

The Legislation of Lycurgus and Solon

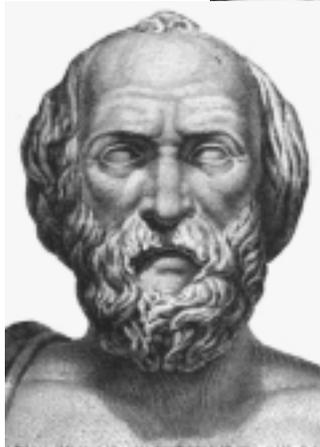
by Friedrich Schiller

Schiller delivered his essay on Lycurgus and Solon in the context of his lectures on Universal History, at Jena University, in August 1789. The essay puts forth two alternative conceptions of government—a republican and an oligarchic form—which have existed since the time of the Greeks. The oligarchic, associated with Lycurgus (ca. 800 BC), reduces man to a beast, denying individual human creativity. Solon's (d. 559 BC) republican government is premised on a conception of man raised to the level of participation in the divine.

Solon's republican principles became the inspiration for Plato's dialogue, *The Republic*, the "Rosetta Stone" for the concept of the nation-state, based on the principle of the common good, or general welfare, which informs our own U.S. Constitution. A renewed struggle to defend those republican principles today, against the push for an fascist, imperial USA, is being led by the political movement of Lyndon LaRouche.

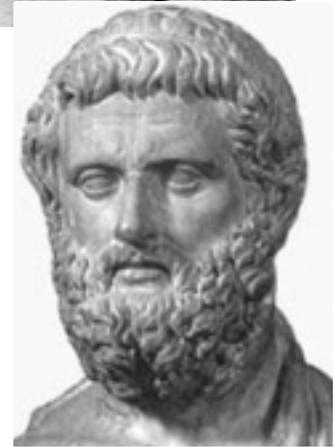
The essay has been abridged, and subheads have been added.

To properly appreciate the Lycurgian plan, we must look back to the political situation in Sparta of that time, and come to know the condition in which he found Lacadaemon [Sparta] when he came forth with his new design. Two kings, both furnished with the same authority, stood at the head of the state; each jealous of the other, each busy to secure himself a following, thus to set limits to the authority of his counterpart on the throne. This jealousy had been passed from the first two kings, Prokles and Eurysthes, and their mutual lineages, down to Lycurgus, so



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Solon the Law-Giver (right) created the first republican constitution, in Athens, while Lycurgus's state was the prototype for an oligarchical tyranny.



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that Sparta was incessantly troubled by factions over this long span of time. By bestowing greater freedoms, each king attempted to corrupt the people to incline to him, and these concessions led the people to become insolent and, ultimately, to insurrection. The state wavered to and fro, between monarchy and democracy, and swung in rapid succession from one extreme to the other. No line was drawn between the rights of the people and the authority of the kings, and wealth flowed into the hands of a few families. The rich citizens tyrannized the poor, and the desperation of the latter expressed itself in revolt.

Torn asunder by internal discord, the weak state had inevitably fallen prey to hostile neighbors, or fallen completely apart into a number of smaller tyrannies. And that is the condition in which Lycurgus found Sparta: No clear distinction between the authority of the kings and the people, unequal distribution of earthly goods among the citizens, lack of public spirit and concord, and complete political destitution, were the maladies confronting the legislator, of which, therefore, he had to take account in his legislation.

As the day arrived, when Lycurgus wanted to announce his laws, he had thirty of the most prominent citizens, whom he had previously won over to his plan, appear armed in the marketplace, thus to instill fear in anyone who might resist. King Charilaus, terrified by these measures, fled into the Temple of Minerva, because he believed it all directed against him. But he was dissuaded of this fear, and in the end became so persuaded, that he actively supported Lycurgus's plan himself.

The first decrees concerned the government. To prevent the republic from ever again being tossed to and fro between royal tyranny and anarchic democracy, Lycurgus established a third power, as a counterweight, between the two; he founded a Senate. The senators, 28 in number, or 30 together with

the two kings, were to side with the people, should the kings abuse their authority, and if, on the other hand, the power of the people became too great, the Senate would protect the kings against the people. An excellent arrangement, whereby Sparta was forever spared the violent domestic turmoil, which had previously so shaken it. It was thus made impossible for either party to tread the other under foot: Against the people and the Senate, the kings could do nothing, and it was impossible for the people to gain the upper hand if the Senate made common cause with the kings.

Abuse of Power

But there was a third case, which Lycurgus left unconsidered—that of the Senate itself abusing its power. The Senate, as intermediary, could as easily join with the kings, as with the people, without danger to the public order. But without danger to the public order, the kings could not join with the people against the Senate. The Senate, therefore, soon began to exploit this advantageous situation, and made excessive use of its authority, in which it was the more successful, since the small number of senators made it easy for them to reach agreement among themselves. Lycurgus's successors filled

A Call From the White Rose

In the summer of 1942, as Hitler's war machine was carrying out its genocidal program with full force, a group of students at the University of Munich began a process of organizing a resistance. Their modus operandi was to print leaflets which they would drop all around the city, and send to other parts of the country—and hope not to get caught. They knew they would pay with their lives if they were apprehended by the Nazis.

The active organizing lasted no longer than until February 1943, when the students were arrested in the act of distribution, and brought before the court of the infamous Nazi Judge Roland Freisler, who had these young people, all in their early 20s, executed within days. The three leaders are shown here.

While the leaflets urged "resistance" to the Nazis as an obligation of the citizen, their appeal was not what most would call "political," but addressed to the fundamental nature of man and the



German Resistance Memorial Center

Hans Scholl, his sister Sophie Scholl, and Christoph Probst, leaders of the White Rose students' resistance movement.

state. For example, the very first leaflet included quotes from Schiller's "Lycurgus and Solon," in which Schiller argues that the purpose of the state is to

serve the individual, not to have the individual serve the state. Spartan Lycurgus's state was without love, and therefore unworthy of the nature of man.

this gap, therefore, and introduced the *Ephors*, who were to rein in the power of the Senate.

More dangerous and bold was the second change Lycurgus instituted: To do away forever with the distinction between rich and poor, he distributed the entire land of the country in equal parts among the citizens. All Laconia was divided into 30,000 fields, the area around the city of Sparta itself into 9,000 fields, each sufficiently large, that a family could easily sustain itself. Now Sparta was beautiful to behold, and Lycurgus himself delighted in the sight of it, as he travelled through the country. "All Laconia," he proclaimed, "is a farm brotherly divided among its brothers."

