

Making Law Grip: Inequality, Injustice, and Legal Remedy in Solonian Attica and Ancient Israel*

David Lewis

‘The most illuminating parallel for the *Seisachtheia* is still *Nehemiah* V 1-13, though I have yet to meet an Oxford ancient historian who uses it, and some have not heard of it’. Thus wrote G. E. M. de Ste. Croix in 1962 in a letter to his colleague A. Andrewes, part of a correspondence in which both scholars exchanged a number of ideas on Solon’s reforms.¹ Several scholars have noted the comparative potential of Hebrew texts for studying archaic Greek history, and the many parallels between life in ancient Israel and archaic Greece.² Yet in many ways, the kind of comparison that de Ste. Croix envisaged is still a rarity. To be sure, classical scholars have not neglected the fact that Greek settlements of the archaic period were located in a much wider world, indeed one from which they were not hermetically sealed: literary scholars, as well as scholars of art, philosophy and religion, have for some time now studied the influences of Eastern thought and material culture on that of the Greeks.³ This kind of study emphasises cultural connectivity and the transfer of ideas, persons, and objects. Much less common, however, is the sort of comparison that does not seek to chart cultural influence, but to examine similarity and difference in structural terms. In other words, how different was archaic Greece to its Eastern Mediterranean neighbours?⁴

In this essay, I aim to explore this question by analysing social problems and legal responses to these problems in two societies of the archaic Eastern Mediterranean: Attica and Israel. These two regions constitute a promising pair for the purposes of comparison: both were agrarian societies with comparable economic practices, and both shared a similar climatic niche, systems of land tenure and inheritance practices.⁵ Moreover, textual evidence from both regions

* References to Archaic poetry follow West 1989-92; references to Solon’s laws follow Rhodes & Leão 2015, which I have abbreviated to R&L. References to archaic Greek legal inscriptions are abbreviated as IGT = Körner 1993. Translations of Hebrew texts have been taken from the *Jewish Publication Society Tanakh*, but I have modified some of these (and indicated the modifications where relevant). I would like to thank Edward Harris, Keith Rutter, Mirko Canevaro, and the anonymous reader at Ashgate for reading drafts of this essay and offering advice on style and content.

¹ See de Ste. Croix 2004: 118. He follows this by writing ‘almost everything in the Solonian situation is there’. Cf. de Ste. Croix 2004: 123, a copy of a later letter of 1968, where de Ste. Croix again uses material from the Hebrew Bible in reference to Solonian Attica.

² See e.g. Snell 2001: 63-74; Bremmer 1993; Naiden 2006. Yamauchi 1980 compares Solon to Nehemiah, whilst Seybold and Ungern-Sternberg 2007 compare Solon to Josiah; whereas these scholars focus on individuals, this essay will focus on broader structural issues. Raaflaub 2007 provides a somewhat pessimistic response to Seybold and Ungern-Sternberg’s study. Hagedorn 2004 treats several aspects of Greek and Hebrew law in parallel. Nielsen 2014 argues that knowledge of Solonian Attica influenced the writers of the Hebrew Bible, an unusual view that stems from the ‘minimalist’ school, on which see Halpern 1995. Eagerly awaited are the published proceedings of the Tel Aviv conference ‘Ancient Greece and Ancient Israel: Interactions and Parallels’ (October 28th-30th 2012).

³ For an excellent recent overview, see Vlassopoulos 2013.

⁴ See Vlassopoulos 2007 for the intellectual trends behind traditional assumptions on the uniqueness of Greece.

⁵ Foxhall 1997: 64 writes: ‘when we look at the comparanda most often used for the agrarian economy of archaic Attica, the methodology appears alarmingly shaky. Most of the ethnographic case studies drawn on by Rihll, Manville, Gallant, Finley and others have come from tropical environments, usually Africa, South-East Asia, and the South Pacific’. Israel, as I hope to show, presents a much better starting point for comparison.

deriving from or relating to the eighth through sixth centuries BC enables us to address several questions in parallel. These questions can be formulated as follows. First, were the social ills that plagued Athenian society in the opening years of the sixth century unique to Attica, or even Greece broadly defined, or did they mirror similar, contemporary phenomena in non-Greek societies of the Eastern Mediterranean? Second, how did these problems relate to inequalities in wealth and power, and the inadequacy of formal legal institutions to curtail abuses? Third, were the legal solutions contrived by Solon to address these problems distinctive or unique (at least on a conceptual level), or were similar solutions devised elsewhere for ameliorating the plight of the poor and engendering peace and order? And finally, how unique were Solon's procedural reforms to the machinery of justice, the institutional innovations aimed at facilitating the effective application of the law in Athenian courts?

1. Issues of method

The materials selected for this study and the approaches employed to explore these problems attract no small measure of controversy. Let us first deal with Solon. Abundant information on the statesman can be found in Plutarch's *Life of Solon* and in chapters 5-12 of the Aristotelian *Athenaion Politeia*. Both of these texts provide valuable nuggets of sixth-century evidence, but these nuggets are embedded in a framework of fourth-century (and later) interpretation, speculation, and moralisation, some aspects of which may be correct, while other parts contain clear anachronisms. I should state at the outset that this essay will depend predominantly on the sixth-century material, and less upon the later accretions that built up in the classical period and thereafter to give a context and meaning to those poems of Solon that had been passed down to posterity and his (probably rather laconic) laws that could still be consulted in classical Athens.

In this, I aim to steer a course that avoids two problematic approaches. The first is one that accords the same epistemological value to the fourth-century (and later) writers, as it does to the laws and poems. This is too risky, for at times it can be positively demonstrated that later writers have misunderstood Solon's laws and poems and invented anachronistic explanations to account for their form and wording.⁶ It is better to leave aside the later material altogether and try to construct a coherent picture from the early evidence, an approach that has enjoyed notable successes in areas such as Spartan history.⁷ The second problematic method is more objectionable: this approach aims to solve the problems created by the scanty and skeletal nature of our evidence for Solon by fattening-up these bare bones on a diet of speculation and adventurous hypotheses about *inter alia* imaginary systems of land tenure and population

⁶ One of the most telling clues that later writers often misunderstood Solon's laws is the mention in [Arist.] *Ath. Pol.* 9.2 (cf. Plut. *Sol.* 18) of a tradition which held that Solon deliberately made his laws obscure in wording to increase the power of the popular courts. Whilst this explanation of the wording of Solon's laws seems fairly unlikely, anyone familiar with early Greek legal inscriptions can sympathise with the accusation of terse or obscure wording. These inscriptions are normally brief texts that (as we have them) are amputated from the social context within which they were designed to be read. Having lost the context, it is up to the interpreter to guess it; and some guesses are more educated than others (cf. Rhodes 1981: 162). The author of the *Athenaion Politeia* may have been mistaken, but the example shows how classical Greek readers of archaic laws faced some of the same challenges of interpretation we face today (cf. the explanation of Solonian legal language at Lys. 10.15-20). These later writers, however, were too often satisfied to read the terse archaic inscriptions in terms of current concerns, often introducing anachronisms. For demonstrations of these anachronistic interpretations, see Rhodes 1981: 164-9 and Kroll 1998 on coinage; Harris 1997 on the abolition of debts. Another clue is the too-often dismissed debate between Androtion (Plut. *Sol.* 15) and the writer of (or source behind) the *Athenaion Politeia* on the nature of the *seisachtheia*. The very existence of this debate, to my mind, speaks volumes on how little was known about the exact content of this reform by the fourth century.

