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## The Solonian Council of 400 and the *Heliaea* in Light of IG I<sup>3</sup> 105

It has often been claimed that the Solonian Council of 400 would have had a probouleutic function, similar to that of Cleisthenic *boule*<sup>1</sup>. Albeit undoubtedly the case, it probably had broader prerogatives and greater decision-making powers than the Cleisthenic *boule*, as will be contended below by identifying this body with the *Heliaea* in its initial stages during Athenian history.

Neither was Solon a revolutionary, nor did he intend to establish an isonomy, unlike Cleisthenes. And even though he was even less inclined to establish a democracy (an anachronistic concept at the time), he did want to restore a certain degree of collective sovereignty to the *demos*<sup>2</sup>, allowing the people to have a voice and to arbitrate in the political activity of the members of the elite. The Solonian eunomy and the way of pursuing a political career is evidenced by the establishment of the census classes reflecting a restricted participation in the magistracies based on the economic classes<sup>3</sup>, although it allowed all citizens access to the assembly and the courts<sup>4</sup>. With the creation

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<sup>1</sup> Arist. [*Ath. Pol.*] 8.4. Plut. *Sol.* 19.1. RHODES 1981, 153-154. Some authors have rejected the existence of Solon's council of 400, including HIGNETT 1952, 92-96; MOSSÉ 1979; MOSSÉ 1996; HANSEN 1989a; HANSEN 1991, 29-31, 49-52; BARTZOKA 2012; BERNHARDT 2022, 431-432. See, however, RHODES 2006; Poddighe 2014, 199-202; also LODDO 2018, 93-100. For the history of the acceptance and rejection of the Solonian Council of 400: HOUCK 2001.

<sup>2</sup> The "sovereignty" of the *demos* in Homer: Hom. *Od.* 26.424; 16.375-382; *Il.* 6.194; 20.184; 9.575-580; SCHEID-TISSINIER 2002, 13-20. For the role of the assembly in the birth of the *polis*: MORRIS 1994; RAAFLAUB 1997. Regarding the role of the *demos* in Solon's time: WERLING 2010, 223-266; VALDÉS 2021a.

<sup>3</sup> Arist. [*Ath. Pol.*] 7.4. RHODES 1981, 141-146. For the Solonian classes: VALDÉS - GALLEGO 2010; VALDÉS 2022.

<sup>4</sup> Arist. [*Ath. Pol.*] 9.1. Plut. *Sol.* 18.2-6. In *Politics* (Arist. *Pol.* 2.1274a) Aristotle notes that Solon "does appear to have founded the democracy (τὸν δὲ δῆμον καταστήσαι) by



of the new council, it is likely that Solon's aim was not only to swell the numbers of those participating in the *boule* of state, whose members possibly increased from 300 in the 7th century (the Areopagus)<sup>5</sup> to 400 under Solon, as a result of a new territorial organisation<sup>6</sup> modelled on its predecessor<sup>7</sup>, but also, probably, to integrate the members of the *demos*, understood here as the "lower classes"<sup>8</sup>. This *boule* might have been open to all the census classes, or at least to the first three, being a council in which the *demos* would assumedly have participated (perhaps with restrictions), as in the *boule demosie* in Chios<sup>9</sup>.

Some sources may point to the primitive judicial functions of this Solonian *boule*, which could therefore be identified with the Heliaea, also established by the Athenian poet and lawgiver<sup>10</sup>. Firstly, the reference to an

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constituting the jury-courts from all the citizens" (transl. H. Rackham: henceforth for all translations of this work). Regarding the participation of *thetes* in the assembly: Arist. [*Ath. Pol.*] 7.3.

<sup>5</sup> For this council/court of 300 members chosen *aristinden*: Plut. *Sol.* 12.2-4; Arist. [*Ath. Pol.*] 1. Members of the *boule* of the Areopagus were chosen, according to Aristotle, *aristinden kai ploutinden*: Arist. [*Ath. Pol.*] 3.1 and 3.6. The *boule* of the Areopagus was presumably established by Solon as a body of former archons (hence the tradition attributing its creation to the Athenian statesman and lawgiver, which, however, contradicts the idea that this council already existed: Plut. *Sol.* 19.4), although it might have previously been a territorial council made up of members selected *aristinden* from all over Attica, after the synoecism. For a discussion and bibliography on the archaic Areopagus and its prerogatives and powers: VALDÉS 2022, 49 ff; VALDÉS 2012, 217-229; VALDÉS 2019, 133-135. It is likely that the body of 50 or 51 members (relating to the Areopagus, according to Androtion *FGrHist* 324 F 4a and Philochorus *FGrHist* 328 F 20b) formed a commission inside this larger *boule*, possibly acting as its *prytaneis*. This body would have been divided into groups of 50, if the archaic number of the six *lexiarchoi* were somehow related to it, as I personally believe was the case. For the *lexiarchoi*: VAN EFFENTERRE 1976, 13-14; LAMBERT 1993, 262, n. 80; FARAGUNA 1997.

<sup>6</sup> For the "original" names of the Ionian tribes, before "acquiring" those of the sons of Ion, which evince the territorial scope of these entities: Poll. 8.109; ROBERTSON 1992, 72; VALDÉS 2002, 141.

<sup>7</sup> As to the traditional tripartite division of Attica in archaic times: Soph. *TGrF* F 24. Also in: Sch. Ar. *Lys.* 58; sch. Ar. *Vesp.* 1223; Str. 9.1.5-6 (392) (Andron *FGrHist* 10 F 14 and Philoch. *FGrHist* 328 F 107); Phot. s.v. *Paraloi* and *Pedion*; Etym. Magn. s.v. *Diacria*; Paus. 1.5.4. Hsch. s.v. *Diakreis*. RHODES 1981, 73; KEARNS 1989, 115-116. Regarding the archaic origin of this myth: JACOBY 1954 vol. I, 430-431. For Mesogeia and Paralia, see BULTRIGHINI 2013. On the three territorial aristocratic factions in archaic Athens: Hdt. 1.59.3; Arist. [*Ath. Pol.*] 13, 4-5; Plut. *Sol.* 13. Sch. Ar. *Vesp.* 1223; Phot. s.v. *Paraloi*.

<sup>8</sup> For the different meanings of *demos*, including the "lower classes": FINLEY 1973, 12; HANSEN 2010, 502-515. The *demos* in Solon's times: WERLING 2010, 223-266.

<sup>9</sup> In the opinion of RHODES 1981, 154, *thetes* were excluded. See for this topic VALDÉS forthcoming. For the *boule demosie* in Chios, see note 15.

<sup>10</sup> On Solon granting judicial powers to the *demos*, the Heliaea: Arist. [*Ath. Pol.*] 9.1; here the term *dikasterion* is anachronistic: RHODES 1981, 160. See also Plut. *Sol.* 18. 2-3, *Comp. Sol. Publ.* 2; Arist. *Pol.* 2.1273b 35-1274a 5, 1274a 15-18. Ruschenbush (2010) fr. 40; LEÃO-



alleged 401-member council under Draco<sup>11</sup>. which, although historically non-existent, may indicate that the Council of 400 *played a sort of judicial role*, as a court, since this figure (401) is also found in the *dikasteria* of the classical period, together with 201 and 501<sup>12</sup>. The added “one” seems to be characteristic of ancient judicial bodies (such as the 51 *ephetai*)<sup>13</sup>, which at the time were identical to their political counterparts, but exercising judicial functions. Another indication in this respect is the 6th-century<sup>14</sup> *boule demosie* in Chios (575-550), which also had judicial, as well as political, powers<sup>15</sup>.