Lycurgus would gladly have distributed the other earthly goods, as he had the farmland, but there were insuperable obstacles to this plan. He thus attempted to reach this goal by other means, and what he could not change by decree, he took into his own hands.

He began by outlawing all gold and silver coins, introducing iron ones in their stead. He likewise assigned a very low value to the large and heavy pieces of iron, so that a large space were needed to store even a small sum of money, and many horses to carry it away. Lo and behold, to ensure that no one might be tempted to place any great value on this money, and to hoard it, on account of the iron in it, he had the glowing-hot iron, which was used for the coins, quenched and tempered in vinegar, which made it unfit for any other use.

Who would now steal, or allow himself to be corrupted, or even consider hoarding wealth, for the meager gains could neither be kept secret nor employed?

Not enough, that Lycurgus thereby deprived his fellow citizens of the means of luxury—he removed the very objects of the same from their sight, the which might have excited their desire for luxury. Sparta's iron coins were of no use to a foreign merchant, and the Spartans had no others to give him. Artists who worked for luxury, now disappeared from Laconia; no foreign ships appeared any longer in its ports; no adventurer sought his fortune there; no merchants came to prey upon vanities and lusts, for they could carry nothing but iron coins away with them, and in all other countries these were despised. Luxury ceased to exist, for there was no one to sustain it.

In other fields, too, Lycurgus set to work against luxury. He decreed, that all citizens eat together in a public place, and that they all eat the same prescribed meals. It was not allowed to indulge in delicacies at home, nor to eat luxurious foods prepared by one's own cooks. Everyone was required to contribute a certain sum of money, once each month, for the food at the common meals, and he received his meals from the state in return. Fifteen persons usually ate together at one table, and each guest had to be accepted by his companions to be permitted to eat at the common meal. No one was permitted to remain absent without a valid excuse; this part of the decree was upheld so strictly, that Aegis himself, one of the later kings, upon returning from a war gloriously waged, was

denied permission by the Ephors, when he asked to eat with his wife alone at home. Among the Spartan meals, the black soup became famous—a meal in praise of which it is said, that the Spartans had to be courageous, for dying was hardly a worse fate than eating their black soup. They spiced their meals with merriment and humor, and Lycurgus himself was so great a friend of social humor, that he placed an altar to the god of laughter in his house.

Lycurgus gained much for his purpose by introducing these social meals. All luxurious delicacies at the dinner table ceased, because there was no use for them at a public meal. Gluttony was halted completely; healthy and strong bodies were the result of this moderation and order; and healthy fathers were fit to produce strong progeny for the state. The social meals accustomed the citizens to live with each other, and to look upon themselves as members of the same state institution, not to speak of the fact, that such **equality** in the manner of life necessarily exerted influence upon the same emotions. . . .

Fashioning Citizens

Lycurgus understood quite well, that it was not enough to fashion laws for his fellow citizens, he would also need to fashion citizens for these laws. It was in the souls of his Spartans, that he would have to anchor his constitution for eternity; in these he would have to kill the susceptibility to foreign influences.

The most important part of his legislation, therefore, was the provisions made for education, and with these he closed the circle, within which the Spartan state was intended to revolve. Education was an important work of the state, and the state a lasting work of this education.

His concern for children reached as far as their very reproduction. The bodies of virgins were hardened by exercise, to enable them to bear strong and healthy children. They even went naked, in order to withstand all inclement weather conditions. The groom had to kidnap his wife, and was allowed to visit her only at night, and only if he had kidnapped her. That meant, that for the first years of marriage, the two remained strangers to one another, and their love remained new and vital. . . .

As soon as the child was born, it belonged to the state. It was examined by the eldest; if it were strong and well formed, it was given over to a nurse; if it were weak and malformed, it was thrown into an abyss at the Taygetus mountain.

Spartan nurses were famous throughout Greece for the hard education they gave the children, and were even called into foreign countries. As soon as a boy had reached his seventh year, he was taken from his nurse, and educated, fed, and cared for in common with other children of his age. He was trained to endure all hardships, and to achieve mastery of his limbs through physical training. Once they had reached the age of young men, the oldest among them had hopes of finding friends among the adults, who were bound to them

through love. The elders were present at their games, observed their blossoming genius, and encouraged their thirst for glory by praise or criticism. If they wanted to eat themselves full, the children had to steal food, and hard punishment and shame awaited whoever was caught. Lycurgus chose this means to accustom them, from an early age, to deceits and intrigues, qualities he believed as important for the warlike purpose to which he trained them, as bodily strength and courage. . . .

It was forbidden to young Spartans to adorn themselves, except when they went into battle or some other great danger. Then they were allowed to do up their hair, adorn their clothes, and carry decorations on their weapons. Hair, said Lycurgus, made beautiful people more beautiful, and ugly people fearsome. It was certainly a fine trick of the legislator to connect something humorous and festive with matters of danger, to take from the people the sense of fear. He went yet further. In war, he relaxed the strict discipline somewhat, the lifestyle became freer, and offenses were less severely punished. Thus it was, that war alone was a form of recreation to the Spartans, and they took joy in war as if in a festive occasion. As the enemy approached, the Spartan king ordered the Catorian chant sung, soldiers formed in closed ranks, accompanied by flutes, and marched joyfully and fearlessly into danger to the sound of the music.

Lycurgus's plan also entailed, that attachment to property was supplanted by attachment to the fatherland, and that emotions, undiverted by any private concerns, only lived for the state. Thus, he thought it good and necessary, to also spare his fellow citizens the business of normal life, and to let these affairs be attended to by foreigners, so that not even concerns of work, nor the joy of domestic matters, would divert their attentions from the affairs of the fatherland. The farmland and the homes were, therefore, cared for by slaves, who were respected in Sparta as much as cattle. They were called helots, because the first of the Spartans' slaves had been inhabitants of the island of Helos in Laconia, whom the Spartans had sub-



It was said, that the Spartans had to be courageous, for dying was hardly a worse fate than eating their black soup.

dued in war, and made their prisoners. It was from these helots, that all later Spartan slaves, whom the Spartans exploited in their wars, took their names.