⁷ See Hodkinson 2000 *passim*.

pressure; these theories depend upon so many conjectural variables that they cannot possibly be correct.⁸ They may exercise the imagination and ingenuity of scholars, but any approach of this kind is epistemologically flawed, as it invariably deals not so much with the evidence we have, but rather with speculation about what might be missing. The approach to Solon employed here is a drastic but methodologically necessary one: that is, to take Ockham's Razor to these houses of cards and cut away the large number of unverifiable elements. This leaves us only with a slender sixth-century rump of evidence contained in the laws and poems, but this can be interpreted cautiously in the context of what we know about early Greek law and social structure to provide as robust an interpretation of Solonian Attica as possible.⁹

Perhaps more difficult is using the Hebrew Bible to study social history (here, though, we will focus mainly on the prophetic texts); a little background may therefore help. The prophets of the Hebrew Bible were active in two Levantine states, the wealthier northern kingdom of Israel, and the smaller but longer-lived kingdom of Judah in the south. Both territories had probably belonged to a larger polity governed by Saul, David, and Solomon, but this had split in two, due to internal squabbles during the tenth century.¹⁰ From the northern capital of Samaria and the southern capital of Jerusalem, the monarchs of these states imposed administrative structures that regulated local governance. Both states were, however, small principalities in a world of tectonic shifts between much larger empires; Assyria swallowed-up the northern state of Israel in 722 BC, and its southern neighbour survived only until 586 BC, when it was conquered by the Babylonian king Nebuchadnezzar II. It was only after the return of the exiled elite of Judah under the Persians that the writings of the defunct monarchical age were (re)crafted (with numerous additions) into what we know today as the Hebrew Bible.¹¹

This complex anthology of Israelite literature is replete with methodological controversies, most pressingly the processes of compilation and redaction, as well as the dating of its constituent texts. However, much of the material we shall be utilising here does not suffer so acutely from these complications. I refer primarily to the Hebrew prophets. Not only can most of these individuals be assigned a *floruit* and their oracles a temporal context, but their words, recorded by scribal groups and passed down as sacred text, preserve extremely valuable observations on the fabric of society around the time they were composed.¹² More problematic

⁸To note several examples: Rihll 1991 interprets Solon's reforms by recourse to the unverifiable notion of large tracts of public land in early Attica, and is in general highly speculative. Sancisi-Weerdenburg 1993 contains much careful analysis, but again depends on a hypothetical connection between marginal land and the *hektemoroi* (it seems to me that this 'marginal land', if it was indeed where *hektemoroi* farmed, can only have created a marginal problem, not the widespread problem suggested by the sources). A number of scholars have viewed the Solonian problem in relation to an 'agricultural crisis' – again, not attested in the sixth-century sources (e.g. French 1956; Gallant 1982). This now seems to be out of vogue: the evidence of archaeological surveys suggests that such a crisis is extremely improbable (Foxhall 1997; Bintliff 2006). Cf. Stanley 1999: 203 for a very speculative and elaborate theory on *hektemorage*, and Ober 2006, who argues that the *horoi* mentioned in Solon fr. 36 marked the segregation of different social groups (*hektemoroi*, *eupatridae*, etc.) into different regions of Attica, like the 'peace walls' separating Israelis from Palestinians.

⁹ Examples of this method: Rosivach 1992; Mitchell 1997; Harris 1997; Foxhall 1997; van Wees 1999, though these scholars often disagree on points of detail, and clearly even a slimmed-down approach contains much scope for debate. On the authenticity of Solon's laws, see Rhodes & Leão 2015: 1-9.

¹⁰ The 'united monarchy' is a controversial topic. See Carr 2010: 356-75 for a sensible view.

¹¹ For the scribal culture in which this composition and redaction occurred, see van der Toorn 2007. For the historical method of Hebrew scribes, see Halpern 1988. Carr 2010 offers a compelling view of the evolution of the Hebrew Bible and discussion of methodology.

¹² Van der Toorn 2007: 173-204 is essential reading on the process whereby prophetic speech came to be frozen in written texts. To briefly summarize his conclusions: many if not most of the prophetic oracles in the Hebrew Bible were written by scribes drawing their information from groups of followers of the prophet; often the scribe was a member of the group itself. The scribe was not therefore an amanuensis writing up a word-perfect

is the use of legal texts in the Torah, for there still exists disagreement over how and when these texts were compiled, the chronological sequence in which they were written, the influence of one section of text upon others, the degree of redaction, and the question of how far they were followed in daily life, or were rather academic scribal compositions (to name a few). These issues rule out certain types of analysis, and we shall be forced to tailor our approach to one that lets us use the legal texts meaningfully despite these many uncertainties.

2. Inequality and injustice in Attica, archaic Greece, and Iron II Israel

The admonitions of the Hebrew prophets provide remarkably familiar reading for the student of archaic Greece. Gift-devouring judges rendering crooked verdicts, rich landowners increasing their holdings at the expense of impoverished neighbours (often by violent means), poor individuals borrowing money from the wealthy and becoming their slaves in the event of default; these and other problems plagued Greek and Israelite society during our period.¹³ We will examine the textual evidence for these problems shortly, but it is necessary to first ground our analysis in an appreciation of the material inequalities that existed in Attica and Israel. The problem essentially boils down to this: both the prophetic texts and Solon's poetry portray dysfunctional societies in which various abuses of the lower classes occurred. How do we characterise either of these situations? The texts themselves could describe societies that merely exhibited unjust and dysfunctional (and occasionally violent) elements, but they could equally describe societies characterised by complete social breakdown and mayhem. It is important to acknowledge the basic ambiguity of the evidence on this point at the outset. One element, however, that may afford us some purchase on this problem is the degree of economic inequality in either society, since not only is this factor related to various social ills, but it also can enable us to gauge the power of the elite compared to the rest of society.¹⁴

Our evidence for Israel is decidedly better than that for Attica. Few regions of the world have been as thoroughly surveyed and excavated as modern Israel, and the results have recently been synthesised in a groundbreaking study by Avraham Faust.¹⁵ Drawing on a large data set of household remains, Faust has shown that rural settlements were rather egalitarian, with extended families dwelling together in relatively large houses, with little differentiation between house sizes; furthermore, on the village level there is ample evidence for cooperation between households in the processing of foodstuffs.¹⁶ In the cities, however, inequality is highly visible: small numbers of large, well-built houses exist amid a mass of much smaller houses of the poor, the latter apparently inhabited by nuclear families.¹⁷ This somewhat militates against old-

transcript of the prophet's words. On the other hand, the contents of the prophetic books are for the most part immediate artefacts of the prophet and his followers, and for our purposes can be used as sociological observations on contemporary life. There was a certain degree of editing and addition made over time to the prophetic collections, but this had little to do with the observations on social abuses with which we are dealing, but more with religious and political themes (van der Toorn 2007: 199-204; see also Carr 2010: 248-9, 318-31). One should note that the use made in this essay of the observations of the prophets is strengthened by the recurrent mention of the same abuses by multiple voices; what follows is for the most part a typology of abuses corroborated by multiple texts, not generalisations based on single utterances.

