The Stability of Justice

Patrick Clancy

Abstract

The stability of justice can be discussed in two parts. The first part centers around defining tyranny as an unjust form of government by examining the Peisistratid tyranny. It then demonstrates how democracy and human rights are stable, idealized forms of governmental justice. The second part builds upon the definitions from the first part and inspects how both Solon and Cleisthenes used the ideal of justice in their reforms. Additionally, the paper observes how that same essence of justice in governance is echoed by the ancient reforms in modern democracy and human rights.

Key Words

Justice, Stability, Human Rights, Democracy, Tyranny

The Stability of Justice

Stability can be defined as firmly established, not easily moved, shaken, or overthrown.¹ The written history of Athens begins with the stasis left from the attempted coup known as the Kylonian Affair in 632 BCE.² This stasis, meaning “discord”, “division”, or even “civil war”, was the complete antithesis to stability.³ In 594 BCE, Solon began to repair this period of volatility with his constitutional, economic, and moral reforms.⁴ Later, in 508 BCE, Cleisthenes further developed Solon’s work with his democratic reforms.⁵ “The Stability of Justice” can be discussed in two parts. The first part centers around defining tyranny as an unjust form of government by examining

the Peisistratid tyranny. It then demonstrates how democracy and human rights are stable, idealized forms of governmental justice. The second part builds upon the definitions from the first part and inspects how both Solon and Cleisthenes used the ideal of justice in their reforms. Additionally, the paper observes how that same essence of justice in governance is echoed from the ancient reforms in modern democracy and human rights.

This paper relies heavily on the *Athenaion Politeia*, where the first section of this text is lost and only fragments remain. The *Athenaion Politeia* tells the story of the history and development of Athenian politics, its restoration after 403 BCE, and then transitions to an account of the workings during the author’s time. The text is attributed to Aristotle; however, there is the possibility that he may not have authored the *Athenaion Politeia* based on its language and style compared to other works in the Aristotelian corpus. Also of note, the author of the *Athenaion Politeia* does not cite information and at times offers differing opinions on evidence. This leads some scholars, such as P. J. Rhodes, to believe the author did not originally conduct their research and failed to search for further evidence. Despite these uncertainties, the importance of the *Athenaion Politeia* has not diminished. The information it presents continues to hold a great value for its contribution toward our understanding of the formation of Athenian democracy.

This paper will focus primarily on the reforms of Solon and Cleisthenes as they were recorded by the *Athenaion Politeia*. Later reformers, such as Ephialtes or Pericles, will not be discussed. The reforms of Solon and Cleisthenes are emphasized to demonstrate how the early stages of democratic development in Athens were rooted in justice. It is noteworthy to state that

---

7 Ibid., 37–40.
8 Ibid., 25.
9 Ibid., 27.
10 Ibid., 63.
there are significant differences between the ancient reforms of Solon and Cleisthenes compared to modern democracy and human rights. However, the reforms were embedded with the essence of governing through justice; that same essence of justice connects those reforms with modern concepts of democracy and human rights.

Many readers will be familiar with Socrates’ persistent quest for definitions from his interlocutors in Plato’s dialogues in which he evaluates the “truth or value of a proposed definition.”¹¹ Therefore, in the spirit of Socrates, the first part of this paper will examine some fundamental definitions of instrumental words used in this paper as an attempt to avoid confusion or misinterpretation. The definitions used will help define how justice and democracy are idealized forms of governing and thus more stable than tyranny. The words that will be defined and expanded upon include stability, tyranny, democracy, human rights, and justice (in a governing sense). The word stability was defined earlier, but to expand further on this definition it should be noted that the entry used lists a “stable government” as a theory.¹² This definition is vague and does not say which type of government is stable. Tyranny, in particular the tyrannies of Peisistratus and Hippias, will be outlined first to create a foil for democracy.

Tyranny is a government that centers around an absolute ruler who arbitrarily exercises their power over subjects.¹³ This does not mean tyrants cannot be popular, as Peisistratus was recorded fondly by the author of the Athenaión Politeía.¹⁴ The tyrant must be able to keep the general populace in order and exclude them from government functions, just as Peisistratus did by isolating the general population of Athens.¹⁵ The tyrant cannot seek guidance from the populace

