



4. a. West Side of the Agora: Council House  
 Tholos Metroon Temple of Apollo Stoa of Zeus



b. Model: Council House  
 Tholos Metroon Temple of Apollo Stoa of Zeus

**The Power of Propaganda:  
A Source Study of the Solonian Boulé of Four Hundred**

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Athenian democracy was the product of the sixth century before Christ, a period of vast social unrest and economic expansion not only in Athens, but throughout the Greek world. Yet Athens, more than most other city-states, experienced a profound metamorphosis. At the century's outset, an aristocratic government controlled Athens without popular participation. By its close, the framework for radical democracy had been created. This transformation was almost the entire century in the making: during the sixth century two great reformers, Solon (traditionally dated 594 B.C.) and Cleisthenes (508 B.C.), as well as tyrants, Peisistratos and his sons (560?-510), ruled the city.

Whom should we credit with the institution of Athenian democracy? By the end of the fourth century B.C., most Athenians thought that their democracy had been fashioned originally by the genius of Solon.<sup>1</sup> Yet this had not always been the case. As late as 411 B.C., amid the constitutional turbulence which followed the Syracusan disaster of 413, a certain Cleitophon proposed that the Athenian assembly elect officials to "investigate the ancestral laws laid down by Cleisthenes when he instituted the democracy."<sup>2</sup> Modern scholars generally regard Cleisthenes, rather than the earlier Solon, as the author of Athenian democracy.<sup>3</sup> Why, then, did the Athenians of the fourth century believe their unique constitution the product of the wrong man? And if Solon did not invent democracy, what

1. Isocrates, *Areopagiticus*, 7.15-16; Aristotle, *Politics*, 2.9 (1273b) are examples of this attitude.

2. Aristotle, *Athenaion Politeia*, 29.3. In this paper, Aristotle's name, when used in connection with the *Ath Pol*, is a matter of convenience and in no way implies the acceptance of him as the actual author. The translation of the *Ath Pol* was provided by J.M. Moore under the title: *Aristotle and Xenophon On Democracy and Oligarchy* (Berkeley: U. of Cal. Press, 1975). All other translations from the Greek are taken from the appropriate volume of the Loeb Classical Library, except those of Herodotus, which were translated by G. Rawlinson under the title: *The Persian Wars* (New York: Modern Library, 1942), and the fragments of Solon's poems translated by K. Freeman, *The Work and Life of Solon* (London: U. of Wales Press, 1926).

3. C. Hignett, *A History of the Athenian Constitution* (London: Oxford, 1952), pp. 86-107; W.G. Forrest, *The Emergence of Greek Democracy* (New York: McGraw Hill, 1966), p. 166; V. Ehrenberg, *From Solon to Socrates* (London: Methuen, 2nd edition, 1973), p. 67; N.G.L. Hammond, *A History of Greece* (London: Oxford, 2nd edition, 1967), pp. 161-62.

had he attempted to accomplish in his reforms of 594? Although a full-scale investigation of Solon's work, much less a complete examination of the evolution of Athenian democracy, is beyond the scope of this paper, it is valid to consider but one of the problems within the larger framework: Solon's supposed creation of a *boulé* (council) of 400.<sup>4</sup>

Modern scholars have wrestled with this problem before. C. Hignett claims that Solon did not create such a political body.<sup>5</sup> Other scholars, both before and after Hignett, have argued the opposite.<sup>6</sup> On the surface, it would appear that those who believe in the *boulé* of 400 have the better case, because both Plutarch and Aristotle explicitly state that Solon created such an organ. Indeed, this evidence is the chief prop of those who attack Hignett. As we shall see, however, both Plutarch and Aristotle probably obtained their information from a contaminated source. Thus, we are forced to search the ancient evidence for situations in which the *boulé* should have been conspicuously present had it existed. An evaluation of our extant sources which should, but do not, mention the *boulé*, indicates that Hignett was correct in his rejection of the *boulé* as a part of Solon's reforms, although his evidence, and therefore his case, was incomplete.

Before passing judgment on the Solonian *boulé*, we must ask what motivations lay behind the whole body of Solonian reforms. It is obvious from Plutarch's evidence for the *boulé* (see below) that the function of this body was thought to have been that of primary deliberation upon matters of state. Only after such deliberation could an agenda be brought before the *ekklesia* (assembly) for popular consideration. As Hignett notes:

"The presence in a state of a probouleutic council implies the existence of an *ekklesia* with extensive and important powers. Hence the statement of Plutarch that Solon created a new probouleutic council of 400 members, if correct, would be a decisive proof that he intended the *ekklesia* to develop into the effective sovereign of state."<sup>7</sup>

This may or may not mean democracy, depending upon the makeup of the assembly. But what should become clear, is that if it were Solon's intention to strengthen the assembly by the

4. The word "*boulé*" in Athens did not apply only to that body which deliberated upon matters of state before such matters were passed on to the assembly. The word also was used by the Athenians to describe the ancient institution of the *Areopagus*, the body of *ex-archons* (chief executives) which appears to have had extensive judicial powers. Thus, the appearance of the word "*boulé*" by itself does not necessarily refer to the council of 400.