As the Heliaea controversy is very convoluted, a brief summary is offered here. Some authors identify it with the assembly (*halia*)<sup>16</sup>, since Aristotle and Plutarch claim that Solon granted the *demos*, including the *thetes* among their number, the right to serve as jurors<sup>17</sup>. Others, however, consider that it was Solon who created the popular courts (*dikasteria*)<sup>18</sup>, although, according to Sealey, there could only have been one at the time, as it is referred

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RHODES 2015, fr. 39 and 40. For the archaic term “Heliaea” in the laws: Lys. 10.16; Dem. 24.105; Dem. 23.28; also in the law of hybris: Dem. 21.47. Although some of these laws may be a later forgery (as, perhaps, in the case of Dem. 24.105: CANEVARO 2013), it is very likely that the term is ancient in Athens and can be traced back to the time of Solon. In classical Athens it is probable that the word (*eliaia*) was not aspirated (GHI 153, p. 320), although we retain here, however, the traditional spelling with the aspiration found in the literary sources.

<sup>11</sup> Arist. [*Ath. Pol.*] 4.3.

<sup>12</sup> Arist. [*Ath. Pol.*] 53.3; 68.1. Dem. 24.9. Harp. s.v. *Heliaea*. Poll. 8.123; see BOEGEHOLD 1995, 24, n. 17.

<sup>13</sup> BOEGEHOLD 1995, 34: “The addition of an odd man may consequently attest some formal consideration or look to tradition”, recalling the “51 *ephetai*”. In this connection, see VALDÉS 2002, 38-39, 60.

<sup>14</sup> All dates are BCE, unless otherwise stated.

<sup>15</sup> M&L 8. Jeffery (1956); JEFFERY 1961, 336-337; VAN EFFENTERRE – RUZÉ 1994, n° 62.

<sup>16</sup> Among others: GROTE (2001[1907]), 25, 37 n. 51, 85-86; BONNER-SMITH 1930, 153-157; WADE GERY 1958, 173-174; HIGNETT 1952, 97, MACDOWELL 1978, 29-33; RHODES 1979, 104; OSTWALD 1986, 9-15; MANVILLE 1990, 151-152; HUMPHREYS 1983, 237-239 (the whole Heliaea organised as courts, the *dikasteria*, under Ephialtes); RYAN 1994. Rhodes recently suggested that it may have been the assembly, but open only to men aged over 30 (the age required to be juror in classical times): RHODES 2017, 211.

<sup>17</sup> In any case, in Aristotle’s time there would be little clarity about the actual composition and functioning of the popular court(s) in Solon’s time (see notes 4 and 10), just as for the Boule de 400, which is only briefly mentioned (see note 1), as well as for other measures like the *Seisachtheia* (HARRIS - LEWIS 2022, 257: “Nobody in [Aristotle]’s day knew for sure what the *seisachtheia* involved”).

<sup>18</sup> HANSEN 1978; HANSEN 1980; HANSEN 1981-82; HANSEN 1989b, 101-106. Seconding Hansen’s opinion, see BOEGEHOLD 1995, 18; RHODES 2006 was inclined to this option in another study. Recently, LODDO 2018, 113-118. For people’s courts and their inner workings in classical times: Arist. [*Ath. Pol.*] 63-69. See MIRHARDY 2006.



to in the singular as the “Heliaea”<sup>19</sup>. However, for my part, the most plausible hypothesis is that which identifies the Heliaea with the Council of 400<sup>20</sup>, in which case it would have had “401” members. It possibly functioned not only as a court of appeal, but also as one of first instance<sup>21</sup>.

In any case, this state of affairs would have been more complex because this Council of 400/Heliaea probably had the obligation to transfer (*epheisis*, as it was known) certain controversial issues or cases<sup>22</sup>, such as those involving, for example, capital punishment, to the full assembly (thus acting, therefore, this body also as Heliaea), although, according to Aristotle, cases of *eisangelia* continued to be brought before the Areopagus<sup>23</sup>. Be that as it may, some authors have also posited that, already in Solon’s time, cases of *eisangelia* brought before the Areopagus could be transferred to the assembly<sup>24</sup>.

In sum, the Solonian Heliaea would essentially consist of the Council of 400 in its judicial version, in this case with 401 members, and on certain, less

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<sup>19</sup> SEALEY 1987, 60-70.

<sup>20</sup> As suggested by JEFFERY 1976, 93-94, 231-232. Further developed in VALDÉS 2002, 36-43, 138-156.

<sup>21</sup> From Lys.10.16. The Heliaea as a court of first instance: RUSCHENBUSH 1961; RUSCHENBUSH 1965. As a possibility also in HANSEN 1981-82; VAN WEES 2011, 134. RHODES 2017, 212; LODDO 2018, 116-117.

<sup>22</sup> For this possibility also for the *boule demosie* in Chios, see ROBINSON 1997, 97. For the meaning of *epheisis*, broader than “appeal”, as an automatic transfer or reference to another body: RUSCHENBUSH 1961; (1965); HARRISON 1971, 72-74; SEALEY 1987, 62-66; NOUSSIA FANTUZZI 2010, 27; LEÃO-RHODES 2015, fr. 39. For the meaning of *epheisis* which entails a “veto” on a decision pronounced by a magistrate and a new legal procedure before the people as a court of first instance: PELLOSO 2016; PELLOSO 2017. This idea was first developed by PAOLI 1950; PAOLI 1962. See also LODDO 2015; LODDO 2018, 115-117.

<sup>23</sup>Arist. [*Ath. Pol.*] 8.4. Regarding this law: RHODES 1979; RHODES 1981, 156, suggests the substitution of the original formula by that of *katalusei tou demou*. Against a Solonian law of *eisangelia*: HANSEN 1980, 91. This author thinks that the *eisangelia* was introduced by Ephialtes before the assembly. Processes of *eisangelia* (or preliminary trial) at the Areopagus before Ephialtes, recovering the powers given to this body by Solon: Poddighe 2014, 247, 249-253 (with bibliography). Poddighe argues that the *euthynai* and the *dokimasia* were also prerogatives of the Areopagus under Solon, although she admits an “interazione di poteri” and the possibility of a final judgement of this body but the right of the demos to denounce illegitimate conduct. See, however, for *euthynai* and *dokimasia* as prerogatives of the demos (and the Council of 400): VALDÉS 2002, 139-156.

<sup>24</sup> CARAWAN 1985; CARAWAN 1987 who contends that cases of *eisangelia* were transferred to the *boule* and the assembly under Cleisthenes or maybe even under Solon: CARAWAN 1987, 191: “[...] it is also possible that Solon’s law only guaranteed to the Areopagus the right to initiate proceedings and render a preliminary judgment, subject to the verdict of the people in capital cases”. OSTWALD 1986, 12-13, also envisages the possibility of *epheisis* to the assembly, after an initial verdict by the Areopagus, in cases of *eisangelia* in Solon’s time. In this connection, see RYAN 1994, 124. For *eisangelia* see supra Poddighe in note 23.



frequent occasions, with the possibility of transferring cases to the full assembly which would have also acted in a judicial capacity, namely, as a Heliaea. Trials and, in principle, the appeal of “any one to the court”, would have been made before this Council of 400/Heliaea acting as a court<sup>25</sup>, which would have been a more straightforward and practical procedure than convening the full assembly for numerous trials<sup>26</sup>. However, in serious or controversial cases the final judgment would have been transferred from the Council of 400/Heliaea to the full assembly (/Heliaea). If the Council of 400 was the Heliaea (with 401 members), and given that Aristotle points out that Solon granted the whole *demos*, including the *thetes* among their number, the right to serve as jurors<sup>27</sup>, it would not be too farfetched to claim that they also participated in the *boule*, although perhaps in a minor or restricted role. Either way, since the assembly also had judicial functions (as a Heliaea), *zeugitai* and *thetes* assumedly served as jurors in this broader instance from time to time.

