A HISTORY OF THE SCHOLARSHIP
ON THE SEISACHTHEIA OF SOLON

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It is pointed out that early in the period considered it is common for scholars to argue that land was alienable in the time of Solon, that the *horoi* were mortgage stones, and that coinage was in use in Attica early in the sixth century B.C. However, with the passage of time, there is a gradual shift away from these views. A dividing line in the scholarship on the *seisachtheia* is the publication of Aristotle's *Athenaion Politeia* in 1891. This work contains the statement that “in all cases, loans were on personal security until Solon’s time.”

In the conclusion of the thesis a position is taken with regard to the issues raised by the scholars dealt with in the thesis. The following views are defended in the thesis: The *hektemoroi* were not indebted small proprietors but hereditary serfs. The rent the *hektemoroi* paid was one-sixth, not five-sixths. The *horoi* were not mortgage stones but boundary stones. Land changed hands with difficulty in Attica.
early in the sixth century B.C., but some land was alienable. Alienability of land followed upon the *seisachtheia*. Πρᾶσις ἐπὶ λύσει is only conceivable if land is alienable. The *seisachtheia* was more extensive than a mere cancellation of debts. It changed the status of the *hektemoroi* and of the land.
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INTRODUCTION

The purpose of this thesis is to examine the history of the scholarship on the *seisachtheia* of Solon from the nineteenth century until the present. We survey the evolution of scholarly opinion on such questions as who were the *hektemoroi*, what were the *horoi* which Solon said he removed from the land, the nature of land tenure in Attica at the beginning of the sixth century B.C., and the interpretation of Solon's *seisachtheia*, and then in our conclusion we state our opinion on the various issues raised by the scholars we have dealt with.

It seems good, before we go any further, to say a word about the date of Solon. The traditional date for Solon's archonship is 594-593 B.C. This date derives from Apollodoros' *Chronica*. However, scholars have questioned the traditional date for various reasons. In his *A History of the Athenian Constitution to the End of the Fifth Century B.C.* (316-321), C. Hignett expresses the view that Solon's *seisachtheia* occurred not in his archonship, but in the 570's. This theory has the advantage of greatly reducing the gap between Solon and Peisistratus, a gap which is hard to account for if one assumes, as some scholars do, that Peisistratus' rise to power signified that Solon's *seisachtheia* did not resolve the social conflict. However, as we state in our conclusion, we think that the *seisachtheia* was an effective remedy for the situation Attica was faced with, and that thus it is not necessary to move the date of the *seisachtheia* forward in order to reduce the gap between Solon and Peisistratus.

Doubt was also cast on the traditional date for Solon by the discovery of the *Athenaion Politeia*. At *Athenaion Politeia* XIV, 1, Aristotle says that Komeas' archon-
ship and Peisistratus' seizure of power occurred thirty-two years after Solon's nomothesia. Since we know the date of Komeas' archonship, 561-560 B.C., we can infer that in this passage Aristotle dates Solon's archonship to 592-591 B.C., which is in conflict with another passage of the Athenaion Politeia, viz. XIII, 1. Some Scholars have thought that the passage (XIV, 1) should be emended and that δ (the number four) should be read for δευτέρῳ. We do not know what to think of this proposal, although we accept the traditional date for Solon.

N.G.L. Hammond has suggested that Solon held two separate commissions. According to Hammond, Solon's seisachtheia occurred in his archonship in 594-593 B.C., and his constitutional legislation, to which Aristotle is referring at Athenaion Politeia XIV, 1, occurred in 592-591 B.C. We agree with the criticism of Hammond's interpretation expressed by T.J. Cadoux in his article 'The Athenian Archons from Kreon to Hypsichides,' published in the Journal of Hellenic Studies LXVIII (1948), 93-99. In particular, we think that if Aristotle had meant to say that Solon held two separate commissions, he probably would have said who was archon in 592-591 B.C.

We conclude this discussion about the date of Solon by stating that although we have not thoroughly mastered the detailed arguments that have been made on all sides of the question, we are inclined to accept the traditional date for Solon as other scholars do, for example P.J. Rhodes (Rhodes 1993, 120-122).

We now turn to an outline of the history of Attica in the seventh and sixth centuries, with a view to setting the seisachtheia in its historical context. In the seventh century B.C. a situation of latent conflict and unstable equilibrium prevailed
among the various factions of the ruling class in Attica. In these unsettled circum-
stances an Athenian nobleman, Kylon, attempted to seize the acropolis with a band
of armed followers and establish a tyranny. There was no popular support for this
attempted coup, and after being blockaded on the acropolis, Kylon and his support-
ers sought refuge in the temple of Athena Polias. They agreed to leave the temple
on the condition that their lives would be spared, but the promise was not kept and
they were put to death.

Kylon's attempted coup probably occurred in the archonship of Megacles, in
632-631 B.C., and must be seen in the context of Athens' conflict with Megara over
Salamis. Kylon's father-in-law was Theagenes, the tyrant of Megara, and his coup
had Megarian backing. Its success would have converted Athens into a puppet state
of Megara. At that time there may have been pro-Megarian forces in Athens among
the pedieis, who grew a grain crop. Those who grew vines or olives and favoured
the development of Athenian export trade, which would have been promoted by the
capture of Salamis, tended to be anti-Megarian. The interests of the poor, who were
distressed by high grain prices, lay rather with the anti-Megarian faction. The cause
of Kylon may thus be viewed as an anti-popular cause. The Alcmaeonidae, on the
other hand, who were responsible for the suppression of the Kylonian conspiracy,
tended to be identified with popular causes.

Probably as a result of the Kylonian conspiracy Drakon was appointed to
write down the laws of Athens in the archonship of Aristaichmos, in 624-623 B.C.
(T.J. Cadoux, 1948, 121) or 621-620 B.C. (Stroud, 1968, 75). The supporters of the
Kylonians were waging a vendetta against the Alcmaeonidae, accusing them of sacrilege and homicide. Drakon's law on homicide put an end to blood feuds of this type, and instituted a legal procedure for dealing with cases of homicide. Thus the Alcmaeonidae had something to gain by having the law on homicide written down. Furthermore, the institution of a written law was a measure that would have had popular appeal. And popular support for Drakon's legislation may also have been purchased by the promise of concessions "in land tenure, debt, and criminal law" (Stroud, 1968, 73).

Although Drakon's law on homicide put an end to armed struggle among the various factions of the aristocracy, the conflict between the Alcmaeonidae and their enemies did not cease. Unable to continue their armed campaign against the Alcmaeonidae, the supporters of the Kylonians accused them of sacrilege (ἀσέβεια). The Alcmaeonidae were duly tried, convicted, and driven into exile. The bones of the dead members of the clan were dug up and cast out beyond the borders of Attica. The date of the trial of the Alcmaeonidae is uncertain. According to Stroud, it could not have occurred much before 600 B.C. (Stroud, 1968, 74). The conviction of the Alcmaeonidae for sacrilege indicates that they lacked popular support and that the balance of power had tipped in favour of their enemies. No doubt, too, whatever concessions had been made to the demos failed to materialize. Drakon's legislation thus did not resolve the social conflict in Attica, and strife between the rich and the poor and among the various factions of the rich persisted until the beginning of the sixth century B.C.
Aristotle describes the situation in Attica at the beginning of the sixth century at *Athenaion Politeia* II:

After this there was strife for a long time between the notables and the masses. For the Athenians' constitution was oligarchic in all other respects, and in particular the poor were enslaved to the rich - themselves and their children and their wives. The poor were called dependants and sixth-parters, since it was for the rent of a sixth that they worked the fields of the rich. All the land was in the hands of a few, and if the poor failed to pay their rents both they and their children were liable to seizure. All loans were made on the security of the person until the time of Solon: he was the first champion of the people. The harshest and bitterest aspect of the constitution for the masses was the fact of their enslavement, though they were discontented on other grounds too: it could be said that there was nothing in which they had a share. (Aristotle, 1984, 43)

In this passage, Aristotle does not mention strife among the various factions of the rich, but we know that it was a reality. Instead, he concentrates on the relationship between the rich and the poor. We are told that the constitution of Attica was oligarchical and that the poor were in servitude to the rich. Aristotle mentions a class of agricultural labourers, the *hektemoroi* (sixth-parters). Who the *hektemoroi* were and what their precise status was will be one of the main concerns of this thesis. Let us anticipate our conclusion and say that we think that Aristotle's uses of the word "ἐδούλευον" implies that the condition of the *hektemoroi* was one of unfreedom, i.e. serfdom. We draw attention to two more points that Aristotle makes in this passage, viz. that the land was in the hands of a few, and that in all cases loans were on the security of the body until Solon's time. As we shall see, some scholars
think that the first point is an exaggeration. The second point implies that land could not be used as security and was inalienable.

It was to deal with the situation described by Aristotle that Solon was appointed archon in 594-593 B.C., with the support of the eupatrids and the demos. It has been said that the eupatrids agreed to the appointment of Solon because they 'knew their man,' i.e. they knew that Solon would not aim at tyranny. The demos hoped that Solon would redistribute land. The appointment of Solon came a short time after the anti-Megarian faction had won a victory with the conviction of the Alcmaeonidae for sacrilege. Although Solon had distinguished himself in the struggle with Megara over Salamis, his seisachtheia occurred at a time when the conflict with Megara was in abatement. Upon assuming office, Solon immediately issued an amnesty decree, a measure aimed at palliating aristocratic feuding. Solon was not a revolutionary, but the social revolutionary measure of debt cancellation stands in stark contrast to the conservative timocratic character of his constitutional reforms. The seisachtheia was a compromise whose outcome was to temporarily stabilize the internal situation in Attica. The condition of the hektemoroi, which was becoming obsolete as a result of the transition from the growing of grain to the growing of vines and olives, was abolished: we hear no more of the hektemoroi after Solon.

A little more than ten years after Solon's seisachtheia the attempted tyranny of Damasias occurred. (The first year of Damasias's archonship was 582-581 B.C.) It is
not possible to determine what forces Damasias represented, but his attempted
tyrranny is an indication of stasis.

Peisistratus’ seizure of power occurred about thirty years after the *seisachtheia* of Solon, in the archonship of Komeas, in 561-560 B.C. On what strata of the population did Peisistratus base himself in his bid for power? Some have thought that his support came from the former *hektemoroi*, who had received freedom, but not land, from Solon. As we state in our conclusion, we believe that the *hektemoroi* did receive land from Solon. Nevertheless, Peisistratus may have derived support from the lower classes. In the sixth century there were three factions in Attica, the *pedieis*, or men of the plains, the *paraloi*, or men of the coast, and the *diakrioi*, or men of the hills. However, it must be borne in mind that all of these factions were led by aristocrats. Peisistratus was the leader of the *diakrioi* or men of the hills. It was as a result of a play of alliances among the aristocracy that Peisistratus came to power. His tyranny came at a time when Salamis had been recaptured and the anti-Megarian faction was in the ascendancy. Peisistratus’ rise to power signifies that the Solonian compromise, although viable in the short and medium term, was not ultimately perdurable.
THE HEKTEMOROI

Opinion is divided on who the hektemoroi were, how they came into existence, and how much tribute they had to pay. There are two main views on who the hektemoroi were and how they came into existence. According to the first view they were indebted small proprietors, and according to the second view they were hereditary serfs. A third view, that the hektemoroi tilled public or undistributed land that had been taken over by eupatrids, has been advanced by recent scholarship. Most scholars agree that the hektemoroi were serfs, but some use language - "tenants," "métayers" - which implies that they were not serfs or at least leaves the question open.

The word "hektemoros" means "sixth-parter," but scholarly opinion is divided as to the direction in which the sixth part passed, some scholars maintaining that the hektemoroi retained one-sixth and paid five-sixths, and some the reverse. On one side of the question it has been argued that one-sixth is too little to pay and would hardly have been oppressive, and on the other side it has been argued that five-sixths is too much and would have been impossible.

The evidence of Plutarch and Aristotle on this question is ambiguous. Plutarch writes: "ἡ γὰρ ἐγεώργουν ἑκείνοις ἐκτα τῶν γιγνομένων τελούντες, ἐκτημόροι προσαγορευόμενοι καὶ θήτες" (Plutarch, Solon, XIII, 2). In this passage, Plutarch says that the hektemoroi paid "sixths," but he does not say how many sixths. However, most translators, for example Bernadotte Perrin in the Loeb edition of Plutarch's Lives, volume II, 437, and Ian Scott-Kilvert in The Rise and Fall of
*Athens Nine Greek Lives by Plutarch*, published by Penguin Books, 54, interpret Plutarch to mean that they paid one sixth. W.J. Woodhouse has suggested that Plutarch may have written “εʹ ἕκτα τελούντες” (Woodhouse, 138, 49). The publication of the *Athenaion Politeia* in 1891 lent weight to the view that the hektemoroi paid one-sixth. *Athenaion Politeia* II, 2 says: “καὶ ἐκαλοῦντο πελάται καὶ ἐκτήμοροι· κατὰ ταύτην γὰρ τὴν μίσθωσιν ἠργάζοντο τῶν πλουσίων τοὺς ἀγροὺς,” which seems to suggest that the hektemoroi paid one-sixth, without saying so unambiguously. In his translation of the *Athenaion Politeia*, P.J. Rhodes interpreted this passage to mean that the hektemoroi paid one-sixth: “The poor were called dependants and sixth-parters, since it was for the rent of a sixth that they worked the fields of the rich” (Aristotle, 1984, 43). It should be pointed out, however, that even since the discovery of the *Athenaion Politeia* many scholars have maintained that the hektemoroi paid five-sixths, although recent scholarship inclines to the view that they paid one-sixth.

George Grote, writing before the discovery of the *Athenaion Politeia*, identifies a class of people, the *thetes*, who formed the bulk of the population of Attica in the time of Solon, and who were “the cultivating tenants, métayers and small proprietors of the country” (Grote, 1899, III, 94). They were in a dependent condition and were in debt to the rich. Many of them were being forced into slavery. Then he defines the hektemoroi as “tenants paying one-sixth portion” (Grote, 1899, III, 94), noting that whether they paid or retained one-sixth has been disputed. The rich owned most of the land, and the hektemoroi were in a dependent condition and were in arrears of the portion they had to pay.
G.F. Schömann's interpretation of the *seisachtheia*, which was produced before the discovery of the *Athenaion Politeia*, was very influential in Germany in the nineteenth century. He sees the *hektemoroi* as indebted small proprietors. The rich nobles had gained control of the small properties, and the proprietors had become "Zinsbauern" (Schömann, 1897, I, 337) who were obliged to pay a certain proportion of the crop to the creditors. However, the land was inalienable and only the crop could be mortgaged. As a result of their indebtedness, many *hektemoroi* were sold into slavery or forced to sell their children into slavery.

In his *De Comitiis Atheniensium*, which was published in 1819, Schömann says that the *hektemoroi* paid five-sixths: "Itaque veriorem puto eorum sententiam, qui ἐκτημορίους dixerunt quinque partes reddidisse, sextam tantum retinuisse" (Schömann, 1819, 362). However, J.H. Lipsius, in his revised edition of Schömann's *Griechische Alterthümer*, which was published in 1897, says that the *hektemoroi* paid one-sixth, and that this interpretation is conclusively established by *Athenaion Politeia* II, 2 (Schömann, 1897, I, 337).

Writing in 1887, i.e. before the publication of the *Athenaion Politeia*, Ernst Curtius also takes the view that the *hektemoroi* were indebted small proprietors, but unlike Schömann he regards land as alienable. The small proprietors surrendered their land to their creditors and considered themselves fortunate if they were allowed to remain on the land and cultivate it in the interest of their creditors (Curtius, 1887, I, 300). Curtius characterizes the *hektemoroi* as "ein Stand halbfreier Ackerleute" (Curtius, 1887, I, 300) and says that they paid five-sixths. The views of
Curtius, both with regard to the status of the *hektemoroi* and the amount they had to pay, are shared by Friedrich Engels in his book *Der Ursprung der Familie, des Privateigentums und des Staats* (Engels, 1892, 108). The fourth edition of this book was published in 1892, but it does not seem to take account of the discovery of the *Athenaion Politeia*. Given the similarity of the views of Curtius and Engels, we suspect that Engels derived some of the information for his work from Curtius.

Fustel de Coulanges, who died in 1889, also wrote before the publication of the *Athenaion Politeia*. According to him, a regime of family property existed in Attica at the time of Solon. Religion forbade the separation of the property from the family. The land was in the hands of aristocratic γένη, and the *hektemoroi* constituted the clientele of the γένη, to whom they were attached by a connection of hereditary dependence. Fustel de Coulanges calls the *hektemoroi* “tenanciers héréditaires” (Fustel de Coulanges, 1891, 129). They received allotments of land from the γένη, which they cultivated but did not own. In his view, the *hektemoroi* paid one-sixth (Fustel de Coulanges, 1903, 313).

Paul Guiraud is the first scholar with whom we deal who is writing after the discovery of the *Athenaion Politeia*. His *La Propriété Foncière en Grèce jusqu'à la Conquête Romaine* was published in 1893. In it, he takes issue with the idea that the *hektemoroi* were serfs and says the comparison of them with the *helots* of Laconia is “arbitraire” (Guiraud, 1893, 421). He points out that nothing Aristotle says permits the conclusion that the *hektemoroi* lived in serfdom (Guiraud, 1893, 421). However, he concedes that in the seventh century many πελάται were slaves or serfs, but that
this was an accidental consequence of their indebtedness, and not a normal state of affairs. Guiraud says that the hektemoroi were métayers (Guiraud, 1893, 421) and that they paid five-sixths (Guiraud, 1893, 422). In the face of Athenaion Politeia II, 2, he says that the hypothesis that the hektemoroi paid five-sixths "tend de plus en plus à prévaloir" (Guiraud, 1893, 422) and is "la seule qui semble raisonnable" (Guiraud, 1893, 422).