5. Hignett, *Athenian Constitution*, pp. 92-95.

6. Freeman, *Solon*; P.J. Rhodes, *The Athenian Boulé* (London: Oxford, 1972), are but two examples of prominent scholars who accept the Solonian *boulé* as real.

7. Hignett, *Athenian Constitution*, p. 92.

institution of a *boulé* of 400, one would expect to see some indication of their relationship in our sources.

The evidence for the Solonian *boulé* is brief and can be quoted quickly. In the *Anthenaion Politeia* Aristotle wrote, "Solon instituted a *boulé* of 400 members, 100 from each tribe."<sup>8</sup> In his *Life of Solon* (19.1), Plutarch commented:

"After he had established the council of the Areopagus, consisting of those who had been archons year by year (and he himself was a member of this body, since he had been archon), he observed that the common people were uneasy and bold in consequence of their release from debt, and therefore established another council besides, consisting of four hundred men, one hundred from each of the four tribes. These were to deliberate on public matters before the people did and were not to allow any matter to come before the popular assembly without such previous deliberation. Then he made the upper council a general overseer in the state, and guardian of the laws, thinking that the city with its two councils, riding as it were at double anchor, would be less tossed by the surges, and would keep its populace in greater quiet."<sup>9</sup>

No other ancient source explicitly mentions the *boulé* of 400.<sup>10</sup> Yet, together Aristotle and Plutarch provide a body of evidence which certainly must be confronted by those who doubt the existence of the Solonian *boulé*. These two sources would be especially persuasive if they could be shown to have derived from independent traditions. Conversely, if the passages have a common source, their reliability becomes less certain. F.E. Adcock argues quite convincingly that Aristotle and Plutarch used the same historian, the fourth century Athenian Androtion, as their principal source for their Solonian chapters.<sup>11</sup>

8. Aristotle, *Ath Pol*, 8.4.

9. Freeman, *Solon*, p. 79, n. 1, thinks that the image of the ship of state riding smoothly upon the two anchors of the *boulé* of 400 and that of the Areopagus comes from a poem of Solon. If this is so, we have some evidence for the existence of the Solonian *boulé* of 400. However, as has been pointed out to me by J.P. Adams, Plutarch used this image again in his *Life of Lycurgus*, 5. It thus appears that the image was a common one with no connection at all with the work of Solon.

10. There are two other references in the *Ath Pol* (21.3 and 31.1) which seem to refer to the Solonian *boulé* of 400, but there is no firm identification or connection made. Demosthenes (*Oration XXIV.148*) described a *boulé* in association with Solon, but he does not give its number, and because of the function of this body, he appears to be referring to the Areopagus. Such is also the case with Andocides in his *Oration I.111* ("On the Profanation of the Mysteries"). My thanks to J.P. Adams for his help in locating possible references to the Solonian *boulé* of 400.

11. F.E. Adcock, "The Source of the Solonian chapters of the *Athenaion Politeia*," *Klio: Beitrage Zur Alten Geschichte*, 12, 1912, pp. 1-16. See appendix for a

If this is true, as Adcock's comparison firmly suggests, we need only question the reliability of Androtion to compromise the sole evidence for the existence of the *boulé*.

Exactly what type of witness is Androtion? A biased one to be sure: his explanation of Solon's *seisachtheia* ("disburdenment") runs in the face of all other ancient evidence on the matter, and it is rejected by virtually all scholars, both ancient and modern. The *seisachtheia* of Solon, pronounced at the very beginning of his year of reform, was in antiquity and is today generally considered a cancellation of all private debts.<sup>12</sup> Androtion, however, explained it as a reduction in the interest rate by Solon, a move involving no cancellation of debts. Aristotle, who up to this detail had been following Androtion, emphatically contradicted him in this definition.<sup>13</sup> Although Plutarch also relied heavily on Androtion, he cited him as the author of a theory of the "disburdenment" which he rejected.<sup>14</sup> So it appears that though both Aristotle and Plutarch considered Androtion a reliable witness in the main, they both found in his history specific facts which they could not accept and felt compelled to correct.

