

Plutarch's Account of Solon's Reforms

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IT IS CLEAR from Plutarch's life of Solon that the legislator's activities encompassed much more than political reforms.¹ Even the commonly discussed economic legislation was more far-reaching than prohibition of debt slavery, cancellation of debts, or re-evaluation of currency, and extended deeply into the social structure. In addition to the political and economic acts, there were other laws which were more social than economic, and these, since they deal with details of private life rather than affairs of state, have been rather neglected by scholars. They may prove very important.

In a discussion of Plutarch's work, we confront a whole array of 'Solonian problems'. The difficulties include matters of chronology and law. As to chronology, the problem of Solon's date has always been a knotty one, and it is salutary to see the persuasive article of Molly Miller in *Klio* 1959, arguing that we should accept the Herodotean date for Solon and put him towards the middle of the sixth century B.C. The questions of law with which scholars struggle stem primarily from apparent conflicts between Plutarch's work and Aristotle's *Constitution of Athens* and within the *Constitution* itself. There is also the fair question of the contemporaneity of all the reforms, including those mentioned by Demosthenes and others, as well as those listed by Plutarch and Aristotle. But, in a discussion of Plutarch's work, and in an examination of the implications of the aggregate of reforms listed in his account, we can put these important problems to the side. The Athenians regarded the change under Solon to have taken place in one legislative lifetime, and we, taking Plutarch's work, can try to estimate what that change was, and what Plutarch thought its significance was.

¹ There were relatively few strictly political reforms. The reforms which were purely political encompassed the repeal of Drakon's laws, except for that dealing with homicides (*Sol.* 17.1), the division into and use of property classes as the basis of the allotment of privileges (18.1-4), the right of a third party to institute suit on behalf of another (18.5), the establishment of the Areopagus and the Council of 400 (19.1), the requirement of political participation (20.1), naturalization laws (24.2), and the regulation of the practice of eating at the public table (24.3).

The private aspect of Solonian legislation appears almost at the beginning of Plutarch's account. In *Solon* 1.3 Plutarch states that Solon wrote a law forbidding a slave to rub with oil, *i.e.*, practice gymnastics, or to practice pederasty. Plutarch's interpretation of this act casts it in the rôle of preserving the honor of these practices, and whether that interpretation is right or not, our introduction to Solon's legislative activity reveals social, not political or economic reform.

Plutarch began the account of the archonship with the cancellation of debts in chapter 15. In chapters 17 through 20.1, beginning with the repeal of the Drakonic code, he enumerated all the other political reforms. But with 20.2 an entirely different series of laws begins, and Plutarch launches into an enumeration of these without any separation from the political reforms, apart from the note that the first of them—that an heiress married to an impotent man is to consort with one of his kinsmen—is peculiar and laughable. That Plutarch was struck only by the strangeness of the law, not by its difference in kind from the political reforms which preceded it, shows that he was not aware of any especial significance of the social reforms attributed to Solon.

There were many such social reforms. The remainder of chapter 20 is taken up with provisions encouraging the impregnation of heiresses² and the prohibition of dowries in marriages not involving heiresses. These provisions, which Plutarch believes tended to discourage avarice, reach deep into the fabric of private life. They establish state control in matters which, so far as we know from any sources dealing with the history of Athenian law, had never before been a concern to the government.³

² The bride is to eat a quince and be shut up with the groom. The husband of an heiress is required to have intercourse with her three times a month. Both these laws, and particularly that involving the quince, may be customs of great antiquity at Athens, but their attribution to Solon illustrates the fact that Solon was regarded as dealing with this kind of law.

³ It is always hard to prove a negative. Aristotle's *Constitution of Athens*, although not interested in private law, does attest the fact that Solon's reforms were involved with private matters, and alludes to the laws about inheritance in chapter 9. There is no indication in any of Aristotle's discussion of prior constitutional history that any laws affected the private sector, and Plutarch implies the initiation of this kind of legislation in 21.2, stating that Solon first provided for wills. Finally, Solon's own writing, as for example the poem quoted by Plutarch in chapter 18, or that cited by Demosthenes in *De Falsa Legatione* 255, implies that he first acted to solve disputes and problems which, ignored before by government, had brought the state to crisis. A complete list of all private legislation attributed by any ancient to Solon is conveniently assembled in chapter v of Kathleen Freeman's *The Works and Life of Solon* (London 1926).

