenian Politeia*, XXII, 2; Bonner, Smith 1930, vol. 1, p. 204. Also Rhodes 1972, p. 196. But see Ryan 1994, p. 122-123. Tradition by which Solon instituted the bouletic oath: Demosthenes, XXIV, 148.

that he was mad".<sup>137</sup> In Solon's law on *stasis* it is perhaps possible to glimpse the lawgiver's intention that this issue be addressed by the whole assembly in order that it might not fall solely within the competence of the *Boule*.

Either way, if this reconstruction of Solon's law on *stasis* is accepted, appending a similar formula to that put forward in this last section, the possibility that the law, as reproduced in the *Athenaion Politeia*, might have been incomplete should be pondered. Yet I believe that the account of Solon's very reaction to the crisis involving Pisistratus offers very valuable information not only on the meaning of the law but also on its formulation, since it would form part of a tradition based on it possibly dating back to the Classical period.<sup>138</sup> Furthermore, the significance of this law is corroborated by subsequent anti-tyranny and anti-oligarchy laws and by the Athenian tradition of placing the arms at the disposal of the *demos* at moments of crisis.

#### CONCLUSION

From this perspective, Solon's law, understood as the act of actively placing the arms at the disposal of the legitimate and sovereign power of the *demos* (in the assembly and the *Boule*), without joining any faction, with the intention of promoting the armed (and legal) commitment of the people against these factions, is fully in line with his reforms. Their purpose was to place the laws, on which all the Athenians swore an oath, above all the individual or collective claims of those who not only wanted "not to restrain" the *demos*, like Pisistratus, but also excluded them from the deliberative process and from the ranks of the citizens (*i.e.* Lycurgus and Isagoras). Despite the restrictions characterising the period, the position of the citizenry, especially that of the *thetes*, was consolidated by Solon with political and judicial rights that were closely linked at the time. Moreover, the law is fully in keeping with the posture of Solon, as seen in his poems, and with the actions that tradition attributes to him—rushing "into the assembly armed with spear and shield"—as a private citizen vis-à-vis the political activity of the agora and the assembly.

The reading and interpretation of the law are qualified also by a long tradition in which the accent was placed on the importance of placing the arms at the disposal of the *polis/demos*/democracy/fatherland to counter, by force of arms, any attempt at tyranny/oligarchy. I hold that the relevance of the Eretrian law in this context helps to

<sup>137</sup> Diogenes Laertius, I, 49.

<sup>138</sup> See note 18.

place the spotlight on the interpretation in a correct and coherent fashion. Solon not only placed himself in the political middle ground,<sup>139</sup> but also attempted to do the same with a *demos* politically and militarily gathered (generally in the proper place, *i.e.* the agora) on which he conferred the power to make final decisions on some matters. The assembly was sovereign and the *demos* made the political and judicial decisions, albeit under the supervision and constraints resulting from the political activity of the elites. Solon intended to place the *demos* that he had convened (*sunegagon*) “au milieu de la lice”, as Loraux would say, as guarantors of legitimacy, mainly through legitimate armed action, versus the overthrow of the political regime, though his initiative backfired when the *demos* gathered in assembly preferred Pisistratus to his laws. Later on, the *demos* was apparently now prepared to resort to military force to expel Isagoras, whose intentions were doubtless much more exclusionary than those of the tyrant.

This begs several unresolved questions. Firstly, the importance of the political assembly and, therefore, the characteristics of Solon's reforms in the context of the emergence of the sovereignty of the *demos*. Secondly, the military dimension of the people and the meaning of the *demos* in arms, although not necessarily in hoplitic terms,<sup>140</sup> for the *thetes* also participated in the expulsion of Isagoras.<sup>141</sup> Lastly, it should be considered that in the combination of the alleged law of *eisangelia* with that on *stasis* several stages of legal action against the intention (or crime) of overthrowing the political regime were envisaged.

The law on *stasis* would have attempted to pre-empt the establishment of another regime, whether by a sole individual or by a small group of *aristoi* with exclusionary tendencies. From this standpoint, it could be said that this was effective at the end of the sixth century. It is likely that although the law was not amended at the end of the fifth century because it was replaced by another, it left a lasting imprint on the consciences and attitudes of the Athenian people in the Classical period. By my reckoning, it also contributed to shape, already in this period, the narrative of Solon's reaction to Pisistratus' seizure of power.

The law on *stasis* did not intend to promote “active neutrality”, but rather the armed commitment of each individual as part of a (or before the) sovereign *demos* gathered in assembly. This assembly—and not only the Council—had the capacity

<sup>139</sup> See Loraux 2001, n. 64.

<sup>140</sup> Bers 1975, p. 493, n. 1.

<sup>141</sup> Ober 1993; Ober 1998.

to make decisions and undertake the defence of the *polis* by taking up arms against factions attempting to overthrow the regime and the laws established by Solon. This armed action probably implied that part of the *demos* should be able to arm themselves as hoplites, as I have defended elsewhere.<sup>142</sup>

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*IMT* = M. Barth, J. Stauber (eds), *Inscripciones Mysia und Troas*, Leopold Wenger Institut, 1993.

*Inscr. v. Ol.* = W. Dittenberger, K. Purgold, *Inscripciones von Olympia*, 1896.

*LSJ* = H. G. Liddel, R. Scott, H. S. Jones, *A Greek-English Lexicon*, Oxford, 1996<sup>9</sup>.

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