Androtion's handling of his Solonian material led L. Pearson to write the following:

"Androtion's 'rationalization' of the *seisachtheia* is in conformity with his position as a 'moderate' in politics, who looked back to Solon for his political ideals: it would be natural for him to make this measure appear less revolutionary and more constitutional than the traditional view represented. It is quite probable, therefore, that the idea of Solon as *ho mesos polites*, which is stressed by Aristotle, derives not only from the Athenian 'moderates' in general, but from Androtion in particular."<sup>15</sup>

There are two points of interest in this sketch: first, Androtion's position as a moderate; and second, the authenticity of the "moderate" Solon. Androtion certainly was a moderate as opposed to a radical democrat. There can be no other explanation for his rejecting the commonly held tradition of Solon's cancellation of debts; only a moderate (radical oligarchs being few in fourth century Athens) of aristocratic

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brief summary. As we do not have a fragment of Androtion concerning the *boulé* of 400, we must rely upon a comparison of existing sources to reconstruct what he wrote.

12. See Hignett, *Athenian Constitution*; Forrest, *Greek Democracy*; Ehrenberg, *Solon to Socrates*; and Hammond, *History of Greece* for a survey of modern opinion.

13. Aristotle, *Ath Pol*, 6.1.

14. Plutarch, *Solon*, 15.4.

15. L. Pearson, *The Local Historians of Attica* (Philadelphia: American Philological Association, 1942), p. 83.

leanings would find in this tradition something less than acceptable. Yet, instead of abandoning Solon to his fate as the predecessor of the radical democracy, Androtion felt compelled to rehabilitate the old gentleman by defining the *seisachtheia* along lines much more acceptable to the moderate wealthy. This view of Solon — that he created a constitution not nearly so radical as the one implied in the tradition of a total cancellation of debts — appears compatible with the viewpoint held in the late fifth century by would-be oligarchs.<sup>16</sup> Given the similarity of tone in the work of Androtion and in the fifth century oligarchic movement, Androtion might well have either borrowed this argument from the propaganda of the late fifth century, or composed this idea to lend credence to that view. Either way, his argument became suspect, and was so considered in antiquity. Questions then arise. Was Androtion influenced greatly by the oligarchic propaganda which arose in Athens as a result of the Syracusan diaster of 413? Was the unique definition of the *seisachtheia* the only intrusion of this influence into the history of Androtion? Did the view of the moderate Solon originate in this time as well?

Despite Pearson's assertions, the answer to the last question must be no. There come down to us from antiquity some thirty-eight fragments of poems commonly attributed to Solon by both ancient and modern authorities. We have no reason whatsoever to doubt their authenticity. Of these thirty-eight fragments, twelve stress Solon's position as a moderate.<sup>17</sup>

In addressing the other questions, it is helpful to note that Hignett, in dealing with the *boulé* of 400, writes:

"The first [chronological] reference to the existence in the sixth century of a council of four hundred is found in the constitution promulgated by the oligarchs in 411 . . . the number [of the *boulé*] was one chosen by them [the oligarchs] to suit their own requirements, the minimum necessary to ensure the success of their experiment, and . . . they then proceeded to invent a precedent for it, fathering their invention on either Drakon or Solon. The invention was later accepted by the radicals, who found in it a

16. For the political shift to the right in 411, see Thucydides, especially 8.57, where the re-drafting of the laws are considered. Aristotle, *Ath Pol*, 29.3, mentioned that the oligarchs did not consider Solon to have created a democracy. The two sources taken together seem to indicate that the late fifth century oligarch justified their program with an appeal to the past. They could only have appealed to Solon if he was seen as a conservative law-giver.

17. Freeman, *Solon*, pp. 207-16. The twelve poems referred to are Freeman's numbers 3, 4, 5, 6, 7, 9, 10, 11, 27c, 30, 31, and 32b. An example of Solon's tone can be seen in fragments 4, 5: "The people will best follow its leaders if it be neither given undue liberty nor unduly oppressed; for excess bears arrogance, whenever great prosperity attends on men whose minds are not well balanced."

Solonian anticipation of the council of five hundred, the citadel of the developed democracy."<sup>18</sup>

Hignett's view that Solon did not create the *boulé* of 400 is consistent with the character of Solon as portrayed in his poems. Though Solon chastised the rich for their greed,<sup>19</sup> he explicitly stated, "I stand with strong shield flung around both parties, and have allowed neither to win an unjust victory." and again, "I took my stand like a boundary-stone in the debatable land between the two parties."<sup>20</sup> In these two excerpts he could only have been talking about the conflict between the rich and the poor; accordingly, he could hardly be called a radical reformer. Giving equal protection to rich and poor, Solon had no desire to create a democracy, and thus he had no desire to change greatly the existing state of the constitution. Rather, he attempted to give the poor another chance and to promote harmony in the state. With such goals, a new *boulé* would have been superfluous.