¹³ Cf. Millett 1984: 103, though rightly dismissive of reducing Hesiod to an anti-aristocratic prophet of doom and judgement.

¹⁴ The topic of social inequality is generating a rapidly growing literature, too large, indeed, to be engaged with here in detail. For an introduction to the problems caused by various kinds of inequality, see Wilkinson and Pickett 2009.

¹⁵ Faust 2012.

¹⁶ Faust 2012: 128-77.

¹⁷ Faust 2012: 39-127.

fashioned views that (mis)used the prophetic texts (or, to be more specific, Is. 5:8) to posit a wholesale 'latifundization' of Israel by the elite and the widespread displacement of a peasant proletariat.¹⁸ Faust's work does not contradict the prophetic texts; rather, it contextualises them, showing that the abuses of the poor largely belong to an urban context, and that the countryside was not for the most part 'latifundized' by the elite, even if they did own extensive estates.

We unfortunately lack such datasets for Solonian Attica, and reconstructions of inequality cannot be based on more reliable 'bottom-up' approaches such as these. Instead, 'top-down' methodologies based on calculations regarding the Solonian census groups, combined with estimates of crop yields per hectare, constitute the chief variables on which historians have focused in attempting to understand inequality in sixth-century Athens. Studies such as these have produced a picture of more acute inequality, with a narrow elite controlling much of the land, and vastly richer than a broad stratum of poor Athenians. This picture is certainly plausible, but the margins for error inherent in this sort of approach are extremely large, and the proposed models should be seen as tentative, and possibly very far off the mark.¹⁹ These points must be kept in mind as a check on the confidence of any proposed model of the Solonian 'crisis'. We might know of specific aspects of that crisis, but our present state of knowledge does not enable us to measure its intensity in any meaningful way. If we cannot measure its intensity, then we can at least describe some of its specific aspects; let us now turn to these in earnest.

3. Debt, exploitative lending and the enslavement of debtors

Debt and enslavement for debt was a notable problem in Solon's Attica. In fr. 4, Solon mentions some of the poor sold into slavery and living in foreign lands, a detail that is supplemented in fr. 36 by the claim that he brought back to Attica Athenians who had been sold abroad, legally or illegally,²⁰ as well as others who had fled on account of their debts; others, trembling at the feet of their masters, he claims, he set free. We also find the problem of the sale of free persons into slavery in the fragmentary laws. Plutarch (*Sol.* 13) believed that many Athenians sold their children to their creditors, and although the sale of children is not specifically mentioned in the poems, it surely occurred: Solon passed a law banning the sale of one's daughters and sisters, unless they had lost their virginity (R&L F31a = Plut. *Sol.* 23.2), and this implies that the Athenian *kyrios* before Solon's reforms had extraordinary powers over his dependants. One of the most famous of Solon's innovations was his ban on loans contracted on security of the person, which prevented enslavement for debt (R&L F69a-c = [Arist.] *Ath. Pol.* 2.2, 4.4, 6.1, 9.1; Plut. *Sol.* 13.4, 15.2, *Mor.* 828f).²¹ This could potentially apply to contracting loans on the security of one's children and dependants, as well as on oneself. The dangers of debt and exploitative lending by the wealthy were not restricted to Attica, but were a structural feature of early Greek society more generally.²²

¹⁸ Lods 1932: 397-8; cf. Faust 2012: 14-27.

¹⁹ See Foxhall 1997; van Wees 2006. These studies suffer from two problems: first, they depend on assumptions regarding crop yields and cultivation strategies that are open to question. Second (and more significantly), the produce totals attached to the Solonian census classes in [Arist.] *Ath. Pol.* 7.4 are very likely later figures that had nothing to do with Solon at all, which, if correct, undermines any calculation of this sort whatsoever. For this argument see Rosivach 2002; de Ste. Croix 2004: 48-9. It seems likely to me that these kinds of quantitative approaches to archaic Attic inequality are wholly unreliable.

²⁰ This refers, I think, to two different scenarios: first, the enslavement of defaulting debtors: this was a legal means of enslaving an Athenian before Solon's ban on the practice was put in place. Second, arbitrary seizure and sale: such events are already envisaged in Homer (*Od.* 17. 249-50; 20.374-83).

²¹ See Harris 2006: 249-69.

²² Van Wees 1999: 25-9.

As in archaic Attica, individuals in Israel and Judah faced the problem of debt and the threat of enslavement due to debt and poverty. One proverb claimed that the borrower was the creditor's slave, a figurative expression, but all the same, one that speaks volumes of the peril associated with borrowing money during this period (Prov. 22:7). The head of a household exercised complete authority over his dependants, and this extended to the right to pledge or sell children. During times of economic distress, children could be sold or pledged in order to meet financial obligations such as the payment of debts or taxes, and this practice was deplored from an early period. The eighth-century prophet Amos criticises the wealthy on two separate occasions for selling the poor into slavery (Amos 2:6; 8:4-6). A story concerning the prophet Elisha, who was apparently active during the ninth century, reflects the difficulties faced by the destitute (whether this is a strictly historical story or not is irrelevant for our purposes); it relates how Elisha visited a widow and helped alleviate her poverty when she faced creditors who were about to seize her children as slaves (II Kings 4:1). Similarly, Deutero-Isaiah (50:1) uses the sale of a son to pay off creditors as a metaphor for YHWH abandoning Israel. As we shall see, laws were created which aimed at limiting the rights of creditors, or those who 'acquired' poor Israelites as slaves; but two historical incidents illustrate how these laws, even if they were not utopian or academic, might be ignored if central authorities lacked the power to enforce them. The first incident dates to shortly before the sack of Jerusalem by Nebuchadnezzar II, and describes abuses perpetrated in Judah during the reign of Zedekiah, who sat on the throne of Judah at the same time as Solon was enacting his reforms in Attica hundreds of miles to the north-west (Jer. 34:8-22):

The word which came to Jeremiah from YHWH after King Zedekiah had made a covenant with all the people in Jerusalem to proclaim a release (*deror*) among them – that everyone should set free his Hebrew slaves, both male and female, and that no one should keep his fellow Judahite enslaved. Everyone, officials and people, who had entered into the covenant agreed to set their male and female slaves free and not to keep them enslaved any longer; they complied and let them go. But afterwards they turned about and brought back the men and women they had set free, and forced them into slavery again. Then it was that the word of YHWH came to Jeremiah from YHWH: thus said YHWH, the god of Israel: I made a covenant with your forefathers when I brought them out of the land of Egypt, the house of bondage, saying: 'In the seventh year each of you must let go any fellow Hebrew who may be sold to you; when he has served you six years, you must set him free.' But your fathers would not obey me or give me ear. Lately you turned about and did what is proper in my sight, and each of you proclaimed a release to his countrymen; and you have made a covenant accordingly before me in the house which bears my name. But now you have turned back and profaned my name; each of you has brought back the men and women whom you had given their freedom, and forced them to be your slaves again.