Also writing in 1893, Wilamowitz takes the view that the hektemoroi were indebted small proprietors (von Wilamowitz-Moellendorff, 1893, II, 57-58). A money economy had taken root in Attica and eupatrids were using their money to gain control of land. The hektemoroi were former proprietors who had lost their land after mortgaging it, but were allowed to remain on the land and cultivate it for their creditors. According to Wilamowitz, the hektemoroi paid five-sixths (von Wilamowitz-Moellendorff, 1893, II, 58).

The writings of Ludovic Beauchet show the influence of Fustel de Coulanges. In the second volume of his Histoire de Droit Privé de la République Athénienne, he says that the discovery of the Athenaion Politeia has made it possible to solve the problem of the seisachtheia (Beauchet, 1897, II, 530). He then goes on to expose the views of Schömann and Fustel de Coulanges, and indicates that he is inclined to agree with the latter.

Heinrich Swoboda's 'Über die altgriechische Schuldknechtschaft' was published in the twenty-sixth volume of the Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, which appeared in 1905. In it, Swoboda begins his discussion of the
hektemoroi by criticizing Aristotle’s view of the matter. Aristotle, he says, regarded the hektemoroi as "Pächter" who stood in a relationship of unfreedom, which was not more closely defined, to their masters (Swoboda, 1905, 246). For Swoboda, to regard the hektemoroi as "Pächter" is to regard them as a category of debtor (Swoboda, 1905, 247), and this is not correct. Next, Swoboda mentions the view of the lexicographers, e.g. Photios, who, disagreeing with Aristotle, regard the hektemoroi as "Lohnarbeiter" (Swoboda, 1905, 248). Then Swoboda states his own view, viz. that the hektemoroi were serfs ("Hörige"). He finds support for this view in Athenaiou Politeia II, 2: "καὶ δὴ καὶ ἐδούλευον οἱ πένητες τοῖς πλουσίοις καὶ αὐτοῖ καὶ τὰ τέκνα καὶ αἱ γυναῖκες"; and II, 3: "χαλεπώτατον μὲν οὖν καὶ πικρότατον ἦν τοῖς πολλοῖς τῶν κατὰ τὴν πολιτείαν τὸ δουλεύειν" (Swoboda, 1905, 250). According to Swoboda, these passages show that the relationship of the hektemoroi to their masters was not a free contractual relationship but a relationship of "Erbuntertänigkeit" (Swoboda, 1905, 250-251). Swoboda says that serfdom originated in Attica, when people voluntarily, from the legal point of view, entered this relationship. Many of them were unable to face the vicissitudes of life and sought the protection of a more powerful person (Swoboda, 1905, 265). The laws of debt incited some to become hektemoroi in order to avoid debt slavery (Swoboda, 1905, 264). The economic crisis which accompanied the introduction of a money economy created uncertainty for many people and doubtless prompted some of them to give up their freedom. Swoboda says that the class of hektemoroi was deliberately created by the landed nobility of Attica, who held political power. Serfdom was not very old in
Greece, for no trace of it is to be found in Homer. Swoboda thinks that serfdom originated in Greece with the Dorian conquest, and that in introducing it the Attic nobility based itself on a foreign model, Sparta (Swoboda, 1905, 266). According to Swoboda, the *hektemoroi* paid one-sixth (Swoboda, 1905, 258).

Charles Gilliard's dissertation *Quelques Réformes de Solon* was published in 1907. In it, he characterizes the *hektemoroi* as "colons partiaires" (Gilliard, 1907, 102). The question whether they retained their freedom and ownership of their land or whether they became serfs bound to the soil and abandoned the ownership of their land to their masters he regards as insoluble in the present state of our knowledge (Gilliard, 1907, 102). Gilliard agrees with Swoboda in criticizing Aristotle for characterizing the *hektemoroi* as indebted (Gilliard, 1907, 112). He says, "Il n'est pas possible qu'un endettement progressif ait été la cause de colonat partiaire" (Gilliard, 1907, 112). Indebtedness, he goes on to say, was something that came later (Gilliard, 1907, 112). Gilliard thinks that the *hektemoroi* paid one-sixth (Gillard, 1907, 110). He points out that if they had retained only one-sixth, they would have very little left to live on after a deduction had been made for sowing for the following year, a deduction which Gilliard estimates at one seventh of the crop (Gilliard, 1907, 111).

In his *Griechische Geschichte*, which was published in 1895, Busolt seems to regard the *hektemoroi* as free wage-earners. He says, "Die Hektemoroi waren keine Pächter ... sondern Lohnarbeiter auf Teilbau" (Busolt, 1895, II, 109). He goes on to say that they were personally free: "die Hektemoroi waren zwar in ihrer materiellen Existenz vom Grundherr abhängig, aber persönlich freie Leute" (Busolt, 1895, II,
Many peasants, he adds, who had lost their land became hektemoroi, but they did not thereby lose their personal freedom. However, Busolt then compares the hektemoroi to the Thessalian penestai, a comparison which implies serfdom (Busolt, 1895, II, 246). The hektemoroi could be sold as slaves, he says, if they did not pay the part which was due to their master (Busolt, 1895, II, 246). Although Busolt quotes Athenaion Politeia II, 2, (Busolt, 1895, II, 246) he takes the view that the hektemoroi paid five-sixths (in his Griechische Geschichte) (Busolt, 1895, II, 245).

In his Griechische Staatskunde, which was published in 1926, Busolt takes a somewhat different view of the hektemoroi, regarding them not as free wage-earners, but as serfs. He says that they were neither "freie Lohnarbeiter auf Teilbau" nor "Pächter" who stood in a free contractual relationship, but "Teilbauern" whose rights and duties in relation to the owners of the land was regulated, probably by state law, and to whose freedom of movement limits were set (Busolt, 1926, II, 779). He points out that serfdom appears in history in gradations, and that it is not possible to say how far the limits went which were placed on the freedom of the hektemoroi. It is most probable, he says, that with respect to the limitation of their freedom of movement they stood in a relationship of hereditary servitude (Busolt, 1926, II, 781). According to Busolt, there was an important difference between the hektemoroi and the helots and other serfs. The helots were legally δοῦλοι or Ἐῳκέες who because of their unfree origin did not belong to the citizen body and were not considered Lakedaemonians. The hektemoroi, on the other hand, in spite of their servitude, were considered numbers of the demos and could claim to be Athenians.
The difference is explained by the fact that the helots became serfs as a result of a conquest, whereas the hektemoroi did not (Busolt, 1926, II, 781). Busolt says that a considerable number of free peasants became hektemoroi on the way to debt slavery (Busolt, 1926, II, 826). In his Griechische Staatskunde, Busolt takes the view that the hektemoroi paid one-sixth (Busolt, 1926, II, 779).

The second edition of Beloch's Griechische Geschichte was published in 1924. In it, Beloch says that the big landowners in Greece had their land cultivated partly by free wage-earners ("freie Lohnarbeiter," θητεσ, πελάται) and partly by "Teilbauern," of which the hektemoroi in Attica were an example (Beloch, 1924, I, 305). The contrast with free wage-earners implies that the hektemoroi were in a state of unfreedom or serfdom. Beloch says that with the introduction of a money economy the institution of the hektemoroi was discarded (Beloch, 1924, I, 295). On linguistic grounds Beloch thinks that the hektemoroi paid five-sixths (Beloch, 1924, I, 295). He adds that since it would have been impossible to live on only one-sixth, they must have had other sources of income (Beloch, 1924, I, 295).

William John Woodhouse's study of the agrarian problem in Attica in the seventh century shows the negative influence of Heinrich Swoboda and Charles Gilliard. His book, Solon the Liberator, was published in 1938, and the interpretation of the seisachtheia expounded therein was subsequently very influential. According to Woodhouse, the majority of modern treatments of the subject of the hektemoroi define their status in terms of a free contractual relationship. Aristotle is responsible for this state of affairs, for although he uses the word "servitude" in characterizing
the condition of the *hektemoroi*, he describes them as cultivating the land of the rich in terms which imply freedom of contract. Aristotle viewed the *hektemoroi* as tenants, and in this view he was followed by modern scholars. Woodhouse makes the point that it is not possible to explain how arrears should possibly arise for a tenant paying rent in kind (Woodhouse, 1928, 32). The rent would be paid at harvest and before consumption began, when the tenant could pay with the least hardship and evade payment with the greatest difficulty (Woodhouse, 1938, 32-33). Woodhouse then states what he regards as the dominant view of the *hektemoroi*, the view that they were free wage-earners who worked the lands of the rich for a fixed portion of the crop (Woodhouse, 1938, 35). He ascribes this view to Bury (*History of Greece*). The difficulty with this view, he says, is understanding how the arrangement worked in practice. A casual labourer would need food to live on before the crop was harvested. If he was paid then, how would it be determined what one-sixth of the crop would turn out to be? Or was payment deferred until the crop was harvested? (Woodhouse, 1938, 36). Woodhouse concludes that the view that *hektemoroi* were free wage-earners is unsound (Woodhouse, 1938, 41).

Woodhouse then states his own view of the *hektemoroi*, viz. that they were not freemen but serfs (Woodhouse, 1938, 42 ff.). This class of serfs originated through "individual personal dedition" (Woodhouse, 1938, 64) when men who were unable to cope with the struggle for existence sought the protection of somebody who was more powerful (Woodhouse, 1938, 64). However, in Solon's time the number of *hektemoroi* was being considerably increased as a result of a deliberate policy on the
part of the aristocrats (Woodhouse, 1938, 64). According to Woodhouse, the transition from short future to long future husbandry and from a primitive domestic economy to production for export required serfdom (Woodhouse, 1938, 65).

Woodhouse opts for the view that the *hektemoroi* paid five-sixths on linguistic grounds. The word ἐκτῆμορος, he argues, means 'taking a sixth part,' just like the word ἴσομορος, which occurs in the *Iliad*, means 'taking an equal share' (Woodhouse, 1938, 47).

Woodhouse points out two distinctions between the *hektemoroi* and the *helots* of Laconia. The *hektemoroi* belonged to individual aristocrats, whereas the *helots* belong to the state, and the *hektemoroi* were part of the Athenian body politic, whereas the *helots* "were in the state, but were not of it" (Woodhouse, 1938, 56-57).

According to Woodhouse, the *hektemoroi* population was consistently being augmented by contingents of free peasants who were forced into *hektemoros* status by indebtedness. Land was inalienable, but the inalienability of land was being circumvented by a transaction known as πρᾶσις ἐπὶ λύσιν or sale with option of redemption (Woodhouse, 1938, 149). By this transaction, a needy peasant would "sell" his land to a creditor and retain the right to buy back the land in the future for the purchase price. But the sale was a fiction inasmuch as it did not transfer ownership of the land. The peasant remained on the land and paid a rent to the creditor equivalent to the interest on the sale price. The rent amounted to one-sixth of the crop, and it is to this rent that Woodhouse says Aristotle is referring at *Athenaion*
Politeia II, 2 (Woodhouse, 1938, 157). If the peasant fell behind in rent payments, he was reduced to *hektemoros* status as an alternative to debt slavery.

Kurt von Fritz is among the scholars who were influenced by W.J. Woodhouse’s interpretation of the *seisachtheia*. In an article entitled ‘The Meaning of *Ektyμoroς*’ published in *The American Journal of Philology* vol. LX (1940) 54-61, after praising W.J. Woodhouse’s book as “extremely brilliant” (von Fritz, 1940, 54), he takes issue with the view expressed therein that the *hektemoroi* paid five-sixths. Von Fritz adds that Woodhouse’s position on this question is not essential to his overall analysis, which would not be impaired by the reversal of the said position.

First, von Fritz marshals the ancient evidence. Apart from Aristotle, there are two passages which state that the *hektemoroi* paid one-sixth, viz. Plutarch *Solon* XIII and Hesychius s.v. ἐπίμορος. Two passages are ambiguous: Hesychius s.v. ἐκτήμορος and Photious s.v. πελάται. Eustathius alone, who von Fritz says “seems not particularly well informed” (von Fritz, 1940, 54) states that the *hektemoroi* paid five-sixths. Subsequently von Fritz analyzes Aristotle’s statement on the matter at some length, concluding that Aristotle says unambiguously that the *hektemoroi* paid one-sixth.

Next, von Fritz considers Woodhouse’s linguistic argument. He points out that even if it were true that words like *hektemoros* usually mean ‘having a certain part’, it would have to be borne in mind that ἐκτήμορος is a technical term that was devised after the event to refer to a particular historical situation and that such terms do not always obey “the general semantic laws of a language” (von Fritz, 1940, 56).
However, it is not true that the meaning of ἐκτήμορος must be construed on analogy with the meaning of ἱσόμορος in the Iliad. Von Fritz points out that the word δεκατευτής can mean both one who pays and one who collects the tithe.

Turning to an analysis of the historical situation, von Fritz says that the widespread indebtedness shows that it was very difficult to derive a living from a farm when it was free from debt, and that a rent of five-sixths of the produce of a farm that was the only source of income of a family would be “almost incredible” (von Fritz, 1940, 58). Von Fritz also terms the development constructed by Woodhouse from debtor paying one-sixth to hektemoros paying five-sixths “incredible” (von Fritz, 1940, 59) and says that there is not the slightest foundation for it in the ancient tradition (von Fritz, 1940, 59).

In an article entitled ‘Solon’s Agrarian Legislation,’ published in the American Journal of Philology vol. LXII (1941) 144-156, Naphtali Lewis, who also stands under the influence of W.J. Woodhouse, disagrees with part of the analysis presented in Woodhouse’s Solon the Liberator. Lewis finds fault with the dichotomy posited by Woodhouse between the principal debt secured on the land and a subsequent rent-arrears debt secured on the person. According to Woodhouse, enslavement or reduction to hektemoros status could only ensue from the second debt. First, Lewis points out that Aristotle refers to peasants who have not yet incurred arrears in rent as hektemoroi (Lewis, 1941, 147). Then he says that the first debt must also have been secured ultimately on the person of the debtor, since land was inalienable and foreclosure was out of the question (Lewis, 1941, 147-148). Lewis adds that the
debtor was retained on the land in order to secure the creditor's claim to possession (Lewis, 1941, 148). Since both debts were secured on the person, if the debtor were sold into slavery the land would pass, free of debt, to the next of kin (Lewis, 1941, 148). Woodhouse maintains, illogically according to Lewis, that if the debtor were enslaved only an option of redemption would pass to the next of kin (Lewis, 1941, 149). According to Woodhouse, creditors kept track of those they sold into slavery and retained an option of redemption so as to be able to foil claims of the next of kin. Lewis, on the other hand, maintains that enslavement of the debtor and retention of his land by the creditor were mutually exclusive (Lewis, 1941, 149). However the threat of enslavement was used by the aristocrats to bind the hektemoroi to the land and to keep them in a state of dependence (Lewis, 1941, 154). This is the meaning of the word δουλεύειν as used by Aristotle in Athenaios Politeia II, 2 (Lewis, 1941, 152-154).

In an article entitled 'Once More the 'Εκτήμοροι,' published in The American Journal of Philology vol. LXIV (1943), 24-43, Kurt von Fritz responds to Naphtali Lewis' article, most of which he agrees with, and takes up once again the question whether the hektemoroi paid one-sixth or five-sixths. Lewis had said that universal agreement on this question would probably never be reached on the basis of the available evidence, but that those who disagreed with von Fritz would base their argument on an appeal to common sense (von Fritz, 1943, 24). Von Fritz points out that arguments appealing to the common sense can be made on both sides of the question. In fact, if one were to base one's self entirely on common sense, one would
have to say that the rent was between one-third and two-thirds of the crop (von Fritz, 1943, 26). But scholars agree that the term ἐκτήμορος means retention or payment of one-sixth. So we have a situation in which common sense is arrayed against common sense. If, however, tradition can be shown to come down on one side of the question, that side is more likely to be correct.

Next, von Fritz proceeds to an analysis of the respective conditions under which rents of one-sixth and five-sixths might be possible. He maintains that the peasants were forced to borrow as a result of worsening conditions, and that under these circumstances it is not credible that they would have contracted to pay a rent of five-sixths. One-sixth would have been a “reasonable” rent in a view of the fact that the price of the farm sold with option of redemption would have exceeded the value of the crop (von Fritz, 1943, 26). Von Fritz explains that as conditions worsened the payment of a rent that was initially regarded as reasonable might have come to be regarded as oppressive and that a revolutionary situation could have resulted (von Fritz, 1943, 41). He rejects Woodhouse’s theory of a two-stage development in which ἡκτεμορος status with the obligation to pay five-sixths was reached after peasants had incurred arrears in the payment of one-sixth (von Fritz, 1943, 29). He thinks that the rent remained the same throughout and that the peasants came under bondage as soon as the loan was contracted (von Fritz, 1943, 29).

J.V.A. Fine was influenced in some of his views by W.J. Woodhouse. Fine’s *Horoi: Studies in Mortgage, Real Security and Land Tenure in Ancient Athens* was published in 1951. We will have more to say about this work in our chapter on the
Horoi, but it might be well to point out here that with regard to the hektemoroi, Fine accepts the development from free peasant to hektemoros through a fictitious πρῶσις ἐπὶ λύσει as set out by Woodhouse (Fine, 1951, 183). It should be noted, however, that he comments favourably on Naphtali Lewis’ article saying that “while accepting the core of Woodhouse’s arguments, he has made certain acute and necessary improvements and simplifications” (Fine, 1954, 182). On the basis of these comments, we presume that Fine agrees with Lewis and von Fritz in rejecting Woodhouse’s theory of a two-stage development with a peasant first paying one-sixth and then, as a hektemoros, paying five-sixths.