By attributing the creation of the Solonian *boulé* of 400 to oligarchic propaganda of the late fifth century we are challenging directly the evidence of Plutarch and Aristotle.<sup>21</sup> Yet, considering the lack of supporting evidence where it should appear in our sources, we may argue that the 400, in a Solonian framework, is fictitious. Before looking at other ancient evidence, from the fifth century and later, let us consider how such a fraud could have been perpetrated.

R.A. DeLaix claims that such a fraud could not have been foisted upon the people of Athens.<sup>22</sup> The Athenian citizens, he argues, must have had some notions of their past and would never have believed the oligarchs if their political propaganda conflicted with the inherited tradition. DeLaix suggests that we have no references to an active *boulé* before Cleisthenes because our sources are incomplete. If we had all of the sources originally available, there would be references to the Solonian *boulé* before the reforms of Cleisthenes. Despite the assertions of DeLaix, we *do* have references from several different sources pertaining to the period in question. None of them mentions our elusive council. If such references to the *boulé* of 400 did exist, would time have been so selective as to erase all record of them, leaving only those sources which show no hint of its existence?

18. Hignett, *Athenian Constitution*, p. 93.

19. Freeman, *Solon*, poems 2, 14, 22.

20. *Ibid.*, poems 3 and 32b.

21. It is possible that the crediting of Solon with the institution of a *boulé* originally belonged to the democrats. Regardless, the oligarchs quickly incorporated the idea into their own propaganda, and probably provided its number.

22. R.A. DeLaix, "Probouleusis at Athens," *University of California Publications in History*, 83 (1973), pp. 3-17.

Could such a fraud have been imposed upon the people? Because this question is important to the acceptance of the *boulé* of 400 by Androtion (and by his contemporaries), and therefore, important to our acceptance or rejection of the *boulé*, we should consider the viewpoint of M.I. Finley upon the nature of the "ancestral constitution."

We have already seen that in the late fifth century, an Athenian named Cleitophon proposed that the Athenian assembly investigate the ancestral laws of the polis. We know that Cleitophon was an oligarch, or at least, a moderate with oligarchic leanings.<sup>23</sup> Cleitophon's motion was but one step in the political maneuvering of the oligarchs to re-establish a form of government that would eliminate the constitutional forms that had arisen in the radical democracy of the fifth century. Finley contends that during the debate over the change of the constitution, the democrats, in attempting to legitimize their radical democracy, went back further in the past than Cleisthenes — to Solon — to establish the precedent for their form of government.<sup>24</sup> In responding, the oligarchs would have to go back at least as far because, "it was assumed, rather than justified, that the argument from antiquity is a valid one in a debate about current politics," and that "the past has always been the handmaid of authority."<sup>25</sup>

Finley offers an explanation as to why the past could have been so manipulated by the present. It is not only that:

"when life becomes intolerable for large sections of the population, a measure of relief is obtained by dreaming about, and believing in, a time when things were different and better, customarily a time in the distant past, for obvious reasons";<sup>26</sup>

but also because there is something:

"in the very nature of man, who alone possesses both memory and the prescience of inevitable death, leading unconsciously to a desire, a need, for something that will create a feeling of continuity and permanence."<sup>27</sup>

Finley continues:

"With the restoration of democracy in Athens at the end of the fifth century B.C., oligarchy ceased to be a practical issue. However, the intellectual opposition to democracy remained, and in those circles (except

23. He is associated with Teramenes, a prime mover in the oligarchic experiment, by Aristophanes, *Frogs*, 967.

24. M.I. Finley, *The Ancestral Constitution* (London: Cambridge, 1971), p. 13.

25. *Ibid.*, p. 22.

26. *Ibid.*, p. 29.

27. *Ibid.*



for Plato and his close disciples) the appeal to the ancestral constitution retained vitality. *Everyone now agreed that it was Solon who founded the modern Athenian state*; hence Plutarch was to write his biography whereas Cleisthenes gradually dropped from sight."<sup>28</sup>

Finley explains that the Attidographers (local Athenian historians), Androtion among them, based their writings on their own experiences, on their predecessors' works, or, in the absence of these, "on the basis of the general conception accepted in their circles."<sup>29</sup> These psychologically protective conceptions were maintained in the face of new theories or facts. In other words, once the political controversy had evoked the tradition of Solon as creator of the democratic Athenian state, the people accepted Solon's new role because the fraud provided a basic psychological service for the people.