Plutarch's most enlightening statement is that in which he tells us (chapter 21.2) that Solon was respected for his law about wills because previously it had not been possible to make wills, but that the property of the deceased remained in the family. The implication of this remark is that then for the first time, the property of a dead man became a concern of the state. For, when all goods are simply retained by the family, no state intervention is necessary. Wills, on the other hand, require adjudication. We need only turn to the limitations on testamentary procedure described by Plutarch to appreciate the potential litigation involved. Solon allowed inheritance by friends, if there were no children, but he did not permit legacies granted under the influence of sickness, drugs, imprisonment, force, or feminine wiles. It is precisely this kind of limitation which gives rise to litigation, since a family could contest a will as invalid under the Solonian exclusions. This kind of litigation must be settled by the state, as we know it was in times after Solon and as it has been ever since. This passage shows, when we understand its implications, that Solon introduced the state to the control of testamentary procedure. The implications of the statement, or at least of the record available to him, must have been lost to Plutarch, to whom the state rôle in legacies seemed a natural thing.⁴

Another intrusion of the state into private life on a broad scale is legislation providing for the regulation of commerce and agriculture.⁵ Although this legislation had economic implications, it represents major restriction on the use of private property. That the state regulated the digging of wells and the separation of trees, trenches,

⁴ It is perhaps stating the obvious to point out that by the second century A.D. Roman law had developed an extremely elaborate set of regulations for testamentary procedure. In the Greek world, litigation over inheritance is well attested from the time of Isaeus on.

⁵ The laws relating to commerce and agriculture are manifold. Sons not trained to a trade were not required to support their fathers (22.1); only olive oil could be exported (24.1); foreigners could not be naturalized unless they came with whole families to ply a trade (24.2); the Areopagus was authorized to enquire into the livelihood of all and to punish the lazy (22.3). This last law, which carried state intervention to an extreme, was attributed by Theophrastus to Peisistratus, as Plutarch notes in chapter 31.2, referring to it as the law against idleness. Whether Solon's or Peisistratus', that some tradition attributed it to Solon is further evidence of the interference in private activity which was accepted as characteristic of Solon's code. In agriculture (23.5-6) the rules were very detailed. People could use public wells within four stades, but those living farther away than that were required to dig their own. If they could not get water after digging to a depth of ten *orguia*, they could take from neighbors two *hydriae* of water twice a day. Limitations were set on the proximity of specific kinds of trees to neighbors' fields, and distances were set providing for separation of pits, trenches, and beehives from the fields of neighbors.

and beehives from property limits shows an extensive intervention in private property rights. The legislation forbidding the export of any agricultural product besides olive oil is yet another restriction on the disposition of private property.

Finally, Solon's legislation dealt with private matters of funeral expenses (21.4) and of sexual morality (23.1). Although Plutarch thinks it absurd, in connection with sexual matters, to establish different penalties for similar crimes,⁶ he enters no objection to the state's dealing with these private matters. Nor does he object to the state's interference in family matters, as for example in chapter 23.2 where he records that Solon forbade the selling of daughters or sisters unless they were unchaste.⁷

It is quite clear from this short discussion that the legislation attributed to Solon represented a far-reaching change in the relationship between the citizen and the state. In this connection, it is interesting to compare the attitude which Plutarch displays in the *Solon* with that which he shows in the *Lycurgus*. In discussing Lycurgus, Plutarch is aware of the uncertainty of the facts, and admits the possibility that much of the reform of Lycurgus might be a collection of separate acts attributed to one man. Further, he is quite aware that the general effect of the Lycurgan reform was a complete reorganization of Spartan society, while he seems almost completely unaware of the parallel effects on Athens of Solon's legislation.