In an article entitled ‘The Economic Background to Solon’s Reforms’ published in *The Classical Quarterly* vol. VI (1956), 11-25, A. French takes the view that the hektemoroi were indebted small proprietors and agrees with Plutarch’s account of their status (French, 1956, 17). As a result of declining fertility of the soil and deforestation, many peasants found that their crop was insufficient to live on and were forced to borrow from their wealthier neighbours. As the situation worsened from year to year, a point was eventually reached where the entire crop was owed to the creditor. At this stage, the land became in effect the property of the creditor, since he disposed of its produce (French, 1956, 17). (It should be pointed out that French regards land in the time of Solon as inalienable [French, 1964, 10].) The peasant thus became a serf, obliged to surrender one-sixth of the crop. If the hektemoros proved unable to pay one-sixth, it would be natural for the creditor to sell him into slavery and grow vines and olives on the land, which require less labour (French, 1956, 19).
At the time of Solon, peasants were no longer being transformed into serfs, but serfs were being sold into slavery (French, 1956, 19).

Detlef Lotze begins his article ‘Hektemoroi und vorsolonisches Schuldrecht,’ which was published in *Philologus* vol. CII (1958) 1-12, by exposing the views of Swoboda and Woodhouse (Lotze, 1958, 1-2). After quoting with approval Pringsheim’s reservations about Woodhouse’s theory of a fictitious πρᾶσις ἐπὶ λύσει (Lotze, 1958, 6), which were expressed in a review of Fine’s work in *Gnomon* 24 (1952), 351, Lotze sets forth his own views. He thinks that the thesis of the inalienability of land should be taken seriously and that this excludes explanations based on πρᾶσις ἐπὶ λύσει and means that all loans were on personal security (Lotze, 1958, 7). In his criticism of Woodhouse, Lewis had pointed out that the first loan in Woodhouse’s two-stage development must ultimately have been on the security of the person, but he did not take the step of discarding πρᾶσις ἐπὶ λύσει altogether (Lotze, 1958, 7).

According to Lotze, the creditors, who needed land for the growing of vines and olives, were able to gain control of the indebted peasants’ land by allowing them to remain on the land and cultivate it in the interest of the creditors, instead of selling them into slavery (Lotze, 1958, 8). In Lotze’s view, the *hektemoroi* paid one-sixth (Lotze, 1958, 9).

In an article entitled ‘Land Tenure in Attica and Solon’s *Seisachtheia*’ published in *The Journal of Hellenic Studies* vol. LXXXI (1961) 76-98, which shows the influence of J.V.A. Fine, N.G.L. Hammond touches on the question of the *hektemoroi*. 
He accepts J.V.A. Fine's view that land in Attica was inalienable until the Peloponnesian War (Hammond, 1961, passim). According to N.G.L. Hammond, the *hektemoroi* were *gennetae* who had fallen into debt, and whose crop thus came under the control of creditors (Hammond, 1961, 89). Hammond agrees with Lewis that if the *gennetae* were sold into slavery, the land would pass to the next of kin (Hammond, 1961, 89). In addition to the *gennetae*, there were *orgeones* and *agroikoi* who stood outside the organization of the *genos* and were sold as slaves when they became bankrupt instead of being retained as *hektemoroi* (Hammond, 1961, 90). According to Hammond, the *hektemoroi* paid one-sixth (Hammond, 1961, 90).

In a contribution to the *Deuxième Conference Internationale d'Histoire Economique* held in Aix-en-Provence in 1962, Edouard Will presents an analysis of Attic rural economic development and peasant indebtedness that bears some similarity to that put forward by A. French, by whom he was no doubt influenced. According to Will, the *hektemoroi* were indebted peasants who were obliged to pay a rent of one-sixth. That the rent was one-sixth and not five-sixths Will thinks has been conclusively demonstrated by von Fritz (Will, 1962, VIII, 64). He also thinks that we have "la certitude presque absolue" (Will, 1962, VIII, 64) that land was inalienable. Thus, loans were on the security of the person (Will, 1962, VIII, 64). Will asks to be excused for not giving a precise definition of *hektemoros*, which, he says, seems impossible (Will, 1961, VIII, 65). Although he is tied to his creditor, the *hektemoros* is theoretically a free man (Will, 1962, VIII, 65). Therefore, according to Will, the *hektemoroi* were not serfs, and their condition of dependence can best be rendered by
the term “clientèle” (Will, 1962, VIII, 65). Like French and Lotze, Will rejects Woodhouse’s theory of a fictitious πρᾶσις ἐπὶ λύσει (Will, 1962, VIII, 66). Will thinks that the creditor obtained possession of the land through his right to the produce of the land. According to Will, it was possible for creditors to sell some members of the families of ἥκτεμοροι into slavery, but not whole families, and still retain possession of the land. This was being done in Solon’s time, as the land occupied by the ἥκτεμοροι was being turned over to the cultivation of olives (Will, 1962, VIII, 71).

In an article entitled ‘Su Un’Interpretazione delle Riforme di Solone’ published in La Parola del Passato vol. XV (1960) 20-39, Giovanni Ferrara takes issue with A. French’s interpretation of the seisachtheia. As Ferrara sums up his position, French sees the ἥκτεμοροι as indebted small proprietors who were in revolt against a deterioration of their situation and were trying to recover ancient liberties (Ferrara, 1960, 26). For Ferrara, on the other hand, the ἥκτεμοροι were hereditary serfs and the crisis was one of renewal and search for new liberty (Ferrara, 1960, 26). Serfdom in the time of Solon was a survival of a traditional and ancient state of affairs, but as an institution it was in decline (Ferrara, 1960, 28).

Filippo Cassola’s article ‘Solone, la Terra, e gli Ectemori’ appeared in La Parola del Passato vol. XIX (1964) 26-68. After summarizing previous views on the ἥκτεμοροι and land tenure in the time of Solon (Cassola, 1964, 26-34), Cassola states his own theory, according to which eupatrids had usurped land that was previously public land. The ἥκτεμοροι were peasants who had tilled the public land and were retained on it after it had been usurped by the eupatrids (Cassola, 1964, 50).
hektemoroi were not debtors as such ("Gli ectemori dunque non erano per sé stessi debitori" [Cassola, 1964, 51]), but were exposed to the necessity of running into debt (Cassola, 1964, 51). Cassola refers to the condition of the hektemoroi as a form of "colonia parziaria" (Cassola, 1964, 50), which perhaps may be translated as "métayage" or "share-cropping." He denies that they were serfs ("gli ectemori non sono servi" [Cassola, 1964, 64]). According to Cassola, the hektemoroi paid five-sixths (Cassola, 1964, 50).

In his book Distribuzioni di Terre nell' Antica Grecia, which was published in 1966, David Asheri touches briefly on the situation of the hektemoroi in the time of Solon. He accepts the view that the land was inalienable and Woodhouse's theory of a fictitious πράσιν ἐπὶ λύσει (Asheri, 1966, 63). The hektemoroi were poor gennetae who were forced to borrow from rich gennetae (Asheri, 1966, 63). Asheri does not express an opinion on the question how much tribute the hektemoroi had to pay.

In his book Landverteilung und sozialer Frieden im archaischen Griechenland, which was published in 1991, Stefan Link expresses a view of the hektemoroi that bears some resemblance to that put forward by F. Cassola, by whom he was probably influenced. After pointing out that according to Aristotle the hektemoroi had no land and that according to both Aristotle and Plutarch they possibly were not debtors or at least had not mortgaged their land (Link, 1991, 18), Link says that the hektemoroi cultivated undistributed land that had been taken over by aristocrats and that they paid five-sixths (Link, 1991, 40).
P.J. Rhodes’ *A Commentary on the Aristotelian 'Athenaion Politeia'* was first published in 1981 and was published in paperback in 1993. A detailed discussion of the question of the *hektemoroi* is to be found in pages 90 to 97 of the paperback edition. After summarizing the views of other scholars (Cassola, Woodhouse, French, and Will) and after pointing out that neither Aristotle nor Plutarch state that the *hektemoroi* arrived at their condition through indebtedness, Rhodes states his own view that the *hektemoroi* were not indebted small proprietors, but “men in a feudal state of hereditary serfdom” (Rhodes, 1993, 94). He dates the extension or introduction of this institution from the eighth century (Rhodes, 1993, 94). Rhodes says that to ask who owned the land worked by the *hektemoroi* is to be liable to commit an anachronism (Rhodes, 1993, 95). At that time there was no legal concept of ownership, as there was no written law and very little writing of any kind (Rhodes, 1993, 95). In Rhodes’ opinion the *hektemoroi* paid one-sixth (Rhodes, 1993, 95).

Terry Buckley’s *Aspects of Greek History 750-323 BC*, which was published in 1996, contains a chapter entitled ‘The Reforms of Solon’ (86-106). The discussion of the question of the *hektemoroi* in this chapter shows the influence of P.J. Rhodes. Buckley quotes *Athenaion Politeia* II, and then asks whether the terms ‘*pelatai*’ and ‘*hektemoroi*’ refer to the same class of people. After pointing out that some writers, for example Plato, consider ‘*pelatai*’ to be the same as ‘*thetes*’, and that Plutarch identifies the ‘*hektemoroi*’ with ‘*thetes*’, he says that ‘*pelatai*’ was probably a general term referring to “all types of dependent agricultural labourers” (Buckley, 1996, 89), among whom were included the *hektemoroi*. Buckley thinks that the rent was one-
sixth. He does not even discuss the possibility that it might have been five-sixths. Buckley summarizes the views that the *hektemoroi* were indebted small proprietors (Buckley, 1996, 89) and that they tilled public land (Buckley, 1996, 91), and then indicates that he thinks they were hereditary serfs (Buckley, 1996, 91). He agrees with Rhodes that land ownership may not have been precisely defined in the sixth century (Buckley, 1996, 92).
THE HOROI

In the fourth century B.C. the developed mortgage contract existed in Attica, and it was the practice to record mortgages on stone pillars which were called horoi, and to implant these stone pillars on the land mortgaged. The horoi served to warn prospective purchasers or creditors that if they entered into transactions concerning the land, they faced entanglements. Scholars have wondered whether the horoi referred to in the poems of Solon were similarly mortgage stones, and what can be meant by the phrase 'the land enslaved'. If the horoi were not mortgage stones, either they indicated that the crop was bespoken or they were some sort of boundary stones. Tied to the question of what the horoi were is the question whether land was alienable or inalienable in the time of Solon. Some scholars, in an apparent paradox, combine the view that the horoi were mortgage stones with the view that land was inalienable. There are also those who assert that the horoi were mortgage stones, but that they were not on the land of the hektemoroi. However, if there is a trend in scholarship over the last hundred years or so, that trend is away from the view that the horoi were mortgage stones and toward the view that land was inalienable.

George Grote regards the horoi as mortgage stones, although he does not use the word 'horos'. After describing a condition of general indebtedness - and loans, according to Grote, were in money, not in kind - he points out that many "of the smaller properties were under mortgage" (Grote, 1899, III, 95) and that the mortgage was signified "by a stone pillar erected on the land, inscribed with the name of the
lender and the amount of the loan" (Grote, 1899, III, 95). However, Grote does not think that the *horoi* were on the land of the *hektemoroi*, for he defines the *hektemoroi* as tenants and distinguishes the small proprietors from the tenants (Grote, 1899, III, 94). He says that if things turned out unfavourably for them, the proprietors of mortgaged lands faced slavery (Grote, 1899, III, 95), which implies that mortgage debts were ultimately on the security of the person, a view we have encountered with later writers in our chapter on the *hektemoroi* (see above, 20).

In his *Griechische Alterthümer*, which was a landmark of German scholarship, Schömann expresses the view that land was inalienable and thus could not be mortgaged. Only the crop could be mortgaged (Schömann, 1897, I, 337). He mentions the "Pfandsäulen" (*horoi*) (Schömann, 1897, I, 337) which Solon boasted of having removed, and it must be assumed that he thinks that these signified a mortgage of the crop.

According to Ernst Curtius’ *Griechische Geschichte*, land was alienable in the time of Solon and the debtor could surrender his land to the creditor (Curtius, 1887, I, 300). In Curtius’ opinion, the *horoi* were mortgage stones. He describes a situation in which many farms in Attica were mortgaged: "Ein freier Hausstand nach dem andern war eingegangen, ein Hof nach dem andern verpfändet, und am Rande der Aecker sah man zahlreich die Steinpfeiler aufgerichtet, welche die Schuldsommen, für welche sie verpfändet waren, und die Gläugiber nannten" (Curtius, 1887, I, 316). Friedrich Engels’ work *Der Ursprung der Familie, des Privateigentums und des Staats* shows the influence of Ernst Curtius. In it, Engels agrees with Curtius that the *horoi*
were mortgage stones: "Sämtliche Feldfluren Attikas starnten von Pfandsäulen, an denen verzeichnet stand, das sie tragende Grundstück sei dem und dem verpfändet um so und so viel Geld" (Engels, 1892, 108).

According to Fustel de Coulanges, in the time of Solon land belonged to the family rather than the individual (Fustel de Coulanges, 1903, 316) and was inalienable. Religion forbade the separation of the land from the family (Fustel de Coulanges, 1891, 130). Thus, mortgage did not exist (Fustel de Coulanges, 1903, 316). Fustel de Coulanges characterizes the horos as a "borne sainte" (Fustel de Coulanges, 1903, 311), a "borne sacrée" (Fustel de Coulanges, 1891, 130), a "dieu terme" (Fustel de Coulanges, 1903, 311), and a "terminus" (Fustel de Coulanges, 1903, 315). It signified the ownership of the land by the eupatrid (Fustel de Coulanges, 1903, 315). The meaning of the phrase ‘the land enslaved’ is that the land was not owned by the hektemoroi who tilled it but was in the hands of the eupatrids (Fustel de Coulanges, 1891, 130).

Fustel de Coulanges and the other scholars we have dealt with so far in this chapter were writing before the discovery of the Athenaion Politeia. The publication of the Athenaion Politeia marks a dividing line in scholarship on the seisachtheia. The rest of the scholars we deal with in this chapter were writing after the publication of the Athenaion Politeia, but, as we shall see, its influence is not always easy to detect.

According to Paul Guiraud, the horoi to which Solon refers were mortgage stones (Guiraud, 1893, 286). In Attica, in fact, mortgage antedates Solon (Guiraud, 1893, 105). In support of his view that land was alienable in the time of Solon,
Guiraud points out that according to Theophrastus, Charondas ("le législateur de la Grande-Grèce" [Guiraud, 1893, 104]) issued a law on the sale of land in the middle of the seventh century (Guiraud, 1893, 104-105). It is thus very likely, he says, that in Attica land was alienable in the same period (Guiraud, 1893, 105). Guiraud maintains that it is clear from Solon's poems that before Solon πράσις ἐπὶ λύσει ("la vente à rémére") was a normal mode of alienation (Guiraud, 1893, 104). In response to Fustel de Coulanges, Guiraud points out that Solon's phrase 'the land enslaved' can only have significance if it refers to an abnormal subjugation of the land, as would occur if it were mortgaged to a stranger; the fact that the nobles had exclusive ownership of the land (Athenaion Politeia II, 2) would not constitute such an abnormal subjugation (Guiraud, 1893, 105). According to Guiraud, it is clear from Solon's poems (Athenaion Politeia XII, 4) that there was a close connection between the cancellation of debts and the removal of the horoi and that the latter was a consequence of the former (Guiraud, 1893, 105).

According to Wilamowitz, although private ownership of land in Attica came into existence late (von Wilamowitz-Moellendorff, 1893, II, 47), mortgage existed in the time of Solon, and the horoi were mortgage stones (von Wilamowitz-Moellendorff, 1893, II, 57). A transformation from a natural economy to a money economy had taken place in Attica, where coined money that had been struck in Chalcis and Aegina circulated. In Wilamowitz's opinion, "die hypothek sagt noch heute durch ihren namen, dass sie eine erfindung der athenischen capitalisten oder auch des attischen adels ist: das ist dasselbe" (von Wilamowitz-Moellendorff, 1893, II, 57).
Ludovic Beauchet's discussion of the *seisachtheia* shows the influence of Fustel de Coulanges. Towards the end of the second volume of his *Histoire de Droit Privé de la République Athénienne*, he says that he is inclined to accept Fustel de Coulanges' account of the *seisachtheia* and thus of the *horoi* (Beauchet, 1897, II, 530 ff). In the third volume, he says that land became alienable after Solon: "Dans tous les cas, après Solon, la vente de la terre est entièrement libre et ne dépend que de la seule volonté du propriétaire" (Beauchet, 1897, III, 67). According to Beauchet, πρᾶσις ἐπὶ λύσει can only be admitted in Greek law at a time when the sale of land is itself possible (Beauchet, 1897, III, 190).

In his 'Über die altgriechische Schuldknechtschaft,' which was published in the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* XXVI (1905) 190-280, Heinrich Swoboda disagrees with both Wilamowitz and Fustel de Coulanges. He disagrees with Wilamowitz's view that private property arose late in Greece. In his opinion, private property is very old in Greece and the continuance of family property until Solon is excluded (Swoboda, 1905, 241). We find private property fully developed in Homer and Hesiod (Swoboda, 1905, 241). Swoboda disagrees with Fustel de Coulanges' interpretation of the *horoi* (Swoboda, 1905, 238). According to Swoboda, mortgage existed in Attica before Solon and the *horoi* were mortgage stones (Swoboda, 1905, 221). He passes over the question whether it was mortgage properly speaking that was practised or πρᾶσις ἐπὶ λύσει (Scheinkauf). However, as we saw in our chapter on the *hektemoroi*, Swoboda considers the *hektemoroi* serfs (see above
13), so it must be assumed that he does not think that the horoi were on the land of the hektemoroi.