We can now understand how the false tradition of the Solonian *boulé* of 400 might have begun, how it might have been accepted as truth, and how it might have become common ground for both sides of the political question. While the *boulé* of 400 cannot be proven to belong to this tradition, there are at least strong indications that it may have been a part of it. The *boulé* was certainly not outside the sphere of political discussion. Considering that Androtion was not always entirely reliable, we should at least suspect all of his evidence that predates the propaganda of the late fifth century. Keeping this in mind, we must now turn to other evidence, in which we would expect, but do not find, a mention of the *boulé* of 400.

A convenient starting place for such an investigation is the oldest Athenian decree to survive on stone. It concerns Athenian cleruchs (special colonists who settled conquered territory) on the island of Salamis, and is dated by letter forms to between 520 and 480 B.C. Its last line reads:

en: [ep]i tes b[o]le [s . . . . .] <sup>31</sup>

The most convenient reading of the last word is "boles," and if this has been restored correctly, could perhaps reinforce the argument for the *boulé* of 400. However, as has been pointed out, a reference to the *boulé* only in the last line of an inscription presents problems, even if it is taken for granted that the word is in fact "boulé," and not a part of some longer word, perhaps a name.<sup>32</sup> Regardless, this reading would only be im-

28. *Ibid.*, p. 36. The emphasis is mine.

29. *Ibid.*, p. 49.

30. *Ibid.*, pp. 52-54.

31. R. Meiggs and D. Lewis, *A Selection of Greek Historical Inscriptions* (London: Oxford, 1975), p. 26.

32. Hignett, *Athenian Constitution*, p. 95.

portant if the date of the inscription was pre-Cleisthenic. Any later date would be meaningless as it would either refer to the Cleisthenic *boulé* of 500, or the Areopagus (indeed, the latter body could have been meant in a pre-Cleisthenic situation as well). In this context, the suggestion of Meiggs and Lewis that the Athenian settlement (and thus the decree) should be dated after Cleisthenes is convincing because Athens was no longer friendly with Sparta, and as they write, "it would have been a sound precaution to establish a permanent garrison on the island which Megara, with Spartan support, might attempt to recover."<sup>33</sup> This decree is the only non-literary piece of evidence that pertains to this problem, and though its date cannot be set precisely, it is obvious that it cannot be used as evidence that the *boulé* of 400 existed.

To deal with the constitutional problem from a literary source before the late fifth century propaganda, one can turn solely to Herodotus, because Thucydides does not mention Solon even once (an omission that may or may not be significant). Herodotus mentioned Solon several times in his first two books (1.29-32; 1.34; 1.86; 2.177), but nowhere did he mention a *boulé* of 400 in connection with this lawgiver. At first, this might not appear significant because most of the passages on Solon deal with his trip to Croesus after the constitutional reforms had been executed.<sup>34</sup> However, Herodotus did not completely neglect Solon as a lawgiver, since he did mention (2.177) that he had borrowed a certain law from Egypt. Yet, for the most part Herodotus ignored the constitutional aspects of Solon's legislation. Be this as it may, there are at least two passages in Herodotus which pertain to the existence of the Solonian *boulé*. As we approach Herodotus, we must keep in mind that the word "boulé" can refer to the council of the Areopagus just as easily as to a council of 400, and that the 400, as defined by Plutarch, was a probuleutic body (a body of primary deliberation). This is in fact the purpose of the later Cleisthenic *boulé* of 500, and it is difficult to imagine what else such a body could have done.

The first relevant passage in Herodotus (1.59) is as follows:

"He [Peisistratos] wounded himself and his mules, and then drove his chariot into the market place, professing to have just escaped an attack of his enemies, who had attempted his life as he was on his way into the country. He besought the people to assign him a

33. Meiggs and Lewis, *Greek Inscriptions*, p. 27.

34. Tradition has it that after Solon executed his reforms, he left Athens for a period of 10 (?) years. His subsequent travels took him to many lands, one of the most important of which was Lydia, whose king was Croesus. There are enormous problems with such a visit, but it is found in Herodotus.

guard to protect his person . . . The Athenians, deceived by his story, appointed him a band of citizens as a guard."<sup>35</sup>

It appears here that the Athenians act in some sort of official capacity, for how else could they have granted Peisistratos a legal bodyguard? If so, one must imagine that this was an act of the assembly. If this was the case, since there is no hint of a *boulé* of 400 (or of any body) considering the request of Peisistratos before it was proposed to the assembly, we must assume that this vote of the assembly was a violation of the Solonian constitution, if indeed a probuleutic body was a part of those reforms.