This judicial function of the Council of 400 can also be gleaned from the oath that its members had to take in the late 6th century, introduced after Cleisthenes during the archonship of Hermocreon in 501<sup>28</sup>. This oath may be another indication that the Solonian Council of 400 had also been the Heliaea, since it explicitly forbade its members to “imprison an Athenian citizen”<sup>29</sup>, which suggests that it might have been allowed to do so earlier, something that is corroborated by Aristotle in Chapter 45 of the *Constitution of the Athenians*<sup>30</sup>. It was precisely the prerogative of the judges of the Heliaea to

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<sup>25</sup> For this appeal to the Heliaea: Dem. 23.28: the magistrates had the power to bring actions initiated by anyone, *ho boulomenos* (see note 10), before the Heliaea, which finally passed (*diagignoskein*) sentence, like the *ephetai* in the Draconian law: IG I<sup>3</sup> 104 (<https://www.atticinscriptions.com/inscription/OR/183a>), lin. 12-13; VALDÉS 2002, 38-39, 60. For the meaning of *epheisis* see note 22.

<sup>26</sup> The assembly as the Heliaea would have been unworkable, according to HANSEN 1981-2.

<sup>27</sup> See note 10.

<sup>28</sup> Arist. [*Ath. Pol.*] 22.2. For the bouleutic oath: Xen. *Mem.* 1.1.18; Lys. 31.1. See the following note.

<sup>29</sup> For the formula of the bouleutic oath: “I will not imprison any Athenian citizen” (οὐδὲ δῆσω Ἀθηναίων οὐδένα): Dem. 24.147. In Dem. 24.148, although the speaker attributes this formula to Solon, this contradicts those references in the sources that claim that it was Hermocreon who introduced the bouleutic oath in 501: RHODES 1972, 194-199; RHODES 1981, 263-264 (with previous bibliography). At any event, the bouleutic oath would indeed go back to Solon, if the council were also identified as the Heliaea, as the councillors would have sworn that of judges or *heliasts* (see note 34). Plutarch also mentions an oath of the Solonian Council of 400: see note 33. Either way, it seems that this injunction not to imprison any Athenian citizen was not always observed by the council, as evidenced by And. 1.45.

<sup>30</sup> Arist. [*Ath. Pol.*] 45.1. See *infra* in text.





imprison citizens, which Demosthenes and Lysias attributed to Solon<sup>31</sup>. The council was explicitly forbidden to do so in its oath, possibly when the council and the Heliaea were separated and the latter was organised in different bodies (*dikasteria*) whose 201, 401, 501 or more members were elected by lot, possibly as early as the end of the 6th century<sup>32</sup>. It is likely that even at the time when Cleisthenes created his council of 500 members, it might still have had judicial functions, thus acting as a “Heliaea” with 501 members (whereby the same number of members in the popular courts of the 5th century and also the obligation for judges to be over 30 in classical times, as with the members of the *boule*).

Thus, there was a single initial oath, viz. that of the Council of 400/Heliaea<sup>33</sup>, there only being two oaths when these two bodies were definitively separated at the end of the 6th century. At that time (end of the 6th century), the oath of the Heliaea, which originated under Solon<sup>34</sup>, was possibly reworked, and that of the council would have been established for the first time (with certain prohibitions for this body which remained the exclusive prerogatives of the Heliaea), as the *Constitution of the Athenians* explicitly points out<sup>35</sup>. In Hermocreon’s time, the bouleutic oath must have

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<sup>31</sup> Lys. 10.16 (Δεδέσθαι δ' ἐν τῇ ποδοκάκιχῃ ἡμέρᾳ πέντε τὸν πόδα, ἐὰν προστιμῆσῃ ἡ ἡλιαία). Dem. 24.105 and 114 (“to add to the fine the extra penalty of imprisonment for five days and as many nights”). Also in Dem.24.148. HARRISON 1971, 177.

<sup>32</sup> See note 18.

<sup>33</sup> The sources attribute a double oath to Solon, one for the people as a whole (Athenians: Hdt. 1.29.2) and another for the archons (Arist. [*Ath. Pol.*] 7.1: all swore to observe them (the laws); “and the Nine Archons used to make affirmation on oath at the Stone”). Plutarch also mentions this double oath, the one exclusively for the archons (*thesmothetai*) and, in this case, instead of the one taken by the people as a whole, the bouleutic oath (Plut. *Sol.* 25.2) representing the Athenian *demos*, which was possibly that of the Heliaea (see the following note). These two oaths were sworn “by three gods according to the Homeric poems” (“κατὰ τὸ Ὀμηρικόν”: Hsch. s.v. *treis theoi*), which might have been that of the *heliastai* (see next note) by Zeus, Apollo (identified with Helios) and Demeter (akin to Gaia) which was expected to be sworn by “the whole *demos*”, since all could serve as jurors (either in the council or in the assembly, both bodies as the Heliaea). See VALDÉS 2002, 36-43. The other oath was by Zeus with three epithets (*Hikesios*, *Exakester* and *Katharsios*: Poll. 8.142), with a clear cathartic and purifying purpose after the *stasis*.

<sup>34</sup> For the oath of the *heliastai*, sch. Aeschin. 1.114 (Apollo Patroos, Demeter and Zeus); Poll. 8.122 (Apollo Patroos, Demeter and Zeus Basileus); *Anecdota Graeca*, Bekker, 1.443.31 (Zeus, Demeter and Helios, who is identified with Apollo in Philoch. *FGrHist* 328 F 182 and sch. Pl. *Euthyd.* 302d). An oath by Zeus, Apollo and Demeter also appears in sch. Ar. *Eq.* 941 and in Dem. 52.9. Introduced by Solon, according to Demosthenes: Dem. 18.6; 24.147-48. Poseidon instead of Apollo: Dem. 24.151. Zeus *Basileus* is precisely mentioned in a poem by Solon as guarantor of the *thesmoi*: Solon, fr. 31 W. For Solon's poems see (with discussion of their authenticity): NOUSSIA FANTUZZI 2010.

<sup>35</sup> See note 28.



explicitly forbidden the councillors to imprison any Athenian citizen, because previously, since Solon, the council had, like the Heliaea, passed sentences of imprisonment, something which continued to be the prerogative of this judicial body (Heliaea).

For some scholars, something similar can be deduced from the inscription about the Council of 500 dated 409 which, it is generally held, is an earlier law. Some establish it at the end of the 6th century, precisely in 501, during the archonship of Hermocreon, while others date it to the first half of the 5th century<sup>36</sup>. The inscription alludes to a series of prohibitions, including the passing of death sentences, thus suggesting that the council might have been stripped of this judicial function (along with the authority to imprison Athenian citizens) sometime after Cleisthenes<sup>37</sup>. However, in this case (the decree of 409) there seems to be a particularity, since the prohibitions, unlike the aforementioned one on the imprisonment of Athenian citizens, are linked to the formula “without the Athenian People assembled *en masse*”<sup>38</sup>, which provides additional information for qualifying these prohibitions which is discussed below. Those authors interpreting the law as one that stripped the *boule* of the prerogatives that it had previously had refer to the passage from Chapter 45 of the *Constitution of the Athenians*, where it is stated that, in addition to passing prison sentences, the council had previously (*proteron*) also had the power to impose the death penalty and fines<sup>39</sup>.

The law appearing in the inscription IG I<sup>3</sup> 105 (GHI 183B) could, however, have another interpretation, insofar as it might have been inspired

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<sup>36</sup> IG I<sup>3</sup> 105. For a translation see:

<https://www.atticinscriptions.com/inscription/IGI3/105>. See also GHI 183B. From 508-479, but probably during the archonship of Hermocreon (501): CLOCHÉ 1920, 32-36, 48-50; BONNER-SMITH 1930, 340-344 (as part of the bouleutic oath). In the first half of the 5th century, under Ephialtes: RHODES 1972, 113, 198-207. With more bibliography, see RYAN 1994, 120-122, who believes it dates back to Solon's time.

<sup>37</sup> See previous note. According to Rhodes the council never possessed such powers: RHODES 1972, 179-207; RHODES 1981, 538.

<sup>38</sup> Translation of AIO: <https://www.atticinscriptions.com/inscription/IGI3/105>. See *infra* in text.