This text refers to a law that limited the right of creditors to retain fellow countrymen whom they had acquired as slaves for six years only. We can tease out several observations from this episode. First, Zedekiah (for whatever reason) proclaimed a general release (*deror*) for those of his Hebrew (i.e. Judahite) subjects who were being held as slaves. Second, it is clear that these subjects were not merely being retained as temporary servants as the 'law' (see *infra*) stipulated, but as permanent slaves, hence the complaint in Jeremiah's oracle. Third, this release was unenforceable; having initially agreed to it, the people holding these individuals turned around and re-enslaved them. Over a century later, the same abuse was still going on: the following

passage, Nehemiah 5:1-13, concerns events which took place in the mid-fifth century BC, after the return of the exiles to what was now the Persian province of Yehud (Judah).

There was a great outcry by the common folk and their wives against their brother Jews. Some said, 'our sons and daughters are numerous; we must get grain to eat in order that we may live!' Others said, 'we must pawn our fields, our vineyards, and our homes to stave off hunger.' Yet others said, 'we have borrowed silver against our fields and vineyards to pay the king's tax.'²³ Now we are as good as our brothers, and our children as good as theirs; yet here we are subjecting our sons and daughters to slavery – some of our daughters are already subjected – and we are powerless, while our fields and vineyards belong to others'. It angered me²⁴ very much to hear their outcry and these complaints. After pondering the matter carefully, I censured the nobles and the officials, saying, 'are you pressing claims on loans made to your brothers? Then I raised a large crowd against them and said to them, 'we have done our best to buy back our Jewish brothers who were sold to the nations; will you now sell your brothers so that they must be sold back to us?' They kept silent, for they found nothing to answer. So I continued, 'what you are doing is not right. You ought to act in a god-fearing way so as not to give our enemies, the nations, room to reproach us. I, my brothers, and my servants also have claims of money and grain against them; let us now abandon those claims! Give back at once their fields, their vineyards, their olive trees, and their homes, and abandon the claims for the hundred pieces of silver, the grain, the wine, and the oil that you have been pressing against them!'

De Ste. Croix was not far off the mark to claim that 'almost everything in the Solonian situation is there' in this passage. We should particularly note the sale of fellow countrymen to 'the nations' (*goyim* viz. foreigners), and the attempt by Nehemiah to buy back those Jews sold to foreigners: this is precisely what Solon claims to have achieved in fr. 36. It is worth pointing out, however, that these passages are not 'anti-slavery' tracts: nothing is said about foreign slaves. The main complaint is that members of the same ethnic community are selling one other into slavery. Once 'commoditised', these fellow-countrymen could be sold far from home, that is, to foreigners. Solon's image of poor Athenians serving far from their homeland is paralleled by the indignation expressed in Hebrew texts at the very same problem (Joel 4:3; Jer. 15:14, 17:4). Both show a keen appreciation of what Orlando Patterson calls the 'natal alienation' inherent in all systems of slavery: that slaves cannot enforce the kinship ties they possess, and can be sold by their owners, in effect ripping them out of the social milieu to which they belong and casting them into commercial circulation. The Greek and Hebrew texts show that this experience was viewed as one that should not have been visited by members of the same community upon each other.

Judicial abuse

²³ The King of Persia here imposed a tax in silver, not in kind; this posed various difficulties for peasant farmers, who had to borrow money from wealthy individuals against their property in order to pay the tax. For the kind of solutions to this quandary pursued in contemporary Babylonia, see Stolper 1985.

²⁴ Nehemiah, who was sent as governor to the province by Artaxerxes I in 445 BCE. On the date of the Nehemiah memoir, Carr 2010: 208.

The passing of crooked legal judgments by elite judges, which is mentioned in fr. 4 and contrasted with Solon's own straight judgments enacted for good and bad alike mentioned in fr. 36, is a topic mentioned in other early Greek texts, especially Hesiod and Theognis, though hints of abuse go back to Homer.²⁵ As van Wees has shown, elite-controlled forms of adjudication provided ample scope for abuse: we should take seriously the accusations of judicial malpractice in early Greek texts.²⁶ The problem here was not that such arrangements were incapable of delivering justice to poor litigants: Hesiod (*Theogony* 81-90) and Homer (*Iliad* 18.497-508) both provide images of elite judges doing their job properly and rendering straight judgements. Rather, the problem was that there were no institutional checks and balances to inhibit crooked judges from passing corrupt and unfair verdicts had they been inclined to do so.

Likewise, judicial abuse is a recurrent theme in the complaints of the prophets. There were several kinds of judicial process in ancient Israel and Judah, ranging from judgements rendered by village elders to those of monarchs, but it would appear the most controversial was the lone judge, a royal official in the local town who enjoyed considerable power but also relative independence in his dealings. This group are often accused of selling justice for money, an apt parallel for the gift-devouring *basileis* of the *Works and Days*. Micah, a prophet active in the mid-eighth century, proclaims the following (Mic. 3:9-12):

Hear this, you rulers of the house of Jacob, you chiefs of the house of Israel, who detest justice and make crooked all that is straight, who build Zion with crime, Jerusalem with iniquity! Her rulers judge for gifts, her priests give rulings for a fee, and her prophets divine for pay; yet they rely on YHWH, saying, 'YHWH is in our midst; no calamity shall overtake us'. Assuredly, because of you Zion shall be ploughed as a field, and Jerusalem shall become heaps of ruins, and the Temple Mount a shrine in the woods.

A similar message is delivered at Mic. 7:2-4:

The pious are vanished from the land, none upright are left among men; all lie in wait to commit crimes, one traps the other in his net. They are eager to do evil: the magistrate makes demands, and the judge judges for a fee; the rich man makes his crooked plea, and they grant it.

Amos, roughly contemporary, observed much the same thing (5:12):

For I have noted how many are your crimes, and how countless your sins – you enemies of the righteous, you takers of bribes, you who subvert in the gate the cause of the needy!²⁷

Habakkuk, active during the period directly before the fall of Judah, asks God (Hab. 1:2-4):

²⁵ Van Wees 1999 *passim*.