The second passage in Herodotus that merits consideration (5.72) reads:

"Succeeding here, he [Isagoras] next endeavoured to dissolve the council [*boulé*], and to put the government into the hands of 300 of the partisans of that leader. But the council resisted and refused to obey his orders . . ."

This passage deals with the events of 508 B.C., when the Athenian aristocrats, Isagoras and Cleisthenes, were engaged in a bitter struggle for the political control of the newly instituted constitution (that is, that form which ran Athens from 510, with the expulsion of the tyrant Hippias, the son of Peisistratos, to 508). Before the time of the quoted passage, Cleisthenes, when he realized that he was losing political control of Athens to his rival, turned to the people and proposed democratic reforms. Isagoras, in turn, utilized Spartan military strength to expel Cleisthenes, and to promulgate a new constitution of his own drafting (the passage above). Of course, the new constitution was short-lived, and both Isagoras and the Spartans were expelled. Cleisthenes returned home shortly thereafter.

Our problem here is to determine which *boule* is found in the above passage. Because of the brevity of this entire episode, from the first partnership of Cleisthenes and the people to his final return to Athens, it is hardly likely that this *boulé* represents a part of his reforms. This rules out the soon-to-be (if not already) instituted *boule* of 500, since there simply was not enough time for the 500 to have become a viable political organization. Therefore, this council should be either the Areopagus or the Solonian *boulé* of 400. P.J. Rhodes writes, "it is surely inconceivable that an attempt should have been made to dissolve the ancient council of the Areopagus; therefore the *boulé* which resisted Cleomenes [the Spartan king] ought to

35. This passage refers to the first attempt by Peisistratos to become the tyrant of Athens, ca. 560 B.C.

have been the four hundred."<sup>36</sup> But is this truly the case? Isagoras was a desperate man by this time, and although it might have been drastic to attempt to abolish such a hallowed Athenian institution as the Aeropagus, so was the calling of the Spartans to help overthrow the legally constituted government of his fellow citizens.

The move to dissolve the Areopagus would have been a natural one considering that Peisistratos and his sons had staffed it with their supporters.<sup>37</sup> Such a body would have constituted as much of a threat to a would-be oligarch as did the democratic reforms being suggested by Cleisthenes. Any body as respected as the Areopagus would have to be dissolved if Isagoras were to restructure the state along oligarchic lines by investing only 300 men with the powers of government. In fact, the Areopagus would have been in the best position to offer military resistance to a revolutionary of Isagoras' type. Its members were all ex-magistrates well known to the people at large, not only in their year of office, but also as elements of an official governmental body. They had a better chance of coming from a noble family than did a member of the 400, and enjoyed the accompanying influences and connections.<sup>38</sup> All in all, it makes much better sense to understand here the Areopagus rather than the 400 as the *boulé*.

This, unfortunately, is all the evidence that we have for the constitutional construction of sixth century Athens that pre-dates the late fifth century propaganda. We have, however, several sources which were composed later than 400 B.C. that similarly do not mention the *boulé* of 400 where we would expect to find it. Despite the fact that all evidence dealing with the constitution of Solon written after the period of corrupted traditions is somewhat suspect,<sup>39</sup> this is not as serious a problem to those questioning the existence of the 400 as it is to those who defend its existence. Given the suspect reliability of Androtion, and the fact that there is no mention of the *boulé* of 400 before the late fifth century (when corruptions are thought to have been introduced concerning related Solonian reforms), later evidence in favor of the 400 was more likely tampered with than that which does not depict this body.

36. Rhodes, *Athenian Boulé*, p. 208.

37. The tyrants did not alter the constitution of Athens. Since no one man could be archon more than once, this necessitated insuring that those elected to the chief magistracy were supporters of the tyrants. These men, after their year of office, would immediately be enrolled into the Areopagus. It is curious that we have no direct mention of Peisistratos himself holding the archonship.

38. Most scholars guess that the 400 was open to all but the lowest social class (*thetes*), while the archonship, and subsequently the Areopagus, was open at most to the top two property classes.

39. The assumption is made that the information prior to the late fifth century is relatively uncorrupted, because there was nothing earlier in Athenian politics to compare with the propaganda which was created at that time.