<sup>39</sup> Arist. [*Ath. Pol.*] 45.1: “The Council formerly had sovereign power to pass sentences of fine, imprisonment and death. But once it had brought Lysimachus to the public executioner, when, as he already sat awaiting death, Eumelides of the deme Alopece rescued him, saying that no citizen ought to die without sentence by a jury; and when a trial was held in a jury-court Lysimachus got off, and he got the nickname of ‘the man from the drum-stick’ and the People deprived the Council of the power to sentence to death and imprisonment and to impose fines, and made a law that all verdicts of guilty and penalties passed by the Council must be brought before the jury-court by the Legislators, and that any vote of the jurymen should be sovereign”. For a commentary on this passage, see *infra* in the text. See Rhodes' objections in note 47.



by another dating back to Solon's time or, at least, based on Solonian legislation on the Council of 400. For Ryan, this law in which the council was prohibited from taking certain action "without a (full) meeting of the Athenian people" ("ἄνευ τοῦ δήμου τοῦ Ἀθηναίων πληθύντος") can be attributed to the lawgiver. The expression, *δῆμος πλεθύνων*, which is repeated eight times in the epigraph<sup>40</sup>, seems to be rather old, since it is also attested in an Elean law in which a council and the "full" assembly are also mentioned<sup>41</sup>. If the Solonian council played a central role, as seems plausible, it is likely that an early version of this law on the council (although it is impossible to know for sure whether it had the same content) dated back to Solon, along with the expression "without the (full) meeting of the assembly"<sup>42</sup>. The law evinces the close links and interaction between the Council of 400/Heliaea and the people's assembly(/Heliaea) which would have had judicial powers<sup>43</sup>. Some authors translate *Δῆμος πλεθύνων* as "full (or plenary) assembly"<sup>44</sup>, but others, like Hansen and Rhodes, simply render it as "the assembly of the *demos*", but *as opposed to the council*. For his part, Rhodes translates it as "the people in assembly", in contradistinction to the *boule*<sup>45</sup>.

There would have been certain issues that could not be resolved by the Council of 400/Heliaea alone but required a full meeting of the assembly(/Heliaea), which might have also been the case in Solon's time. In particular, in the inscription of IG I<sup>3</sup> 105, the *boule* is forbidden "without a (full) meeting of the Athenian people" (ἄνευ τοῦ δήμου τοῦ Ἀθηναίων πληθύνοντος) to start or conclude a war, to inflict the death penalty or to impose large fines<sup>46</sup>.

Returning to the *Constitution of the Athenians* passage in which the council is "formerly" (πρότερον) attributed the power to impose fines and to pass prison and death sentences, in 41.2 it is also stated, "for even the cases tried by the Council have come to the people" (καὶ γὰρ αἱ τῆς βουλῆς κρίσεις

<sup>40</sup> Eight times in the inscription: IG I<sup>3</sup> 105, lin. 25, 35, 36, 37, 40-41, 42, 43, 45-46.

<sup>41</sup> Inschr. v. Ol. 7, l. 5: σὺν βολαῖ ἐντακατίο ν ἀφλανέο ς καὶ δάμοι πλε θύοντι ("with the entire council of 500 and the full assembly"); Inschr. v. Ol. 3, l. 8: ἄνευ ς βολάν: καὶ ζᾶμοι πλε θύοντα ("without the council and full assembly"). Jeffery dates them to c. 500 and c. 475: JEFFERY 1961, 220, nn. 5 and 9. See RYAN 1994, 123; EPSTEIN 2009, 8.

<sup>42</sup> See on this issue: VALDÉS 2021a, 210-212.

<sup>43</sup> OSTWALD 1986, 343-6.

<sup>44</sup> See BONNER-SMITH 1930, 201-205; HANSEN 1976, 121-122; RYAN 1994, 131; EPSTEIN 2009, 7, 14. CLOCHÉ 1920, 29, n. 1, translates it as "assemblée plénière".

<sup>45</sup> HANSEN 1976, 121-122; RHODES 1972, 197-198, who translated it as "the people in assembly", in contradistinction to the *boule*. See EPSTEIN 2009, 7.

<sup>46</sup> Two of these prohibitions (passing death sentences and imposing fines) are borne out by Aristotle's remarks in Chapter 45 of the *Constitution of the Athenians*: see note 39.





εἰς τὸν δῆμον ἐληλύθασιν). Rhodes did not believe that the council (first of 400 and then of 500) would ever have had this capacity. In his commentary, he pointed out that this connection “may have been invented or misapplied to illustrate a fictitious reduction in the power of the boule”, before asserting, “It has proved difficult to find a time when the boule had the absolute power to fine, imprison or put to death which is here claimed for it”<sup>47</sup>.

However, if, as already observed, the Solonian Council of 400 was largely, as a territorial council of state, a continuation of an earlier Areopagus council (of 300 members) in the 7th century, which had political and judicial powers<sup>48</sup>, then there had indeed been a time in Athenian history, before Solon, when “the Council”<sup>49</sup> had had the power to impose fines, without appeal, and possibly even greater penalties, such as exile, *atimia* or death, as evidenced by the law of *atimia*<sup>50</sup>. The “51” or *ephetai* to whom the cases would be transferred under Draco’s law of homicide<sup>51</sup> and who had the final say, might have formed part of the Areopagus<sup>52</sup> as a commission or “*prytaneis*” (of 50 members or 51 in its judicial version) of a larger council (of 300 members) which was possibly divided into groups of 50 according to the number of *lexiarchoi* (six)<sup>53</sup>. Thus the “council” before Solon did have, in fact, the absolute power to fine, imprison and put to death.

All considered, it can be concluded that both the Solonian Council of 400 and the assembly had judicial powers (as Heliaea) and that the *boule* would perhaps have had a broader scope of action and greater decision-making powers than the council in the classical period, at least in certain aspects, such as imprisonment and others that will be addressed shortly. Nevertheless, in very serious matters, such as the imposition of the death penalty or large fines,

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<sup>47</sup> RHODES 1972, 206-207; RHODES 1981, 538; CARAWAN 1987, 169.

<sup>48</sup> See note 5. There has been much discussion about whether the Areopagus had governmental and political functions, or only judicial ones, in the 7th century. As a council of state: ANDREWES 1982, 365; OSTWALD 1986, 12; MANVILLE 1990, 74-75, n. 20; SEALEY 1983; SEALEY 1987, 72 (who posits that it was primarily a council of state and not a court); CARAWAN 1987, 72; (1998) 8-12. Interpreted only as a court: WALLACE 1985; RUZÉ 1997, 337-339. For this discussion: HARDING 1994, 86; VALDÉS 2002, 49 ff.

<sup>49</sup> As to this usual designation of the Areopagus: RHODES 1972, 207.

<sup>50</sup> Plut. *Sol.* 19.4. RUSCHENBUSH 2010, fr. 70. LEÃO-RHODES 2015, fr. 22/1. Under Solon, the Areopagus retained the power to judge cases of *eisangelia*, according to the *Constitution of the Athenians* (see note 23), but perhaps in these cases *epheisis* to the assembly might have been possible, as well: see note 24.

<sup>51</sup> For this law, see note 25.

<sup>52</sup> Androt. *FGrHist* 324 F 4a; Philoch. *FGrHist* 328 F 20b: 51 members.

<sup>53</sup> VALDÉS 2002, 38, n. 91, 49-67. For *lexiarchoi*, see note 5.



cases were probably transferred to the *demos* “en masse” (*demos plethuon*), the assembly also acting as a Heliaea, something that, as already noted, some authors also postulate for the Areopagus<sup>54</sup>.

It is precisely in the few accounts of the action taken by the Solonian Council of 400, after the Athenian lawgiver’s reforms, that this interaction between the *boule* and the assembly can be clearly seen. Behind which was undoubtedly his intention that, on certain occasions, the *demos* should meet “en masse” in the assembly, so as not to leave matters in the hands of the council alone.