---

¹² Webster’s, 2449.
¹³ Webster’s, 2752.
¹⁵ Ibid., 15.5., 16.2–3.
due to the hierarchical structure of a tyranny, as power is exercised over subjects, not alongside them. The tyranny may change positions or opinions on matters, but only if the ruler wants it to. If the tyranny performs any changes due to the wishes of the people, this indicates that the tyranny is weak, and this weakness will eventually lead to the downfall of the tyranny. Creon, in Sophocles’ *Antigone*, can be used as an example of this top-down power structure that refuses to change according to the desires of others. Creon rejected the opinions of Haimon and the people about how his ruling of Antigone was flawed.\(^\text{16}\) According to Creon, he alone was able to make the right choice and no one else should question his decision. Creon also declined to change his stance on Polynices, whom he saw as a traitor unworthy of an honorable burial alongside Eteocles, for Creon believed that if he subsequently adopted the more lenient belief concerning Polynices, it would be seen as weakness.\(^\text{17}\)

Although a tyranny can be generational, as were the tyrannies of Peisistratus and his son Hippias, each tyranny is different and cannot be considered as an idealized form of government. Moreover, this means that no one is campaigning or fighting for the *idea* of tyranny; they are only striving for *their own* tyranny, or for the tyranny of someone they support. Kylon did not call upon Theagenes, the tyrant of Megara, to marry his daughter and acquire Megarian military aid so that he could fight for the cause of tyranny—it was to start his own.\(^\text{18}\) Peisistratus did not ask the Athenians to give him club-wielding bodyguards, to make a marriage alliance with Megacles, or to invade Athens and thereby instigate the Battle of Pallene simply for the idea of a tyrannical government.\(^\text{19}\) Peisistratus was campaigning for his own tyranny. Although Peisistratus used

---


\(^{17}\) Ibid., 163–76.

\(^{18}\) Hdt., *Histories*, 5.71; Thuc. 1.126.3–12.

popular support in his first two attempts at tyranny, these were corruptions of popular opinion. The Athenians only granted Peisistratus his club bearers after he falsified an attack by his rivals. Peisistratus deceived the Athenian public again during his return to Athens, facilitated by Megacles, when he used a fake Athena to give the perception of being favored by the god. Therefore, a tyrannical government is a system not based upon the true representation of the desires from the general population and, as such, cannot be just.

How do we know this is not justice? This question has been asked for thousands of years and has been given many definitions. Notable examples by Plato in the Republic include the following: justice is to never harm anyone, and one must be a philosopher to understand justice; justice is strength; justice is what is profitable, a virtue, and happiness; justice is political function and individual justice; justice is something a city should feature alongside wisdom, courage, and moderation; finally, in what could be ironic given Plato’s depictions of Socrates, justice is everyone minding their own business and staying within their trade or class. Since justice can change depending on situations and circumstances, this paper will only refer to justice in the governing sense, which can be defined as “the administration and maintenance of that which is just, and the administration of law according to the rule of law or equity.”

There are no guarantees that a tyrant will be just or will have any concern with laws or equity, as the tyrant rules arbitrarily through their power and can change any laws whenever they

---

20 The first being his request for club bearers and the second being his return to Athens facilitated by a Thracian girl driving a chariot dressed as Athena.
21 Whether the Athenian public thought it was Athena or not is another matter.
22 Plat. Rep. 1.332d–1.335e.
23 Ibid., 1.338c–346e.
24 Ibid., 1.348b–354c.
25 Ibid., 2.368d–383c.
26 Ibid., 4.419a–434c.
27 Ibid., 4.33a–4.34c.
28 Webster’s, 1348.
desire. Herodotus alludes to this when Orantes, Megabyzus, and Darius debate what government the new Persian empire will be.29 Orantes, who campaigned for democracy, stated that a monarchy could never function properly since the leader could do as they pleased without being held accountable for their actions.30 Whereas the rule of the many creates isonomia (equality regarding the law), which obliges a magistrate to be answerable for their actions, Herodotus has them settle on a kingship via a democratic vote among the three conspirators.31

The author of the Athenaion Politeia describes the reign of Peisistratus as moderate and more constitutional than tyrannical, as he kept Solon’s reforms.32 However, this was merely the appearance that his tyranny was temperate and rooted in justice. After the Battle of Pallene, Peisistratus met with the assembly posing as a leader willing to listen to the concerns of the citizens. He distracted the members of the assembly by speaking softly while his armed guards stole the assembly member’s weapons, effectively taking away their ability to be treated as equals or, at least, to be treated as a threat.33 As a result, the members of the assembly were unable to speak freely since they would not have been able to protect themselves from consequential danger.