The use the Spartans made of these unfortunates was an abomination. They were looked upon as tools, of which one might make use to accomplish one's own political aims, and humanity in them was derided in outrageous ways. To provide Spartan youth deterrent examples of intemperance in drinking, the helots were forced to become drunk, and they were displayed in this condition publicly. They were ordered to sing obscene songs, and to dance ludicrous dances; they were forbidden to dance the dances of the free-born. They were used to even more inhuman ends. The state was intent upon putting the courage of its youth to severe tests, thus preparing them for war through these bloody games. Thus, at certain times, the Senate sent a number of these youth into the country; they were permitted to take nothing but a knife and some food with them on their travels. They were required to remain hidden in the daytime; but, at night, they took to the streets, and beat to death any helots who fell into their hands. This procedure was called the *cryptia*, or ambush, but whether Lycurgus was its originator still lies in doubt. At least, it was consistent with his principles. . . .

Since they were relieved of all their work by the helots, Spartans spent their lives in indolence; the youth trained in war games and skills, and the adults were the audience and judges of these exercises. It was shameful for an older Spartan man to stay away from the place where the youth were trained. And thus, each Spartan lived with the state, and all deeds became **public** deeds. The youth matured under the eyes of the nation, and blossomed into old age. Sparta was constantly in the mind's eye of each Spartan, and Sparta had him, too, constantly in its view. He was witness to everything, and everyone was witness to his life. The lust for glory became an incessant spur, ceaselessly feeding the national spirit; the **idea of fatherland** and **national interests** became intertwined with the innermost life of all of its citizens. . . .

Lycurgus's State

If we cast a fleeting glance at Lycurgus's legislation, we are indeed beset with a pleasant amazement. Among all similar institutions of antiquity, his legislation is incontestably the most accomplished, excepting Mosaic legislation, which it resembles in many features, and particularly in the principles upon which it is founded. Lycurgus's legislation is really complete in itself, everything is encompassed by it, every single thing is bound to every other, and everything is bound together by each single feature. Lycurgus could not have chosen better instruments to accomplish the purpose he had in mind, to create a state, isolated from all others, self-sufficient, and capable of sustaining itself through its internal metabolism and its own vital power. No legislator had ever given a state this unity, this national interest, this community spirit, which Lycurgus gave his state. And how did Lycurgus achieve this? By know-



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ing how to direct the activity of his citizens in the state, and depriving them of all other paths, which might have distracted them from that end.

Everything which captivates the human soul and enflames passions, everything except political interests, he banned by law. Wealth and desires, science and art, had no access to the emotions of the Spartans. Comparisons of fortunes, which enkindle in most people the desire for gain, fell to the side, displaced by the equality of common poverty; the desire for property dropped away with the opportunity for displaying and employing it. By virtue of the lack of knowledge in science and art, which clouded all minds in Sparta in the same way, he spared Sparta the intervention, which an enlightened mind had made in the constitution; just this impoverishment of knowledge, combined with raw national pride, characteristic of every Spartan, always stood in the way of the Spartan's intercourse with other Greek people. They were stamped as Spartans from the cradle, and the more they came up against other nations, the more they had to hold firm to their own. The fatherland was the first theater presented to the view of a Spartan boy, from the moment when he began to think. He awoke in the womb of the state, and all that surrounded him was nation, state, and fatherland. This was the first impression in his mind, and his entire life was a perpetual renewal of this impression.

At home, the Spartan found nothing which might fascinate him; the legislator had deprived his eyes of all enticements. Only in the womb of the state did he find employment, amusement, honor, reward; all his desires and passions were directed to this central point. The state took possession of all the energy, the powers of each of its individual citizens, and it was upon the spirit of community that the community spirit of each individual enkindled itself. Thus, it is no wonder, that Spartan national virtue ultimately attained a degree of strength, which must seem inconceivable to us. And thus it was, that there could be no doubts among the citizens concerning this

republic, when the choice was posed between self-preservation and saving the fatherland.

And so we may understand, how the Spartan king Leonidas, with his 300 heroes, could merit the inscription on his tombstone, the most beautiful of its kind, and the most sublime monument to political virtue. "Tell, you travellers, when you are come to Sparta, that we obeyed its laws, and here are fallen."

Thus, one must concede, that nothing could be more purposeful, nothing more thought-out, than this state constitution, and that it represents an accomplished work of art of its own kind, and, followed through in its full rigor, one which necessarily rested upon itself alone. But were I to end my description here, I had committed a very serious mistake. This most remarkable constitution is contemptible to the highest degree, and nothing more sad could befall humanity, than that all states be founded on this model. It will not be difficult to convince ourselves of this assertion.

In respect of the purpose set for it, Lycurgus's legislation is a masterpiece, of statecraft and human-craft. He wanted a powerful state, founded upon itself, and indestructible; political strength and longevity were the aims for which he strove, and he achieved these aims, to the extent possible under the conditions he confronted. But if one compares the aims Lycurgus set himself with the aims of mankind, then profound disapproval must take the place of the admiration, which our first fleeting glance enticed from us. Everything may be sacrificed for the best of the state, but not that, which serves the state itself only as an instrument. The state itself is never the purpose, it is important only as the condition under which the purpose of mankind may be fulfilled, and this purpose of mankind is none other than the development of all the powers of people, i.e., progress. If the constitution of a state hinders the progress of the mind, it is contemptible and harmful, however well thought-out it may otherwise be, and however accomplished a work of its kind. Its longevity then serves the

more to reproach it than to celebrate its glory—it is then merely a prolonged evil; the longer it exists, the more harmful it is.

In general, we can establish a rule for judging political institutions, that they are only good and laudable, to the extent, that they bring all forces inherent in persons to flourish, to the extent, that they promote the progress of culture, or at least not hinder it. This rule applies to religious laws as well as to political ones: both are contemptible if they constrain a power of the human mind, if they impose upon the mind any sort of stagnation. A law, for example, by which a nation were forced to persist in a certain scheme of belief, which at a particular time appeared to it most fitting, such a law were an assault against mankind, and laudable intents of whatever kind were then incapable of justifying it. It were immediately directed against the highest Good, against the highest purpose of society.

Armed with this standard, we shall not long be in a quandary about how we shall judge Lycurgus's state. One single virtue, displacing all others, was exercised in Sparta: love of fatherland.

It was to this artificial impulse, that the most natural and the most beautiful emotions of mankind were sacrificed.

