

SOLON'S LAW ON *STASIS* AND THE RISE OF PISISTRATUS IN 561/0 BC.

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ABSTRACT

This article analyses Solon's instruction that citizens should 'ground arms' during a time of political conflict (*stasis*). It argues that this requirement was part of an unsuccessful attempt by Solon to prevent the establishment of Pisistratus' tyranny in Athens in 561/0 BCE.

According to the *Athenaiōn Politeia* Solon enacted a law on *stasis* that penalized neutrality in civil strife. The text is as follows:

Seeing that the city was often in a state of strife (ὄρων δὲ τὴν μὲν πόλιν πολλάκις στασιάζουσιν), and that some of the citizens through apathy accepted whatever might happen, he (Solon) enacted a special law to deal with them, that if when the city was torn by civil strife anyone should refuse to place his arms at the disposal of either side he would be outlawed and have no share in the city (μὴ θῆται τὰ ὄπλα μηδὲ μεθ' ἑτέρων, ἄτιμον εἶναι καὶ τῆς πόλεως μὴ μετέχειν).²

Solon's law aroused much comment among ancient authors, who regarded the lawgiver's requirement to join one of the warring sides, rather than to stay neutral, as strange.³ In his poems Solon urged restraint

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² *Ath. Pol.* 8.5, tr. P.J. Rhodes.

³ Plut. *Sera.* 550C, *Praec. Ger. Reip.* 823F; Aul. Gel. 2.12.1, but cf. Cic. *Att.* 10.1.2. Solon, as Diogenes narrates, did not join any of the opposing sides: ἀλλὰ καὶ τῆς στάσεως γενομένης οὔτε μετὰ τῶν ἐξ ἄστεως, οὔτε μετὰ τῶν πεδιέων, ἀλλ' οὔδὲ μετὰ τῶν παράλων ἐτάχθη (Diog. Laert. 1.58). Perhaps Diogenes is hinting at Solon's violation of his law on *stasis* here.

on the opposing sides, comparing himself with a mighty shield that guarded both of them (e.g. Sol. fr. 5. 5-6 Diehl, cf. Diog. Laert. 1.58).⁴

Solon's law has also provoked a great deal of discussion among modern scholars. Some of them have argued against its authenticity. They point out, for example, that it did not urge the citizens to keep order (*eunomia*), as would be expected in a law by Solon.⁵ Also, in Lysias 31 *Against Philon* there is an attack on Philon's fitness to be a member of the Council of 500, because he left Athens and avoided action in 404/3 B.C. We would have expected Solon's law to have been applied in this trial. But the speaker says that Philon did not break any Athenian law.

If it was a crime to absent himself at that crisis, we should have had a law expressly dealing with it (νόμος ἄν ἔκειτο περὶ αὐτοῦ διαρρήδην), as in the case of all other crimes. He does not expect you to perceive that the gravity of the crime was the reason why no law was proposed to deal with it. For what orator would ever have conceived, or lawgiver have anticipated, that any of the citizens would be guilty of so grave an offence? (Lys. 31.27 tr. Lamb).

On the basis of this text some scholars have argued against the authenticity of the law on *stasis* (or against its Solonian origin),⁶ but others have nevertheless tried to find allusions to Solon's law in the

⁴ Here Solon presented himself standing not between, but rather above warring parties (Van 't Wout 2010: 299). In other verses he equates himself with a boundary stone between opposing sides (Sol. fr. 5. 5-6 Diehl). See also Schmitz 2011: 27.

⁵ Hignett 1951: 26–7; Hansen 1976: 78; Develin 1977: 507–8. But in Plutarch's biography of Solon we read: 'He wishes, probably, that a man should not be insensible or indifferent to the common weal, arranging his private affairs securely and glorying in the fact that he has no share in the distempers and distresses of his country, but should rather espouse promptly the better and more righteous cause (τοῖς τὰ βελτίω καὶ δικαιότερα), share its perils and give it his aid, instead of waiting in safety to see which cause prevails' (Plut. *Sol.* 20.1 tr. B. Perrin). Obviously, this is not historical fact, but Plutarch's point of view. But we could accept this as Solon's intention.