One such occasion was the episode of Pisistratus’ bodyguard, which Solon opposed, an issue that seems to have been discussed in an assembly of the *demos* in the agora<sup>55</sup>. Diogenes Laertius, together with other sources mentioning this episode<sup>56</sup>, observes,

[Solon] rushed into the Assembly (εἰς τὴν ἐκκλησίαν) 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 βουλὴ), who were of Pisistratus’ party, declared that he was mad.<sup>57</sup>

The assembly granted the tyrant a bodyguard, a measure also ratified by the Council of 400.

The other episode in which the council is mentioned occurred under Isagoras, shortly after the tyranny. At the time, the *demos* took up arms and drove out those attempting to establish an oligarchy. According to the *Athenaion Politeia*, the council<sup>58</sup> “resisted and the multitude banded together” and the people (*demos*) besieged the Acropolis where Cleomenes and Isagoras took refuge for two days<sup>59</sup>. Aristotle insists on the *boule*’s opposition to Isagoras and Cleomenes, which is contrasted with the government of 300 members that Isagoras wanted to establish, like Myron of Phlya’s ancient

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<sup>54</sup> See note 24.

<sup>55</sup> Hdt.1.59.4-5 (the *demos*, assembled in the agora, granted him a bodyguard). Solon, fr. 11 W. Arist. [*Ath. Pol.*] 14.1-2; Plut. *Sol.* 30.2-3; Ael. *VH* 8.16. Diod. Sic. 9.4.1-2. For the relationship between this episode and the neutrality law: VALDÉS 2021a (with further bibliography).

<sup>56</sup> Diog. Laert. 1.58. Echoes of the Solonian law: LAVAGNINI 1947, 92-93; also GOLDSTEIN 1972, 538, n. 5; VON FRITZ 1977, 247; GOUSCHIN 2016, 109; VALDÉS 2021a, 189. For other sources, see the previous note.

<sup>57</sup> Diog. Laert. 1.49 (transl. R. D. Hicks); GOUSCHIN 2016, 109.

<sup>58</sup> The Areopagus, according to HIGNETT 1952, 146. This *boule* as a new version of the Solonian Council of 400, according to CLOCHÉ 1924; RHODES 1981, 153; CARAWAN 1987, 184-185; WALLACE 1998, 19.

<sup>59</sup> Arist. [*Ath. Pol.*] 20.3. Similarly, in Hdt. 5.72.2. For the role of the *demos*: OBER 1993; FORSDYKE 2005, 133-143.



aristocratic Council of 300 – chosen *aristinden* – possibly the Areopagus<sup>60</sup>. The *boule* also collaborated with the *demos* who gathered together or assembled as a whole:

[...] δὲ διαπραξάμενος, τὴν μὲν βουλὴν ἐπειρᾶτο καταλύειν, Ἰσαγόραν δὲ καὶ τριακοσίους τῶν φίλων μετ' αὐτοῦ κυρίους καθιστάναι τῆς πόλεως. τῆς δὲ βουλῆς ἀντιστάσης καὶ συναθροισθέντος τοῦ πλήθους, οἱ μὲν περὶ τὸν Κλεομένην καὶ Ἰσαγόραν κατέφυγον εἰς τὴν ἀκρόπολιν, ὁ δὲ δῆμος δύο μὲν ἡμέρας προσκαθεζόμενος ἐπολιόρκει [...].

[...] and having accomplished this he tried to put down the Council and set up Isagoras and three hundred of his friends with him in sovereign power over the state. But the Council resisted, and the multitude banded together, so the forces of Cleomenes and Isagoras took refuge in the Acropolis, and the people invested it and laid siege to it for two days<sup>61</sup>.

*Athenaion Politeia* clearly derives from the account of Herodotus, who also attaches great importance to the role of the *boule* at the time, noting,

Having so done he next attempted to dissolve the Council, entrusting the offices of government to Isagoras' faction. The Council, however, resisted him, whereupon Cleomenes and Isagoras and his partisans seized the acropolis. The rest of the Athenians united and besieged them for two days<sup>62</sup>.

He goes on to say, “the Athenians imprisoned them under sentence of death” (Τοὺς δὲ ἄλλους Ἀθηναῖοι κατέδησαν τὴν ἐπὶ θανάτῳ), before adding, “These men, then, were bound and put to death” (οὗτοι μὲν νυν δεδεμένοι ἐτελεύτησαν)<sup>63</sup>.

A scholium to *Lysistrata* by Aristophanes<sup>64</sup> addressing this issue alludes to a decree of the assembly condemning them (Isagoras and his followers) to death (αὐτῶν δὲ θάνατον ἐψηφίσαντο. καὶ ἀναγράψαντες εἰς στήλην χαλκῆν ἔστησαν ἐν πόλει παρὰ τὸν ἀρχαῖον νεών). Carawan believes that this is a decree of the assembly against the followers of Isagoras and that it is the first case of *eisangelia* judged by the assembly<sup>65</sup>. Herodotus simply notes that “the Athenians” imprisoned them and sentenced them to death. It is likely that on this occasion the *boule* still exercised its right to imprison, but that it

<sup>60</sup> See note 5.

<sup>61</sup> See note 59.

<sup>62</sup> Hdt. 5.72.1-2 (Trans. A. D. Godley).

<sup>63</sup> Hdt. 5.72.4.

<sup>64</sup> Sch. Ar. *Lys.* 273: αὐτῶν δὲ θάνατον ἐψηφίσαντο. καὶ ἀναγράψαντες εἰς στήλην χαλκῆν ἔστησαν ἐν πόλει παρὰ τὸν ἀρχαῖον νεών.

<sup>65</sup> CARAWAN 1987, 185. The Athenians imprisoned them: Hdt. 5.72.4-5; 5.73.1. Carawan sees in this episode “our earliest instance of *eisangelia* to the assembly”. This trial could be interpreted not as an *eisangelia* but as part of the Assembly's judicial powers: HARRIS – ESU 2021, esp. 56-64.



was, in effect, the “full” assembly, not the council, that passed the death penalty. Shortly afterwards (c. 501), the *boule* was stripped of its right to imprison, which remained the prerogative of the Heliaea.

These perfunctory accounts of the inner workings of this council in the 6th century indicate, therefore, that the *boule* functioned in connection with the assembly not only as a probouleutic body, but also with its own jurisdiction to act and decide on certain matters (such as imprisonment), albeit with a number of restrictions and with the obligation to bring controversial or serious cases, which would have been fewer in number, before the “full” assembly. This council would have had political and judicial powers and also a greater autonomy than the Council of 500 in classical times. It seems coherent to suggest a first piece of Solonian legislation on the Council of 400, following its creation, which would have dealt with matters that could not be decided on by the *boule* without the approval of the assembly “en masse”. These matters included the declaration of war and peace, doubtless capital punishment and perhaps the imposition of large fines, but not imprisonment, something that was apparently the exclusive prerogative of the Heliaea in Classical times.

Apart from probouleutic activities and imprisonment, what other functions could the Council of 400/Heliaea have had? It possibly had prerogatives similar to those of Solon who cancelled debts<sup>66</sup>, recalled exiles<sup>67</sup> and distributed land<sup>68</sup>. Confirmation of these powers may again be reflected in the prohibitions contained in the oath taken by the *heliastai*, which was introduced by Solon but presumably reworked in the late 6th century when the council and the Heliaea were separated and an *ex novo* oath was established for the former. The *heliastai* were forbidden to cancel debts, distribute land or recall exiles<sup>69</sup>, perhaps because, as with imprisonment in the

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<sup>66</sup>*Seisachtheia* as the liberation of the *demos*: Arist. [*Ath. Pol.*] 6.1 (the cancellation of both public and private debts); Plut. *Sol.* 15.7; Diog. Laert. 1.45 and 66. The cancellation of public and private debts: Philoch. *FGrHist* 328 F 114 (= Phot. *Suda*, s.v. *σεισάχθεια*). Cic. *Rep.* 2.59. RUSCHENBUSH 2010, fr. 67, 69a-c. *Contra*: HARRIS – LEWIS 2022, 257. See, however, VALDÉS 2019; VALDÉS 2021b.

<sup>67</sup> Sol. Fr. 36 W.