Political merit was sought at the expense of all moral emotions, and the capacity to attain this political merit was the only capability inculcated. In Sparta there was no marital love, no mother's love, no child's love, no friendship—there were nothing but citizens, and nothing but the virtue of citizens. Spartan mothers were admired, who, in annoyance, shunned their sons returning from battle, mothers who then hurried into the temple to thank the gods for those fallen in battle. One would hardly wish such unnatural strength of mind upon mankind. A tender mother is a far more beautiful phenomenon in the moral world than an heroic, hermaphroditic creature, which spurns natural emotions to fulfill an artificial duty. . . .

Universal human emotions were smothered in Sparta in a way yet more outrageous, and the soul of all duties, respect for the species, was irrevocably lost. A law made it a duty of the Spartans to treat their slaves inhumanly, and in these unfortunate victims of butchery, humanity was cursed and abused. The Spartan Book of Laws itself preached the dangerous principle, that people be considered as means, not as ends—the foundations of natural law and morality were thereby torn asunder, by law. Morality was utterly sacrificed to obtain something, which can only be valuable as a means to this morality.

Progress Ended

Can anything be more contradictory, and can any contradiction have more grievous consequences than this? Not enough, that Lycurgus founded his state on the ruin of morality; in an entirely different way, too, he worked against the highest purpose of humanity, in that, through his well thought-out system of state, he held the minds of the Spartans fast at the level where he had found them, and hemmed in all progress for eternity.

All industry was banned, all science neglected, all trade with foreign peoples forbidden, everything foreign was excluded. All channels were thereby closed, through which his nation might have obtained more enlightened ideas, for the Spartan state was intended to revolve solely around itself, in perpetual uniformity, in a sad egoism.

The business of all its citizens together, was to maintain what they possessed, and to remain as they were, not to obtain anything new, not to rise to a higher level. Unrelenting laws were to stand watch, that no innovation take grip upon the clockwork of the state, that the very progress of time change nothing in the form of the laws. To make this condition perpetual, it was necessary to hold the mind of the people at the level where they stood when the state was founded.

But we have seen, that progress of mind should be the purpose of the state.

Lycurgus's state could persist under but one condition, that the mind of the people stagnate, and he was thus only able to sustain his state by trespassing against the highest and only purpose of the state. Thus, what is cited in praise of Lycurgus, that Sparta would only flourish as long as it followed the letter of its laws, is the worst one might say about it. For the very reason, that it was not permitted to relinquish the old form of state which Lycurgus had given it, without exposing itself to its own destruction, that it had to remain what it was, that it had to stand where one single man had cast it, for that reason Sparta was an unhappy state—and its legislator could not have given it a sadder gift, than this renowned eternal longevity of a constitution, which so stood in the way of its true greatness and happiness.

If we take this together, the false glitter disappears, whereby a single outstanding feature of the Spartan state blinds an inexperienced eye: We see nothing more than a callow, imperfect attempt, the first exercise of the world at a young age, which still lacked experience and brighter insights to recognize the true relationship of things. As defective as this first attempt turned out, it will, and must, remain something noteworthy for a philosophical investigator of the history of man. It was ever a giant step of the human mind, to treat of a subject as a work of art, which up to now had been left to fortuitous consideration and passion. The first attempt in the most difficult of all arts was necessarily imperfect, but we treasure it still, because it was an attempt in the most important of all arts. Sculptors began to carve the pillars of Hermes before they rose up to the perfected form of an Antinous, a Vatican Apollo; law-givers will exercise their attempts for yet a long time, until the happy balance of social forces ultimately comes forth to meet them of their own.

Stone suffers the work of the chisel patiently, and the strings struck by the musician answer him without resisting his finger.

It is only the legislator who works upon a material which is active and resistant of its own accord—human freedom. He can accomplish the ideal only imperfectly, however pure he

may have designed it in his mind, but here the attempt alone is worthy of all praise, if it is undertaken in disinterested benevolence, and purposively accomplished.

Solon: The Law-Giver

Solon's legislation in Athens was nearly the complete opposite of Lycurgus's in Sparta—and, since the two republics of Sparta and Athens play the major roles in Greek history, it is an attractive enterprise to compare their two state constitutions, and to weigh their defects and advantages against one another.

After the death of Codrus, the office of king was abolished in Athens, and its power transferred to an authority who bore the name of *Archon*, who held the office for life. In a span of time of more than 300 years, thirteen such Archons ruled in Athens, but history has preserved to us nothing noteworthy about the new republic over this span of time.

But the spirit of democracy, characteristic of the Athenians even in Homer's time, stirred once more at the close of this period. The lifelong duration of the Archonate was an all too vivid image of the royal authority, and previous Archons had perhaps abused this great and long-lasting power. The Archon's time in office was thus reduced to ten years—an important step toward future freedom, since, by electing a new ruler every ten years, the people renewed its act of sovereignty; every ten years it took back its bequeathed authority, then to relinquish it anew as it saw fit. That served to keep fresh in memory, what the subjects of hereditary monarchies ultimately forget entirely, that the people are the source of supreme authority, that the prince is but a creature of the nation.

For 300 years, the Athenian people had tolerated a lifelong Archon, but it became tired of the ten-year Archons in only 70 years. This was quite natural, for during this time, it had seven times elected an Archon, thus seven times reminded of its sovereignty. The spirit of freedom, therefore, stirred more lively, developed more quickly, in the second period than in the first. . . .

The Archons were elected from the most prominent families, and it was only in later times, that persons from the common people came into these offices. The constitution, therefore, was closer to an aristocracy than to a people's government, and so the people themselves ultimately gained little from the changes.

The arrangement, that nine Archons were elected anew each year, had, in addition to its good side, preventing the abuse of supreme authority, also a very bad side, and this was, that it brought forth factions in the state. For now there were many citizens in the state, who had exercised supreme authority and relinquished it. . . .

Eyes ultimately fell upon an irreproachable and generally feared citizen to bring this disorder under control, one to whom powers were granted to improve the laws, which up to that time consisted but in defective traditions. Draco (ca. 620

BC) was this feared citizen—a man bereft of human sentiments, who believed human nature capable of nothing good, who saw all deeds but in the dark mirror of his own cheerless soul, and was utterly lacking in indulgence for the weaknesses of humanity; a bad philosopher, and an even worse judge of man, with a cold heart, a narrow mind, and unwavering in his prejudices. Such a man was excellently suited to implement laws, but to give laws, a worse choice were hardly possible.