²⁶ Van Wees 1999. Hawke 2011: 105-7 brushes aside accusations of bribery, and believes that Hesiod (*Op.* 263-4) is the only source describing this. But he overlooks several texts discussed by van Wees that show it was a wider problem. Moreover, the structural weaknesses of these early courts show that whatever the frequency of such abuse, it potentially *could* happen: the checks and balances that inhibited the practice of bribery in classical courts were a later development.

²⁷ Courts were often held at the gates of walled settlements. For an unconventional view of the 'needy at the gate', see Faust 2012: 103-9.

Why do you make me see iniquity, why do you look upon wrong? Raiding and violence are before me, strife continues and contention goes on. And so the law loses its grip and justice never emerges; for the villain hedges in the just man – therefore judgement emerges deformed.²⁸

The same complaint is levelled in several proverbs.²⁹ Prov. 13:23 claims that the farms of the poor yield much produce, but that many perish for want of justice; Prov. 17:23 claims that ‘the wicked man draws a bribe out of his bosom to pervert the course of justice’ (cf. 18:16). The Hebrew Bible is littered with condemnations against those who fail to provide justice to the vulnerable, exhortations to provide fair and impartial rulings (Jer. 21:12; Zech. 7:9; 8:16; Prov. 18:5; 24:23-5; 29:14; 31:4-5), and to avoid vexatious litigation (Prov. 18:6; 20:3; 22:10). We can also turn to extra-biblical material. An ostrakon from the late seventh century, found at Yavneh Yam, c. 15 km south of Jaffa, bears a text that is either a letter, or a draft or copy of a letter, to a local governor (*śar*), requesting the return of a garment that has been unlawfully seized; the person making the request exhorts the governor not to dismiss his request.³⁰ Some judges clearly did just that: Jeremiah, active in the twilight years of the kingdom of Judah, criticised those who grew fat in their positions and dismissed the legal suits of the poor and needy (Jer. 5:26-8); Isaiah (1:23), active somewhat earlier, levelled the same criticism.

The acquisition of land and property at the expense of the poor

In one law (R&L F149/1 = Arist. *Pol.* 1266b14) Solon established a limit on the amount of land a single person could acquire.³¹ This amply attests inequality in landholding in Attica in the early sixth century; that land could change hands so that some individuals acquired large amounts of landed property and others were left destitute is clear evidence of its alienability. The same basic conditions pertained in Israel, and a similar drift towards inequality in landholding in at least some quarters can be seen from an early period. The admonitions of the prophets probably concern a mixture of arbitrary seizure, distraint upon pledged land when debts could not be repaid, and the opportunistic purchase of land from impoverished persons. The eighth-century BC prophet Isaiah (5:8) complains:

Ah, those who add house to house and join field to field, till there is room for none but you to dwell in the land! In my hearing said YHWH of hosts: surely, great houses shall lie forlorn, spacious and splendid ones without occupants.

Micah (2:1-2) provides a similar indictment:

²⁸ The translation of נָחַשׁ as ‘loses its grip’ follows the New Jerusalem rendering. cf. *Psalms* 77:3, *Lamentations* 2:18, where the word signifies numbing or slackening.

²⁹ On the date of *Proverbs*, see Carr 2010: 403-31.

³⁰ For the text, see Dobbs-Allsopp et al. 2005: 359. Cf. the seventh- or sixth-century ostrakon from the Moussaieff collection, a request from a widow to an official: ‘May YHWH bless you in peace. And now, let my lord, the official, hear your maidservant: my husband has died without children. May it happen that your hand be with me and that you give into the hand of your maidservant the inheritance about which you spoke to Amasiah. As for the wheat field which is in Naamah, you gave (it) to his brother’: Dobbs-Allsopp et al. 2005: 570-3.

³¹ Rhodes & Leão 2015: 195 treat this law as spurious, but there are no strong reasons to do so, and I am inclined (as is van Wees 1999: 14-17) to take it seriously.

Ah, those who plan iniquity in their beds; when morning dawns, they do it, for they have the power. They covet fields and seize them; houses, and take them away. They defraud men of their homes and people of their land.

This was not a problem that occurred in the eighth century alone: an oracle of Ezekiel forbids the prince to seize the land of others; instead, he must give grants of land from his own holdings only (Ez. 46:18; cf. I Kings 21:1-16). A related abuse was tampering with the boundary stones on the land of vulnerable people such as widows and orphans. By shifting these stones one could shrink their property and increase one's own holdings. Hosea (5:10) criticises the officials of Judah by likening them to those who shift boundary stones, and several proverbs roundly condemn this sort of behaviour (Prov. 22:28; 27:17; 23:10; cf. Job 24:2). Tampering with boundary stones is also a concern of several later Greek texts ([Dem] 7.39-40; Pl. *Leg.* 8.842e-843b; Theophr. *Char.* 10.9).

Violence

In Solon's poems violence is deplored in fragments 4 and 13; his description of the opposing factions in fragments 4-7, 36 and 37 shows them at each other's throats. Violence is also prominent in the poems of Theognis.³² A similar picture emerges from the Hebrew prophetic texts, which often use the language of violence and oppression to describe the conduct of the powerful towards weaker members of society (Hab. 1:2; Ezek. 18:10-13, 7:23; Hos. 4:2, 7:1; cf. Prov. 11:16). These references, however, are generic; as we noted above, it is not possible to establish the intensity of violent behaviour.

Levies on agricultural produce

The most contentious aspects of Solon's reforms are the nature of the cryptic reform known as the *seisachtheia* and the exact meaning of the word *hektemoros*. There is no space here to enter this debate. Suffice it to say, there are strong reasons for rejecting the view of post-Solonian sources that the former was an abolition of debts;³³ the latter, some argue, were sharecroppers paying either 1/6th or 5/6th of their produce to landlords;³⁴ an alternative formulation is that the *hektemoroi* were peasant farmers who paid 1/6th of their produce to their local lord in return for protection and the maintenance of justice.³⁵ Regardless of which picture is correct, it seems sufficiently clear that the elite were able to impose some form of compulsory levy on the agricultural produce of the poor. We find something comparable in Israel. Amos 8:4-6 addresses the wealthy thus:

³² Van Wees 2000.

³³ See Harris 1997. Van Wees 1999: 17-18 is equally sceptical as Harris of the idea that 'horos' in Solon's poems means 'security marker', but nonetheless strangely insists that the abolition of debts is historical, even though the whole notion of debt-cancellation stems from this interpretation of Solon's poem.

³⁴ See Van Wees 1999: 21-4. Edward Harris points out to me the basic flaw in any model where a *hektemoros* is interpreted as a sharecropper: the abolition of *hektemoragē* would leave the putative 'sharecropper' worse off than before, since he had no title to the land on which he worked. The only way around this is to postulate that liberated 'sharecroppers' were given the land on which they worked, which was therefore confiscated from the landlord, but this requires explaining *ignotum per ignotius*.