Peisistratus gave the appearance of holding himself accountable by installing law courts and allowing himself to be accused of a murder charge.34 This attempt at being a lawful tyrant was a façade, as the issuer dropped the charge. Peisistratus demonstrated that he was willing to stand trial; however, it is probable that he intimidated the witness because the witness was “frightened”

---

29 Hdt. 3.80–83.
30 Herodotus (Hdt. 3.80.3) uses χρήμα κατηρτημένον, which can be translated as “well-adjusted.”
31 Hdt. 3.80, 3.83.
32 Ath. Pol. 16.2.
33 Ath. Pol. 15.4–5. Teegarden, Death to Tyrants! Ancient Greek Democracy and the Struggle against Tyranny (Princeton: Princeton University Press, 2014), 1. Teegarden connotes the kratos (power) of a demokratia to be the ability of pro-democrats to use bodily strength and domination in armed conflict over other anti-democratic factions.
34 Ath. Pol. 16.8.
and recanted the charge. The dramatic actions of a lawful tyrant were revealed to be entirely insincere during the harsh later years of Hippias’ tyranny. Hippias disregarded all rules of law and showed no sign of restraint when he arrested and exiled all perceived threats.

The Peisistratids perpetuated the illusion of a stable tyranny and were successful at holding the citizens of Athens hostage for many years. They were able to do this because they did what many tyrants have done: isolate the general public from political affairs, disarm the public, and intimidate the public through displays of force. Peisistratus isolated the population by giving loans to the poor so that they would start farms, thus scattering them across the countryside and preventing them from visiting the city. Peisistratus also set up local courts for the country circuit with the express purpose of keeping the rural population from the city. Peisistratus disarmed the public, and the Peisistratids created common knowledge about their unquestionable authority through demonstrations of force through Peisistratus’ club bearers, Hippias’ spearmen, and their use of Argive mercenaries. Common knowledge, according to Michael Chwe, is this:

Where each person wants to participate in a joint action only if others participate also. However, since each person will participate only if others do, for the message to be successful, each person must not only know about it, each person must know that each other person knows about it. Each person must know that each other person knows that each other person knows about it, and so on. This is how a message becomes common knowledge, where it goes without saying or even thinking that another person has complete knowledge of the situation.

Tyrannies, such as the reigns of Peisistratus and Hippias, depend on their power and authority becoming common knowledge, as that power over subjects, perceived or otherwise, is

35 Ath. Pol. 16.8 uses the word φοβηθείς, which derives from φόβος, which can mean a panicked fear.
37 Ath. Pol. 19.6. The Athenaión Politeía lists the total rein for both Peisistratus and Hippias as 49 years.
38 Ath. Pol. 15.5., 16.2–3.
39 Ath. Pol. 16.5.
40 Ath. Pol. 15.4–5; Ath. Pol. 16.1; Ath. Pol. 18.4; Ath. Pol. 17.4.
where the power of the tyrant lies. The Peisistratids dispersed the Athenian people and had them believe that the Peisistratids had everyone’s support. Consequently, to stand against them would be certain death. Hence, when this history was recorded, the length of the unbroken rule, after Peisistratus’ third attempt, was looked upon and mistaken for stability. The idea that the ends justify the means to obtain stability or prosperity at all costs is not true stability. In Allan G. Johnson’s words:

An oppressive system often seems stable because it limits people’s lives and imaginations so much that they can’t see beyond the limitations... But this situation masks a fundamental long-term instability caused by the dynamic of oppression itself. Any one system organized around one group’s efforts to control and exploit another is ultimately a losing position, because it contradicts the essentially uncontrollable nature of reality and does violence to basic human needs and values.

Democracies depend on the laws and will of the people to become common knowledge; if more people have access to the laws of a democracy, then more people can express their will regarding any changes to the laws of their government. Therefore, democratic revolutions also rely on common knowledge. An early example of common knowledge in a revolution is the tyrant-killing plot of Harmodius and Aristogeiton. Many of the eupatridae elites in Athens must have been uncomfortable with the tyrannical Peisistratid rule, but they could not speak openly about resistance. It was not until Hipparchus’ public insults towards Harmodius and his sister that the other powerful families knew the tyrants were willing to use their power against anyone in Athens. Although the city-state was seemingly doing well at the time, this great public insult directed at a wealthy family brought a small number of Athenian nobles together to conspire against Hippias and Hipparchus.