If it is true that Aristotle was the author of the *Athenaion Politeia*, then it is curious that in the *Politics* there is no mention of the boulé of 400 despite two reasonably good opportunities:

“... Solon for his part appears to bestow only the minimum of power upon the people, the function of electing the magistrates and of calling them to account (for if even this were not under the control of the populace it would be a mere slave and a foreign enemy), whereas he appointed all the offices from the notable and the wealthy, the five-hundred-bushel class and the zeugitai and a third property-class called the hippes; while the fourth class the thetes, were admitted to no office” (2.9 [1274a];

and again:

“As for Solon, he is considered by some people to have been a good lawgiver, as having put an end to oligarchy when it was too unqualified and having liberated the people from slavery and established our traditional democracy with a skillful blending of the constitution: the council on the Areopagus being an oligarchic element, the elective magistracies aristocratic and the law-courts democratic.” (2.9 [1273b]).

Since in both of these passages Aristotle is dealing directly with the constitution as created by Solon, the absence of the 400 is very conspicuous.

The other source for the Solonian boulé, Plutarch, contradicted himself flagrantly in regard to this point. While he mentioned that the purpose of the 400 was probuleutic, later in his *Life of Solon* (30) he wrote:

“now when Peisistratos, after inflicting a wound upon himself, came into the market-place riding in a chariot, and tried to exasperate the populace with the charge that his enemies had plotted against his life on account of his political opinions, and many of them greeted the charge with angry cries... After this the multitude was ready to fight for Peisistratos, and a general assembly of the people was held.”

This is obviously the same story that was found in Herodotus, and it similarly fails to mention the boulé of 400. However, consider the order of events: Peisistratos complaining to a mob, and then an assembly held to vote him a bodyguard. This, of course, is in direct conflict with Plutarch's own statement that it was the 400's duty “to deliberate on public matters be-

fore the people did and were not to allow any matter to come before the popular assembly without such previous deliberation." It seems that Plutarch had a far better chance of being correct when the *boulé* was not in the foreground, than when it was conspicuously displayed as a part of Solon's constitution. Here there is a chance that the truth slipped through unnoticed.

Two other witnesses, Diodorus Siculus and Diogenes Laertius, indicate that the *boulé* of 400 did not exist. Diodorus, in his history, wrote:

"Solon the law-giver once entered the assembly and urged the Athenians to overthrow the tyranny before it became all-powerful. And when no man paid attention to him, he put on his full armor and appeared in the market-place, although an old man, and calling upon the gods as witnesses he declared that by word and deed, so far as in him lay, he had brought aid to the fatherland when it was in peril." (9.20)

Here a new element is added to the familiar Peisistratos story. Solon's attempt to thwart Peisistratos is nowhere earlier stated in such concrete language. Solon is seen actually appearing before the assembly to put forth a proposal, and once again, the *boulé* is nowhere to be found. In all honesty, the reliability of the passage may not be great, because although the story of Solon's opposition to Peisistratos is mentioned elsewhere,<sup>40</sup> this passage is late, and the only other mention of Solon appearing before the assembly, in Diogenes Laertius, is even later. Therefore the reference here may be nothing more than an expansion upon a theme, with the similarity in Diogenes being nothing more than a repetition of Diodorus. It is just possible, however, that this information reflects an independent tradition. Whichever, it is interesting to note the *boulé*'s absence.

Diogenes Laertius related this story as follows (*Solon*, 2.1.49): "He [Solon] rushed into the assembly armed with spear and shield, and warned them of the designs of Peisistratos." He added that "the members of the council who were of Peisistratos' party, declared that he was mad." Rhodes claims that the story of Peisistratos, appearing before the assembly to petition a bodyguard, does not constitute evidence for the non-existence of the *boulé*, and in a footnote, includes this passage from Diogenes as evidence that there was a tradition in which a similar episode included a *boulé* of 400.<sup>41</sup> But once again, did Diogenes mean the 400, or the Areopagus? The only ancient source to comment upon the purpose of the 400, Plutarch, stated that its function was probuleutic. Diogenes gave no hint of such a role. He did not even mention

40. Aristotle, *Ath Pol*, 14.2.

41. Rhodes, *Athenian Boulé*, p. 208, n. 3.

the council until after Solon rushed into the assembly: an extremely odd position for a probuleutic boulé. If he meant this boulé to be that of the 400, why did he not portray Solon presenting his proposition to this body? Did he forget to include this part of the story, remember that the boulé's members later called Solon mad, but then forget or neglect to revise his earlier text? This hardly seems possible. It makes much more sense to equate this boulé with that of the Areopagus, both on internal and external grounds. Internally, it has been shown that the 400 just does not explain the order in which the assembly and the council are introduced. If the council in question is the Areopagus, there is no such conflict. Externally it is known that Peisistratos allied himself at times with other aristocratic factions (as well as controlling one of his own) to exercise effectively the powers of state. Surely some of his supporters must have been magistrates and these then would have been in the Areopagus. Thus, by calling Solon mad, they could merely have been trying to protect the reputation of a political ally.