Little of Draco's laws has been left to us, but this little describes to us the man, and the spirit of his legislation. All crimes, without distinction, he punished with death, indolence as well as murder, theft of charcoal or a sheep, high treason and arson. When he was asked, why he punished the lesser offenses as severely as the most grievous crimes, he answered: "The smallest of crimes are deserving of death; for the greater crimes, I know of no other punishment than death—so I treat both equally."

Draco's laws are the attempt of a novice in the art of governing men. **Fear** is the only instrument, through which they take effect. He only punishes an offense committed, he does not prevent it; he takes no care to close off the sources of offense, and to improve people. To snuff out the life of a man because he has committed an evil act, is as much as to cut down a tree because its fruit is foul.

His laws are doubly contemptible, because they have not only the sacred sentiments and rights of man against them, but also because they were not framed for the people to whom they were given. Were any people in the world unlikely to flourish under such laws, the Athenian people certainly were. The slaves of the pharaohs or of the king of kings might eventually have settled with them—but how could Athenians bow under such a yoke? . . .

Draco thus fulfilled his mission very badly, and instead of being useful, his laws only caused damage. Since they could not be obeyed, and there were as yet no others to put in their stead, it was as if Athens had no laws at all, and anarchy most sad tore in upon them.

The condition of the Athenian people at that time was lamentable in the extreme. One class of people possessed everything, the other, on the other hand, nothing at all; the rich mercilessly repressed and exploited the poor. An impenetrable wall grew between them. Distress forced the poor citizens to flee to the rich for relief, to the very leeches who had drained them; at their hands, they found but gruesome relief. For the sums they borrowed, they had to pay immense interest, and if they did not pay on time, they were forced to sell even their lands to their creditors. When they had nothing more to give, and yet had to live, they were forced to sell their own children as slaves, and finally, when this recourse, too, was exhausted, they took credit, secured on their own persons, and had to accept being sold by their creditors as slaves. There was as yet no law in Attica against this abominable slave-trade, and nothing held the gruesome greed of the rich citizens in check. So horrible were conditions in Athens. Were the state not to be destroyed, this dis-



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Solon, giving his Constitution to the people of Athens; the Areopagus, the court established by Solon as the guardian spirit of the laws.



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rupted balance of goods would have to be reestablished by violent means.

To this end, three factions had emerged among the people. The one, which the poor citizens particularly joined, demanded a democracy, an equal distribution of farmland, as Lycurgus had introduced in Sparta; the other faction, consisting of the rich citizens, argued for aristocracy.

The third faction wanted to see the two forms of state combined, and opposed the other two factions, so that no one faction won out.

There was no hope of settling this strife calmly, as long as no one was found to whom all three parties would submit, and whose mediation over them they would acknowledge.

Fortunately, such a man was found, and his services on behalf of the republic, his gentle and reasonable character, and the renown of his wisdom, had for a long time drawn the eyes of the nation to him. This man was Solon, of royal lineage as Lycurgus, for he counted Codrus among his forebears. Solon's father had been a very rich man, but had reduced his wealth through charity, and the young Solon had to become a merchant in his younger years. His spirit was enriched by the travels which this kind of life made necessary, and by intercourse with foreign peoples, and his genius developed in acquaintance with the wise men of foreign countries. Very early he devoted himself to the poet's art, and the skill he achieved in it served him well in later life, in cloaking moral truths and political rules in these pleasing robes. His heart was sensitive to joy and love; certain weaknesses in his youth made him the more considerate toward mankind, and lent his laws the character of gentleness and tenderness, which so beautifully distinguish them from the laws of Draco and Lycurgus. He had also been a valiant commander, had captured the island of Salamis for the republic, and performed other important deeds of war. At that time, the study of wisdom was not yet separated from its political and military effects, as it now is; the wise man was the best statesman, the most experienced soldier, his

wisdom flowed into all business of public life. Solon's reputation resounded throughout Greece, and he enjoyed great influence in the general affairs of the Peloponnese.

Solon was the man who was equally esteemed by all the parties in Athens. The rich placed great hopes in him, for he was himself a man of wealth. The poor trusted him, because he was a righteous man. The judicious among the Athenians wanted him to be their ruler, because monarchy seemed the best means to suppress the factions; his relatives wished this also, but for selfish reasons, to share the rule with him. Solon rejected this advice: Monarchy, he said, **was a beautiful house to live in, but there was no exit from it.**

He contented himself with being named Archon and lawgiver, and assumed this office reluctantly, and only out of concern for the welfare of the citizens.

All Debts Annulled

The first act, with which he began his work, was the famous edict, called *Seisachtheia* or the release, whereby all debts were annulled, and it was forbidden at the same time, that in the future anyone be permitted to borrow on his own person. This edict was naturally a violent assault upon property, but the most urgent need of the state made a violent step necessary. It was the lesser of two evils, for the class of people which suffered from it was far smaller than those whom it made happy.

By this beneficent edict, he did away at once with the heavy burdens which had pressed down the poor class for centuries; but the rich did not become poor as a consequence, for he left them everything they had, and only took from them the means to be unjust. Nevertheless, from the poor he harvested as little gratitude as from the rich. The poor had expected a fully equal distribution of the land, for which Sparta was the example, and

therefore grumbled against him, that he had betrayed their hopes. They forgot, that the law-giver owed justice to the rich, as to the poor, and that the arrangement of Lycurgus was unworthy of imitation, just for the reason that it was founded upon an injustice, which had been avoidable.

The ingratitude of the people forced a modest complaint from the law-giver: "Formerly," he said, "praise welled at me from all sides; now everyone looks upon me with hostile glances." Soon, however, the salutary effects of his edict began to manifest themselves. The land, previously worked by slaves, was now free; the citizen worked the land as his own property, which he had previously worked for his creditor. Many Athenians, sold into foreign countries, who had already begun to forget their mother tongue, saw their fatherland once again as free men.

Confidence was reestablished in the law-giver. He was commissioned with the entire reform of the state, and had unlimited authority to dispose of the property and rights of the citizens. The first use which he made of his powers was to abolish all of Draco's laws—except those against murder and the breach of marriage.

Now he undertook the great work of giving the republic a new constitution.

All Athenians had to submit to a census of their fortunes, and after the census they were divided into four classes, or guilds.

The first was comprised of those who had an annual income of 500 measures of dry and fluid goods.

The second consisted of those who had an income of 300 measures of these goods, and a horse.