⁶ Bers 1975: 1975: 494. Some scholars suppose that the law is more suited to the political environment of the late fifth century B.C. but that it was ascribed to Solon (David 1984: 129–38, cf. Bleicken 1998: 1.120–29).

speech.⁷ Those scholars who assume the authenticity of the law try to connect it with the reforms of Solon.⁸ Some of them assume that Aristotle reproduced it inaccurately⁹ or suggest that it may have been a sort of abstract prescription or ‘more . . . an emphatic moral denunciation, or a religious curse, than a legal sanction capable of being formally applied in an individual case and after judicial trial’.¹⁰ Develin argues that the odd character and ambiguity of Solon’s law guarantees that it is genuine.¹¹

Much attention has been devoted to what is specifically said about those who did not put their weapons at the disposal of either party in the conflict (μη θῆται τὰ ὄπλα μηδὲ μεθ’ ἐτέρων).¹² We do not know whether this implied an actual military involvement as a precondition for legal citizen status or whether it required only that each citizen should take a stance in a state of *stasis*.¹³ Van ’t Wout suggests that μη θῆται τὰ ὄπλα refers to the physical act of setting down one’s arms (or ‘grounding arms’) and in this way does not penalize neutrality but advocates it. However this act has more usually been interpreted as a public display of readiness to use arms.¹⁴ The final part of the law she translates as follows:

⁷ Goldstein 1972: 539–40. Ruschenbusch 1966: 83 conjectured that Solon’s law was aimed at external enemies, not at internal disturbances. But this view has triggered criticism from Schmitz 2011: 26 note 15, because the citizens in this case would be at liberty to take the enemy’s side.

⁸ Lavagnini 1947: 81–93; Goldstein 1972: 538–45; von Fritz 1977: 245–47; Develin 1977: 3; Manville 1980: 213–21; Carawan 1993: 305–19, at 311; Van ’t Wout 2010: 289–301; Schmitz 2011: 23–51; Bers 1975: 493–98 believes that Solon was looking for support for his reforms by this law.

⁹ Develin 1977: 507; von Fritz 1977: 247; Scafuro 2006: 175–96 ; Van ’t Wout 2010: 300 (fourth-century reformulation).

¹⁰ Grote 2009 (originally London 1847) 3.190, Bers 1975: 495.

¹¹ Develin 1977: 508; contra David 1984: 132.

¹² LSJ τίθημι (A. II. 10) *s.v.* τίθεσθαι τὰ ὄπλα suggests several translations, including: ‘to stock or pile arms’ (e.g.: Thuc. IV. 44.1: ‘to take up a position, draw up in order of battle’); or ‘to lay down one’s arms, surrender’.

¹³ For Rhodes the basic meaning of the expression is ‘rest arms’ (Rhodes 1993: 157). Goldstein treats it as a technical term dealing with fitness for civic rights (Goldstein 1972: 543–44). On the metaphorical meaning see Develin 1977: 507; Sealey 1983: 97–129 at 101.

¹⁴ Van ’t Wout 2010: 290, 293. Carawan 1993: 311, note 22, assumed that Solon’s law penalized those who fail to ‘ground arms’.

Whoever, when the *polis* is in a state of *stasis*, does not ground his arms without allegiance to either party, shall be *atimos* and have no share in the *polis* (ὄς ἂν στασιαζούσης τῆς πόλεως μὴ θῆται τὰ ὄπλα μηδὲ μεθ' ἑτέρων, ἄτιμον εἶναι καὶ τῆς πόλεως μὴ μετέχειν).¹⁵

The positive paradigm presented in this law, Van 't Wout points out, is not to choose sides in a situation of *stasis*, but on the contrary to take an armed stand in a position of neutrality, without siding with either party in a conflict (an active neutrality in her phraseology).¹⁶

Some scholars have assumed a specifically anti-tyrannical intent for the law¹⁷ and tyranny was indeed a reality in Athens.¹⁸ Solon himself was invited to be a tyrant, if we believe Plutarch. According to his narrative (Plut. *Sol.* 14.3-4), most of the Athenians hoped for a tyranny, even if it was a tyranny of the lawgiver (and *prostatēs tou dēmou*), Solon.¹⁹ Solon himself confirms the historicity of this when he indignantly refuses to become a tyrant (Sol. fr. 23 Diehl, 1-7, 8-11, 18-21).²⁰

¹⁵ Van 't Wout 2010: 295.