We do not know quite what to make of Charles Gilliard’s treatment of the question of land tenure in the time of Solon. On the one hand, he says that land was not the property of the individual, but of the family (Gilliard, 1907, 126). He adds that land did not lose this character until very late, “à la suite d’une longue évolution que se prolongeait longtemps encore après la période dont nous nous occupons” (Gilliard, 1907, 126). On the other hand, Gilliard says that mortgage was coming into existence at the time of Solon:

> nous pouvons penser que l’hypothèque ... s’est développée petit à petit, à mesure que l’évolution économique s’accomplissait. À l’époque de Solon, ce mode de faire était déjà très général; l’hypothèque et la contrainte par corps étaient conjointement employées; mais la première semblait prendre peu à peu le dessus, la seconde commençait à choquer et allait bientôt disparaître; on ne la retrouve plus après Solon. (Gilliard, 1907, 133)

Further on, Gilliard says, “Nous avons vu que, à la fin du septième siècle, l’hypothèque était nouvelle et partant rare, et que Solon ne semble pas la connaître” (Gilliard, 1907, 136). In any case, Gilliard does not think that the horoi were mortgage stones. Nor does he agree with Fustel de Coulanges’ view that the horoi were “bornes sacrées” signifying ownership by the master. This opinion, he writes, “paraît inadmissible aujourd’hui” (Gilliard, 1907, 130). Gilliard thinks that the horoi signified that all or part of the revenue of the land belonged to a eupatrid (Gilliard, 1907, 135). According to him, the interest on debts was paid in kind, even if the debts were in money, as was the case later on (Gilliard, 1907, 124).
In his *Griechische Geschichte* and his *Griechische Staatskunde*, Georg Busolt defends the view that the *horoi* were mortgage stones but that they were not on the land of the *hektemoroi* (Busolt, 1926, II, 245, and Busolt, 1926, II, 782). In both works, Busolt takes exception to Aristotle's statement that the land was in the hands of a few. In his *Griechische Geschichte* he describes this statement as an exaggeration ("eine Übertreibung" [Busolt, 1895, II, 245]). In his *Griechische Staatskunde* he says that Aristotle's view "steht unter dem Einflusse von Zuständen und sozialtheoretischen Anschauungen des 4. Jahrhunderts" (Busolt, 1926, II, 782). Alongside the *hektemoroi* there existed a free peasantry, and the *horoi* were on their land (Busolt, 1920, II, 782). However, as we saw in our chapter on the *hektemoroi*, Busolt says that many free proprietors were forced to become *hektemoroi* as a result of indebtedness (see above 16). He maintains that land was alienable and says that in the second half of the sixth century rich industrialists ("Fabrikanten") and merchants purchased land (Busolt, 1926, II, 820). He rejects the view that land was family property: "Der Grund und Boden ist jedoch seit ältester Zeit nicht genossenschaftliches Eigentum von Familienverbänden oder gar von Geschlechtern sondern aufgeteiltes Privat-eigentum gewesen" (Busolt, 1926, II, 773).

Karl Julius Beloch seems to share Busolt's view that the *horoi* were mortgage stones (Beloch, 1913, I, 364) and that they were not on the land of the *hektemoroi*. We assume that he does not think that the *horoi* were on the land of the *hektemoroi* because, as we saw in our chapter on the *hektemoroi*, he regards the *hektemoroi* as serfs.
who tilled the land of the big landowners (Beloch, 1913, I, 305) and he speaks of the *horoi* as being on the fields of "Bauern" (Beloch, 1913, I, 364).

William John Woodhouse's book *Solon the Liberator* shows the negative influence of Heinrich Swoboda and Charles Gilliard, whom he criticizes. In this work, Woodhouse has a chapter devoted to the *horoi*, or ward-stones, as he calls them. He begins by saying that Solon's poems do not state clearly the precise meaning of the *horoi*, beyond indicating that they signified some condition of the land that was prejudicial to the tiller of the land (Woodhouse, 1938, 98). Woodhouse says that there are two main views of the *horoi*, that they were ordinary boundary stones (Woodhouse, 1938, 98) and that they were mortgage pillars (Woodhouse, 1938, 99). The view that the *horoi* were boundary stones was put forward by G.W. Cox in his *History of Greece* in the nineteenth century. Woodhouse characterizes Cox's case as "vitiated ... by old-fashioned conceptions [and] long since exploded doctrine" (Woodhouse, 1938, 98). Moreover, the "indefiniteness of view" (Woodhouse, 1938, 98) which is to be found in Cox's account is also to be found in more recent treatments of the subject. In support of this statement Woodhouse quotes the *Cambridge Ancient History* and the article on 'Solon' in the eleventh edition of the *Encyclopaedia Britannica*. In Woodhouse's opinion, if the boundary stones marked property that had been legally acquired by a *eupatrid*, by purchase or by foreclosed mortgage, their destruction would have amounted to confiscation, something which Solon says he did not do (Woodhouse, 1938, 99). On the other hand, if the *horoi* marked land
which had been the property of peasants, it would have been senseless for Solon to destroy them if his object had been to help the peasants (Woodhouse, 1938, 99).

Those who assert that the *horoi* were mortgage stones (and the passage in Solon would be the earliest extant use of the word in his sense) do not say clearly exactly what they mean by ‘mortgage’, but Woodhouse takes them to mean hypothec, “a form of pledging in which default led to foreclosure and forfeiture of the pledged estate to the creditor” (Woodhouse, 1938, 100). But if mortgage means either hypothec or sale with option of redemption “as usually defined, in accordance with fourth-century practice” (Woodhouse, 1938, 100), land must have been alienable in Attica before the time of Solon (Woodhouse, 1938, 100). Moreover, the *seisachtheia* must have been limited to mortgages which were still running and current debts upon personal security. But, Woodhouse maintains, such limitation of the *seisachtheia* is not consistent with what the ancient authorities have to say (Woodhouse, 1938, 100). And nobody maintains that the *seisachtheia* was retrospective in that it cancelled all previous mortgages (Woodhouse, 1938, 100).

Woodhouse then asks what the original meaning of the word ‘*horos*’ was. He points out the occurrence of two words in Homer, οὐρόβ (neuter) and οὐρός (masculine), which are indistinguishable in their inflected forms (Woodhouse, 1938, 101). In his *Dictionnaire étymologique de la Langue grecque*, Boisacq says that Homer’s neuter word οὐρόβ and the Attic word ὀρός, the Ionian form of which is οὐρός, originally meant ‘furrow’ and came later to mean ‘frontier’ or ‘boundary’. Also, according to Boisacq, Homer’s masculine word οὐρός is derived from the same root as the verb
\( \text{o\omicron rho upsilon upsilon and is perhaps related to the Latin word servare 'to watch' or 'guard' (Woodhouse, 1938, 102). The phrase o\omicron upsilon upsilon \text{\epsilon\alpha\iota\chi\omega\omega} \text{\upsilon}, which occurs at } \text{Iliad 8.80, thus means 'warden of the Archaians.' Woodhouse thinks that the Ionic form o\omicron upsilon upsilon of the Attic word o\omicron upsilon would have suggested a connection with Homer's word o\omicron upsilon, which means 'warden' or 'watcher' (Woodhouse, 1938, 105). He decides to take horos in this sense, translating it as 'ward-stone', a term which was invented by Wade-Gery in an article entitled 'Horos,' published in } \text{Mélanges Gustave Glotz (1932), 2, 877 ff.} \text{(Woodhouse, 1938, 105).}

The ward-stones were not boundary stones, "an interpretation which leads to no intelligible explanation of Solon's procedure" (Woodhouse, 1938, 109), but record-stones or contract-stones (Woodhouse, 1938, 109), which recorded a fictitious sale with option of redemption, for in Woodhouse's view land was inalienable in the time of Solon. However, the inalienability of land cannot be proved in so many words:

Naturally, it is out of the question that we should be called upon to stand and deliver chapter and verse in proof of the legal inalienability of family estate, for Attika, previous to Solon's time. It is indeed not susceptible of direct proof in so many words referable to some primitive legal Code. We are necessarily confined to reasonable inference from such fragments of practice and statement as have survived. ... What legal sanctions were in operation in early days to prevent alienation, or whether there had been any definite sanctions at all, we cannot say. To part with the family estate was one of the things that were 'not done'; the group feeling was against it, let alone the fact that in the earliest times tenure of allotment was also a man's title to citizenship. (Woodhouse, 1938, 81)
Woodhouse does not think that the fact that no mortgage stones have been discovered in Attica antedating the fourth century tells against the view that the Solonian *horoi* were mortgage stones. Indeed, he expresses the opinion that it is not impossible that some such mortgage stones might turn up some day (Woodhouse, 1938, 112).

John V.A. Fine is among the considerable number of scholars who were influenced by Woodhouse. In his work *Horoi: Studies in Mortgage, Real Security and Land Tenure in Ancient Athens*, he accepts Woodhouse's account of the *horoi* and his theory of a fictitious πράοις ἐπὶ λύσει as modified by Naphtali Lewis (Lewis, 1941, 147 ff and Fine, 1951, 182 ff). He also argues in considerable detail that land remained inalienable in Attica until the Peloponnesian War.

Fine examines the evidence for the use of the mortgage contract in Attica in the fifth century, in the belief that the land must have become alienable and the mortgage contract must have been introduced at about the same time. He points out that in the opinion of almost all scholars none of the *horos* mortgage stones so far discovered antedate the fourth century, and that there is no trace or mention of the use of the stones in the fifth century (Fine, 1951, 167). Fine mentions the fact that Wade-Gery in *Mélanges Gustave Glotz* II, 879-882, bases himself on Thucydides IV, 92.4 to argue that *horos* mortgage stones were used in the fifth century (Fine, 1951, 50). The passage from Thucydides reads as follows: "(χρή) καὶ γνώναι ὅτι τοῖς μὲν ἄλλοις οἱ πλησιόχωροι περὶ γῆς ὃρων τὰς μάχας ποιοῦνται, ἡμῖν δὲ ἐς πάσαν, ἢν νικηθῶμεν, εἰς ὃρος οὐκ ἀντίλεκτος παγῆσεται· ἐσελθόντες γὰρ βία
τὰ ἡμέτερα ἐξουσιά." According to Fine, however, this passage of Thucydides is in need of explanation, and it is more natural to assume that Thucydides’s words εἰς ὁρος refer to ὁρος μνήματος or ὁρος σήματος, which were used extensively in the fifth century. Moreover, such horoi were often singletons, whereas mortgage horoi were not always singletons (Fine, 1951, 50-51).

Fine says that generally speaking scholars have concluded that the mortgage contract was known in fifth-century Athens on the basis of a famous inscription (I.G., 112, 43; Tod, vol. 11 no. 123) about the formation of the Second Athenian Confederacy of 378-7, in the archonship of Nausinikos. This inscription says (lines 35-46) that it shall not be lawful for Athenians to acquire real property in the territory of their allies in any way, including purchase and foreclosure on a mortgage. The implication is that under the Athenian Empire it was customary for the Athenians to deal in mortgages. Fine thinks that this inscription is shaky evidence on which to base conclusions about Athenian practice with respect to mortgage in the fifth century. For one thing, even if it could be shown that the Athenians dealt in mortgages in the territory of their allies, this would not allow conclusions to be drawn with respect to their customs in Attica (Fine, 1951, 168).

Fine proceeds to an examination of literary references to mortgage in the fifth century (there are abundant references to mortgage in fourth-century literature and inscriptions). He finds a definite reference to a mortgage transaction in Isocrates’ speech, XXI, Against Euthynous, which was written in 403 B.C. A possible, but not a certain, reference to mortgage is also to be found in Lysias’ speech, XXXII, Against
Diogeiton, which was written in 400 B.C. but refers to events extending as far back as 409 (Fine, 1951, 168-169). Fine is unable to discover a single reference to mortgage in the comedies of Aristophanes. However, he finds two references to mortgage in the fragments of Old Comedy, fragment 333 of the Kratinos, which refers to the period between 430 and 420, and a fragment of Pherekrates (Fine, 1951, 170 ff). Fragment 333 of Kratinos reads as follows: “εἰς δὲ στιγματίαν αὐτὸν Κρατίνος κωμῳδεῖ ώς ἕνα τῶν κατάχρεων” (Kock, 1880-1888, I, 110-111). The fragment of Pherekrates reads as follows:

οὐχ ὁρᾷς τὴν οἰκίαν

τὴν Πολυτιώνος κειμένην ὑπώβολον;

(Kock, 1880-1888, I, 161, No. 58).

For the last decade of the fifth century the language used to refer to mortgage is similar to that of the fourth century, but in Kratinos and Pherekrates strange language is used - στιγματίαν and ὑπώβολον - which suggests that the mortgage contract was a new transaction and that the language to refer to it had not yet been devised (Fine, 1951, 177). On the basis of the literary evidence, then, Fine dates the introduction of the mortgage contract in Athens to the first decade of the Peloponnesian War (Fine, 1951, 177).

After examining the literary evidence for the date of the introduction of the mortgage contract in Athens, Fine investigates the Athenian system of land tenure in an attempt to determine the reason for the late appearance of the mortgage contract. He asks the question whether in early Attica land was the property of the individual
or the family, and quotes the views of Wilamowitz, Swoboda (Fine, 1951, 178) and Woodhouse (Fine, 1951, 181), pointing out that Woodhouse's views seem to be in the ascendancy. He says that Swoboda, who, as we saw, argues that private property appears early in Attica (see above, 34) relies to a great extent on non-Attic evidence; for example, a passage in Hesiod and a fragment of Theophrastus which states that Charondas established regulations for sales of movable and immovables. According to Fine, conditions in Askra and Katana cannot justifiably serve as a basis for drawing conclusions about seventh-century Attica (Fine, 1951, 179).

Fine infers from Aristotle's statement that until Solon all loans were on personal security, that in the time of Solon land was family-property and was inalienable (Fine, 1951, 179). He also sees in fourth-century regulations concerning intestate succession and restrictions on testamentary rights, whose purpose was to keep property in the genos, a survival of the custom of inalienability of land in Solon's time (Fine, 1951, 180).

Fine mentions two pieces of evidence which tell against his view that land was inalienable in the time of Solon. The first is the stipulation in Aristotle's description of the constitution of Drakon that οὐοῖα must be unencumbered. If οὐοῖα may be taken as referring to real property and not just movables, the stipulation is a reference to mortgage and hence the alienability of land. However, Fine rejects the Constitution of Drakon as evidence for pre-Solonian conditions on the ground that it is universally agreed that the Constitution of Drakon is an oligarchic forgery dating from the end of the fifth century (Fine, 1951, 180). The second piece of evi-
dence is the story, recounted in Aristotle and Plutarch, that Solon informed some of his friends that he was planning to cancel debts, who thereupon borrowed large sums of money and purchased land. Fine rejects this story as an invention of the Atthidographers, who sought to explain such words as παλαιόπλουτοι and χρεωκοπίδαι (Fine, 1951, 181).

Fine supports his view that land was inalienable in the time of Solon with an explanation of Solon’s statement that he removed the horoi and freed the earth which was formerly enslaved. As noted above (see above, 40), Fine’s explanation is along the lines of Woodhouse’s theory of a fictitious πράσιν ἐπὶ λύσει, a πράσιν ἐπὶ λύσει which was essentially different from the contract known by the same name that was practised in the fourth century, and which was a form of real security. According to Fine, the seventh-century horoi were not strictly speaking contract stones as were the horoi of the fourth century (Fine, 1951, 184). “It is difficult to imagine,” he says, “just what words would have been inscribed on the stones” (Fine, 1951, 184). Knowledge of writing may not have been very extensive in the seventh century, and the horoi may have been uninscribed, which would explain why none have been identified (Fine, 1951, 184).

Fine believes that Solon’s seisachtheia put an end to the attempts of the nobles to circumvent the inalienability of land through a fictitious πράσιν ἐπὶ λύσει, and that thereafter recourse was not had to this device (Fine, 1951, 185). He adds that “we are completely in the dark concerning the type of security for loans which was
employed in the post-Solonian period [and that] ... there is no evidence whatsoever for the use of real property as security” (Fine, 1951, 185).

Most scholars who believe that land was inalienable in the time of Solon think that it became alienable soon after the *seisachtheia*, mainly as a result of Solon’s testamentary law. Fine takes issue with this view on the ground that Solon’s testamentary law did not allow property to pass out of the family, but merely allowed the testator to adopt an heir (Fine, 1951, 185 ff). Before Solon it was probably possible for a testator to adopt an heir with the consent of his relatives. Solon’s innovation was to make this consent unnecessary, allowing a testator to adopt ὅπως ἄν τις ἔθελη (Fine, 1951, 190).

Fine then examines the historical sources for the period subsequent to Solon in an attempt to determine when land did become alienable. The sources for the sixth century, which Fine describes as “scanty” (Fine, 1951, 191), yield no information in this regard. For the first half of the fifth century he finds one reference to the purchase of land in Herodotus, involving a Greek colony, Apollonia, and thus not relevant to Athens. In Plutarch’s *Life of Themistocles* (18, 5) there is a reference to a saying (ἀπόφθεγμα) of Themistocles in which he mentions selling land. This is the only reference Fine can discover to the sale of private land before the Peloponnesian War. However, he finds evidence in Pseudo-Plutarch, *Moralia, Ex Commentariis in Hesiodum*, 29 that in his *Commentary on Hesiod* Plutarch could not decide whether to attribute this saying to Themistocles or Cato (Fine, 1951, 192). So the accuracy of the ascription of the saying to Themistocles in the *Life of Themistocles* is open to question.
The next reference to a transfer of real property that Fine is able to discover is the report in Thucydides that when the Spartans invaded Attica in 431, Pericles promised to give his land to the state if the Spartans did not ravage it (Fine, 1951, 192). However, a gift of land to the state is not the same as a transaction between private citizens, and should not be taken as evidence that land was alienable. Moreover, a scholar, E.F. Poppo, has suggested that Pericles may have intended to transfer only the use, and not the ownership, of his land ("Non possessionem fundorem, sed usum et fructum, seu proventum illius anni et reliquorum, quibus bellum gereretur" [Poppo, 1834, II, 54]) (Fine, 1951, 192-193). There is another reference to the granting of land to the state in Andocides, IV, Against Alcibiades, 15, dating from the year 416-415, which Fine thinks likewise should not be taken as evidence that land was alienable. There are also references to the sale of land and to mortgage in the works of Xenophon, the dramatic dates of whose writings are the last decades of the fifth century (Fine, 1951, 195-196), confirming Fine’s view that land became alienable after the outbreak of the Peloponnesian War. However, these works were composed after 385 B.C., and may contain anachronistic elements.