³⁵ Harris 1997.

Assuredly, because you impose a tax on the poor and exact from him a levy of grain, you have built houses of hewn stone, but you shall not live in them; you have planted delightful vineyards, but you shall not drink their wine.

It is possible that this passage refers to royal taxes collected by local notables, who may have over-assessed the vulnerable and taken a cut of the levy.³⁶ Certainly, the list of impositions on the populace associated with monarchical government, which form Samuel's warning to the people of Israel in their demand for a king, includes tithes, levies, and corvée labour (I Sam. 8:10-18). (This passage is probably better interpreted as a reflection of the abuses of kings informed by hindsight than an accurate report of the prophet's words.)

Dishonesty in transactions

Another abuse common in the prophetic texts is the use of false weights and scales. By tampering with weights and measures wealthy merchants could defraud their clients (Amos 8:4-6; Ezekiel 45:9; Hosea 12:8-9; Micah 6:9; cf. Prov. 11:1, 16:11, 20:23). Some of these false weights have been excavated.³⁷ It is difficult to be certain, but Solon's reform of weights and measures may have been aimed at redressing similar problems in Athenian society.³⁸

Let us set out a few conclusions so far. Leaving aside the highly problematic task of assessing the prevalence and intensity of social abuses in either region, we can at least set out a basic taxonomy of what sort of abuses took place. It is striking that in both regions the list of principal abuses matches up quite closely. Does this make Greece and Israel a special, stand-alone pair for comparison? Probably not: the same kind of abuses can be found in many pre-industrial societies that lack strong judicial institutions.³⁹ Whilst that does not make these societies unique, it does provide a common baseline for further investigation, and advances us past standard assumptions of the putative difference between Greek and Near Eastern societies.⁴⁰

3. Legal solutions

Let us now turn from material and social parallels to intellectual similarities. The abuses studied in the previous section merited legal solutions, and those can be grouped as substantive and

³⁶ De Vaux 1961: 140.

³⁷ Dever 2001: 221-30.

³⁸ See Rhodes 1981: 164-8. I am not convinced by the argument of Davis 2012 that the mention of drachmas in Solon's laws is a later interpolation. He demonstrates convincingly that the Athenian economy of Solon's day was overwhelmingly agrarian and that few Athenians had personal stores of silver bullion. However, it does not follow from this that fines in Solon's laws would not have been set in silver drachmas (a weight, not a coin: Kroll 1998). In Achaemenid Babylonia, hardly anyone had personal stores of silver to pay the royal taxes, but they were imposed in silver nonetheless, meaning that entrepreneurs such as the Murašu family could make a good deal of money from providing a 'tax-paying' service (Stolper 1985; cf. Nehemiah 5:4, quoted above). I do not wish to imply that identical businesses existed in Athens, but Davis does admit that merchants often utilised silver. If there were facilities for obtaining silver in Solonian Attica, then fines could have been set in silver.

³⁹ Lenski and Lenski 1974: 228.

⁴⁰ For example, Finley 1981: 162 characterizes class struggle and resultant historical change in the Greco-Roman world as generated by an active, revolutionary proletariat, whereas in the Ancient Near East, change came from above, and the rather bovine lower orders never proceeded beyond 'grumbling' and 'dissatisfaction.' This essay shows, I hope, that we cannot fairly posit such a drastic fault line in terms of behaviour between the peoples of these regions.

procedural/structural in nature. In substantive terms, laws could be crafted to shape the behaviour of individuals by commanding them to act in a certain way in a given situation, as well as forbidding specific types of behaviour. In terms of procedure and structure, some Greek and Hebrew texts display an acute awareness of the weakness of existing forms of adjudication and the scope for the perversion of justice by unscrupulous individuals in positions of authority. Steps could therefore be taken to reform the courts and to undercut or circumvent the ability of corrupt judges to render crooked verdicts. We shall consider the notion of procedural reform in section IV; for now, let us deal with the issue of substantive law, that is, rules on conduct.

Laws appear in several distinct groups in the Torah: the earliest collection is the so-called 'Covenant Code' of *Exodus*, dating in all likelihood to the 10th-9th centuries BC.⁴¹ The laws of *Deuteronomy* represent a re-working of the Covenant Code's rules in the context of seventh-century reforms, most probably those of Josiah.⁴² The legal material in *Leviticus* and *Numbers* contains a large number of sacrificial laws, plus some other laws that represent the latest phase of Israelite legal thinking, probably compiled in the exilic period and essentially utopian in thrust, at least in term of the social justice legislation.⁴³ It is vital to note that there is no sure way of determining whether or not any of these laws were ever applied in the courts of ancient Israel. Indeed, it is quite possible that these texts merely represent a scribal tradition based on Mesopotamian legal-theoretical antecedents, in other words, the intellectual dimension of Israelite law. All the same, they are excellent evidence for *conceptual* solutions to real-life problems, and therefore tell us a great deal about how some individuals believed laws could and should counteract the injustices present in Israelite society.

Leaving aside those aspects of Hebrew law that relate to sacred issues, the substantive solutions in Hebrew texts to many of the problems we have examined above show remarkable similarities with early Greek, and specifically Solonian, law. Solon and other Greek lawgivers produced laws regulating the conduct of individuals regarding neighbouring farms: comparable laws exist in the Torah (R&L F60a-64b; IGT 127; 133; 137; 145; 146; 155; cf. Ex. 22:4-5, 9-14; Deut. 19:14, 23:25-6). Hebrew laws aim to hinder the centrifugal forces whereby property drifts towards the hands of the wealthy with the concomitant impoverishment of the poor, not by setting a ceiling on the amount of land one person could acquire, as did Solon (R&L F149/1 = Arist. *Pol.* 1266b14), but by enabling the redemption of land by kinsmen of the impoverished (Lev. 25:13-34; cf. Jer. 32:8-12); different means, but the same fundamental end.⁴⁴ Hebrew laws ring-fence certain items as impermissible as security for loans (Deut. 24:6, 12-13, 17). Hekataios of Abdera (*FGrHist* 264 F25, 4th c BC) mentions that many early Greek lawgivers forbade pledging items such as weapons or ploughs as security for loans, and a law from Gortyn provides a concrete example of this (IGT 147; like Deut. 24:6, mentioning millstones). But perhaps the most detailed parallels between Hebrew and early Greek law lie in the rules protecting impoverished or indebted members of the community from becoming slaves. We have already seen that the ability to sell or pledge free persons in times of distress led to such individuals being cast into commercial circulation and scattered quite widely.⁴⁵ Solon enacted a

⁴¹ Carr 2010: 470-2.

⁴² See Levinson 2008 for a splendid introduction to Deuteronomy and the methods of inner-biblical exegesis.

⁴³ For the date, see Carr 2010: 297-303 and Faust 2008.