¹⁶ Van 't Wout 2010: 295. But, if we give credence to the words of Solon who appealed to the Athenians to uproot and destroy tyranny (Plut. *Sol.* 30. 5, see also Bers 1975: 496), there can really be no neutrality.

¹⁷ Grote 2009: 190, Schmitz 2011: 45ff. The anti-tyrannical intention of the law, as Schmitz supposes, aligns it with Cleisthenes' law of ostracism, which might be the continuation of the *Stasisgesetz* (Schmitz 2011: 45). Another opinion is that ostracism was more closely connected with the law (or laws) against tyranny (*Ath. Pol.* 16. 10; see also Goušchin 2009: 225-50 at 226).

¹⁸ I here pass over the Cylonian conspiracy and Damasias, who was elected as an archon but ruled in Athens for more than two years (Thuc. 1.126, *Ath. Pol.* 1.1, 13.2).

¹⁹ 'And above all', as Plutarch narrates, 'his familiar friends chid him for being averse to absolute power because of the name of tyranny (τὴν μοναρχίαν) <...>. Euboea (they argued) had formerly found this true of Tynnondas, and so had the Mitylenaeans, now that they had chosen Pittacus to be their tyrant' (Plut. *Sol.* 14.4, tr. Perrin, cf. Diog. Laert. 1.49). On Solon's *prostasia* (or 'elective tyranny') see *Ath. Pol.* 1285a29-b3 and Andrewes 1963: 96; Römer 1982: 25-46; Goušchin 1999: 14-21 at 16-17.

²⁰ However, autocracy and tyranny are in contradiction to Solon's understanding of good order (*eunomia*). Andrewes 1963: 89-91.

Solon urged the Athenians not to be indifferent to the attempts of *megaloi andres* to seize power (see Sol. fr.10. 3–4 Diehl); and warned about this in his *Eunomia*:

. . . who knows what is and has been done,
And comes at last to claim that payment due –
This aims a sure blow at the whole community,
And soon it comes to wretched slavery
Which rouses war from sleep, and strife within the clan (*stasin
emphylon*),
And sunders many from their lively youth.
(Sol. fr.3. 15–20 Diehl tr. M. L. West, cf. fr.10. 3–4).

‘Wretched slavery’ in these verses is very likely an autocracy (or tyranny) whose inevitable result was civil strife.²¹ A few fragments of Solon’s verses could be a response to the establishment of tyranny (Sol. frs. 8–10 Diehl = 9–11 West).²² If this is correct, Solon was obliged to stand up against Pisistratus’ tyranny and prevent its establishment at the beginning.

But if Solon’s law on *stasis* had an anti-tyrannical intention, another question has to be answered. Why was the law on *stasis* necessary, if there was in Athens a law against tyranny, and in particular, a law against tyranny enacted by Solon?²³ For before Solon’s other reforms there already existed in Athens something of the kind:

Solon’s thirteenth table (ἄξιον) contains the eighth of his laws recorded in these very words: ‘As many of the disfranchised as were made such before the archonship of Solon, shall be restored to their rights and franchises, except such as were condemned by the Areopagus, or by the *ephetai*, or in the

²¹ Noussia-Fantuzzi 2010: 247. It is unlikely that Solon was envisaging here the establishment of Pisistratus’ tyranny. Rather he was warning about the hope for autocracy. But the other fragment where metaphorical enslavement to a tyrant is mentioned may refer to Pisistratus (Sol. fr. 8 Diehl = fr. 15 Gentili-Prato; see also Noussia-Fantuzzi 2010: 327, cf. Irwin 2005: 98, contra Rihll 1989: 277–86 at 279).

²² Noussia-Fantuzzi 2010: 327, cf. Irwin 2005: 98. The assumption of T. E. Rihll that Solon bore in mind Draco seems to me unconvincing (Rihll 1989: 282).