<sup>68</sup> Solon refused to distribute land equally (Sol. Fr. 34 W, lin. 9); for another interpretation of this passage: NOUSSIA FANTUZZI 2010, 445-453; FARAGUNA 2012, 177. However, it seems that Solon did carry out an unequal distribution of land (“*anadasmos*”): Plu. *Sol.* 13.6. ROSIVACH 1992; ISAGER AND SKYDSGAARD 1992, 128. On Solon’s law limiting the amount of property that could be acquired: Arist. *Pol.* 1266b 13-14. For the development of middling and small peasantry: WOOD 1988; ISAGER AND SKYDSGAARD 1992, 128; BURFORD 1993, 33-36; HANSON 1995, 122-26; GALLEGO 2005, 89-132; VALDÉS 2008, 47-88; ZURBACH 2013, 987.

<sup>69</sup> Dem. 24.149: “I will not allow private debts to be cancelled, nor lands nor houses belonging to Athenian citizens to be redistributed. I will not restore exiles or persons under sentence of death” (transl. A.T. Murray).



case of the council, it would have previously fallen to them to take such action. These prohibitions might have been established at the same time when the council was separated from the courts by Hermocreon at the end of the 6th century (501 BC).

Solon was not able to resolve all the specific cases of former slaves, nor those involving people who would have resettled, or settled for the first time, in Attica. There were undoubtedly many specific situations and a great deal of confusion about property, status and so forth. The Heliaea of 401 members, namely, the council acting as a court, might have been set up by the lawgiver to deal individually with all the cases arising in connection with his measures and which were not elucidated by the law alone, described as ambiguous in the sources. The *Constitution of the Athenians* states,

since the laws are not drafted simply nor clearly, but like the law about inheritances and heiresses, it inevitably results that many disputes take place and that the jury-court is the umpire in all business both public and private. Therefore some people think that Solon purposely made his laws obscure, in order that the people might be sovereign over the verdict<sup>70</sup>.

By the same token, Plutarch rightly mentions that the reason for the establishment of a second council (the one with 400 members) was that

he (Solon) 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 chosen from each of the four tribes<sup>71</sup>.

Plutarch also mentions that

besides, it is said that his laws were obscurely and ambiguously worded on purpose to enhance the power of the popular courts. For since parties to a controversy could not get satisfaction from the laws, the result was that they always wanted jurors to decide it, and every dispute was laid before them, so that they were in a manner masters of the laws<sup>72</sup>.

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<sup>70</sup> Arist. [*Ath. Pol.*] 9.2.

<sup>71</sup> Plut. *Sol.* 19.1.

<sup>72</sup> Plut. *Sol.* 18.2-3: "All the rest were called Thetes, they were not allowed to hold any office, but took part in the administration only as members of the assembly and as jurors. This last privilege seemed at first of no moment, but afterwards proved to be of the very highest importance, since most disputes finally came into the hands of these jurors. For even in cases which Solon assigned to the magistrates for decision, he allowed also an appeal to a popular court when any one desired it. [3] Besides, it is said that his laws were obscurely and ambiguously worded on purpose to enhance the power of the popular courts. For since parties to a controversy could not get satisfaction from the laws, the result was that they always wanted jurors to decide it, and every dispute was laid before them, so that they were in a manner masters of the laws." (Trans. B. Perrin).





Further on, Plutarch indicates that “the council took a joint oath to ratify the laws of Solon”<sup>73</sup>. In this sense, the Solonian Council of 400/Heliaea would have resolved countless questions concerning the lawgiver’s reforms in the years following his archonship, as well as having a probouleutic function in the shape of the people’s assembly.

### *Conclusion*

Notwithstanding the doubts about its existence, the Council of 400 was undoubtedly a key element in Solon’s political reforms. In these pages, I have attempted to show how it would not only have had a probouleutic function vis-à-vis the assembly, but would have also acted as a court of first instance and appeal, as a Heliaea. As a judicial body, it would have had extensive prerogatives, presumably including imprisoning, cancelling debts, distributing land and recalling exiles. However, and in light of the inscription on the Council of 500 dated 409, which contains earlier legislation on this body, it can be postulated that certain actions, such as sentencing people to death, declaring war and peace and possibly imposing large fines, could not be taken by the council without the approval of the assembly, whereby such cases were transferred (*epheisis*) to this body, which would have therefore also acted in a judicial capacity and, accordingly, also as a Heliaea.

Thus, under Solon the courts had not yet been organised and diversified into *dikasteria*, nor had the political body (the *boule*) been separated from the judicial body (the Heliaea), something that might have occurred at the end of the 6th century, after Cleisthenes (and his establishment of the Council of 500), during the archonship of Hermocreon (501). At that time, the existing oath of the *heliastai* (by Zeus, Apollo Patroos and Demeter) was renewed and reworked (with a ban on debt cancellation, recalling exiles and land distribution), while the bouleutic oath was created *ex novo*, explicitly prohibiting this body (but not the Heliaea) to imprison.

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<sup>73</sup> Plut. *Sol.* 25.2.



## Abbreviations

*GHI*: Osborne, R. and Rhodes, P.J. *Greek Historical Inscriptions 478-404 BC*, Oxford, 2017.

## Bibliography

ANDREWES 1982

A. Andrewes, *The Growth of the Athenian State*, in J. Boardman and N.G.L. Hammond (eds), *The Cambridge Ancient History*, vol. III, part 3, Cambridge 1982, 360-391 (second edition).

BARTZOKA 2012

A. Bartzoka, *Solon fondateur de la boule des quatre cents?*, «*Historika*» 2 (2012), 127-156.

BERNHARDT 2022

J.C. Bernhardt, *A Failed Tyrant? Solon's Place in Athenian History*, in J.C. Bernhardt and M. Canevaro (eds.), *From Homer to Solon Continuity and Change in Archaic Greece*, Leiden, Boston, 2022, 414-461.

BOEGEHOLD 1995

A.L. Boegehold, *The Lawcourts at Athens: Sites, Buildings, Equipment, Procedure, and Testimonia (The Athenian Agora, vol. XXVIII)* Princeton, New Jersey 1995.

BONNER-SMITH 1930

R.J. Bonner and Smith, G., *The Administration of Justice from Homer to Aristotle*, vol. 1, Chicago 1930.

BULTRIGHINI 2013

I. Bultrighini, Παροαλία καὶ Μεσόγεια: "Coastalness" and "Inlandness" in the Ancient Greek World, *CHS Research Bulletin* 1.2, 2013 (<http://www.chs-fellows.org/2013/10/17/coastalness-and-inlandness/>).

BURFORD 1993

A. Burford, *Land and Labor in the Greek World*, Baltimore 1993.

CANEVARO 2013

E. Canevaro, *Thieves, Parent Abusers, Draft Dodgers... and Homicides? The authenticity of Dem. 24.105*, «*Historia*» 62 (2013), 25-47.