⁴⁴ The promulgation of inheritance and property laws aimed at keeping land within the family is also clear in Gortyn: see Davies 2005: 319-22.

⁴⁵ Ezekiel 27:13, around the turn of the sixth century, mentions Greek and Anatolian slaves being imported into Tyre. Certain social practices in Greece may have led to this (see n. 20 above). The same Phoenician middlemen, according to Joel (4:6) sold Judahite slaves to Greek merchants. It is entirely possible, if not distinctly likely, that some of the Greek slaves sold eastwards were Athenian and ended up labouring for Judahite owners, and conversely that some of the Judahite slaves sold to Greek merchants ended up in Attica. For the enmeshed

ban on pledging the body as security for loans, but a recent study by Harris has shown that he permitted the existence of debt bondage, an institution whereby creditors could recover their loans by imposing compulsory labour services on the debtor or one of his dependants. The rights of the creditor over his bondsman fell short of the property rights of a slaveholder over his slave. Harris describes Solon's law as follows:

Debt-bondage provided the Athenians with a crude way of reconciling the rights of creditors and debtors. The law granted creditors the right to seize borrowers who failed to repay their loans and to hold them until they were able to work off their debts. Yet at the same time, the law protected the freedom of debtors by denying creditors the ability to sell them into slavery as a way of recovering their loans.⁴⁶

We possess no actual regulations on this practice in Attica, although they surely existed. However, extensive regulations of this sort survive from Gortyn (IGT 128; cf. 138) and show that a similar step was taken there, protecting indebted citizens from enslavement and providing them with a legally regulated method of repaying their obligations through indentured labour.⁴⁷ The Hebrew Bible contains three sets of rules that aim to achieve a very similar end. The oldest is *Exodus* 21:2-11,⁴⁸ which states that 'when you buy/acquire a Hebrew slave, he shall serve six years; in the seventh he shall go free, without payment.'⁴⁹ Despite the language of slavery, the law is in fact limiting the right of the buyer, radically changing the Hebrew's position from property of the buyer, i.e. a slave *sensu stricto* into an indentured servant. The text goes on to consider the circumstance of the bondsman being given a wife by his master (Ex. 21:3-4), and describes a procedure whereby the bondsman can become the master's permanent slave (Ex. 21:5-6); further rules follow regulating the position of concubines (Ex. 21:7-11). *Deuteronomy* 15:12-18 reworks this law, making it briefer and more streamlined: it retains the six-year term and the procedure for becoming a permanent slave, but changes the location of this procedure from a shrine to a household (in line with the Deuteronomic programme of cultic centralisation); it subsumes women into the same condition as men, not providing separate rules (as in Ex. 21:7-11); and it changes the language of the rules to emphasise the dignity of the indentured Hebrew.⁵⁰

The later laws of Leviticus 25:39-55 are something of a departure: they also aim to protect Israelites from the full horrors of slavery, making the most explicit distinction in any Hebrew text between the legal position of the indentured Israelite (which ought to be akin to a hired worker) and non-Israelite slaves, who may be bought, sold and inherited (Lev. 25:40-1, 44-6). Unlike the laws in *Exodus* and *Deuteronomy*, there is no six-year limit to the bondsman's service; instead, the institution of indenture is subsumed into the institution of the Jubilee, a utopian

nature of the slave trade in the eastern Mediterranean, see Lewis 2011: 108-10. On the importance of slavery to archaic elites, see Harris 2012.

⁴⁶ Harris 2006: 269.

⁴⁷ See Kristensen 2004.

⁴⁸ One should note that these are not fully original solutions, but stem from an older tradition in cuneiform law; cf. *Laws of Hammurabi* § 117-8. The most convincing argument on the chronology and intertextual relationship of these laws is Levinson 2006a.

⁴⁹ The use of the term *eved* is proleptic: Lemche 1975. On the term 'Hebrew slave' see Levinson 2006c. There has been much debate over the term 'Hebrew slave', some contending that the term 'Hebrew' should be linked to itinerant bands called *habiru* known from Late Bronze Age texts. Na'aman 1986 shows that whatever the origins of the term 'Hebrew', its usage in the laws of Exodus has nothing to do with the *habiru*, but is a simple gentilic.

⁵⁰ Levinson 2006a: 303-4.

project that scholars agree was never put into practice (Lev. 25:40; cf. 25:8-12). In this system, the indentured servant is released in the Jubilee year (once every fifty years), but can be redeemed by a kinsman at any point, if his master is a non-Israelite (Lev. 25:47-55).

These laws differ in their details, but what they aim to achieve is very close to Solon's ban on enslavement for debt and the aforementioned laws of Gortyn: a way of regulating the repayment of debts by indentured labour that prevents the master from treating the bondsman as a slave. The main differences in substantive terms are the exclusivity of the Hebrew laws for Israelites, whereas Solon's law appears to have protected all free residents of Attica; and the use of set term limits in the former case.

It is impossible to do full justice to the complexity of this issue in this brief review. However, the evidence cited should be adequate to demonstrate that in both Greece and Israel specific legal solutions were devised in order to counteract many of the social abuses analysed earlier in this essay, solutions that are often strikingly close to one another in detail. Thus we can track similarities between both regions not only in terms of material and social variables, but also in terms of conceptual solutions to specific problems. Not only were the societies of these two Eastern Mediterranean regions experiencing similar social ills: they were attempting to solve them in similar ways.

4. Reforms to the courts and legal procedure

One of the striking features of the history of Greek law and adjudication is its progress from corruptible, elite dominated trials of the early archaic period to the popular courts of the classical period, which (at least in Athens) were elaborately organised to prevent bribery. Solon's contribution to this change in Attica was substantial, for he enacted two particular innovations that greatly improved the chances of the non-elite litigant in receiving a fair trial: first, he made it possible for any litigant to appeal to a *dikasterion*, and second, for volunteer prosecutors to bring public charges, meaning that third parties could sue offenders even if victims would not ([Arist] *Ath. Pol.* 9.1).⁵¹ More broadly, the growth of *polis* institutions during the same period across the Greek world is marked by the division of power among various magistrates and an attempt to limit the influence of individuals: this process includes features such as time limits on offices, penalties for magistrates who misuse their authority, and the growth of the concept of the rule of law.⁵²

Given the similar structural weaknesses of Israelite and early Greek forms of adjudication, as well as the similar social problems in both regions, we must ask the following question: were the Israelites blind to the need for reform? Clearly, the answer is a resounding 'No.' Hebrew texts show that from an early period the problem of corrupt judges was viewed as a major issue of which people were perfectly aware.⁵³ Reform was indeed planned in Judah. In a seminal article, Bernard Levinson has drawn attention to the highly innovative programme of reform in *Deuteronomy*, which in several major respects diverges from Near Eastern constitutional and legal tradition. During the late eighth and seventh centuries, under threat from Assyria (which had not long before dissolved the northern kingdom of Israel), Judah was whittled down to a rump state. Two Judahite kings, Hezekiah and Josiah, attempted centralising reforms. The book of *Deuteronomy* is associated with the reforms of the latter king in 622 BC, who centralised the cult of YHWH on Jerusalem and abolished local centres of worship in the countryside. The 'draft constitution,' as Levinson terms it, probably represents a utopian restructuring of power and law

⁵¹ Rhodes 1981: 159-60.