²³ Bers 1975: 498; see also Ostwald 1955: 103–28 at 104–5, 110.

prytaneum by the kings, on charges of murder or homicide, or of seeking to establish a tyranny, and were in exile when this law was published' (Plut. *Sol.* 19. 3 tr. Perrin).

The amnesty law quoted above by Plutarch suggests that before Solon the Areopagus had claimed the right to condemn a would-be tyrant.²⁴ This law envisaged *atimia* and exile as punishments. So in this case *atimia* was equated with outlawry.²⁵ Perhaps other sanctions were envisaged for an accused offender (or offenders). M. Ostwald supposed this to be a law of Draco.²⁶

The *Athenaiōn Politeia* refers to the Solonian law against tyranny as follows:

(1) . . . and in particular it (i.e. the Areopagus) tried those charged with conspiring to dissolve the democracy, under the law of denunciation which Solon enacted to deal with them. (*Ath. Pol.* 8.4 tr. Rhodes).²⁷

(2) At that time the Athenians' laws about tyrants were mild, in particular the one relating to the setting-up of a tyranny. The law ran: 'This is an ordinance and tradition (θέσμιμα) of the Athenians: if men rise with the aim of tyranny, or if any one joins in setting up a tyranny, he and his issue shall be without rights (ἄτιμον εἶναι καὶ αὐτὸν καὶ γένος)'. (*Ath. Pol.* 16.10 tr. Rhodes).²⁸

²⁴ Rhodes 1993: 156.

²⁵ MacDowell 1978: 73, cf. 28-29 supposes that in the sixth and early fifth centuries *atimia* was roughly equivalent to outlawry and expulsion. See also Dmitriev 2015.

²⁶ Ostwald 1955: 106–9 at 108; see also Rhodes 1993: 221.

²⁷ The words 'to dissolve the democracy' refer to an obvious anachronism here, because democracy did not yet exist (cf. MacDowell 1978: 28). 'The democracy', I suspect, means rather the current government.

²⁸ See Ostwald 1955: 104; Carawan 1993: 305-19; Rhodes 1993: 220–23. This text raises many questions, therefore M. Ostwald is moderate in his review: 'The only conclusion which the Aristotelian text permits us to draw is that Solon enacted some sort of law, according to which attempts against his constitution could be impeached and were to be tried before Areopagus' (Ostwald 1955: 104–5).

The use of the word θέσμια here indicates that Solon was reproducing an old provision of law (possibly that of Draco).²⁹ The ancient law against tyranny suggested exile and the other sanctions as well (i.e. outlawry).³⁰ The Solonian law prescribed *eisangelia* and a trial before the Areopagus with *atimia* as a result (perhaps as before).³¹

Violation of the law against *stasis* also led to *atimia*, which involved a penalty of loss of rights and perhaps outlawry. The law on *stasis*, as Carawan points out, appears to be consistent with Solon's law for *eisangelia* to the Areopagus against men involved in overthrowing the democracy.³² But in this case the law on *stasis* would become a duplicate of the tyranny law. However, if the law on tyranny was enacted by Solon, why should he have enacted another one – exactly the same?

The law against tyranny was procedurally cumbersome. Its formula was *eisangelia* to the Areopagus (with supposed voting procedure) followed by *atimia*. Such a procedure appears to be difficult to manage, especially if the alleged perpetrator (or perpetrators) had a friendship or kinship with the Areopagites (as would be likely). Ostracism was introduced later as an anti-tyrannical measure (in any case initially) – essentially this democratized the procedure.³³ As for the law on *stasis* (in this case it would better to say the law against neutrality), it was not formally another law against tyranny but its goal, if I correctly understand it, was to close the path to tyranny by awakening the citizens' activism and consequently preventing *stasis*.

How is this borne out by the historical record? In 561/0 B.C. Pisistratus seized power in Athens for the first time and established himself as a tyrant. Was Solon even alive at this time? Some scholars

²⁹ See note 28, above.

³⁰ Rihl 1991: 101-27 at 111-12.