42 Ath. Pol. 15.1–3. Peisistratus’ first and second attempts were foiled; his third attempt with force was successful.
44 Ath. Pol. 18.2.
45 Thucydides (Thuc. 6.56.3) states this small number was for purposes of security and to inspire others by providing an example of a few daring spirits who sought to recover liberty.
The Author of the *Athenaion Politeia* describes the tyranny of Peisistratus as the “Golden Age of Kronos,” particularly in terms of economic growth.\(^{46}\) The belief that a tyranny creates enough stability for economic prosperity to take hold has some short-term evidence, but in the long term, this evidence falls flat. Stability is necessary for “sustained economic progress,” and tyranny can only provide short-term stability, not true long-term stability.\(^{47}\)

Peisistratus did in fact create enough stability for Athens to grow as a major economic and general power not only within Greece, but throughout the Aegean as well.\(^{48}\) Athens opened its borders to trade with foreign nations and even created coinage, some of which began to be used specifically in foreign markets.\(^{49}\) Athens allowed foreign workers and artisans to settle, which may have led to the creation of the innovative red-figure pottery. Athens instated a 10 percent tax, as opposed to a 16 percent tax, on land, which helped to redistribute wealth to poor farmers and potters.\(^{50}\) The Athenians deployed extensive infrastructure building programs and started a new colony on Hellespont, which secured trading around the Black Sea.\(^{51}\) All of these factors served as justification for those who supported the Peisistratid tyranny as the “Golden Age of Kronos.”

Strong ruling individuals can indeed make sound decisions that create economic prosperity, as was the case with Peisistratus. However, strong, totally centralized governments that rely on a single leader can also destroy any economic progress just as quickly as it was made. Such was the case with Hippias. After the assassination of Hipparchus, Hippias’ excessive exiles and executions created extreme *stasis* and uncertainty in Athens. These actions practically invited the Spartans to

---


\(^{48}\) Forrest, *The Emergence of Greek Democracy*, 181. Friendships with others arose under Peisistratus’ rule, particularly with the Aegean Islands and Argos.


\(^{50}\) Harris, “A New Solution,” 111.

\(^{51}\) Forrest, *The Emergence of Greek Democracy*, 181–82.
intervene in 510 BCE. Athens became an extremely hostile and unstable environment, somewhere no one would want to be for business.\textsuperscript{52}

Tyranny relies on an oppressive master class that would never have sincere popular support or majority. Since tyranny requires a small elite class, it is not a truly stable power—it does not represent a majority of its own citizens. It also requires the suppression of free speech, representation, and basic justice, which all humans inherently desire.\textsuperscript{53} This makes tyranny unnatural, unjust, and unstable, as it is something that must be forced onto others. It makes an everlasting tyranny or tyrant an impossible ideal to achieve. Democracy and justice, however, are more practical ideals that support our inherent rights as humans to exist, to be represented, and to be treated with dignity.

Society, governments, and civilization as a whole cannot exist without justice, since society was built by humans working with each other as a collective power. Democracy, more than any other form of government, supports this cooperation. Aristotle famously theorized that “man is by nature a political animal” and that “the city-state is a natural growth.”\textsuperscript{54} Humans are social animals by nature, which suggests that to survive as a species we must work together as a collective. Therefore, social behaviors, such as cooperation, benefit social animals.\textsuperscript{55} Cooperation is natural for humans and allows society to flourish. A society that fully utilizes cooperation assures all are taken into consideration; the good of the group and the individual are valued equally. The group cannot take precedence over individuals, and individuals cannot dominate the group.

\textsuperscript{52} Ath. Pol. 19.1–2.
\textsuperscript{54} Aristot. \textit{Pol.} 1.1253a.
A tyrant, such as Hippias, must dominate the group and cannot release any power to the masses, since there is nothing to keep the masses from wanting more power or representation in their government. There is also no guarantee that the people will treat the tyrant fairly after their new power has been obtained. This creates a type of downward spiral where a tyrant cannot give up power for fear that the masses will turn on them. A tyrant must be strong enough to influence others; however, that perceived strength is in reality an inflexibility that makes their rule brittle. Just as Creon says to the Chorus in Sophocles’ Antigone, “the inflexible heart breaks first, the toughest iron cracks first.”\(^{56}\) A tyrant’s persistent consolidation of, or restriction on, freedom will unite the people in a “critical mass” against him.\(^{57}\) This was exactly the case for Hippias. He and Hipparchus abused their positions of power to a point that incited a few to rise up and encouraged others to follow. Hippias then had no choice but to be cruel and paranoid after the assassination of Hipparchus. In the end, his malice and disregard for any governmental justice directly facilitated his downfall.\(^{58}\)

True governmental justice comes from acknowledging the will and desires of the people who are being governed. A true guide to justice in governance is the administration of human rights. The concept of human rights can be understood as the following: there exist fundamental and inalienable rights and freedoms that all human beings should be afforded, and which should be protected by their governments.\(^{59}\) Human rights stem from the aspiration to protect the dignity of all human beings.\(^{60}\) This allowance of respect for human dignity makes human rights just, and the only government listed as a human right is democracy.\(^{61}\)

\(^{56}\) Soph. Ant. 375–80.

\(^{57}\) Johnson, Privilege, Power, and Difference, 132.