The third were those who only had half as much, and where two fortunes had to be combined to make up this sum. They were therefore called the two-teamed.

In the fourth class were those who owned no land and lived only from their craftwork: craftsmen, wage-earners, and artists.

The first three classes could assume public offices; those from the last class were excluded from public office, but had one vote in the national assembly as all the others, and, for that reason alone, had a large share in the government. All major issues were brought before the national assembly, called the *Ecclesia*, and also decided by this assembly: the election of magistrates, assignments to offices, important affairs in law, financial affairs, war, and peace.

Since, furthermore, Solon's laws were afflicted with a certain obscurity, in each case where a judge was in doubt about the interpretation of the law, appeal had to be made to the *Ecclesia*, which made the final decision about how the law was to be understood. The appeal to the people could be made from all tribunals. No one was allowed into the national assembly before the age of thirty years, but as soon as someone had reached the required age, he could not absent himself from the assembly without incurring punishment, for Solon hated and fought against nothing more than indifference to the commonweal.

In this way, the constitution of Athens was transformed into a complete democracy; in the strict sense, the people was sov-

ereign, and it ruled not merely through representatives, but in its own person and by itself.

The Sophists

But soon the disadvantageous consequences of this arrangement became evident. The people had become powerful too soon to wield this privilege with moderation, passion mingled in the public assembly, and the tumult, which such a large number of people excited, did not always permit mature deliberation and wise decision. To obviate this defect, Solon created a Senate, into which were taken 100 members from each of the four guilds. This Senate had to deliberate beforehand on the issues, which were to be laid before the *Ecclesia*. Nothing, which had not previously been taken into consideration by the Senate, was permitted to be taken before the people, but the people alone decided. Once an issue had been presented to the people by the Senate, then the speakers rose to influence their decision. This class of people attained to great importance in Athens, and did as much damage to the republic by the abuse they made of their art, and of the easily swayed minds of the Athenians, as they might have contributed, if, free of private ambitions, they had had the **true** interests of the state always in mind. The speakers summoned up all the contrivances of eloquence to make the side of an issue appear best to the people, which they most favored themselves; and, if a speaker were a master of his art, all hearts were in his hands. The people retained the full freedom to elect or reject, but, by the art employed to present issues to the people, its freedom was controlled. A most excellent arrangement, if the function of the speakers had always remained in pure and loyal hands.

But soon these speakers became Sophists, who staked their fame on making the bad appear good, and the good, bad. In the center of Athens, there was a large public square, surrounded by statues of the gods and heroes, called the *Prytaneum*. The Senate met on this square, and for that reason the senators were called *Prytanes*. The Prytanes were required to lead irreproachable lives. No spendthrift, no one who had treated his father irreverently, no one who had become drunk even once, might even conceive of seeking this office.

As the population of Athens increased, and instead of the four guilds, which Solon had introduced, ten were established, the number of Prytanes was increased from 400 to 1,000. But of these 1,000 Prytanes, only 500 were active in a given year, and even these 500, never all at once. Fifty of them governed for five weeks, such that, in any given week, only ten were in office. Thus, it was entirely impossible to make decisions arbitrarily, for each of the Prytanes had as many witnesses and custodians of his actions as he had fellow officials, and the successor was always able to criticize the administration of his predecessor. Every five weeks, four popular assemblies were held, not counting the extraordinary sessions, an arrangement, which made it entirely impossible, that an issue remained long undecided, and the process of business delayed.

In addition to the Senate of Prytanes, which he newly cre-

ated, Solon also reestablished the authority of the *Areopagus*, which Draco had degraded. He made it the supreme keeper and guardian spirit of the laws, and tied the republic to these two courts, as Plutarch says, the Senate and the Areopagus, as to two anchors.

The two courts were established to guard over the preservation of the state and its laws. Ten other tribunals took care of the application of the laws, the execution of justice. There were four courts dealing with murder cases, the *palladium*, the *delphinium*, the *phreatys*, and the *helia*. . . .

As soon as a death sentence was spoken, and the defendant had not chosen to escape it by voluntarily going into exile, he was handed over to the eleven men; this was the name of the commission, to which each of the ten guilds delegated one man; these ten, together with the executioner, made eleven. These eleven men were the guardians of the prison, and carried out the death sentence. The forms of death conceived for criminals in Athens were of three kinds: either the criminal was thrown into a gorge or into the sea; or he was executed with a sword; or he was given hemlock to drink.

Before the death penalty, there came banishment. This punishment is horrible in happy countries; there are states, where it is no misfortune to be banished. That banishment came before the death penalty, and, if it were forever, it was equivalent to death, is a beautiful testimony to the self-conception of the Athenian people. The Athenian who lost his country, was unable to find another Athens anywhere the world over.

Banishment also entailed the confiscation of all property, except in the case of ostracism.

Citizens who, either on account of particular merit or of fortune, had attained to greater influence and reputation than compatible with republican equality, were temporarily banished—**before they had deserved it**. To save the state, one was unjust toward individual citizens. The idea behind this custom, is laudable in itself, but the means chosen manifests a childish policy. This form of banishment was called *ostracism*, because the vote was made on shards of pottery. Six thousand votes were necessary to impose this punishment upon a citizen. Ostracism, by its nature, necessarily affected the meritorious citizen, and therefore **honored** him more than it shamed him—but it was no less unjust on that account, and gruesome, for it deprived him, who was most worthy, of what was dearest to him, his homeland. A fourth kind of punishment of criminal offenses was the punishment of the pillars. The criminal's guilt was written upon a pillar, and this dishonored him and his entire family.

Six tribunals existed to decide lesser civil offenses, but they never became important, because those convicted could always appeal to the higher courts and to the Ecclesia. Everyone represented his own case (women, children, and slaves excepted). A water-clock determined the length of his and his accuser's arguments. The most important of these civil offenses had to be decided within twenty-four hours.

So much for the civil and political institutions of Solon, but the legislator did not limit himself to these alone. The advan-

tage the ancient legislators had over more recent ones, is that they framed their laws for the people who would be governed by them, that they also took account of the character of social relationships, and never severed the citizen from the human being, as we do. Among us, it is not seldom, that the laws are in direct contradiction to morality. Among the ancients, laws and morality stood in a more beautiful harmony. Their body politic, therefore, had a warmth of vitality, which ours lacks; the state was inscribed in the souls of its citizens with indestructible strokes.