³¹ Ostwald 1955: 105–6. We could suspect that *atimia* here meant exile and outlawry as before. But Aristotle, quoted above, remarked that in time of Solon the Athenian laws against tyranny were mild. It would rather strange if we recall Solon's hatred to tyranny. According to MacDowell 1978: 28-29 (and see also note 27, above) *atimia* had its severe sense of 'outlawry' and had not yet come to mean the more lenient penalty of disfranchisement. But E. Carawan 1993: 307 n. 7 assumes that the leniency of the law was a Solonian innovation (contra Rhodes 1993: 221).

³² Carawan 1993: 311. W. Schmitz supposes the voting procedure in the authorized body, i.e. in the Areopagus (Schmitz 2011: 43).

³³ Goušchin 2009: 226, contra Rhodes 1993: 269-70.

doubt this.³⁴ If Solon was born *circa* 625 B.C. and was archon in 594 B.C. (when just 30), as Rihll points out, in 561/0 he will have reached the age of 65 years.³⁵ But if Solon was closer to 50 in 594 B.C., he would have been nearer 85 in 561/0 and such longevity could seem much more dubious.³⁶ Davies assumes that Solon may have been alive in this year, though at an advanced age.³⁷ Moreover, a few fragments of Solon's verses could be a response to the establishment of tyranny (Sol. frs. 8–10 Diehl = 9–11 West)³⁸ and Plato's dialogue *Timaeus* narrates the story of how Solon found disturbances when he returned to Athens after returning from his travels (Plato *Timaeus*, 21 c5–d1).³⁹ It is also noteworthy that the ancient sources posit the date of Solon's death in proximity to Pisistratus' assumption of tyranny (e.g. Plut. *Sol.* 32.3).⁴⁰

According to Herodotus (1.59.3) Pisistratus proclaimed himself the leader of the *hyperakrioi* (τῶν ὑπερακρίων προστάς) and joined the struggle between two other groups some time later.⁴¹ If for Herodotus this means Pisistratus' championing a group identified only by association with a locality in *Ath. Pol.* 28.2 he is *prostatēs tou dēmou*, i.e. the champion of the people.⁴² Herodotus says that Pisistratus was *prostatēs* 'in word' only and that he used the championing of this group

³⁴ Jacoby 1949: 365 n. 70; Mühl 1955: 315–23; Rihll 1989: 277.

³⁵ Rihll 1989: 277.

³⁶ Rihll 1989: 278. In 490 B.C. — in the year of the battle of Marathon — Hippias the son of Pisistratus would have been over 80 (cf. Lang 1954: 67).

³⁷ Davies 1971: 323. Rhodes 1993: 169ff, 201–2 accepts Solon's participation in the events. He died perhaps shortly after Pisistratus established his tyranny.

³⁸ Noussia-Fantuzzi 2010: 327 ff.; cf. Irwin 2005: 98. The assumption of T. E. Rihll that Solon bore in mind Draco seems to me unconvincing (Rihll 1989: 282ff.).

³⁹ The fact that Critias and Solon were related attaches additional importance to Plato's evidence (e.g. Davies 1971: 322, cf.: Plato, *Tim.* 20e–21b).

⁴⁰ Irwin 2005: 264 note 3.

⁴¹ How and Wells 1912: 1. 81; 1999: 14 note 2. For Lavelle 2005: 71, 73–74, 81 the Herodotean parties are a fiction. He finds only two active political groups at Athens (with reference to Solon's verses) – the *dēmos* and the 'powerful and wealthy'.

⁴² Goušchin 1999: 14ff. Podlecki 1987: 3–10 at 8, note 33, has referred Pisistratus' *prostatia* to the fictitious identification with Solon. Lavelle 2005: 83, and note 54 on p. 281, in turn points out that the *demos*' leader was not Pisistratus, but Megacles. He exaggerates Megacles' role in these events, even making him an initiator of the establishment of Pisistratus' tyranny (*ibid.*, 87, 89 ff.).

as a means of becoming tyrant of the whole of Athens.⁴³ Aristotle later summarised Herodotus' narrative about the three *staseis* and Pisistratus' trick to obtain a bodyguard, but added political labels to the three groups (*Ath. Pol.* 13. 4–5). He adds that a certain Aristion put forward the motion about it in written form (*Ath. Pol.* 14. 1).⁴⁴ But then we find in Aristotle's report an interesting peculiarity:

It is said that when he asked for a bodyguard Solon spoke against it, and claimed to be wiser than some and braver than others – that is, wiser than those who failed to realize that Pisistratus was aiming at tyranny, and braver than those who realized but kept quiet about it. When what he said failed to persuade the Athenians, *he displayed his arms in front of his door*, and said that he had helped his country as far as he could (by then he was a very old man) and called on the others to do likewise. (Arist. *Ath. Pol.* 14. 2 tr. Rhodes).