\(^{58}\) Ath. Pol. 16.7.

\(^{59}\) Benedek, Understanding Human Rights, 5.

\(^{60}\) Ibid., 28.

\(^{61}\) Ibid., 16.
Democracy derives its meaning from the ancient Greek words *demos* (people or citizens) and *kratos* (power or rule), thus democracy is literally people (or citizen) power. The fundamental ideal of a democratic government is liberty in both political and private life, as in the liberty of being able to participate fully in one’s government and the liberty to be able to live as one sees fit.\(^{62}\) True democracy is a government by the people and for the people, where the supreme power is retained by them and is exercised either directly or indirectly through representatives.\(^{63}\)

Representation is essential to a just democracy; however, it does not safeguard people from being deceived, from making poor choices, or even from acting unjustly. Herodotus recorded Aristagoras’ lie to the Athenians about the ease with which they would be able to defeat the Persians.\(^{64}\) He said they used neither spears nor shields and successfully baited them into joining the Ionian Revolt. Thucydides noted how the Athenians allowed themselves to be persuaded by Alcibiades and the Egestaeans against Nicias to invade Sicily.\(^{65}\) Also notable is Xenophon’s account of how, after the Battle of Arginusae, the Athenians, with the exception of Socrates, sentenced the generals Pericles, Diomedon, Lysias, Aristocrates, Thrasyllus, and Erasinides to death.\(^{66}\) However, after this happened, the Athenian people repented and felt they had been deceived. The Athenian citizens chose poorly but were able to make their own choices nonetheless. Even so, democracy was not always the preferred form of government in the ancient Greek world. In his minor work, *Hiero*, Xenophon would argue that the common people abuse their freedom and that the tyrant does not have the luxuries they do.\(^{67}\) At times, the Athenians made poor choices or even forsook representational government altogether. The Athenian citizens were able to

\(^{63}\) Webster’s, 696.
\(^{64}\) Hdt. 5.97.
\(^{65}\) Thuc. 6.9–26.
\(^{66}\) Xen. *Hell*. 1.7.1–35.
\(^{67}\) Xen. *Hiero*. 1.8, 2.6, 2.9–12.
question whether their government was the best choice for them and were able to participate in their government, even if they failed to choose their best options.

The right to participate is at the heart of human rights and is a foundation of the principles of justice. Democracy is needed for a government to be just. Justice and democracy are codependent: justice requires the representation a democratic government provides, and democracy needs justice, as justice often represents what the majority of the people consider to be just and equitable. Unlike a tyranny, a democracy is designed to change depending on the will of the people. This foundational ability to change gives democracy greater stability because it can update, adapt, and, therefore, survive previously unforeseen circumstances. Since democracy is built on the representation of the will of the people and concepts of justice, it is an idealized form of government that is not exclusively dependent on singular leaders. The leader of a movement or party may be important, but never as important as the democracy they represent. For instance, if a corrupt government official or leader were removed from office, it would not invalidate the democracy. A democracy is not defined by its leader, but by the abstract will of the people concerning what is just. Therefore, as an ever-evolving, abstract, idealized form of government, democracy can outlast and be more stable than a tyranny.

Now that tyranny can be dismissed and democracy has been defined as an idealized form of government and therefore more stable, one can examine how the ideal of justice was present in the reforms of both Solon and Cleisthenes. These reforms can then be compared to modern democracy as well as human rights through their use of the same ideal of governmental justice.

Solon was chosen to be archon for a specific reason: to bridge the divide between the people of Athens. He was tasked with creating a plan for stability in an incredibly unstable time.69

---

Solon’s reforms had an intense focus on creating justice through governance, similar to what modern human rights seek to implement. Although Solon’s works had an emphasis on justice, it would not be correct to say Solon directly contributed to the inspiration or development of human rights. Ancient Athens had a variety of citizens and non-citizens, generally ranging from chattel slaves, *metics* (foreign residents), and full-fledged citizens with a wide range of subdivisions.70 These varying degrees of citizenship came with what would be more appropriate to think of as *privileges* than as universally recognized rights.71 This was the reality of ancient Athens, and Solon could not feasibly dismantle every evil, as contemporary readers would see certain characteristics, in his society. However, Solon had an immense desire for creating justice, and his poetry shows his aspiration for a more equal and moral life. These yearnings, as well as a disdain for unrestrained greed, can be demonstrated in the following:

> For to the people gave I grace enough, nor from their honor took, nor proffered more; While those possessing power and graced with wealth, these too I made to suffer naught unseemly; I stood protecting both with a strong shield, and suffered neither to prevail unjustly.72