Fine says that although it cannot be determined with certainty when land became alienable in Attica, he is inclined to think that it became alienable at the time of the Peloponnesian War for two reasons. In the first place, there is only one questionable reference to the sale or mortgaging of land before the Peloponnesian War, the reference to Themistocles in Plutarch. Also, there is abundant oratory dealing with these transactions in the fourth century (the speeches of Isaeus and the private
orations of Demosthenes), whereas there is no such oratory for the fifth century (Fine, 1951, 197). Reasoning from probabilities, Fine argues that in the second place it would have required a considerable upheaval, such as the Peloponnesian War and the plague, to alter ideas about property and land (Fine, 1951, 199). The selling of confiscated property by the state may have helped to undermine the taboo against selling land (Fine, 1951, 202). Such land was probably regarded as being in a different category from land that had been in the family for generations, and would have been more readily sold. The granting of the right of ἐγκτησις to and the conferring of citizenship on friends of Athens, who would have had the right to acquire land, may have played a similar role (Fine, 1951, 202).

According to A. French, the horoi advertised a crop mortgage (French, 1956, 22), i.e. indicated that the produce of the land was bespoken (French, 1956, 18). The horoi also symbolized the status of the hektemoros (French, 1956, 23) and signified the right of the hektemoros to remain on the land. In response to the view that the horoi advertised a mortgage of the land, French points out that it would make no sense to record the rights of the creditor in a place where the record could most easily be defaced by the debtor (French, 1955, 18). In any event, it is pointless to advertise a foreclosed mortgage. Moreover, there is no evidence that the mortgage contract was practised in the time of Solon. As we saw in our chapter on the hektemoroi, French believes that land was inalienable in the time of Solon (see above, 23). He thinks that the horoi were probably uninscribed, and that this explains why none have been identified (French, 1956, 18-19).
Detlef Lotze, who shows the influence of J.V.A. Fine, believes that land was inalienable in the time of Solon and that the process of the displacement of personal security by real security was not very far advanced (Lotze, 1958, 5). He accepts Fine's view that Solon did not introduce freedom to bequeath ("Testierfreiheit") as we understand it, but only allowed a testator to adopt an heir (Lotze, 1958, 6). As we say in our chapter on the hektemoroi, he rejects Woodhouse's theory of a fictitious πράσις ἐπὶ λύσει and maintains that all loans were on personal security (see above, 24). The horoi thus did not signify a mortgage of the land, but indicated that by reason of a debt the land was to be cultivated in the interest of the creditor (Lotze, 1958, 11). As for the phrase 'the land enslaved', Lotze maintains that it would be metaphorical even in the case of a mortgage, since the burden would really be on the cultivator, and not on the lifeless land. It is thus understandable that Solon could speak of the enslavement and liberation of the land when it could not be mortgaged (Lotze, 1958, 10).

As we saw in our last chapter, N.G.L. Hammond stands under the influence of J.V.A. Fine to the extent of accepting his view that land in Attica remained inalienable until the Peloponnesian War (see above, 25). Rejecting Woodhouse's theory of a fictitious πράσις ἐπὶ λύσει, he thinks that the horoi signified a crop mortgage. He adds that "the γῆ μέλαινα πρόθεν δουλεύωσα was the ἐπίμορτος γῆ of the lexicographers, namely plainland owned by gennetae and inalienable but committed to yielding a part of its produce to others" (Hammond, 1961, 89).
As we saw in our chapter on the *hektemoroi*, Edouard Will, who shows the influence of A. French, thinks that land was inalienable in the time of Solon (see above, 25). According to him the phrase ‘the land enslaved’ is a poetic image reflecting the situation of clientele and of servitude into which the legitimate owner of the land had fallen (Will, 1962, 66-67). The *horoi* did not indicate that the land was encumbered, which was impossible, but that its owner and the crop was (Will, 1962, 67). Will adds that a proper transfer of the ownership of the land would justify neither the expression ‘the land enslaved’ nor the *horoi* (Will, 1962, 67).

In his book *Solone*, Agostino Masaracchia considers two views about the *horoi*. The first view is that they were boundary stones and that their removal signified that the land, which had changed ownership in the course of the agrarian crisis, reverted to its previous owner (Masaracchia, 1958, 141). He rejects this view on the ground that it violates the condition of the inalienability of land and has the consequence that Solon redistributed land, something that he said he did not do (Masaracchia, 1958, 141-142). The second view of the *horoi* is that they were mortgage stones and that their removal signified the cancellation of the mortgages. He rejects this view on the ground that it likewise is not compatible with inalienability of land and is in harmony neither with what the ancient authorities say about the *seisachtheia* nor with our impression of it as an effective and complete remedy (Masaracchia, 1958, 142).

Masaracchia thinks that the *horoi* signified an acquisition of land by the nobility that was not normal and regular. Land which had passed in the normal
way from one owner to another cannot reasonably be described as 'enslaved' (Masaracchia, 1958, 142). In this connection he mentions πρᾶσις ἐπὶ λύσει, but adds that it may not have been the only way of contracting debts (Masaracchia, 1958, 142).

The removal of the horoi meant the elimination of the de facto, if not de jure, alienation of the land. Masaracchia explains the ‘enslavement’ of the land as follows: “la sua schiavitù è una metafora per dire che essa era in condizione tali da rendere virtualmente inesistente il suo legame con l’antico padrone, legame che non poteva però essere da nessuno negato in via di diritto” (Masaracchia, 1958, 143)

According to Filippo Cassola, the horoi were boundary stones that the eupatrids placed on public land which they had usurped (Cassola, 1964, 42) and the phrase ‘the land enslaved’ refers to this usurped land (Cassola, 1964, 61). He characterizes the hypothesis that land was inalienable as “superflua,” inasmuch as small property was not in crisis and it is not important to determine whether it could be sold or mortgaged (Cassola, 1964, 57). However, he thinks that there was no obstacle to the alienability of private land in Athens (Cassola, 1964, 57). According to Cassola, fictitious πρᾶσις ἐπὶ λύσει could only be practised if effective πρᾶσις ἐπὶ λύσει was already in use (Cassola, 1964, 57).

In his work on the distribution of land in ancient Greece, David Asheri briefly mentions the Solonian horoi: “cippi, che coprivano i campi asserviti” (Asheri, 1966, 64). It is clear that he thinks that these horoi signified a fictitious πρᾶσις ἐπὶ λύσει (Asheri, 1966, 63). Asheri believes that the land possessed by the old families,
primarily in the *Pedias*, was inalienable, but that the land located in the mountainous *Diacria* and other districts colonized by newcomers was not (Asheri, 1966, 63).

Stefan Link’s position on the *horoi* is similar to that of Filippo Cassola, by whom he was probably influenced. After arguing at length that the *hektemoroi* had not mortgaged their land (Link, 1991, 16ff), he says that the *horoi* were boundary stones that the *eupatrids* planted on undistributed land that they had taken over (Link, 1991, 34). He adds that the *eupatrids* imposed tribute on this land, and that thus the boundary stones signified the ground of debt, and not its consequence, as mortgage stones would (Link, 1991, 34). For Link, ‘freie Erde’ means land belonging to nobody and accessible to all, whereas ‘versklavte Erde’ means land that has recently been taken over by somebody (Link, 1991, 20).

In his *Commentary on the Aristotelian Athenaios Politeia*, P.J. Rhodes calls the *horoi* “marker posts” and says that they signified the eupatrid’s claim on the land and on the *hektemoroi* who worked it (Rhodes, 1993, 175). Terry Buckley, whose treatment of the *seisachtheia* shows the influence of P.J. Rhodes, calls the *horoi* “marker-stones,” and says that “their function was to identify the land of the ‘hekte-

moroi’ and therefore their obligations” (Buckley, 1996, 95).
THE SEISACHTHEIA

The main issue concerning the *seisachtheia* is whether it was limited to a cancellation of debts and a prohibition of borrowing on the security of the person, or whether it was more extensive, changing the status of the *hektemoroi* and of the land. In antiquity, the *seisachtheia* was generally regarded as so limited, and it was even maintained by Androtion that Solon did not cancel debts but relieved debtors by debasing the currency or reducing the rate of interest. As we shall see, this view finds an echo in Grote. Solon denied that he redistributed land, but the question must be raised whether he did not do so to some extent, especially by those who deny that the *horoi* were mortgage stones.

According to Grote, who died in 1871, the *seisachtheia* cancelled all contracts in which the debtor had borrowed on the security of his person or of his land and forbade for the future the contracting of loans on the security of the person (Grote, 1899, III, 99). It removed the mortgage pillars from the land, leaving it free from all past claims. The *seisachtheia* liberated debtors who were in slavery and provided the means for repurchasing those who had been sold in foreign lands (Grote, 1899, III, 99). Solon forbade Athenians to sell themselves, their sons, their daughters or their unmarried sisters under their tutelage into slavery, except if the latter two had been detected in unchastity (Grote, 1899, III, 99). According to Grote, Solon assisted the wealthier debtors, who had not pledged their persons, by debasing the money standard. He lowered the standard of the *drachma* by a little more than twenty-five percent so that one hundred new *drachmas* were equivalent to seventy-three old
drachmas (Grote, 1889, III, 100). Solon restored to their full privileges as citizens all those who had been condemned by the archons to atimy, except “those who had been condemned by the ephetae, or by the areopagus, or by the phylo-basileis (the four kings of the tribes), after trial in the prytaneium, or charges either of murder or treason” (Grote, 1899, III, 101).

Grote says that “it is easy to imagine” that the wealthy should have been opposed to the seisachtheia, but he does not credit Plutarch’s statement that the poor also were disappointed because Solon did not redistribute land (Grote, 1899, III, 101). And no passage from Solon’s poems accessible to Grote confirms this alleged disappointment. Grote concludes: “The seisachtheia must have exasperated the feelings and diminished the fortunes of many persons; but it gave to the large body of thêtes and small proprietors all they could possibly have hoped” (Grote, 1899, III, 101).

Schömann, whose views were very influential in Germany in the nineteenth century, sees in the seisachtheia a cancellation of debts for which either property or the person was pledged (Schömann, 1897, I, 344). In response to the view, commonly held in antiquity, that the seisachtheia consisted in a reduction of debts through the debasement of the currency, as a result of which 100 new drachmas came to be of the same metallic value as 73 old drachmas, he points out that such was not the purpose of the currency reform. Its intention was rather, by changing from the Aiginetan to the Chalkidian standard, to open the Corinthian-Chalkidian trading area to Athens. Solon removed the horoi from the mortgaged lands (sic) and made it
possible for those who had been sold abroad to return to Attica. He not only enabled the families of these unfortunates to redeem them through his cancellation of debts, he also used the means of the state for this purpose (Schömann, 1897, 1, 345). In order to prevent a recurrence of the situation which had made the *seisachtheia* necessary, Solon forbade the contracting of loans on the security of the person. He also granted an amnesty to those who had been condemned by the courts to exile or loss of civil rights, with the exception of murderers and would be tyrants.

Nowhere, in his discussion of the *seisachtheia*, does Curtius say that Solon cancelled debts. He quotes the passage from Solon’s poetry where he says he removed the *horoi* from the land (Curtius, 1887, I, 318), but Curtius does not say clearly that Solon cancelled mortgage debts. He does, however, say that Solon’s measures “sich ohne wesentliche Beeinträchtigung der Gläubiger nicht durchsetzen liessen” (Curtius, 1887, I, 317), and goes on to describe Solon’s reform of the coinage. This reform consisted in a change from a heavy to a light currency. Solon allowed debtors to repay in light currency debts contracted in heavy currency, thus granting them a reduction of twenty-seven percent. Curtius adds that “Ausserdem wurde die Rückzahlung in bestimmten Fristen durch andere Vergünstigungen erleichtert und vorübergehend auch der Zinsfuß gesetzlich festgestellt” (Curtius, 1887, I, 318). Under Solon the state remitted debts owed to it and renounced outstanding fines. According to Curtius, Solon also set a limit on the amount of land a man could acquire (Curtius, 1887, I, 319) and forbade the contracting of loans on the security of the person (Curtius, 1887, I, 317).
Fustel de Coulanges believes that the *seisachtheia* of Solon was more extensive than would appear from a cursory examination of the ancient sources (Fustel de Coulanges, 1903, 315 (this work, *La Cité Antique*, was originally published in 1864)). Essentially, Solon abolished the condition of the *hektemoroi*, ended the 'slavery' of the land, and made the right of property accessible to all (Fustel de Coulanges, 1903, 315). According to Fustel de Coulanges, Solon perhaps cancelled the tribute which the *hektemoroi* had to pay, or, more probably, reduced it to an amount that was easier to pay, and abolished debt slavery (Fustel de Coulanges, 1903, 316). By removing the *horoi* from the land, Solon “avait arraché la terre à la religion pour la donner au travail” (Fustel de Coulanges, 1903, 316) thus accomplishing “une révolution considérable” (Fustel de Coulanges, 1903, 316). He abolished the authority of the *eupatrid* over the land and over the man who tilled it (Fustel de Coulanges, 1903, 316).

In his *Nouvelles Recherches*, Fustel de Coulanges says that Solon was responsible for a change in the Athenian system of land tenure, for a transition from a regime of big property to a regime of small property (Fustel de Coulanges, 1891, 131-132). However, it is not known in detail how Solon carried out this revolution. At the time of Solon land came to be regarded as more the property of the individual and less the property of the family (Fustel de Coulanges, 1891, 135), and after Solon the sale of land was permitted (Fustel de Coulanges, 1891, 137). By abolishing debt slavery and by separating property from the *γένος* by authorizing wills, Solon removed two obstacles to mortgages, but his does not mean that mortgage was
immediately instituted (Fustel de Coulanges, 1891, 140). As far as the authorization of wills is concerned, Fustel de Coulanges is uncertain whether or not bequeathing was done by adoption (Fustel de Coulanges, 1891, 136). In conclusion, he thinks it was customary in antiquity to see in the *seisachtheia* a mere cancellation of debts, when in fact it was more extensive (Fustel de Coulanges, 1903, 316-317).

In his work *La Propriété Foncière en Grèce jusqu'à la Conqête Romaine*, Paul Guiraud touches on some aspects of the *seisachtheia*. According to him, Solon abolished debt slavery, and there was a close connection between his removal of the *horoi* and his cancellation of debts, the former being a consequence of the later (Guiraud, 1893, 105). Solon's introduction of the will constituted a new mode of alienation and contributed to the fragmentation of property, a process which was already under way at the beginning of the sixth century (Guiraud, 1893, 391).

According to Wilamowitz, Solon cancelled all outstanding mortgage debts and forbade, with retroactive force, the contracting of loans on the security of the person (von Wilamowitz-Moellendorff, 1893, II, 62). He also disposed of means – whence he derived them, we do not know – which he used for repurchasing Athenians who had been sold abroad. The mortgage stones which were implanted in the land were destroyed. There was no resistance to this violent interference with the rights of private property. The propertied classes accepted these measures because they were glad to avoid the confiscation of their land (von Wilamowitz-Moellendorff, 1893, II, 62-63).
In his discussion of the *seisachtheia* at the end of the second volume of his *Histoire de Doit Privé de la République Athénienne*, Ludovic Beauchet, who shows the influence of Fustel de Coulanges, expresses the opinion that the discovery of Aristotle's *Athenaion Politeia* had shed new light on the problem and has made it possible to resolve it in a more or less satisfactory manner (Beauchet, 1997, II, 530). He says that there are two major theories on the *seisachtheia*, those put forward by Schömann and by Fustel de Coulanges. He exposes these two theories in turn, and then indicates that he is inclined to agree with Fustel de Coulanges (Beauchet, 1897, II, 536).

Beauchet says that the theory of Fustel de Coulanges is in contradiction with the manner in which the ancient authors interpreted the *seisachtheia*. However, he says, these authors did not have a sense of high antiquity and tended to explain historical events, which they did not understand very well, in terms of the facts and customs of their own time. For example, we certainly have a much better idea of the ancient γένος than Aristotle did (Beauchet, 1897, II, 539). Both Plutarch and Aristotle limit the *seisachtheia* to a cancellation of debts, but the true situation, the condition of serfdom and clientele of the people, transpires in their writings. A mere cancellation of debts would not have satisfied the aspirations of the people. And in his *Politics* (II, 9, 2) (1274a) Aristotle says that Solon ended the slavery of the people ("δολεύοντα τὸν δῆμον παύσαν") (Beauchet, 1897, II, 540). The thetes, Aristotle says, hoped for a general redistribution of land, including the fertile land of the Pedias, which was in the hands of the eupatrids (Beauchet, 1897, II, 540-541). Beauchet thinks that Solon, without redistributing the land of the Pedias, did give the
theletes some land. He points out that in the passage from Solon’s poems quoted by Aristotle, Solon says nothing about cancelling debts, but celebrates the liberation of the land. Beauchet argues that if the seisachtheia had been limited to a cancellation of debts, the situation which had made it necessary would have recurred after a short time. But this did not in fact happen (Beauchet, 1897, II, 543). The result of the seisachtheia

a été d’affranchir en même temps les hommes et la terre, en rompant définitivement l’ancienne organisation du γένος et en créant, à côté des Eupatrides, une autre classe d’hommes ayant également leur part de propriété dans le sol d’Attique et jouissant, comme leurs anciens patrons, quoique dans une moindre mesure, des droits politiques par suite des réformes politiques qui ont été le complément nécessaire de la réforme sociale. (Beauchet, 1897, II, 543)

It goes without saying that Beauchet rejects Androtion’s account of the seisachtheia.

As Aristotle says in Athenaion Politeia X, the reform of the currency was distinct from the seisachtheia, which it followed and completed in a sense favourable to debtors (Beauchet, 1897, II, 544).

Heinrich Swoboda maintains that Solon not only cancelled debts and abolished personal execution and debt slavery, but also eliminated the domination over the land ("die Grundherrschaft") of the eupatrids and serfdom ("die Hörigkeit") (Swoboda, 1905, 273). It would have been impossible, he adds, to abolish conditions of unfreedom in one respect and to preserve them in another. And there is no indication that after Solon the hektemoroi continued to exist (Swoboda, 1905, 273-274).