Plutarch's account, which obviously takes into consideration those of Herodotus and Aristotle (Plut. *Sol.* 30),⁴⁵ also states that Solon placed his arms outside his door:

No one (i.e. of the Athenians) had the courage to side with him, however, and so he retired to his own house, *took his arms, and placed them in the street in front of his door* (λαβὼν τὰ ὄπλα καὶ πρὸ τῶν θυρῶν θέμενος), saying: 'I have done all I can to help my country and its laws' (Plut. *Sol.* 30.5).⁴⁶

⁴³ Goušchin 1999: 18.

⁴⁴ Certainly, it occurs in the Assembly, but it is unlikely that Aristion made his motion in written form (Rhodes 1993: 200).

⁴⁵ The events unfolded in the Assembly (εἰς ἀγορᾶν).

⁴⁶ The same story is narrated by Diogenes (1.50 tr. Hicks): 'When Pisistratus was already established, Solon, unable to move the people, *piled his arms in front of the generals' quarters* (πρὸ τοῦ στρατηγείου)². Diogenes obviously was not careful with terminology. It is unclear which Council considered Solon mad. If it is true it is more likely to be the four hundred; it would be surprising if the Areopagus was full of supporters of Pisistratus. And the board of the generals (*stratēgoi*) will emerge only in Cleisthenes' time. But in spite of the mistakes we should not reject Diogenes' account *in toto*.

In the passages above Solon felt resignation and laid down his arms.⁴⁷ Was Solon's action in placing his arms outside his house what P. Van 't Wout called it an 'active neutrality'?'⁴⁸ This is doubtful. His action could perhaps be seen as the completion of what he had begun some time earlier. We could take into account Diogenes Laertius (1.49, tr. Hicks, cf. Diod. Sic. 9.4), who adds some details to this story (with reference to Sosikrates of Rhodes). He states that when the Athenians discussed the question of granting Pisistratus a bodyguard, Solon '*rushed into the Assembly armed with spear and shield*, warned them of the designs of Pisistratus, and not only so, but declared his willingness to render assistance <...> And the members of the council (ἡ βουλή), who were of Pisistratus' party, declared that he was mad.' After that he laid down his arms because his attempt had been unsuccessful (Diog. Laert. 1.50).⁴⁹

All these actions could be closely connected with the law on *stasis*.⁵⁰ Solon's entering into the Assembly with arms (if Diogenes' narration is correct) and setting his arms in front of his house will have indicated the degree of social danger in the decisions and would have encouraged the Athenians to become active – in this case to vote against giving Pisistratus a bodyguard, which would in effect grant him extraordinary powers (perhaps make him an 'elective tyrant').⁵¹ In any case Solon saw a threat of tyranny in Pisistratus' actions (cf. *Ath. Pol.* 14.2, *Plut. Sol.* 30.5). Tyranny, he warned elsewhere, 'rouses war from sleep, and strife within the clan (*stasin emphylon*)' (Sol. fr. 3.19 Diehl).

It is unlikely that he urged the Athenians to 'active neutrality'. Instead, these actions rather look vigorous and even aggressive, though

⁴⁷ θῆται τὰ ὄπλα in Aristotle's and Plutarch's narrations might be translated as 'rest arms' or 'ground arms', i.e. surrender to a victor (LSJ A. II. 10. c), though Diog. Laert. with arms placed πρὸ τοῦ στρατηγείου is envisaging a different kind of symbolism as in the LSJ translation (n. 14, above).

⁴⁸ θῆται τὰ ὄπλα in Aristotle's and Plutarch's narrations might be translated as 'rest arms' or 'ground arms', i.e. surrender not to a victor (LSJ AII10c) but 'rest arms . . . ready for action' (LSJ AII10a), though Diog. Laert. with arms placed πρὸ τοῦ στρατηγείου is envisaging a different kind of symbolism as in the LSJ translation (n. 13).