To an extent, Solon’s reforms failed after their implementation as Athens fell back into *stasis*. Yet, this preliminary failure is not the final legacy of Solon or his reforms. Harmodius and Aristogeiton were killed when they failed to assassinate both Hippias and Hipparchus at the Panathenaic festival.73 However, it was their willingness to take action that created the “founding act of the Athenian Democracy.”74 Harmodius and Aristogeiton were transformed into heroes and likely inspired Cleisthenes to continue the revolt against Hippias in 513 BCE at Leipsydrium.75

---

71 Ibid., 7.
72 *Ath. Pol.* 12.1; Solon, *Fr.* 5 [2].
73 *Ath Pol.* 18.
74 Teegarden, *Death to Tyrants!*, 32.
75 *Ath. Pol.* 19.3; Teegarden, *Death to Tyrants!*, 34, 39. Teegarden notes the earliest statues to Harmodius and Aristogeiton were sculpted by Antenor, according to Pliny the Elder (*NH.* 34.17) in 509 BCE. This happened shortly
Cleisthenes picked up the revolutionary spirit of the tyrannicides and repaired the imperfections that were left in Solon’s reforms. It was Cleisthenes who was able to more effectively break up the power held by regional leaders that caused the *stasis* after Solon’s reforms.\(^\text{76}\)

Cleisthenes’ reforms expanded upon Solon’s reforms by creating more representation and shifting power in Athens. It is possible, and worth noting, that Cleisthenes’ motives for creating his reforms were conceivably less pure than Solon’s. Cleisthenes may have used his strong connections with Delphi to bribe the Pythian priestess, who then encouraged the Spartans to overthrow Hippias.\(^\text{77}\) This does not illustrate Cleisthenes as a citizen primarily concerned with justice when compared to Solon.\(^\text{78}\) It seems Cleisthenes’ reforms were more about seizing power from the Isagoras and helping the Alcmeonids hold power in the new *trittyes* than creating justice.\(^\text{79}\) This will be discussed later in more detail. Nevertheless, his reforms did expand upon Solon’s pursuit for more justice in Athenian society. Specifically, Cleisthenes’ reforms greatly improved governmental justice for citizens through greater representation as well as more equality under the law. Thus, Cleisthenes’ reforms moved Athens towards a democratic government.

Democracy and human rights have both been identified as governmental justice. Human rights have been identified as the freedoms that all human beings should be afforded by their governments, and democracy has been identified as governmental justice through representation. To examine the similarities between the ancient reforms and democracy, as well as human rights, it is worth noting which human rights are relevant. As cited by Wolfgang Benedek in *Understanding Human Rights: Manual on Human Rights Education*, there are in total sixteen

---

\(^\text{76}\) Harris, “A New Solution,” 111.

\(^\text{77}\) *Ath. Pol.* 19.2-4.; Hdt. 5.63.1.


\(^\text{79}\) Forrest, *The Emergence of Greek Democracy*, 200.
universal human rights. The rights pertaining to the reforms of Solon and Cleisthenes are freedom from poverty, the rule of law and fair trial, a right to democracy, anti-racism, and non-discrimination.80

In terms of justice, the most pivotal of Solon’s reforms was his prohibition on a debtor’s person being used as security for a loan, also known as debt slavery.81 Without this freedom from debt bondage, from what were possibly protection payments, none of his other reforms would have had any traction.82 This reform aligns with the modern human right of freedom from poverty. Poverty can be characterized by hunger, lack of land or livelihood resources, and inefficient redistribution policies. Poverty is the denial of economic, social, and political power and resources, and it is this denial that keeps the underprivileged poor.83 Solon’s annulment of contracts and liberation of all Athenians who were enslaved by debt freed them from extreme poverty. At the same time, this created some semblance of equality among Athenian citizens.84 This did not eliminate poverty or debt in Athens, nor did it ensure all citizens of Athens were entirely equal. Indeed, this reform was not intended to end all poverty in Athens and was specifically for the abolition of debt bondage. Solon also argued in favor of the state providing orphans and widows of war with food and making payments to physically disabled citizens.85 Although it is not known whether these can be included among his 594 BCE reforms, they would eventually be implemented in Athens during the fifth and fourth centuries.86 This further illustrates Solon’s desire to, if not

---

80 Benedek, Understanding Human Rights, 5.
81 Ath. Pol. 6.1; Plut. Sol. 15.2; D.L. 1.2.45.
82 Harris, “A New Solution,” 111. Harris provides more information on protection money as described in Homeric poems (Hom. Il. 9.149–56, 291–97, 12.310–21, 17.225–26) as well as by Hesiod (Hes. WD. 25-41).
83 Benedek, Understanding Human Rights, 97.
84 Ath. Pol. 12.4.
85 Dillon, “Payments to the Disabled at Athens,” 28, 30.
86 Ibid., 27, 57. It is worth noting that while these practices were done, it was more likely to prevent aristocratic patronage than simple altruism.
eliminate poverty, at least achieve enough governmental justice so that some individuals had their basic needs taken care of by the state and create some level of equality in life.