Swoboda mentions Busolt’s view that the hektemoroi did continue to exist after Solon
as a class ("als Stand"), although Solon improved their condition (Swoboda, 1905, 274). This view, Swoboda says, derives from Busolt’s misconception about the status of the hektemoroi, for he considers them to be free wage-earners. According to Busolt, under Solon the hektemoroi did not receive full right of citizenship ("volles Bürgerrecht"), but remained outside the classes (τέλη), and only became citizens ("Bürgern") under Cleisthenes. Swoboda thinks that the fact that Solon gave to the lowest class the name θητες, which was the usual designation for wage-earners, tells against this opinion of Busolt (Swoboda, 1905, 274). He concludes that Solon abolished the institution of the hektemoroi (Swoboda, 1905, 275).

Swoboda says that Solon redistributed land to some extent, making the former serfs free proprietors ("freie Grundbesitzer") (Swoboda, 1905, 275). This, at any rate, was his intention; he began a process which continued under Peisistratus. In support of this view, Swoboda quotes Aristotle’s statement in the Politics (1266b 14ff) that Solon set a limit on the amount of land a man could own (Swoboda, 1905, 277) and adds that he thinks that this limitation was valid not only for the future, but also applied retrospectively (Swoboda, 1905, 278). However, Solon’s measures were far from the ἀναδασμός τῆς γῆς demanded by the democrats (Swoboda, 1905, 279).

Charles Gilliard, who shows the influence of Fustel de Coulanges, begins his discussion of the seisachtheia by remarking that in his poetry Solon has not left us an exposition of this major reform. He then quotes fragment 36, where Solon speaks of removing the horoi (Gilliard, 1907, 188). Gilliard says that the results mentioned in this fragment, viz. the removal of the horoi and the liberation of the slaves, could
only have been brought about by the cancellation of debts and tribute ("la suppression des dettes et des redevances") (Gilliard, 1907, 189). This is the traditional explanation of the *seisachtheia* which has been transmitted to us by the ancients and accepted by most modern scholars, including Gilliard (Gilliard, 1907, 214).

Gilliard sees a polemical intention in Aristotle's repeated insistence that Solon cancelled debts; it is clear that there were those who thought that this was not the case (Gilliard, 1907, 191). Androtion is the only representative of those who denied that Solon cancelled debts of whom we know, and we know of him because his opinion is stated by Plutarch. According to Plutarch, Androtion maintained that the *seisachtheia* consisted in an alleviation of the condition of the debtors by means of a moderation of the rate of interest and a monetary reform (Gilliard, 1907, 192). In this regard, Gilliard states categorically that Solon did not regulate the rate of interest by law (Gilliard, 1907, 193). This would have been impossible for future debts, but would have been possible for debts already contracted. However, Gilliard rejects the hypothesis that Solon set a low rate of interest for debts already contracted, because that would have meant that the debts were slowly extinguished by successive annuities, whereas it is clear from Solon's poems that the remedy was immediate (Gilliard, 1907, 194). For the same reason, the *seisachtheia* could not have been limited to a monetary reform (Gilliard, 1907, 200). Androtion probably put forward his explanation of the *seisachtheia* because in the fourth century cancellation of debts was deprecated as radical (Gilliard, 1907, 212).
Some historians, for example Grote, Thumser, and Poehlmann, have appealed to a passage in Dionysius of Halicarnassus (*The Roman Antiquities* V, 65), in which he says that debts were cancelled in favour of the poor, in order to dispute that Solon cancelled all debts. According to their reading of Dionysius of Halicarnassus, Solon only cancelled the debts of the poor. In Gilliard’s opinion, however, the passage in Dionysius of Halicarnassus does not have this restrictive meaning; rather, it signifies that the purpose of the measure was to benefit the poor (Gilliard, 1907, 201). At the beginning of the sixth century debtors were necessarily poor (Gilliard, 1907, 202).

The beneficiaries of Solon’s measure fell into two classes: those who owed feudal dues (“des redevances féodales”) and those who owed a capital plus interest. It was possible for the same individual to belong to both classes (Gilliard, 1907, 202-203). Those who owed feudal dues obtained free property of the land they cultivated and of its product and became independent of the *eupatrids* to whom they were previously bound (Gilliard, 1907, 203). Although Solon says that he redeemed many (*πολλούς*) from slavery, Gilliard thinks that it could not have been very many, for there was no memory of this redemption and there is no mention of it in Greek literature (Gilliard, 1907, 205): Gilliard thinks that Aristotle’s statement that Solon abolished debts owed to the state is an anachronism, for whereas considerable debts were owed to the state in the fourth century, this was not the case in the sixth century. Fines could have been owed to the state, but Gilliard thinks that Swoboda exaggerates the significance of these debts (Gilliard, 1907, 206).
According to Gilliard, the *seisachtheia* weakened confidence and perturbed credit, contributing to the discontent which led to the tyranny of Peisistratus. On the other hand, small property, which was in danger of being absorbed by big property, was saved (Gilliard, 1907, 207). Gilliard sees traces of the discontent of the *eupatrids* with the *seisachtheia* in Solon’s poetry, but he does not think that they resisted openly (Gilliard, 1907, 207). Nor were the beneficiaries of the cancellation of debts satisfied, for they demanded redistribution of land. Gilliard denies that Solon redistributed land; he disagrees with Swoboda’s opinion that Solon set a maximum amount of land an individual could own and redistributed the rest (Gilliard, 1907, 210).

In his *Griechische Geschichte*, Busolt says that the *seisachtheia* cancelled all debts on personal or real security and liberated those who had fallen into debt slavery (Busolt, 1895, II, 259). Solon also passed a law which forbade for the future the contracting of debts on the security of the body (Busolt, 1895, II, 260). He likewise forbade the sale of children. Busolt characterizes the cancellation of debts as “revolutionary” and says that in Solon’s eyes it was a justified measure aimed at the unjustifiably acquired wealth of the rich (Busolt, 1895, II, 260). Some of the rich resented the loss of their wealth, but there was no open resistance. Solon also found the means to repurchase many Athenians who had been sold as slaves abroad. However, those who were freed by the *seisachtheia* were without means, and it did not change the miserable economic conditions under which the *hektemoroi* lived. Solon did not redistribute the land of the *eupatrids*, as the *hektemoroi* demanded.
Solon’s legislation did concern itself with the economic circumstances of the *hektemoroi*, but it is not known what measures were adopted (Busolt, 1895, II, 261-262). Solon passed a law which limited the amount of land a man could acquire.

In his *Griechische Staatskunde*, Busolt gives the same account of the *seisachtheia* as he gives in his *Griechische Geschichte*, characterizing the cancellation of debts as “social revolutionary” (Busolt, 1926, II, 829). However, he does go into more detail with respect to the situation of the *hektemoroi*. He takes exception to the view, which he attributes to Swoboda and says is concurred in by Gilliard, that Solon not merely put an end to domination over the land (“Grundherrschaft”) and serfdom, but also intended to make the *hektemoroi* free landowners, a purpose which he was unable to carry out because of the resistance of the *eupatrides*. This view, he maintains, is in contradiction with Solon’s repeated and categorical statement that he carried out everything that he had promised (Busolt, 1926, II, 831). Busolt thinks that Solon redefined the relationship of the *hektemoroi* to the landowners. He put an end to their servitude (“Dienstbarkeit”) and economic subjection (“wirtschaftliche Gebundenheit”) and made them free métayers (“freie Teilbauern”) (Busolt, 1926, II, 832). Busolt says that Solon could not have given the *thetes* the right to participate in the assembly and the courts unless he had eliminated the serfdom of the *hektemoroi*, who constituted a considerable proportion of the *thetes* (Busolt, 1926, II, 832). Solon transformed the serfdom of the *hektemoroi* into a free contractual relationship.
According to Beloch, under the *seisachtheia* Solon cancelled all debts, removed the mortgage stones from the land, restored to freedom those who had fallen into slavery because of debt, and forbade for the future the contracting of loans on the security of the body. However, Solon resisted the demands of his supporters for a redistribution of land (Beloch, 1913, I, 364). Beloch maintains that it is wrong ("verkehrt") to speak of an emancipation of the peasants by Solon, although Aristotle’s remark that the land was in the hands of a few could be interpreted in this sense. The mortgage stones prove that before Solon the peasants were free proprietors of their land. Later, small property predominated in Attica, and, since Solon says he did not change the distribution of land, this must also have been the case before Solon (Beloch, 1913, I, 364-365).

In his book *Solon the Liberator*, W.J. Woodhouse reacts to the views of Heinrich Swoboda. Quoting Aristotle, he takes the view that the *seisachtheia* consisted in a cancellation of debts and a prohibition of the contracting of loans on the security of the person (Woodhouse, 1938, 169). He mentions, only to reject, Plutarch’s account of Androtion’s view that the *seisachtheia* consisted in a reduction of the rate of interest or of the amount payable through a modification of the monetary standard (Woodhouse, 1938, 169-170). By debts Woodhouse understands “obligations of payment in kind or in specie, secured upon the person of the debtor, or secured indirectly by means of sale with option of redemption” (Woodhouse, 1938, 171). Debts between individual nobles, which did not fall under the law of personal security, would not have been included. As to the question whether commercial
debts were included, Woodhouse denies that such debts existed in Solon’s time (Woodhouse, 1938, 172). Such indebtedness as existed was entirely agrarian. According to Woodhouse, the *seisachtheia* was retrospective in that it liberated those who in the past had fallen into slavery by reason of debt (Woodhouse, 1938, 175). The removal of the *horoi* from the land was a consequence of the cancellation of debts, and Solon reinstated as free proprietors those who through debt had fallen into serfdom (Woodhouse, 1938, 177). Woodhouse thinks that the rich acquiesced in the *seisachtheia* because they realized that they had acquired control of the land of the *hektemoroi* at a price below its economic value and had derived from the land revenue amounting to many times their original outlay (Woodhouse, 1938, 177-178). They knew that there were many men who wanted to go further than Solon. Some of the rich were ruined by the *seisachtheia*, and Woodhouse quotes Aristotle’s statement that unrest occurred in Attica as a result of it. However, it is not the case that Solon was responsible for the rise of tyranny (Woodhouse, 1938, 178).

Woodhouse mentions the story, recounted in Aristotle (Athenaion Politeia VI, 2) and Plutarch (*Life of Solon* XV), that Solon told some of his friends that he was planning to cancel debts, who thereupon borrowed large sums of money and purchased land. Woodhouse rejects this story on the ground that it would not have been possible at that time to find large amounts of money to borrow or large amounts of land for sale in Attica. The story obviously originated in an Athens of a later date, where a commercial economy prevailed (Woodhouse, 1938, 184).
Woodhouse takes exception to the view, put forward by Swoboda among others, that it was Peisistratus who completed the agrarian reform begun by Solon. According to this view, the *hektemoroi* received freedom but not land from Solon. They became supporters of Peisistratus, who gave them land he had confiscated from his opponents. In arguing against this view, Woodhouse points out that there is a gap of about fifty years between Solon and Peisistratus (Woodhouse, 1938, 191) and claims that there is no evidence that Peisistratus confiscated large amounts of land (Woodhouse, 1938, 194). He disagrees with Swoboda’s view that Solon’s limitation of the amount of land a man could own had retrospective force (Woodhouse, 1938, 193). According to Woodhouse, Solon reinstated the *hektemoroi* upon their former holdings, and there was nothing left for Peisistratus to do (Woodhouse, 1938, 194). Solon put an end to the concentration of land ‘in the hands of a few,’ and it is owing to Solon that Attica remained free of “that monstrous evil, the evil of latifundia” (Woodhouse, 1938, 198).

In an article entitled ‘Solon’s Sogenannte Χρεών Ἀποκοπή in Lichte der Antiken Überlieferung’ published in *Rheinisches Museum für Philologie* 96 (1953) 214-223, Max Mühl defends the view that Solon did not cancel debts. To this end, he interprets Aristotle *Athenaion Politeia* VI and Plutarch *Life of Solon* XV. In Aristotle, according to Mühl, χρεών ἀποκοπή and σεισάχθεια are identical (Mühl, 1953, 214). Mühl says that Aristotle derived this identification from the tradition about the activities of certain money dealers (“Geldschieber”), who are called χρεοκοπίδαι in Plutarch (Mühl, 1953, 215). Opposed to Aristotle’s conception of the *seisachtheia* in
the fourth century was Androtion’s view that the *seisachtheia* consisted not in a
cancellation of debts but in a reduction of the rate of interest, a view which Mühl
finds credible (Mühl, 1953, 216).

Mühl says that Plutarch at first accepts the traditional interpretation that
χρεῶν ἀποκοπή and σεισάχθεια mean the same thing, but then expresses himself in
different terms, equating σεισάχθεια with ἀναίρεσις τῶν συμβολαίων and saying
that Solon speaks of this in his poems (Mühl, 1953, 217). It is clear, according to
Mühl, that Plutarch does not take ἀναίρεσις τῶν συμβολαίων to mean χρεῶν
ἀποκοπή, for Solon does not speak of the latter in his poems. Instead, he speaks of
the removal of the *horoi* and of the abolition of debt slavery, and this is what Plu-
tarch means by ἀναίρεσις τῶν συμβολαίων.

According to Mühl, the belief that Solon cancelled debts originated in the
radical democratic propaganda of the fifth and fourth centuries for a cancellation of
debts (Mühl, 1953, 218-219). He thinks that Androtion was right to deny that Solon
cancelled debts, and that the facts that he was a pupil of Isocrates and that his father
belonged to the moderate group around Theramenes do not prove that he denied
the χρεῶν ἀποκοπή for reasons of propaganda. Nor has it been shown that An-
drotion was a conservative (Mühl, 1953, 219).

Towards the end of his article, Mühl makes it clear that he is only maintaining
that Solon did not cancel all debts, i.e. cash debts ("Barschulden") (Mühl, 1953, 220),
and concedes that he may well have cancelled debts contracted on personal security
or on the security of land (Mühl, 1953, 220). “Niemals im Altertum,” he writes,
"erscheint eine Streichung von Barschulden als Akt legaler Gesetzgebung, wohl aber als utopische Forderung radikaler Demagogen" (Mühl, 1953, 221). The first scholar to accept Aristotle’s report that Solon cancelled debts was Kenyon in his edition of the *Athenaion Politeia* (Oxford, 1891), and he was followed by Busolt-Swoboda and F. Jacoby (Mühl, 1953, 220).

In an article entitled ‘The Economic Background to Solon’s Reforms,’ published in *The Classical Quarterly* VI (1956) 11-25, A. French seeks to explain why Solon’s apparently revolutionary measure of debt cancellation was accepted by the ruling class in Attica (French, 1956, 11). His answer is that as a result of the settlement devised by Solon, the *hektemoroi* abandoned all claims to the land they worked, which became the property of the *eupatrids* (French, 1956, 20). The institution of the *hektemoroi* was becoming obsolete, as a result of a transition from the growing of grain to the growing of vines and olives, and Solon abolished the condition of the *hektemoroi*, converting them into *thetes* or free labourers (French, 1956, 23). According to French, it was the serf’s claim to the land that was enslaving it by hindering its development. The *horoi* signified the right of the *hektemoroi* to remain on the land, and by removing the *horoi* Solon freed the land from its encumbrances (French, 1956, 22). In order to prevent the situation from recurring, Solon forbade the contracting of loans on personal security.

For French, there is no doubt that both Aristotle and Plutarch believed that Solon cancelled all debts, and Androtion’s view that Solon merely reduced the rate of interest is improbable (French, 1956, 21). However, the question remains, what is
to be understood by "all debts"? Basing himself on Aristotle’s statement that "loans were in all cases on personal security until Solon’s time," French interprets debts as debts on personal security. He does not think that Solon cancelled all debts in the sense of all unpaid accounts, a measure which would have meant untold chaos (French, 1956, 21).

In an article entitled 'Land Tenure in Attica and Solon’s Seisachtheia,' published in *The Journal of Hellenic Studies* LXXXI (1961) 78-98, and which shows the influence of J.V.A. Fine, N.G.L. Hammond says that Solon “cancelled all existing debts” (Hammond, 1961, 97) and prevented the situation of enslavement due to indebtedness from recurring by rescinding Drakon’s laws of debt. He introduced new laws of debt which were formed in a spirit of equality for the ἄγαθοί and the κακοί (Hammond, 1961, 97). The seisachtheia also provided for the repurchase of Athenian citizens who had been sold into slavery. Solon freed the land from its obligation by removing the horoi, but did not redistribute land (Hammond, 1961, 89). However, he set a limit to the amount of land an individual could acquire (Hammond, 1961, 90).

In a contribution to the *Deuxième Conférence Internationale d’Histoire Économique* held in Aix-en-Provence in 1962, a contribution which shows the influence of A. French, Edouard Will defends an account of the seisachtheia which he attributes to Aristotle and Plutarch. According to Will, the seisachtheia consisted in a cancellation of debts ("créances") and a prohibition for the future of the contracting of loans on personal security, and thus of debt slavery (Will, 1962, 74). The horoi, which signi-
fied claims ("créances") on the land, were removed. The indebted peasants were freed from the status of *hektemoroi* in some cases, and from servitude in other cases. Small peasant property was thus reconstituted (Will, 1962, 74). Will rejects Androtion’s interpretation of the *seisachtheia*.

Will says that the *seisachtheia* was a half measure which discontented everybody, the poor, who expected more, and the rich, who expected less (Will, 1962, 74-75). It brought things back to the situation which preceded peasant indebtedness, but did not prevent the process from starting all over again. The peasant, whose lot was too small, would be forced to borrow; the only difference would be that his indebtedness could not result in slavery (Will, 1962, 74).