CARAWAN 1985

E. Carawan, *Apophasis and Eisangelia: the Rôle of the Areopagus in Athenian Political Trials*, «*GRBS*» 26 (1985), 115-140

CARAWAN 1987

E. Carawan, *Eisangelia and Euthyna: the Trials of Miltiades, Themistocles and Cimon*, «*GRBS*» 28 (1987), 167-208.

CARAWAN 1998

E. Carawan, *Rhetoric and the Law of Draco*, Oxford 1998.

CLOCHÉ 1920

P. Cloché, *Le Conseil des Cinq Cents et la peine de mort*, «*REG*» 33 (1920), 1-50.

CLOCHÉ 1924

P. Cloché, *La Boulé d'Athènes en 508/509 av. J. C.*, «*REG*» 37 (1924), 1-26.

EPSTEIN 2009

S. Epstein, *Quorum in the People's Assembly in Classical Athens*, «*C&M*» 60 (2009), 60-98.

FARAGUNA 1997

M. Faraguna, *Registrazioni catastali nel monto Greco: il caso di Atene*, «*Athenaeum*» 85 (1997), 7-37.



- FARAGUNA 2012  
M. Faraguna, Hektemoroi, Isomoiria, Seisachtheia: *Ricerche recenti sulle riforme economiche di Solone*, «Dike» 15 (2012), 171-193.
- FINLEY 1973  
M.L. Finley, *Democracy Ancient and Modern*, London 1973.
- FORSDYKE 2005  
S. Forsdyke, *Exile, Ostracism, and Democracy: the Politics of Exclusion in Ancient Greece*, Princeton 2005.
- GALLEGO 2005  
J. Gallego, *Campesinos en la ciudad. Bases agrarias de la polis griega y la infantería hoplita*, Buenos Aires 2005.
- GOLDSTEIN 1972  
J. A. Goldstein, *Solon's Law for an Activist Citizenry*, «Historia» 21 (1972), 538-545.
- GOUSCHIN 2016  
V. Gouschin, *Solon's Law on Stasis and the Rise of Pisistratus in 561/60 BC*, «Acta Classica» 59.1 (2016), 101-113.
- GROTE (2001[1907])  
G. Grote, *A History of Greece: from the Time of Solon to 403 B.C.*, London - New York 2001 [1907].
- HANSEN 1976  
M.H. Hansen, *How many Athenians Attended the Ecclesia?*, «GRBS» 17 (1976), 115-134.
- HANSEN 1978  
M.H. Hansen, *Demos, Ecclesia and Dicasterion in Classical Athens*, GRBS 19 (1978), 127-146.
- HANSEN 1980  
M.H. Hansen, *Eisangelia in Athens: A replay*, «JHS» 100 (1980), 89-95.
- HANSEN 1981-82  
M.H. Hansen, *The Athenian Heliaia from Solon to Aristotle*, «C&M», 33 (1981-82), 9-47.
- HANSEN 1989a  
M.H. Hansen, *Solonian Democracy in Fourth-Century Athens*, «C&M» 40 (1989), 71-99.
- HANSEN 1989b  
M.H. Hansen, *Demos, Ekklesia, and Dikasterion. A replay to M. Ostwald and J. Ober*, C&M 40 (1989), 101-106.
- HANSEN 1991  
M.H. Hansen, *Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology*, Oxford 1991.
- HANSEN 2010  
M.H. Hansen, *The Concepts of Demos, Ekklesia, and Dikasterion in Classical Athens*, «GRBS» 50 (2010), 499-536.
- HANSON 1995  
V.D. Hanson, *The Other Greeks: The Agrarian Roots of Western Civilization*, New York 1995.
- HARDING 1994  
P. Harding, *Androtion and the Atthis*, Oxford 1994.
- HARRIS – LEWIS 2022  
E.M. Harris and D.M. Lewis, *What Are Early Greek Laws About? Substance and Procedure in Archaic Statutes, c. 650–450 bc*, in J.C. Bernhardt and M. Canevaro (eds.), *From Homer to Solon Continuity and Change in Archaic Greece*, Leiden - Boston 2022, 227-262.
- HARRIS – ESU 2021  
E.M. Harris, - A. Esu, *Policing Major Crimes in Classical Athens*, «RDE» 11 (2021), 30-81.



HARRIS – LEWIS 2022

E.M. Harris - D.M. Lewis, *What are Early Greek Laws about*, in J. Bernhardt and M. Canevaro, *From Homer to Solon*, Leiden and Boston 2022, 227-262.

HARRISON 1971

A.R.W. Harrison, *The Law of Athens. Procedure*, Oxford 1971.

HIGNETT 1952

C. Hignett, *A History of Athenian Constitution*, Oxford 1952.

HOUCK 2001

D.W. Houck, *Historical Continuity and the Politics/Rhetoric of Democracy: Solonian Reforms and the Council of 400*, in R.L. Enos and D. Beard (eds), *Advances in the History of Rhetoric: The First Six Years*, Indiana 2007, 1-11.

HUMPHREYS 1983

S.C. Humphreys, *The Evolution of Legal Process in Ancient Attica*, in E. Gabba (ed), *Tria Corda. Scritti in onore di A. Momigliano*, Como 1983, 229-256,

ISAGER AND SKYDSGAARD 1992

S. Isager - J.E. Skydsgaard, *Ancient Greek Agriculture: An Introduction*, London 1992.

JACOBY 1954

F. Jacoby, *Die Fragmente der Griechischen Historiker (FGrH), b suppl., Nos 323a-334*, vol. I y II, Leiden 1954.

JEFFERY 1961

L.H. Jeffery, *The Courts of Justice in Archaic Chios*, «ABSA» 51 1956, 157-167.

JEFFERY 1976

L.H. Jeffery, *The Local Scripts of Archaic Athens*, Oxford 1961.

KEARNS 1989

E. Kearns, *The Heroes of Attica*, (Institute of Classical Studies, Bull. Suppl. 57), London 1989.  
Jeffery, L.H. (1976) *Archaic Greece: The City States c. 700-500 B.C.* (London)

LAMBERT 1993

S. Lambert, *The Phratries of Attica*, Ann Arbor 1993.

LAVAGNINI 1947

B. Lavagnini, *Solone e il voto obbligatorio*, «RFIC» 75 (1947), 81-93.

LEÃO-RHODES 2015

D. Leão - P.J. Rhodes, *The Laws of Solon. A New Edition with Introduction, Translation and Commentary*, London, New York 2015.

LODDO 2015

L. Loddo, *Le moment de la fondation : un tribunal du peuple à l'époque de Solon ?*, «Politica Antica» 5 (2015), 99-117.

LODDO 2018

L. Loddo, *Solone Demotikotatos. Il legislatore e il politico nella cultura democratica ateniese*, Milano 2018.

MACDOWELL 1978

D.M. MacDowell, *The Law in Classical Athens*, New York 1978.

MANVILLE 1990

P.B. Manville, *The Origins of Citizenship in Ancient Athens*, New Jersey 1990.

MIRHARDY 2006

D. Mirhady, *Aristote and the Law Court*, «Polis: The Journal of Ancient Greek Political Thought» 23 (2) (2006), 1-17.



MORRIS 1994

I. Morris, *Village, Society and the Rise of the Greek State*, in P.N. Doukellis - L.G. Mendoni (eds), *Structures rurales et sociétés antiques*, Paris 1994, 49-53.

MOSSE 1979

C. Mossé, *Comment s'élabore un mythe politique. Solon père fondateur de la démocratie atheniène*, *Annales (ESC)*, 34, 1979, 425-437.

MOSSÉ 1996

C. Mossé, *Due miti politici: Licurgo e Solone*, in S. Settis (ed.), *I Greci. Storia Cultura Arte Società*, 2. *Una storia greca, I. Formazione*, 1996, 1325-1335.

NOUSSIA FANTUZZI 2010

M. Noussia Fantuzzi, *Solon the Athenian, the Poetic Fragments*, Leiden - Boston 2010.

OBER 1993

J. Ober, *The Athenian Revolution of 508/7 BCE. Violence, Authority, and the Origins of Democracy*, in C. Dougherty - L. Kurke (eds), *Cultural Poetics in Archaic Greece. Cult, Performance, Politics*, Cambridge 1993, 215-232.

OSTWALD 1986

M. Ostwald, *From Popular Sovereignty to the Sovereignty of Law*, Berkeley, Los Angeles and London 1986.

PAOLI 1950

U.E. Paoli, *La ἔφεσις εἰς τὸ δικαστήριον en droit attique*, «*RIDA*» 5 (1950), 325-34.

PAOLI 1962

U.E. Paoli, *Sull'esistenza di archivi giudiziari in Atene*, in *Studi in onore di Emilio Betti*, vol. III, Milano 1962, 3-13.

PELLOSO 2016

C. Pelloso, *Ephesis eis to dikasterion: Remarks and Speculation on the Legal Nature of the Solonian Reform*, in D.F. Leão and G. Thür (eds), *Symposion 2015. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Wien 2016, 33-54.