One must, however, be very cautious in praise of antiquity. One may generally say, that the **intentions** of the ancient legislators were wise and laudable, but that they were in want of means. The means applied often manifested wrong ideas, and a biased form of conception. Where we remain too far behind, they hastened too far forward. If our legislators have been wrong to entirely neglect moral duties and morality, the Greek legislators were wrong, in that they enjoined moral duties with the force of law. The first condition for the moral beauty of deeds is freedom of will, and this freedom is gone, as soon as one wants to enforce moral virtue by punishment under law. The most noble privilege of human nature is to decide for itself, and do what is good for the sake of the good. No civil law may **command** loyalty toward friends, generosity toward the enemy, gratitude to father and mother, for as soon as it does so, a free moral sentiment becomes a work of fear, a slavish impulse.

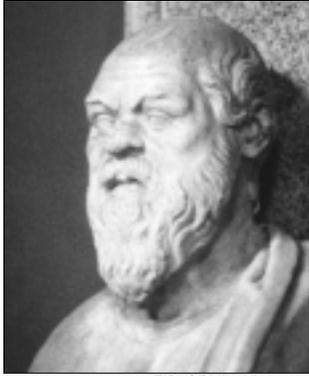
A Cohesive Whole

But, once more we return to our Solon.

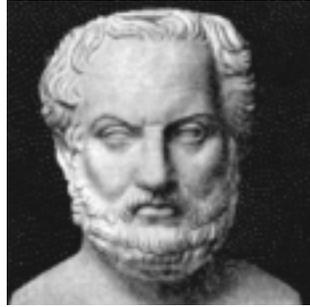
One of Solon's laws decrees, that every citizen consider an insult against another person to be directed at himself, and that he shall not rest until the insult has been avenged. The law is an excellent one, considering Solon's intent. His intent was to imbue the citizen with a warm sympathy for all others, and to accustom all together to look upon each other as members of a cohesive whole. How pleasantly surprised we would be, if we came into a country, where every passerby, uncalled for, stood to protect us against someone who had insulted us. But much of our pleasure were lost, were we told at the same time, that our protector had been compelled to act so beautifully.

Another law which Solon enacted, declared anyone without honor, if he remained neutral in an insurrection. This law, too, was based upon an unmistakably good intention. The legislator's concern was to instill in the citizens the most ardent interest in the state. To him, indifference toward the fatherland was the most hateful quality of his citizens. . . .

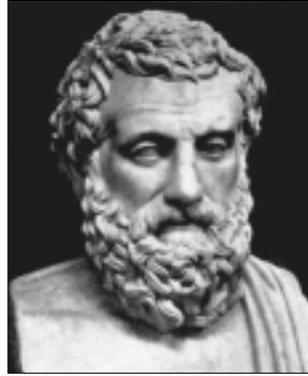
These laws, he decreed, should be in force only for 100 years—how much further he saw than Lycurgus! He understood, that laws are but servants of education, that nations in their adulthood require a different guide than in their childhood. Lycurgus perpetuated the childhood of the minds of the Spartans, thereby to perpetuate his laws among them, but his state disappeared with its laws. Solon, on the other hand, expected his laws to last only 100 years, and many of them are still in force to this day in



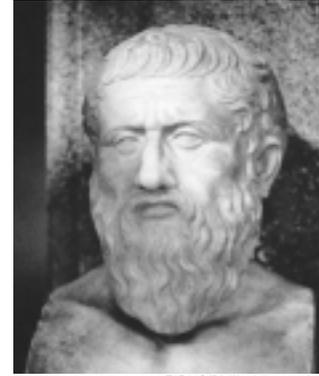
EIRNS/Philip Ulanowsky
Socrates



Thucydides



clipart.com
Sophocles



EIRNS/Philip Ulanowsky
Plato

Roman law books. Time is a just judge of merit.

Solon has been accused of having given the people too much authority, and the accusation is not unfounded. By steering too far wide of one reef, **oligarchy**, he ran too close to another, **anarchy**—but yet, only too close, for the Senate of Prytanes and the court of Areopagus were strong reins upon democratic authority. The evils, which are inseparable from a democracy, tumultuous and impassioned decisions, and the spirit of faction, were obviously unavoidable in Athens—but these evils are to be attributed more to the form which he chose, than to the essence of democracy. It was a severe mistake, that he let the people decide in person, rather than through representatives, which could not proceed without tumult and confusion, on account of the large number of people without wealth. Ostracism, for which at least 6,000 votes were required, allows us to glean how stormy such popular assemblies may have been.

On the other hand, if one considers, how familiar even the most common Athenian was with the affairs of the commonweal, how powerfully patriotism worked in him, how much the legislator had taken care, that the fatherland was the most important thing to every citizen, one will obtain a better idea of the political understanding of the Athenian populace, and also beware of premature conclusions about their common people, judging by our own. All large assemblies always have a certain lawlessness in the consequence—but all smaller assemblies have trouble keeping themselves pure of aristocratic despotism. To hit a happy mean between the two, is the most difficult problem, which coming centuries shall have to solve.

To me, the spirit remains admirable, with which Solon was inspired in his legislation, the spirit of healthy and genuine statecraft, which never lost sight of the fundamental principles, upon which all states must rest: to give unto oneself the laws which are to be obeyed, and to fulfill the responsibilities of the citizen out of insight, and out of love of the fatherland, not out of slavish fear of punishment, not out of blind and feeble submission to the will of a higher authority.

Beautiful and fitting it was of Solon, that he had respect for human nature, and **never sacrificed people to the state, never the end to the means**, rather let the state serve the people. His laws were loose bonds, in which the minds of the citizens moved

freely and easily in all directions, and never perceived, that the bonds were directing them; the laws of Lycurgus were iron chains, in which bold courage chafed itself bloody, which pulled down the mind by their pressing weight. All possible paths were opened by the Athenian legislator to the genius and diligence of his citizens; the Spartan legislator walled off all of his citizens' potentials, except one: political service. Lycurgus decreed indolence by law, Solon punished it severely. In Athens, therefore, all virtues matured, industry and art flourished, the blessings of diligence abounded, all fields of knowledge were cultivated.