According to Agostino Masaracchia, the *seisachtheia* consisted in the cancellation of debts resulting from the agrarian crisis (Masaracchia, 1958, 138), the removal of the *horoi* from the land (Masaracchia, 1958, 141), and a prohibition of contracting loans on the security of the person (Masaracchia, 1958, 143-144). Masaracchia rejects Androtion’s view that Solon did not cancel debts but moderated the rate of interest by means of a μέτρων ἐπαὐξησις (Masaracchia, 1958, 139). By removing the *horoi*, Solon reinstated the *hektemoroi* on their land (Masaracchia, 1958, 143). Masaracchia rejects Swoboda’s view that Solon’s setting a limit on the amount of land an individual could acquire meant that all land above the limit was given to the former *hektemoroi* (Masaracchia, 1958, 145). The *seisachtheia* was not a revolutionary measure, and Solon did not transgress the limits of his powers as archon. When he entered office, the traditional relations of property had been undermined to the
disadvantage of the small proprietors, who had been reduced to the condition of 
hektemoroi or slaves. The purpose of the seisachtheia was to restore the traditional 
relations of property (Masaracchia, 1958, 146). However, the seisachtheia did not 
resolve the social problem, but discontented all sides. The eupatrids were discon­tented because the restoration of traditional property relations harmed their 
interests, and the demos was discontented because it demanded new relations of 
property (Masaracchia, 1958, 147).

In the article entitled ‘Su un’Interpretazione delle Riforme de Solone,’ pub­lished in La parola del Passato XV (1960) 20-39, Giovanni Ferrara expresses his 
disagreement with A. French’s interpretation of the seisachtheia. He begins by criti­cizing French for reducing the Solonian problem to one of economic history, a 
conception which he finds too restrictive (Ferrara, 1960, 20-21). French thinks that 
the situation Solon was called upon to deal with as a crisis of resistance to the deg­radation of the situation and of struggle to conserve ancient liberty, whereas Ferrara 
thinks that the situation was one of renewal and of search for new liberty (Ferrara, 
1960, 26-27). Ferrara finds French’s view that when Solon spoke of removing the 
horoi he was celebrating a calculated act of economic policy, and not a liberating act 
of political and social justice, incredible (Ferrara, 1960, 32). He also disagrees with 
French’s contention that Solon must have given the land tilled by the hektemoroi to 
the eupatrids, because they were all powerful and this was the only solution that 
would have been acceptable to them. According to Ferrara, the ruling class was not 
a united and homogeneous political and economic entity (Ferrara, 1960, 33). Solon’s
mediation between the rich and the poor was an aristocratic action (Ferrara, 1960, 35), but Solon represented a section of the ruling class, the section that was most moderate and least oligarchical (Ferrara, 1960, 34). All sections of the ruling class did not exploit *hektemoroi* to the same extent, and the Solonian faction lost less by the *seisachtheia* than the opposing faction (Ferrara, 1960, 37).

According to Filippo Cassola, under the *seisachtheia* Solon returned to the state and temples the land usurped by the *eupatrids* and made it accessible to the *hektemoroi* (Cassola, 1964, 51). However, he refused to redistribute privately owned land. Solon liberated insolvent debtors from slavery. In his extant poetry, Solon does not state that he cancelled debts, but that he did so may be inferred from the word "οεινάχθεια." The ἄχθος must refer to debts not yet due (Cassola, 1964, 52). Cassola thinks that Solon cancelled not all debts, but debts that were on the security of the person (Cassola, 1964, 52).

In his work *Distribuzioni de Terre nell' Antica Grecia*, published in 1966, David Asheri touches briefly on the *seisachtheia* of Solon. According to him, the *seisachtheia* reaffirmed the liberty of the enslaved land, destroyed the mortgage stones, restored the inalienability of individual lots, and prohibited their mortgaging in the future. This was the concrete significance of the cancellation of debts, which had been demanded by the indebted peasants (Asheri, 1966, 68). Asheri disagrees with Swoboda's attribution of a retroactive force to a law of Solon which limited the amount of land a man could acquire. According to Swoboda, the land in excess of the limit was distributed among the *hektemoroi*. Solon, Asheri avers, refused to
redistribute land (Asheri, 1966, 69). Moreover, the text of Aristotle (Politics 1266b 17) is not clear, for, given that the *seisachtheia* restored the inalienability of family lots, the law on the limitation of the amount of land one could acquire could only have applied to land that was not inalienable (Asheri, 1966, 69-70).

According to Stefan Link, who shows the influence of Filippo Cassola, under the *seisachtheia* Solon removed the boundary stones which the *eupatrids* had placed on undistributed land and cancelled the tribute of five-sixths of the crop that was paid by those who used the undistributed land (Link, 1991, 32). He did not redistribute the undistributed land, but made it accessible to all (Link, 1991, 32). Nor did he redistribute private land. Link mentions Aristotle's statement that Solon set a limit on the amount of land an individual could acquire (Link, 1991, 32). He says that Solon cancelled debts, but that his land reform had nothing to do with the cancellation of debts (Link, 1991, 33).

In his *Commentary on the Aristotelian Athenaiion Politeia*, P.J. Rhodes says that according to the *Athenaiion Politeia*, Solon's economic reform comprised two main elements, a prohibition of the contracting of debts on the security of the person and the liberation of those who had been sold into slavery for debt, and the *œioa* proper, i.e. cancellation of debts (Rhodes, 1993, 125). The cancellation of debts Rhodes finds problematic. It is hard to imagine, he writes "what the range of debts can have been in a community which did not yet use coinage" (Rhodes, 1993, 126). Solon's claim to have removed the *horoi* and liberated the earth implies "that the principal debts cancelled were the obligations of the *ἐκτήμοροι* to pay their over-
lord a sixth of their produce” (Rhodes, 1993, 126). For Rhodes, it is clear that as a result of the seisachtheia the hektemoroi became owners of the land they tilled (Rhodes, 1993, 126). Rhodes disagrees with Max Mühl’s interpretation of Plutarch’s phrase τῶν συμβολαίων ἀναίρεσιν (see above, 67). For Rhodes there is no doubt that by this phrase Plutarch meant cancellation of debts (Rhodes, 1993, 126-127).

According to Terry Buckley, Solon’s seisachtheia consists of three major reforms. In the first place, Solon removed the horoi from the land and thereby abolished the class of the hektemoroi. As a result, the former hektemoroi became owners of the land that they tilled. Solon’s second reform was to bring back those Athenians who had been sold abroad. His third reform was to cancel debts and to prohibit the contracting of debts on the security of the person.
CONCLUSION

Our survey of the history of the scholarship on the *seisachtheia* of Solon began with scholars who were writing fairly early in the nineteenth century, before the publication of the *Athenaion Politeia* (Grote and Schömann), and concluded with scholars who are writing toward the end of the twentieth century (P.J. Rhodes and Terry Buckley). It is evident that during the period covered there have been considerable changes in the approaches of scholars to the problem. For example, it used to be common in the last century to appeal to Hesiod (Swoboda, 1905, 241), Charondas (Guiraud mentions a reference to Charondas in Theophrastus [Guiraud, 1893, 104]) and Oxylus (Beauchet mentions a reference to Oxylus in Aristotle's *Politics* 1319a [Beauchet, 1897, II, 533]) in order to argue that land was alienable in Attica in the time of Solon, whereas by the thirties or so of the present century this was no longer the case. This change in approach may be ascribed to the discovery of the *Athenaion Politeia*, a discovery which had not made its full impact on scholarship until the twentieth century was well underway.

The publication of the *Athenaion Politeia* in 1891 provoked an immediate reaction in the scholarly world. Wilamowitz's *Aristoteles und Athen*, which was devoted to the subject, appeared in 1893. However, with respect to certain aspects of his treatment of the *seisachtheia*, for example his views on mortgage, it is clear that the influence of the *Athenaion Politeia* did not make itself felt on Wilamowitz. The same may be said about Paul Guiraud, also writing in 1893, and about Ludovic Beauchet, who was writing in 1897. Indeed, Beauchet says that the discovery of the
*Athenaion Politeia* has shed new light on the problem of the *seisachtheia* and made it possible to resolve it in a more or less satisfactory manner (Beauchet, 1997, II, 530), but in his discussion of the *seisachtheia* he does not explain how this is so, but merely says that he agrees with Fustel de Coulanges, who was writing before the discovery of the *Athenaion Politeia*. As for Heinrich Swoboda, he shares with Wilamowitz and Paul Guiraud views on mortgage which are not compatible with what Aristotle says in the *Athenaion Politeia*. We saw in our chapter on the *horoi* that Charles Gilliard’s views on the subject of mortgage are confused. He contradicts himself, sometimes expressing himself in terms which are compatible with what Aristotle says, and sometimes not. Similarly, in Busolt and Beloch we find the views that land was alienable and that mortgage existed in the time of Solon.

It is not until William John Woodhouse, who is writing in the 1930’s, that the full impact of the discovery of the *Athenaion Politeia* makes itself felt. At the beginning of his book *Solon the Liberator*, Woodhouse has a chapter entitled ‘The Witness of Aristotle,’ in which he roundly criticizes Aristotle’s description of the situation in Attica at the time of Solon. However, the influence of the *Athenaion Politeia* can be detected in his treatment of the *seisachtheia*, for example in his view that land was inalienable. But it must be said that Woodhouse does not completely accept Aristotle’s statement that “in all cases, loans were on the security of the person until Solon,” for he admits a fictitious sale with option of redemption or πρασις ἐπὶ λύσει. Woodhouse’s successors were more consistent with what the *Athenaion Politeia* says, for they either stipulated that in the case of πρασις ἐπὶ λύσει the debt
was ultimately on the security of the person (Naphtali Lewis, see above, 20), or dispensed with πρᾶσις ἐπὶ λύσει altogether (Detlef Lotze, see above, 24).

Other questions on which the discovery of the *Athenaion Politeia* has influenced scholarly opinion, besides the question of the alienability or inalienability of land, are the question of whether the *hektemoroi* lived in serfdom and the question of the interpretation of the *seisachtheia*. Some scholars, for example Paul Guiraud, maintain that nothing Aristotle says allows one to conclude that the *hektemoroi* were serfs, whereas others, for example Beauchet and Swoboda, think that it transpires in the *Athenaion Politeia* that the *hektemoroi* lived in serfdom. With regard to the interpretation of the *seisachtheia*, the *Athenaion Politeia* agrees with Plutarch in limiting the *seisachtheia* to a cancellation of debts, but some scholars, for example Beauchet, think that the *Athenaion Politeia* makes it clear that rather more must have been involved (see above, 57).

Another question on which scholarly opinion has evolved in the course of the period covered by our survey is the question of the use of coinage. Advances in the discipline of numismatics have brought forward the date for the introduction of coinage. Thus, Colin M. Kraay dates the introduction of the *Wappenmünzen* to the 570's and the introduction of the owls to the last quarter of the sixth century (Kraay, 1956, 44, and Kraay, 1962, 417). However, Grote believed that the loans contracted in the time of Solon were in money, not in kind (Grote, 1899, III, 94). And it was possible for Wilamowitz to write that a money economy had taken root in Attica and that coined money struck in Aegina and Chalkis circulated (von Wilamowitz-
Moellendrf, 1893, II, 57), and for Heinrich Swoboda to speak of the economic crisis which accompanied the introduction of a money economy (Swoboda, 1905, 265). But for P.J. Rhodes it is clear that coinage was not in use at the time of Solon (Rhodes, 1993, 126).

In our chapter on the hektemoroi, we have surveyed a variety of views on different aspects of the question. Perhaps the central issue is the question of the relationship of the hektemoroi to the land. Did they own the land they tilled, or had they once owned it and later lost it, or had they never owned it? Closely connected with this question is the question of the role of debt. Were the hektemoroi debtors, and if so, had they arrived at their condition as a result of indebtedness? Many of the scholars we have dealt with, perhaps the majority, maintain that the hektemoroi either owned the land they tilled or had once owned it. In the nineteenth century it was more usual than it is now to believe that land was alienable in the time of Solon, and some scholars, for example Curtius and Wilamowitz, assert that the hektemoroi had mortgaged their land (see above, 31 and 33). We think that this view has been properly discarded by the progress of scholarship.

In the twentieth century the view that the hektemoroi had mortgaged their land was combined with the view that land was inalienable. We are referring to W.J. Woodhouse’s theory of a fictitious ἀράσις ἐπὶ λύσει, for ἀράσις ἐπὶ λύσει is a form of mortgage. In our opinion, theories based on ἀράσις ἐπὶ λύσει are not compatible with inalienability of land. The concept of selling with option of redemption is parasitic on the concept of selling tout court.
Woodhouse's theory was accepted, with modifications, by other scholars. Naphtali Lewis, for example, maintains that since land was inalienable, the debt contracted by πρᾶσις ἐπὶ λύσει must ultimately have been on the security of the person, so that if the hektomoros was sold into slavery, the land would pass, free of debt, to the next of kin (see above, 20-21). We find this idea of Naphtali Lewis obscure, and we think that the obscurity is irremediable. It is difficult to understand how he thinks the arrangement worked in practice. He says that because land was inalienable, it was impossible to foreclose, and that thus the debt could only be satisfied by selling the hektomoros into slavery. But surely it is not correct even to speak of foreclosure in the case of a sale with option of redemption. The peasant who sold his land retained a perpetual option of redemption, and if he did not exercise that option of redemption, the land remained in the possession of the creditor. It is difficult to see how the possibility of selling the hektomoros into slavery could ever arise. And one wonders about the economics of it: could a slave possibly have been equal in value to the land sold with option of redemption?

Detlef Lotze has gone further than Naphtali Lewis in his criticism of Woodhouse and thinks that inalienability of land means that πρᾶσις ἐπὶ λύσει should be discarded altogether (see above, 24). Others, for example French and Will, have agreed with him in maintaining that the hektomoroi were indebted small proprietors, but that all loans were on the security of the person. To sum up, von Fritz, Naphtali Lewis, J.V.A. Fine and David Asheri accept Woodhouse’s theory of a fictitious πρᾶσις ἐπὶ λύσει (in some cases with modifications), whereas Lotze, French, Will,
and N.G.L. Hammond reject it, while still maintaining that the \textit{hektemoroi} were indebted small proprietors.

At this point we should like to state our opinion on the basic issue of the relationship of the \textit{hektemoroi} to the land. Nothing either Aristotle or Plutarch says allows one to conclude that the \textit{hektemoroi} had once owned the land they tilled. Aristotle says that the land was in the hands of a few, and that the \textit{hektemoroi} worked the fields of the rich, implying that the \textit{hektemoroi} had no land of their own. We therefore incline to the view that the \textit{hektemoroi} had never owned the land they tilled rather than to the view that they had once owned it and later lost it.

With regard to the question of debt, one scholar, Stefan Link, has denied that Aristotle and Plutarch regarded the \textit{hektemoroi} as debtors (Link, 1991, 18). This view is incorrect. Woodhouse maintains that Aristotle identified the \textit{hektemoroi} with the mass of the debtors, whereas Plutarch distinguished the two (Woodhouse, 1938, 26). Nevertheless, we think that Plutarch says clearly that the \textit{hektemoroi} were debtors:

\begin{quote}
\textit{άπας μὲν γὰρ οἱ δῆμος ἦν ὑπόχρεως τῶν πλουσίων. ἤ γὰρ ἐγεώργουν ἐκείνοις ἐκτὰ τῶν γιγνομένων τελοῦντες, ἐκτημόριοι προσαγοικοῦντες καὶ θήτες, ἢ χρέα λαμβάνοντες ἐπὶ τοῖς σώμασιν ἀγώγιμοι τοῖς δανείζουσιν ἡσαν, οἱ μὲν αὐτοῦ δουλεύοντες, οἱ δ᾽ ἐπὶ τὴν ξένην πιπρασκόμενοι. (XIII, 2)}
\end{quote}

However, nothing Plutarch says permits the conclusion that the status of the \textit{hektemoroi} resulted from indebtedness, and we do not believe that that was the case. Accordingly, the view that the \textit{hektemoroi} were indebted small proprietors is to be rejected.
Woodhouse says that the majority of modern treatments of the subject of the hektemoroi define their status in terms of a free contractual relationship, and that the dominant view of the hektemoroi is that they were free wage-earners, a view which he ascribes to Bury (see above, 17). We think that Woodhouse is wrong here. Our survey has shown that the dominant view of the hektemoroi is that they were serfs. It is true that some scholars dissent from this view, preferring to describe the hektemoroi as tenants, métayers, or clientele.

Paul Guiraud, who denies that the hektemoroi were serfs, regarding them instead as métayers, says that nothing Aristotle says permits the conclusion that the hektemoroi lived in serfdom (Guiraud, 1893, 421). On the contrary, we think that it is plain from Aristotle’s use of the word “δουλεύειν” at Athenaión Politeía II, 2 that the condition of the hektemoroi was serfdom. Some scholars say that Aristotle regards the hektemoroi as tenants (“Pächter”) (Swoboda) or describes them as cultivating the fields of the rich on terms which imply freedom of contract (Woodhouse). On our reading of the Aristotle it is not apparent that this is the case. The only justification for this view we can find is that Aristotle describes the hektemoroi as paying rent (“μίσθωσις”). At the most it can be said that there is some ambiguity in Aristotle’s account. Some scholars, Swoboda and Gilliard, criticize Aristotle for characterizing the hektemoroi as debtors. Gilliard implies that according to Aristotle, the hektemoroi had arrived at their condition as a result of indebtedness (Gilliard, 1907, 112). However, this implication is not correct.
We incline to the view that the hektemoroi were hereditary serfs rather than indebted small proprietors. We think that P.J. Rhodes is right to point out that there may have been no legal concept of ownership of land in Attica at the beginning of the sixth century. One should thus be circumspect in discussing the question of who owned the land that the hektemoroi worked. The theory advanced by Filippo Cassola and Stefan Link that the hektemoroi worked public or undistributed land that had been taken over by eupatrids has merit. While it is quite probable that private property originated in some such way, we think that these scholars exaggerate the significance of encroachments by eupatrids. We also think that serfdom was long-standing, originating in the Bronze Age. Filippo Cassola denies that the hektemoroi were serfs, and Stefan Link does not express himself on the question.