The principle of equality is an essential part of modern democracy and means that all human beings are born equal. Therefore, citizens should be able to enjoy equal opportunity and participation in the political life of the community, as well as equal treatment before the law. When Athenians were hecktamoroi (later, thetes), the lowest of archaic Athenian society, they had no judicial rights. They were not allowed to charge archons or eupatridae elites if they had broken any laws. This effectively silenced opposition and voided any possibility for equality under the law. Subsequently, Solon implemented a reform that anyone could bring a legal complaint to the court as well as appeal that initial decision in front of a jury.

This reform parallels the human right to rule of law and fair trial. Under the right to rule of law and fair trial, citizens are protected against arbitrary acts of public authorities. Laws must be publicly known, equally applied, and effectively enforced. The Athenians displayed their laws in the Royal Colonnade, where the archons swore to observe them. Laws can be excellent guidelines for governance, as opposed to the authority of a tyrant, due to their public availability and their adaptability over time. For instance, Draco’s homicide law was considered just during its time in Athens and, furthermore, it was on display for all to read. It also determined that a person’s guilt was to be decided by the Areopagus instead of families acting as vigilantes. However, when we describe a law that is too harsh now, we call it Draconian. In a democracy, the people can adjust and adapt their laws as they see fit, so that old laws are updated or abandoned,

---

87 Benedek, Understanding Human Rights, 410.
88 Ath. Pol. 9.1.
89 Benedek, Understanding Human Rights, 203.
90 Ath. Pol. 7.1; D.L. 1.2.45.
just as Draco’s law was. This adaption of changing laws based on perceptions of justice can survive more adversity than a rigid tyranny ever could. A tyrant would not want laws to change as that would mean they had become outdated or flawed, whereas in a democracy, when a law is changed, it means the people have reflected upon that law and decided it must change to fit their will.

Solon continued his justice reforms to include social and economic classifications (*pentakosiomedimnoi, hippeis, zeugitai, and thetes*). These classifications created more equality through representation and were an improvement upon “those who have” and “those who do not have.” 92 With this reformation of classes, the Athenians who were lowest on the social ladder were no longer slaves to their protection payments; they became citizens. 93 Those Athenian citizens were then given a voice through the *ekklesia* and the council of 400. 94 This would be further expanded by Cleisthenes’ *boule* assembly, which increased the number of representatives to 500 and allotted each tribe 50 votes. 95

This level of representation was one of the first steps towards a democratic government and is comparable to the modern human right to a democracy. A democracy is meant to prevent a single person or a small group from ruling over the people in an arbitrary manner, which is exactly what Solon and Cleisthenes intended to prevent with both of their reforms. 96 Of course, ancient and modern democracies are very different, particularly concerning who is and who is not a citizen with the right to vote; however, the core element of participation in government is a feature in both ancient and modern democracy. 97

---

92 *Ath. Pol.* 7.3.
93 Ibid., 2.
94 Ibid., 7.3, 8.4; Plut. *Sol.* 19.
95 *Ath. Pol.* 22.2.
97 Ibid., 410–11.
Cleisthenes’ reforms can be seen as early attempts at a democracy. His most dramatic reform was changing how Athenian politics were organized. He restructured the four traditional phratry tribes, based on family relations, into ten new tribes according to their deme (geographical subdivisions within Attica). This became the basis of a new democratic power structure. The demes were then separated further to include trittyes (asty, a city region, paralia, a coastal region, and mesogeia, an inland region) that further divided power. This overhaul in deme and tritty formation also created a sense of free and fair elections, in which Athenian citizens could truly express their desire for change, as well as their consent to current policies, and could fully participate in a process of evaluation.

Cleisthenes’ deme restructuring also created a division of power. Those who previously had all the political power by proximity in their deme had to reach out and accommodate more and different citizens. This control mechanism, although different from a modern division of power, acted to prevent the abuse of political power. Cleisthenes’ establishment of electing one general from each tribe helped expand democratic rights to a new level. This reform provided the Athenian demes with true representational power. Thus, for the first time in Athens, there was some form of political pluralism, whereby Athenian citizens could directly choice their own deme general to represent their wishes. Political pluralism is the only secure structure that is flexible enough to adapt to the citizens’ changing needs while remaining a stable ground for democratic governance. Cleisthenes’ deme restructuring meant Athenians would have free and fair elections.