The reason for the disparity between these assessments is probably to be found in the impressions which the two sets of reforms would have made on Plutarch and on Greeks and Romans of Plutarch's time. To Plutarch, the regulations of Solon, except for minor peculiarities, seemed perfectly reasonable. That the state would control wills and regulate marriages, that it would place restrictions on

⁶ Death was decreed for an adulterer caught in the act, while the penalty for forcible rape was a fine of 100 drachmas, and for seduction 20 drachmas.

⁷ Beyond this, the freeing of sons not trained in a trade from the obligation to support their fathers (22.1) is of course an interference in family life, as is, in a way, the freeing of bastards from that same obligation (22.4). Besides these, there are a number of laws which do not obtain easy categorization, but combine commercial and private regulation and even involve public propriety; such are the laws against speaking ill of the dead, or of the living in public places (21.1), the laws setting prices for religious sacrifices and public prizes (23.3), the law that a biting dog was required to wear a collar (24.1). Finally, the state was put to use for private benefit in regulating the calendar (25.3) and in establishing the precedent of supporting the military disabled, which, according to Heracleides, was carried on by Peisistratus from Solon's example (31.2).

commerce and agriculture, that it could abrogate individual rights for the general advantage would not seem at all revolutionary. Plutarch was familiar with this kind of regulation by both city and imperial governments; he would not be likely to see in such reforms a radical development in human history. His reaction to Sparta and the Lycurgan reforms was quite different. The organization of Spartan society was unique. The Lycurgan reforms would therefore appear to Plutarch as a most exceptional set of laws, and he appraised them as effecting a drastic reorganization of society.

Although Plutarch did not see the implications of the Solonian reforms, the position accorded to Solon in the Athenian tradition indicates that the impact made by the reforms left a lasting mark in Athens. Before Solon, almost all social and economic activities in Athens had been unregulated. But, as Solon himself tells us in his poems, there was great unrest and pressure for the satisfaction of grievances. Although these grievances were in all likelihood primarily economic, there were probably some purely social and political complaints as well. In any case, to make some provision for the alleviation of widespread distress, it was necessary for the first time in the history of Athens to interfere rather extensively into the life of the citizens, and to regulate the conduct of private economic and social affairs as well as political activities. During or at the end of the period of the legislation, however long or short that period was, there was consciousness in the state that the time-honored tradition of non-intervention was being broken. Athens was changed from a society which left most matters to private solution to a state in which much individual activity was controlled by public law.

The re-orientation of Athenian government was fundamental. By the end of the period of reform, the state was concerned with the most intimate details of its citizens' lives. The enactment of the reforms was based on the proposition that the state, in providing for the stability of society, could regulate the individual members of the state to secure that stability. The acceptance of that proposition by the reformer or reformers established it as a principle of government at Athens.

The attempt to satisfy the demands by constitutional means did not succeed. Accepting the principle of state supervision of the society did not mean that all the needs of that society were filled. The government slipped into the Peisistratid tyranny, which, according to

Herodotus and Aristotle, was a good government,⁸ and made the state more responsive to social and economic demands. But the major change in the nature of Athenian government had already taken place before the tyranny. Athens had become a state in which the government exercised some control over private life to provide for the fulfilment of its citizens' aspirations under law.

This was the real significance of the Solonian reforms, and Athenians closer to the events than were writers of the fifth and fourth centuries B.C. were aware of it. Earlier chroniclers, no longer extant, had preserved the details of Solonian activities, and passed on to succeeding generations the record of a great and supremely important period of reform. Later writers, preserving for us some of the significant details, also serve the tradition by reporting that the work was important. But, like Plutarch, they never explain clearly why it was so important, and they fail because they themselves never really quite knew.

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⁸ Although Herodotus (5.78) remarks that the Athenians were less distinguished under tyranny than after it and further reflects the antityranny view (1.59.1), describing Athens as 'held down' by the tyranny, he does admit that Peisistratus ordered the city well (1.59.6). Aristotle elaborates, after hinting in chapter 14 of the *Constitution* that Peisistratus tended to be a democrat; in chapter 16 he goes into considerable detail to show the reasonableness of Peisistratus' government and his concern and care for the poor.