The above passages are all that we possess from antiquity of any importance to the 400. Most sources, when dealing with Solon, consider only his private law reforms, his travels, or his character. The above provide scant evidence one way or the other, especially given the quality of the sources and their distance from the events in question. It is true that the above arguments cannot be counted as conclusive proof that Solon's boulé of 400 did not exist. However, the case against the boulé's existence is far stronger than that for its existence. An argument from silence is a dangerous one, but, in most cases that we have considered for sixth century Athens, this is all we have to work with. Historians, without suspect motives, simply do not write about events that do not happen, or about reforms that do not exist. Therefore, to doubt the existence of the Solonian boulé one need not rely upon the simplistic argument of W.G. Forrest that "the idea was too advanced for Solon" or too "democratic in principle."<sup>42</sup> It is possible to argue from the sources, or rather the lack thereof.

In summary, the tradition that Solon created a boulé of 400 as a part of his constitutional reforms comes to us only through Aristotle and Plutarch. Both (if indeed Aristotle wrote the *Athenaion Politeia*) compromised their statements upon this matter in other parts of their works. Also, both sources relied heavily upon Androtion, who in turn relied for this part of his history upon a biased tradition passed down by oligarchic elements in the constitutional struggle that tore asunder the Athenian state for years after the collapse of the Syracusan expedition. The corrupted tradition (that Solon had somehow

42. Forrest, *Greek Democracy*, p. 166.

been responsible for creating an "ancestral constitution," a part of which was a *boulé* of 400) was accepted by the Athenian population out of a psychological need for a sense of continuity in their history. Nowhere in the history written before the corrupted tradition is there any evidence for a *boulé* of 400. In many instances, the histories written after the inauguration of the corrupted tradition reveal that this falsification did not filter down to the level of the reporting of events. Thus, the argument from silence becomes impressive. Despite the fact that the *boulé* of 400 has been accepted for the most part by modern historians, the burden of proof lies with those who believe it existed.

The absence of a probuleutic *boulé*, until the reforms of Cleisthenes in 508, hints that the Athenian assembly had no regular or important powers until the end of the sixth century. Hence, democracy was yet a product of the future. This of course reinforces scholarly opinion, but the absence of a *boulé* of 400 also tells us something about the genius of both Solon and Cleisthenes. Solon appears not nearly so revolutionary as he would have, had he possessed the foresight to broaden the basis of power in the Athenian state by incorporating a larger segment of the upper classes. Solon's reforms looked more to the problems of the past than to the promise of the future. In their turn, the reforms of Cleisthenes become all the more remarkable. It is extremely ironic that an aristocrat, working in his own interest, created from nothing the constitutional forms that allowed the Athenians to fashion the most radical democracy the world has ever known.



## APPENDIX

The following is a brief summary of the argument of F.E. Adcock, "The Source of the Solonian chapters of the *Athenaion Politia*," *Klio: Beitrage Zur Alten Geschichte*, 12, 1912, pp. 1-16.

<i>Ath Pol</i> (Aristotle)	<i>Life of Solon</i> (Plutarch)
Killing of the Cylonian conspirators by Megacles (Heracl. <i>Epit.</i> 4).	c. (chapter) 12
c. I Trial of the Alcmaeonids; the coming of Epimenides of Crete.	<i>ibid.</i>
c. II Economic troubles.	c. 13
c. V Solon chosen to compose the troubles of the state. He lays the blame chiefly on the rich.	c. 14
c. VI <i>Seisachtheia</i> . Scandal of Solon's friends — Solon defended.	c. 15
c. VII New law excluding Draco's laws of <i>phonos</i> . Laws ratified for 100 years. Arrangement of social classes. Archons chosen from propertied classes; thetes only allowed to vote in ekklesia and courts.	c. 17 c. 25 c. 18 <i>ibid.</i>
c. VIII Pre-Solonian power of Areopagus. Maintenance of tribes and naucraries. Estab. of boulé. Areopagus appointed to protect laws and punish treason. Law against political indifference.	c. 19 <i>ibid.</i> <i>ibid.</i> c. 20
c. IX Democratic points of the new constitution. Obscurity of laws as a means to democracy.	c. 18
c. XI Motives for Solon's journey.	c. 25

Such a comparison indicated a common source for our two authors. We know that Aristotle used Androtion as a source. No other ancient source can better explain the similarities in these two accounts.