All the Arts and Virtues

Where in Sparta does one find a Socrates, a Thucydides, a Sophocles, and Plato? Sparta was capable of producing only rulers and warriors—no artists, no poets, no thinkers, no world-citizens. Both Solon and Lycurgus were great men, both were righteous men, but how different were their effects, since they proceeded from principles diametrically opposed. The Athenian legislator is surrounded by freedom and joy, diligence and superfluity—surrounded by all the arts and virtues, all the graces and muses, who look up to him in gratitude, and call him father and creator. About Lycurgus, one sees nothing but tyranny and its horrible partner, slavery, which shakes its chains, and flees the cause of its misery.

The character of an entire people is the most faithful impression of its laws, and thus also the surest judge of its value, or lack thereof. Limited was the mind of the Spartan, and insensitive his heart. He was proud and haughty toward his fellows, severe toward the vanquished, inhuman toward his slaves, and slavish toward his superiors; in his transactions, he was unscrupulous and faithless, despotic in his decisions, and his greatness, even his virtue, lacked the pleasing grace, which alone wins hearts.

The Athenian, quite the contrary, was gentle and tender of behavior, politely intelligent in discussion, kind to inferiors, hospitable and helpful to foreigners. He loved delicacies and finery, but that did not prevent him from fighting like a lion in battle. Clothed in purple, in scented oils, he brought Xerxes' millions and the raw Spartans, alike, to tremble. He loved the pleasures of the table, and only with difficulty resisted the

lures of lust, but gluttony and shameless behavior brought dishonor in Athens. Delicacy and decorum were more practiced by no other people in antiquity than the Athenians; in a war with Philip of Macedon, the Athenians had captured a number of the king's letters, among them also one to his wife: All others were opened, this one was returned unopened.

The Athenian was generous in fortune, and steadfast in misfortune; it cost him nothing to dare everything for the fatherland. He treated his slaves humanely, and a mistreated slave was permitted to accuse the tyrant in court. Even animals experienced the generosity of this people: After the construction of the temple of Hecatonpedon was completed, it was decreed, that all beasts of burden employed in the construction were to be freed, to feed themselves at no cost for the rest of their lives upon the best meadows. Later, one of these animals came to work of his own, and ran mechanically around the other animals. This sight so touched the Athenians, that they decreed special treatment in the future for this animal at the cost of the state.

I owe it to justice, however, not to remain silent about the defects of the Athenians, for history should not be a eulogy. This people, whom we admire for its fine morality, its gentleness, and its wisdom, not seldom sullied itself with the most shameless ingratitude toward its greatest men, and with cruelty toward its vanquished enemy. Corrupted by the flattery of its speakers, haughty in its freedom, and in vanity of so many brilliant advantages, it repressed its allies and neighbors often with unbearable pride, and let itself be guided in public deliberations by frivolous swindlers, who often destroyed the efforts of the wisest statesmen, and tore the state to the abyss of ruin. Every individual Athenian was tractable and impressive; but in public assembly, he was no longer the same person. Thus, Aristophanes describes his countrymen to us as reasonable old men at home, and as fools in the assemblies. Love of fame and thirst for novelty took hold of them to the point of excess; for fame, the Athenian would often risk all his earthly goods, his life, and not seldom—his virtue. A crown of olive branches, an inscription of a pillar proclaiming his merit, were to him more a spur to fiery deeds than all the treasures of the great king were to the Persian.

As much as the Athenian people exaggerated its ingratitude, it was as excessive, in turn, in its gratitude. To be accompanied home in triumph from the assembly by such a people, to entertain it only for one day, was a higher pleasure to the Athenian thirst for fame, and a truer pleasure, too, than his most beloved slave can give to a monarch, for it is something quite different indeed to stir an utterly proud and tender people, than to please one single person. The Athenian had to be in incessant movement; ceaselessly, his mind snatched for new impressions, new pleasures. This addiction to novelty had to be fed each day anew, should it not turn against the state itself. . . .

Solon's Travels

The evening of Solon's life was not as cheerful as his life

had deserved. To escape the obtrusiveness of the Athenians, who haunted him daily with questions and proposals, as soon as his laws came into effect, he travelled through Asia Minor, to the islands, and to Egypt, where he discussed with the wisest men of his time, and visited the royal court of Croesus in Lydia, and the court at Sais in Egypt. The stories told of his meetings with Thales of Miletus and with Croesus, are too well known to repeat here. Upon his return to Athens, he found the state thrown into confusion by three factions, led by two dangerous men, Megacles and Pisistratus; Megacles made himself powerful and feared by his wealth, Pisistratus by his political shrewdness and genius. This Pisistratus, Solon's former favorite and the Julius Caesar of Athens, once appeared before the popular assembly, pale and stretched out on his wagon, covered with blood from a wound he had inflicted upon his own arm. "Thus," he said, "have my enemies mistreated me on your account. My life is in perpetual danger, if you do not take measures to protect it." Thereupon his friends proposed, as he had instructed them, that he should receive a bodyguard, who should accompany him whenever he went out in public. Solon surmised the fraudulent intent of this proposal, and set himself energetically, but in vain, against it. The proposal was accepted, Pisistratus received a bodyguard, and soon thereafter he was at its head, when the guard seized the citadel of Athens. Now the veil fell from the Athenians' eyes; but too late. Terror took hold of Athens; Megacles and his followers escaped from the city, and left it to the usurper.

Solon, who alone had not been deceived, was now the only one who did not lose courage; as much trouble as he had taken to hold his citizens from their rashness when there was still time, as much he now took to revive their sinking courage. When no door opened to him, he went home, placed his weapons in front of his door, and called out: "Now I have done what I could for the best of the country." When his friends asked him, what made him so courageous to spite those more powerful, he answered: "My old age gives me the courage." He died, and his last glimpses saw his country not free.

But Athens had not fallen into the hands of a barbarian. Pisistratus was a noble person, and honored Solon's laws. Subsequently banished twice by his opponents, and twice again become master of the city, until he finally maintained his rule in calm, by his services on behalf of the city and his brilliant virtues, it was soon forgotten, that he was a usurper. Under him, no one noticed, that Athens was no longer free, so mild and gentle was his government, and it was not he, but Solon's laws, which ruled—Pisistratus opened the Golden Age of Athens; under him, the beautiful morning of Greek arts dawned. He died, mourned as a father.

His work begun was carried forward by his sons, Hipparch and Hippias. Both brothers governed in harmony, and the same love of science inspired both. Simonides and Anacreon flourished under him, and the Academy was founded. Everything hastened toward the magnificent age of Pericles.

—Translated by George Gregory