The disagreement of scholars about the amount of tribute the hektemoroi had to pay is remarkable, some, for example J.H. Lipsius, maintaining that Athenaion Politeia II, 2 establishes conclusively that the rent was one-sixth (see above, 10), and others, for example Paul Guiraud, maintaining just as doggedly, in the face of Athenaion Politeia II, 2, that the rent was five-sixths (see above, 12). It should be noted that in his criticism of Woodhouse's linguistic argument for the view that the hektemoroi paid five-sixths, von Fritz is unable to adduce examples of words like ἐκτημορος which mean payment of a certain part, but is only able to adduce words which are ambiguous, i.e. mean either payment or retention of a certain part (see above, 19-20). And in his analysis of the ancient evidence, von Fritz claims that Aristotle and Plutarch both state unambiguously that the rent was one-sixth (see
above, 19). As we said in our chapter on the *hektemoroi*, we think that the evidence of Aristotle and Plutarch is ambiguous (see above, 8). While the more probable interpretation of what both authors say is that the rent was one-sixth, that is not the only possible interpretation.

We think that the rent was one-sixth and not five-sixths. A rent of five-sixths is hardly credible. While one-sixth of the crop is conceivable as a wage for casual labourers employed at harvest time, a rent of five-sixths of the crop for a farm that is the sole means of subsistence of a family is not feasible. The helots paid only one-half in Laconia (Buckley, 1996, 90), where the land was more fertile, and one-tenth was regarded as onerous under Peisistratus. We think that Charles Gilliard makes a good point when he says that after providing sowing seed for the following year from their one-sixth portion, the *hektemoroi* would have had almost nothing left to live on (see above, 14).

We agree with von Fritz’s characterization of Woodhouse’s theory of a two-stage development as “incredible” (see above, 20). The mind boggles at the thought of a peasant paying five-sixths after having incurred arrears in the payment of one-sixth. And, as Nephtali Lewis points out, Aristotle characterizes as *hektemoroi* peasants who have not yet incurred arrears of rent (see above, 20).

In our chapter on the *horoi*, we have encountered four basic views on what the *horoi* were: (1) the view that the *horoi* were mortgage stones. This view is held by George Grote, Ernst Curtius, Friedrich Engels, Paul Guiraud, Wilamowitz, Heinrich Swoboda, Georg Busolt, and Karl Julius Beloch; (2) the view that the *horoi*
signified a fictitious πράοις ἐπὶ λύσει. This view was first put forward by W.J. Woodhouse and was concurred in, in some cases with modifications, by Kurt von Fritz, Naphtali Lewis, J.V.A. Fine, David Asheri, and Agostino Masaracchia; (3) the view that the horoi signified that the crop was bespoken. This view is held by G.F. Schömann, Charles Gilliard, A. French, Detlef Lotze, N.G.L. Hammond, and Edouard Will; and (4) the view that the horoi were boundary stones. This view is held by Fustel de Coulanges, Ludovic Beauchet, Filippo Cassola, Stefan Link, P.J. Rhodes, and Terry Buckley.

We have listed these views on the horoi in what we consider to be ascending order of plausibility. Thus we regard the view that the horoi were mortgage stones as the least plausible of the four. It presupposes that land was alienable in the time of Solon and implies the existence of a more or less commercial economy and the use of coinage. This view also affirms the existence of a free peasantry and disputes Aristotle's statement that the land was in the hands of a few. Some proponents of this view deny that the horoi were on the land of the hektemoroi, distinguishing the hektemoroi from the free peasantry. The view that the horoi were mortgage stones is out of fashion today, when most scholars do not believe that land was alienable, that coinage was in use, or that a commercial economy existed in Attica in the time of Solon. The last scholar to hold this view was Georg Busolt in 1926.

The view that the horoi signified a fictitious πράοις ἐπὶ λύσει represents an advance over the view that the horoi were mortgage stones inasmuch as the former view considers land to be inalienable. However, as we have pointed out above, this
view is not really consistent with inalienability of land. In order for \( \pi\rho\alpha\sigma\iota\nu \ \dot{e}\pi\iota \ \lambda\upsilon\sigma\epsilon\iota \) to be conceived, land must be alienable. J.V.A. Fine maintains that \( \pi\rho\alpha\sigma\iota\nu \ \dot{e}\pi\iota \ \lambda\upsilon\sigma\epsilon\iota \) was practised in the time of Solon, but that land remained inalienable until the Peloponnesian War (see above, 46-47). We think that this view is improbable. If, for the purpose of an argument, one admits the possibility of a fictitious \( \pi\rho\alpha\sigma\iota\nu \ \dot{e}\pi\iota \ \lambda\upsilon\sigma\epsilon\iota \) with inalienability of land, such a state of affairs can only mean that land is nearly alienable or is well on the way to becoming alienable. In our opinion, it is not plausible to maintain that \( \pi\rho\alpha\sigma\iota\nu \ \dot{e}\pi\iota \ \lambda\upsilon\sigma\epsilon\iota \) was being practised and that land remained inalienable for one hundred and sixty years after that. Fine contends that recourse to \( \pi\rho\alpha\sigma\iota\nu \ \dot{e}\pi\iota \ \lambda\upsilon\sigma\epsilon\iota \) was no longer had by the nobility after the seisachtheia of Solon. On the contrary, we think that alienability of land followed upon the seisachtheia.

The view that the horoi signified that the crop was bespoken is the first view to take seriously the thesis of the inalienability of land. All of the scholars who hold this view about the horoi maintain that land was inalienable, except for Charles Gilliard, whose views about land tenure in the time of Solon are confused (see above 35). For this reason, we think that the view has much to recommend it. However, it has the drawback of implying that the hektemoroi arrived at their condition as a result of indebtedness.

In our opinion, the most plausible view of the horoi is that they were boundary stones, symbolizing ownership of the land by the eupatrids. We agree with Stefan Link’s formulation that as such they signified the ground of debt, and not its
consequence, as mortgage stones would (see above, 51). We think that the meaning of the phrase “the land enslaved” is that the land was in the hands of the eupatrids, and was not owned by the men who tilled it. Paul Guiraud has criticized Fustel de Coulanges for holding this view, arguing that the phrase “the land enslaved” can only have significance in the presence of an abnormal or irregular subjugation of the land (see above, 33). According to Guiraud, ownership by the nobles would not constitute such an abnormal or irregular subjugation, but being mortgaged to a stranger would. For our part, we do not see how mortgage can be regarded as abnormal or irregular. Surely the mortgaging of land is a normal transaction, on the same footing as buying and selling. Agostino Masaracchia also argues that “the land enslaved” must signify a subjugation of the land that was abnormal or irregular. He does not see how land which had changed hands in the normal course of buying and selling can be described as “enslaved” (Masaracchia, 1958, 142). For Masaracchia, the slavery of the land meant that its inalienability had been negated in a way which was improper, and the horoi signified an acquisition of land that was not “in piena regola” (Masaracchia, 1958, 142). The enslavement of the land had come about as a result of indebtedness, the principal, but not the only means of contracting debts being πράσιν ἐπὶ λυσι. We think that this whole argument of Masaracchia has a question-begging character, and we disagree with it because we do not regard the hektemoroi as indebted small proprietors. Still on the subject of “the land enslaved,” Stevan Link say that this phrase means land that has recently been taken over by someone (see above, 51). We would disagree with the adverb
“recently”; we think that the possession of the land by the eupatrids was probably long-standing.

We have encountered two basic views on the question of the alienability or inalienability of land in the time of Solon. The following believe that land was alienable: George Grote, Ernst Curtius, Freidrich Engels, Paul Guiraud, Wilamowitz, Heinrich Swoboda, Georg Busolt, Karl Julius Beloch, and Filippo Cassola. The following believe that the land was inalienable: G.F. Schömann, Fustel de Coulanges, Ludovic Beauchet, W.J. Woodhouse, Kurt von Fritz, Naphtali Lewis, J.V.A. Fine, A. French, Detlef Lotze, N.G.L. Hammond, Edouard Will, and Agostina Masaracchia. David Asheri thinks that some land was alienable and some inalienable. P.J. Rhodes believes that the sale of land was rare in the time of Solon. Charles Gilliard come down on both sides of the question, and Stefan Link and Terry Buckley do not express an opinion on the matter. The view that land was alienable was dominant in the nineteenth century and at the beginning of the twentieth century. It has since yielded considerable ground to the view that land was inalienable. Of those who believe that land was inalienable in the time of Solon, most, for example Ludovic Beauchet and W.J. Woodhouse, think that it became alienable after the seisachtheia. However, J.V.A. Fine, and those who follow him, for example N.G.L. Hammond, think that land remained inalienable until the Peloponnesian War.

We have more sympathy with the view that land was inalienable than with the view that land was alienable. We believe that land changed hands with difficulty in the time of Solon. However, we infer from Aristotle’s statement in the
Politics (1266b 17) that Solon set a limit on the amount of land a man could acquire, that it must have been possible to acquire land in Attica at the time, i.e. some land must have been alienable. On the basis of Aristotle’s statement at Athenaios Politeia II, 2 that in all cases, loans were on the security of the person until Solon, we do not believe that mortgage was practised. We see confirmation of this belief in the fact that no mortgage stones have been discovered antedating the fourth century.

We agree with the view that land became alienable after the seisachtheia of Solon. We think that there was a gradual process of the displacement of personal security by real security that was completed at about this time. Thus we disagree with Fine’s view that land remained inalienable until the Peloponnesian War. This view is unable to explain what was used as security after Solon abolished personal security. Fine simply says that we do not know what was used as security in the post-Solonian period (see above, 44-45). In spite of what Fine says about Solon’s testamentary law, we think that this law played a significant role in rendering land alienable. Fine makes a strong case for his view in his discussion of literary references to the sale and mortgaging of land, but as he himself admits, this case is not conclusive.

We have encountered five basic views on the seisachtheia, viz: (1) what may be termed the dominant view, the view that the seisachtheia consisted in a cancellation of debts and a prohibition of contracting loans on the security of the person; (2) Androtion’s view that the seisachtheia consisted in a reduction of the rate of interest or of the amount payable by means of a devaluation of the monetary stan-
dard; (3) the view that under the *seisachtheia* the *hektemoroi* renounced all claim to the land they tilled, which became the property of the eupatrids; (4) the view that the *seisachtheia* restored the inalienability of family lots and prohibited their mortgaging for the future; and (5) the view that the *seisachtheia* was more extensive than a cancellation of debts.

Nowhere in the extant poetry does Solon say that he cancelled debts; instead, he celebrates the liberation of the land. However, it was asserted by both Aristotle and Plutarch, and it was generally believed in antiquity, that the *seisachtheia* consisted in a cancellation of debts. This is the view adopted by most of the scholars we have dealt with: George Grote, G.F. Schömann, Pail Guiraud, Wilamowitz, Georg Busolt, Karl Julius Beloch, W.J. Woodhouse, N.G.L. Hammond, Edouard Will, Agostino Masaracchia, Filippo Cassola, David Asheri, and Stefan Link.

As Charles Gilliard says, there were those in the fourth century who denied that Solon cancelled debts, although the only representative of those who held this view of whom we know is Androtion. We do not know which view was dominant in the fourth century. That Solon cancelled debts may have been affirmed by radical democrats and denied by conservatives for political reasons. Partly as a result of the fact that Aristotle championed it, the view that Solon cancelled debts became dominant.

Max Mühl has denied that Plutarch maintained that Solon cancelled debts. We agree with P.J. Rhodes that Mühl is wrong here, and that by ἀναίρεσις τῶν συμβολαίων, Plutarch did mean χρεῶν ἀποκοπῆ. We think that this is evident
from a cursory examination of the text of Plutarch. Mühl admits, what cannot be
denied, that Plutarch at first accepts the identification of σεισάχθεια and χρεῶν
ἀποκοπή (see above, 67). But when Plutarch speaks of ἀναίρεσις τῶν συμβολαίων,
according to Mühl he means not cancellation of debts but something different. We
think that it is clear from the context that by ἀναίρεσις τῶν συμβολαίων Plutarch
means cancellation of debts. After exposing Androtion's denial that Solon cancelled
debts, Plutarch writes: "οἱ δὲ πλεῖστοι πάντων ὀμοῦ φασι τῶν συμβολαίων
ἀναίρεσιν γενέσθαι τὴν σεισάχθειαν" (XV, 5). Here Plutarch obviously means to
contradict Androtion and assert that Solon cancelled debts. Moreover, immediately
after this passage Plutarch twice refers unmistakably to cancellation of debts: "ὡς
γὰρ ὃρμησεν ἀνιέναι τὰ χρέα" (XV, 6) and "χρεῶν δὲ ποιεῖν ἀποκοπᾶς
ἐγνωκέν" (XV, 6).

There is a controversy among scholars as to whether the cancellation of debts,
as related by Aristotle and Plutarch, meant that all debts were cancelled, or only
some. In his edition of the Athenaios Politeia, F.G. Kenyon asserted that Solon can­
celled all debts:

Probably, in dealing with the large number of obligations
secured on the person or land of the debtor, Solon found
it impossible to avoid touching the remaining class of
debts, and was unable to annul the one without also an­
nulling the other. (Kenyon, 1891, 15)

However most scholars, in what is really a verbal disagreement, either assert that
Solon cancelled not all debts, but debts on personal security or the security of land
(Cassola), or assert that Solon cancelled all debts, and then define a debt as a debt on
personal security (French). So there seems to be a general consensus that Solon cancelled debts on personal security. Moreover, we have Aristotle’s statement that in all cases debts were on the security of the person until the time of Solon.

Almost all the scholars we have dealt with agree in rejecting Androtion’s interpretation of the *seisachtheia*; only two scholars accept Androtion’s interpretation, Ernst Curtius and Max Mühl. The dominant view, encountered in Schomann among others, is that Solon’s currency reform was distinct from the *seisachtheia* and was not carried out primarily for the purpose of alleviating the condition of debtors (see above, 53). We think that the very meaning of the term “οφθαλμοί” – shaking off of burdens – tells against the interpretation of Androtion. Something more substantial must have been involved than a devaluation of the currency, which in any case would have been nugatory for debts which were virtually uncollectable.

It has been asserted by some scholars, notably Jacoby, that Androtion denied the χρεών ἀποκόπη for political reasons. According to this view, the propertied classes of Attica were terrified at the prospect of cancellation of debts and redistribution of land, and the precedent in their own history had to be eliminated. Phillip Harding has disagreed with this view, on the ground that “there was no social revolutionary movement in Athens in the fourth century, demanding the redistribution of land or the cancellation of debts” (Harding, 1994, 133). Whatever one thinks of this dispute, it hardly seems consistent to maintain, as Max Mühl does, both that the radical democrats asserted for political reasons that Solon cancelled debts, and that when Androtion denied that Solon cancelled debts, he did not do so
for political reasons. If one wants to contend that Androtion did not deny the χρεῶν ἀποκοπή for political reasons, it seems that one must maintain that the question of debt cancellation was not a live issue in the fourth century.

The view that as a result of the *seisachtheia* the *eupatrids* acquired ownership of the land that was tilled by the *hektomoroi* has been defended by A. French. We agree with the criticism of this view put forward by Giovanni Ferrara (see above, 71-72). Moreover, we find French's interpretation of the *seisachtheia* eccentric. We can think of no better term to qualify French's view that when Solon removed the *horoi*, he liberated the land from the claim of the *hektomoroi*, which was enslaving it. French thinks that Solon must have given the land to the *eupatrids* because they were all powerful. For our part, we emphasize that a revolutionary situation existed in Attica at this time, a state of affairs which may have threatened to deprive the *eupatrids* of their power and privileges. In any case, the *eupatrids* were hardly in a position to dictate a solution to the crisis.

David Asheri expresses the view that the *seisachtheia* restored the inalienability of individual lots, destroyed the mortgage stones, and prohibited the mortgaging of land in the future (see above, 72). On the contrary, we think that land became alienable after the *seisachtheia* and that mortgage was also introduced at this time.

We think that the interpretation of the *seisachtheia* that is most likely to be correct is the view that the *seisachtheia* was more extensive than a cancellation of debts. This view is defended by Fustel de Coulanges, Ludovic Beauchet, Heinrich Swoboda, Charles Gilliard, P.J. Rhodes, and Terry Buckley. These scholars all
maintain that Solon redistributed land to some extent, making the hektemoroi owners of the land they tilled. For the most part they also assert that Solon abolished servitude or eliminated the condition of the hektemoroi. It should be noted that some scholars, for example W.J. Woodhouse, who assert that the hektemoroi were reinstated upon the land that they tilled, do not belong in this category, for they maintain that the horoi were mortgage stones, that the removal of the horoi followed from the cancellation of debts, and that thus the land did not change ownership.

Of all the scholars we have dealt with, the scholars with whose interpretation of the seisachtheia we are most in sympathy are Fustel de Coulanges and Ludovic Beauchet. They both make very explicit their view that the seisachtheia was more extensive than a cancellation of debts. Although we think that the hektemoroi became owners of the land they tilled as a result of the seisachtheia, we do not agree with Heinrich Swoboda’s view that Solon’s limitation of the amount of land one could acquire had retrospective force, and that land in excess of the limit was distributed among the hektemoroi. However, we agree with Swoboda’s view that Solon abolished the condition of the hektemoroi and with his criticism of Busolt’s view that the hektemoroi remained outside the classes until Cleisthenes.

We think that the seisachtheia was a major upheaval of Attic society which changed the relationships among the classes and among sections of classes. No doubt some sections of the ruling class suffered heavy losses as a result of the cancellation of debts. In our opinion, the view that the seisachtheia was a half-measure which discontented all sides is apt to be overstated by some scholars, notably
Edouard Will (see above, 70). In our view, the *seisachtheia* did provide an effective remedy for the crisis Attica was faced with. As Ludovic Beauchet says, there is no indication that the situation which made it necessary ever recurred (see above, 58). And it must be remembered that there is a considerable gap between Solon and Peisistratus. We agree with the view, encountered in our reading, that the *sei­sachtheia* was perhaps the most extensive social reform ever achieved by non-violent means.
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