⁴⁹ Diogenes' narration could supply the beginning of Aristotle's and Plutarch's stories, if was not an embroidery on the story told in the earlier sources

⁵⁰ von Fritz 1977: 247 and Goldstein 1972: 538 note 5 found in Solon's actions compliance with his law on *stasis*. Cf. contra Develin 1977: 508.

⁵¹ Goušchin 1999: 21.

Solon perhaps did not intend to put his arms to use. In this case τίθεσθαι τὰ ὄπλα means not only to take a side (for example, in the Assembly), but take it with arms in one's hands, as Solon did.⁵² The Athenians would then have been obliged to add their arms to Solon's cause. In this case τίθεσθαι τὰ ὄπλα means not only to take a side (e.g. in the Assembly), but take it with arms in one's hands, as Solon did. Apathy in a domestic crisis is being treated, as P.J.Rhodes pointed out, as equivalent to treachery.⁵³

If so, this had nothing to do with *eisangelia*. Solon carried forth his arms and set it up in front of his house (as in *Ath.Pol.*14.2) and tried to influence the citizens gathering at the regular or spontaneous meeting of the Assembly.

But other questions must be put: Did Solon appeal to the Athenians, i.e. the common people, or was his law against neutrality related to intralite competition?⁵⁴ Perhaps the crisis of Solon's time weakened the power of the hoplite soldier and enabled the use of mercenaries as an essential element in Peisistratus' seizure of power.⁵⁵ In this case it would seem unlikely that Solon would call on every citizen to take up weapons in preparation for military action. However we see that armed Athenians (presumably *zeugitai* of future Solon's census reform) took an active part in some events. In particular Solon led spontaneous military expedition of the ordinary Athenians to Salamis not long before he was elected archon (Plut. *Sol.* 8-10). Sometime later the same Athenians took Solon as their champion (*prostatēs*).⁵⁶ Thucydides narrates that under the tyranny the citizens wore arms to take part in Panathenaic procession (Thuc. 6.56.2, 58).⁵⁷ It is scarcely likely that the Athenians habitually bore arms to the

⁵² It is scarcely likely that the Athenians habitually bore arms to the Assembly in time of Solon's reforms, as Sealey 1983: 97-129 at 102 suggests. But it was the practice not so far in the past, I suspect.

⁵³ Rhodes 1993: 158. According to B.Manville Solon passed the law to press reluctant supporters into active service (Manville 1997: 148).

⁵⁴ See e.g. Forsdyke 2005: 92.

⁵⁵ See e.g. Hopper 1966.

⁵⁶ 'But the most and sturdiest of them began to band together and exhort one another not to submit to their wrongs, but to choose a trusty man as their leader..' (Plut.*Sol.* 13.3, tr. B.Perrin, Goušchin 1999: 17).

⁵⁷ H. van Wees considers weapons as a sign of the leisure class (van Wees 1998). But elsewhere he inclined to think that *zeugitai* were members of the Athenian leisured class (van Wees 2001).

Assembly in time of Solon's reforms, as R.Sealey suggests.⁵⁸ But it was the practice not so far in the past, I suspect. Only Pisistratus (or Hippias as in Thucydides), Aristotle narrates, disarmed the citizens (*Ath.Pol.* 15.4, cf. Thuc. 6.56.2, 58).⁵⁹

In any case Solon's efforts were unsuccessful. Pisistratus had the support of the *dēmos* (or a substantial part of it, among whom the *hyperakrioi* or *diakrioi* might have been the majority [Plut. *Sol.* 29.3]) and managed to obtain the support of the Assembly. The Athenians (ὁ δὲ δῆμος ὁ τῶν Ἀθηναίων) voted to give him a bodyguard (Hdt. 1.59.5); and thus Pisistratus' *prostasia* gave him a political boost. The body of the Athenians preferred Pisistratus, and that is why Solon was unable to prevent his seizure of power.

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⁵⁸ Sealey 1983: 97-129 at 102.

⁵⁹ Rhodes 1993: 210.

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