---

99 Benedek, Understanding Human Rights, 411.
100 Benedek, Understanding Human Rights, 412.
101 Ath. Pol. 22.2.
102 Benedek, Understanding Human Rights, 411.
for their desired representatives and were allowed more equal participation than under Solon’s reforms.

The increased representation Cleisthenes’ reforms sanctioned also allowed for an increased amount of free speech in Athens. Freedom of speech is what directly connects Cleisthenes’ democracy with modern democracy and is how democracy acquires its power. Herodotus describes the emerging power of Athens with its early democracy and attributes this power to the equality in speech found there. In sum, although there are major differences between modern democracies and Cleisthenes’ reforms, they are fundamentally connected through the core elements of governance: representation and the encouragement of free speech.

Another important aspect of Solon’s and Cleisthenes’ reforms was their incorporation of foreigners into Athenian life. Their reforms are similar to the modern human right of anti-racism and non-discrimination. Under Solon’s reforms, foreign tradesmen were encouraged to settle in Athens, and those who did so would be granted citizenship provided they brought their families with them. Once these foreign residents became citizens, Cleisthenes further protected them by favoring demonymics (the name of the deme) over patronymics (paternal names). This increased both foreign- and native-born Athenians’ sense of belonging to a deme and diminished the role of foreign names. It would be incorrect to say Solon and Cleisthenes eliminated racism and discrimination in ancient Athens. These issues were very prominent in their culture and continue to exist in today’s societies. Yet, these reforms did provide some equality and human dignity to Athenians, regardless of their previous foreign status. These citizens were then able to fully participate in the Athenian government and, like other citizens, were also subject to Solon’s

---

103 Hdt. 5.78. Here Herodotus said equality is a good thing and specifically used ἰσηγορία (equality regarding speech).
105 Ath. Pol. 21.4.
106 Benedek, Understanding Human Rights, 121.
disenfranchisement reform. This reform ensured that all citizens would participate during civil strife or forfeit their citizenship.\textsuperscript{107} Although this reform does not directly relate to anything in modern democracy or human rights, it did succeed in guaranteeing all Athenians participated in their government. While the penalty of disenfranchisement was harsh, treatment was equal for all citizens regardless of social status.

Cleisthenes ensured all of his reforms were carried out by those who were elected by introducing a new \textit{bouletic} oath, “to give counsel in accordance with the laws,” which \textit{archons} had to swear to uphold.\textsuperscript{108} This established the paradigm for loyalty to the laws of the people instead of loyalty to a single person or party and aligns with the definition of justice as “the administration of law according to the rule of law or equity.” The prominence of laws over individuals held Athenian representatives accountable for their actions and moved Athens towards a democratic government, giving citizens more power over those who were elected to lead them.

Ostracism was Cleisthenes’ ultimate reform in terms of holding Athenian leaders accountable.\textsuperscript{109} This reform was established to deter any citizen who was deemed to be a threat to democracy from establishing a tyranny, thereby curbing tyrannical hopefuls and keeping elections open to more than just one person, group, or family. This further divided individual power and allowed ordinary Athenian citizens more freedom, participation, and representation in their government.

These ancient reforms made by Solon and Cleisthenes have remained relevant by their use of justice as a guiding force of governance, which would become essential in both modern democracy and contemporary human rights. The reforms of Solon and Cleisthenes created a sense

\begin{flushright}
\textsuperscript{107} \textit{Ath. Pol.} 8.5; Plut. \textit{Sol.} 20.6. \\
\textsuperscript{108} \textit{Ath. Pol.} 22.2; Xen. \textit{Mem.} 1.1.18. \\
\textsuperscript{109} \textit{Ath. Pol.} 22.1.
\end{flushright}
of justice in their time and were flexible enough to include more justice as time passed and as concepts of justice evolved. Although these reforms were meant for specific eras in Athenian history, they have permeated thousands of years in western cultures.

The reforms of Solon and Cleisthenes are enduring and inspirational owing to their use of governmental justice and focus on increased representation. One can see distinctive resonances from the justice used in the ancient reforms carried on in both modern democracy and human rights. Democracy remains strong in the contemporary world after several millennia owing to its representational justice and its ability to adapt to new understandings of justice. This shows the time-tested power of democracy and its ability to return regardless of circumstance and, therefore, contributes to the understanding that it is an idealized government. In closing, although the struggle for justice against tyranny is ongoing and will most likely continue perpetually, justice, by way of democracy and human rights, has and will continue to prove its stability when compared to the injustice of tyranny.
Bibliography