PELLOSO 2017

C. Pelloso, *L'ἔφεσις al tribunale popolare in diritto processuale ateniese: 'impugnazione', 'rimessione' o «tertium datur»?*, «*Index*» 45 (2017), 517-556.

PODDIGHE 2014

E. Poddighe, *Aristotele, Atene e le metamorfosi dell'idea democratica. Da Solone a Pericle (594-451 a.C.)*, Roma 2014.

RAAFLAUB 1997

K.A. Raaflaub, *Soldiers, Citizens and the Evolution of the Early Greek Polis*, in L.G. Mitchell and P.J. Rhodes (eds), *The Development of the Polis in Archaic Greece*, London and New York 1997, 49-59.

RHODES 1972

P.J. Rhodes, *The Athenian Boule*, Oxford 1972.

RHODES 1979

P.J. Rhodes, *Eisangelia in Athens*, «*JHS*» 99 (1979), 103-114.

RHODES 1981

P.J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia*, Oxford 1981.

RHODES 2006

P.J. Rhodes, *The Reforms and Laws of Solon: An Optimistic View*, in J. Blok and A.P.M.H. Lardinois (eds), *Solon of Athens. New Historical and Philological Approaches*, Leiden 2006, 248-260.





- RHODES 2017  
P.J. Rhodes, *The Athenian Constitution. Written in the School of Aristotle*, Liverpool 2017.
- ROBERTSON 1992  
N. Robertson, *Festivals and Legends: the Formation of Greek Cities in the Light of Public Ritual*, Toronto 1992.
- ROBINSON 1997  
E.W. Robinson, *The First Democracies*, Stuttgart 1997.
- ROSIVACH 1992  
V. Rosivach, *Redistribution of land in Solon, Fragment 34 West*, «JHS» 112 (1992), 153-157.
- RUSCHENBUSH 1961  
E. Ruschenbusch, *Ephesis. Ein Beitrag zur griechischen Rechtsterminologie*, «Zeitschrift der Savigny-Stiftung für Rechtsgeschichte» 78 (1961), 386-90.
- RUSCHENBUSH 1965  
E. Ruschenbusch, *Hēliaia. Die Tradition über das solonische Volksgericht*, «Historia» 14 (1965), 381-384.
- RUSCHENBUSH 2010  
E. Ruschenbusch, *Solon: Das Gesetzeswerk – Fragmente. Übersetzung und Kommentar*. 2. Auflage, Stuttgart 2010.
- RUZE 1997  
F.R. Ruzé, F.R., *Délibération et pouvoir dans la cité grecque de Nestor à Socrate*, Paris 1997.
- RYAN 1994  
F.X. Ryan, *The Original Date of the δημος πληθύνων Provisions of IG I<sup>3</sup> 105*, «JHS» 114 (1994), 120-134.
- SCHEID-TISSINIER 2002  
E. Scheid-Tissinier, *Laos et dêmos, le peuple de l'épopée*, «Ant. Class.» 71 (2002), 19-25.
- SEALEY 1983  
R. Sealey, *The Athenian Courts for Homicide*, «Cph» 78 (1983), 275-296.
- SEALEY 1987  
R. Sealey, *The Athenian Republic. Democracy or the Rule of Law*, London 1987.
- VALDES 2002  
M. Valdés Guía, *Política y religión en Atenas arcaica*, Oxford 2002.
- VALDES 2008  
M. Valdés Guía, *El nacimiento de la autoctonía ateniense: cultos, mitos, cívicos y sociedad de la Atenas del s. VI a.C.*, Madrid 2008.
- VALDES 2012  
M. Valdés Guía, *La formación de Atenas: gestación, nacimiento y desarrollo de una polis (1200/1100 - 600 a.C.)*, Zaragoza 2012.
- VALDES 2019  
M. Valdés Guía, *War in Archaic Athens: polis, elites and military power*, «Historia» 68.2 (2019), 126-149.
- VALDÉS 2021a  
M. Valdés Guía, *A new reading of Solon's law on stasis: the Sovereignty of the Demos*, «DHA» 47.2 (2021), 187-219.
- VALDÉS 2021b  
M. Valdés Guía, *Atimoi and agogimoi. Reflections on debt slavery in archaic Athens*, «Dike» 24 ((2021), 5-32.



VALDÉS 2022

M. Valdés Guía, *Zeugitai in Fifth-Century Athens: Social and Economic Qualification from Cleisthenes to the End of the Peloponnesian War*, «Pnyx» 1 (2022), 45-78.

VALDÉS forthcoming

M. Valdés Guía (forthcoming), *The Solonian Council of 400, the Ionian tribes and the Panathenaia*, in *Polis*, Vol. 41.3.

VALDÉS - GALLEGO 2010

M. Valdés Guía – J. Gallego, *Athenian Zeugitai and the Solonian Census Classes: New reflections and Perspectives*, «Historia» 59.3 (2010), 257-281.

VAN EFFENTERRE 1976

H. van Effenterre, *Clisthène et les mesures de mobilisation*, «REG» 89 (1976), 1-17.

VAN EFFENTERRE – RUZE 1994

H. van Effenterre – F. Ruzé, *Nomima. Recueil d'inscriptions politiques et juridiques del'archaïsme grec*, vol. I, Roma-Paris 1994.

VAN WEES 2011

H. van Wees, *The 'Law of Hybris' and Solon's Reform of Justice*, in S.D. Lambert (ed.), *Sociable Man: Essays on Ancient Greek Social Behaviour in Honour of Nick Fisher*, Swansea 2011, 117-144.

VON FRITZ 1977

K. von Fritz, *Nochmals das Solonische Gesetz gegen Neutralität im Bürgerzwist*, «Historia» 26 (1977), 245-247.

WADE GERY 1958

H.T. Wade Gery, *Essays in Greek History*, Oxford 1958.

WALLACE 1985

R.W. Wallace, *The Areopagos Council to 307 B.C.*, London 1985.

WERLING 2010

M.-J. Werlings, *Le dèmos avant la démocratie : mot, concepts, réalités historiques*, Paris 2010.

WOOD 1988

E.M. Wood, *Peasant-Citizen and Slave: the Foundations of Athenian Democracy*, London 1988.

ZURBACH 2013

J. Zurbach, *La formation des cités grecques : Statuts, classes et systèmes fonciers*, « Annales (HSS) » 68 (2013), 957-998.



### Abstract

The intention here is to explore the possibility that the Solonian Council of 400 not only had political functions, but, as was common in that period (e.g. the *boule demosie* in Chios), also a judicial capacity, thus being identifiable as a Heliaea. This body, the *boule*/Heliaea, would also have had the obligation to transfer (*epheis*) certain serious cases to the assembly, also known, therefore, in this judicial version as a Heliaea. If this *boule*, together with the assembly, is understood as a Heliaea during that period, it is possible to appreciate its importance in the Solonian Eunomia and its role in certain prerogatives (held by Solon itself), which were still in force with this council, functioning in close interaction with the *ekklesia*, in the 6th century.

Keywords: *boule*, court, assembly, Solon's reforms, *epheis*

In questo contributo si intende esaminare la possibilità che il Consiglio soloniano dei 400 non avesse solo funzioni politiche, ma, come era comune in quel periodo (ad esempio la *boule demosie* di Chio), anche giudiziarie, essendo quindi identificabile come una *Heliaea*. Questa *boule*/*Heliaea* avrebbe avuto anche l'obbligo di trasferire (*epheis*) alcune cause rilevanti all'assemblea, anch'essa nota, quindi, in questa versione giudiziaria come una *Heliaea*. Se questa *boule*, insieme all'assemblea, è intesa come una *Heliaea* in quel periodo, è possibile apprezzare la sua importanza nell'*Eunomia* soloniana e il suo ruolo in alcune prerogative (detenute da Solone stesso), che erano ancora in vigore con questo Consiglio, in stretta interazione con l'*ekklesia*, nel VI secolo.

Parole chiave: *boule*, tribunale, assemblea, riforme di Solone, *epheis*