⁵² Harris 2006: 3-28.

⁵³ For example, Ex. 18:17-22 with Levinson 2006b: 1858-71.

in Judah compiled in the closing years of the Judahite state, or perhaps in the early years of the exile.⁵⁴

It is a radical programme. First, it aims to replace the old local system of village courts presided over by local elders with a system of centrally appointed judges in the local settlements (Deut. 16:18-20). The capacity of these judges to pass crooked verdicts is hampered by laws on witnesses that allow only for decisions in cut-and-dry cases (Deut. 17:6, 17:8-9, 19:15-21). Difficult cases for which witnesses cannot be found, or possible cases of malicious litigation, are referred to a priestly court in Jerusalem, and the decisions passed by this court are final and binding (Deut. 17:11; cf. Ezek. 44:24). These judgements must be carried out exactly; if they are not, death is set as the penalty for whoever subverts them (Deut. 17:12). Second, the judicial role of the king is nullified and transferred to the temple priests: remarkably for a Near Eastern king, the king of Judah is made subordinate to the law (Deut. 17:14-20). Furthermore, state offices of Levitical priest and prophet are delimited, penalties are set for false prophets (Deut. 18:1-22), and the laws are entrenched so that future generations might not alter them (Deut. 4:2, 13:1).

A few remarks are necessary regarding these reforms. They do not go quite as far as those occurring in contemporary Greek societies: for instance, they do not set term limits for magistrates, and the optimistic assumption is that the Levitical priests in Jerusalem are cut from a different cloth than the corruptible officials and elders they are supposed to replace. The 'draft constitution' also stems from religious scribal circles, and thus has a strong religious thrust, albeit one concerned with constructing a socially just and cohesive society. We cannot, therefore, claim that the reforms here are identical in every respect to those of archaic Greek communities. Furthermore, the Greek examples that we possess exist for the most part as a mass of individual enactments of one sort or another spread over a lengthy period of time and deriving from a multitude of regions: *Deuteronomy*, by contrast, articulates a comprehensive and unified package of reforms. But these differences aside, we can see that the need for procedural and constitutional reform was perceived in both regions. Laws were not enough on their own, but required new and improved institutional mechanisms to enable their enforcement.

5. Conclusions

As Levinson notes, '[i]t remains unclear whether the political, social, and religious transformations called for by Deuteronomy's authors were ever actually implemented (...) the orientation of the unit thus seems far closer to utopian political science, a revisioning of the possibilities of political, religious and social life, than to any immediate description of the status quo'.⁵⁵ Whether or not these projected reforms would ever have been carried through is a moot point: a little over two decades after Josiah's death the Babylonian king Nebuchadnezzar II sacked Jerusalem, deported thousands of its inhabitants, and subsumed Judah into his empire, spelling its end as an independent kingdom. The Greek *poleis* were more fortunate: lying further afield, their independence was not menaced by a Near Eastern superpower until the end of the archaic age, and they were able to drive off this behemoth in the battles of 480 and 479 BC. The reforms of Solon survived the autocratic Peisistratid regime of the mid to late sixth century intact, and his programme of centralisation and promulgation of the rule of law was given firmer footing by the reforms of Cleisthenes in 508/7 BC.

Faced with similar social ills, individuals in Greece and Israel conceived some strikingly similar legal solutions, including structural innovations to the machinery of justice that were

⁵⁴ Levinson 2006b: 1885. See also Berman 2006.

⁵⁵ Levinson 2006b: 1885.

designed to improve the chances of these laws gaining grip in real life cases. The transformation of Athenian society and legal procedures into the classical *politeia* of the fifth and fourth centuries certainly owed much to Solon's ability to compromise between antagonistic elite and popular factions, although he had no inkling of where his reforms (with their short-term objectives) would eventually lead. Yet this all needs to be seen in a larger context: the conceptual solutions followed in many Greek societies did not spring from a 'Greek Genius' which somehow failed to obtain in a more tradition-bound and submissive East.⁵⁶ Much is due to historical circumstance and the capricious variable of external threat: this factor rendered reform and innovation a pipe dream in Israel, but a practical proposition across the Greek world.

Bibliography

- Berman, J. (2006) 'Constitution, class, and the Book of Deuteronomy' *Hebraic Political Studies* 1.5, 523-48.
- Bintliff, J. (2006) 'Solon's reforms: an archaeological perspective' in Blok and Lardinois (2006), 321-33.
- Blok, J. and Lardinois, A. P. M. H. (eds.) (2006) *Solon of Athens: New Historical and Philological Approaches*, Leiden.
- Bremmer, J. (1993) 'Prophets, seers, and politics in Greece, Israel, and early modern Europe' *Numen* 40.2, 150-83.
- Burckhardt, L., Seybold, K. and von Ungern-Sternberg, J. (eds.) (2007) *Gesetzgebung in antiken Gesellschaften: Israel, Griechenland, Rom*, Berlin.
- Carr, D. (2010) *The Formation of the Hebrew Bible: A New Reconstruction*, Oxford and New York.
- Davies, J. K. (2005) 'The Gortyn laws' in M. Gagarin and D. Cohen (eds.), *The Cambridge Companion to Ancient Greek Law*, Cambridge, 305-27.
- Davis, G. (2012) 'Dating the drachmas in Solon's laws', *Historia* 61.2, 127-58.
- De Vaux, R. (1961) *Ancient Israel: Its Life and Institutions*, London.
- Dever, W. G. (2001) *What did the Biblical Writers Know and When did they Know it? What Archaeology can tell us About the Reality of Ancient Israel*, Cambridge, MA.
- Dobbs-Allsopp, F. W., Roberts, J. J. M., Seow, C. L. and Whitaker, W. E. (2005) *Hebrew Inscriptions: Texts from the Biblical Period of the Monarchy with Concordance*, New Haven and London.
- Faust, A. (2008) 'Cities, villages and farmsteads: the landscape of Leviticus 25:29-31' in J. D. Schloen (ed.), *Exploring the Longue Durée: Essays in Honor of Prof. Lawrence E. Stager*, Winona Lake, IN, 103-12.
- Faust, A. (2012) *The Archaeology of Israelite Society in Iron Age II*, Winona Lake, IN.
- Finley, M. I. (1981) *Economy and Society in Ancient Greece*, London.
- Foxhall, L. (1997) 'A view from the top: evaluating the Solonian property classes' in Mitchell and Rhodes (1997), 61-74.
- French, A. (1956) 'The economic background to Solon's reforms', *CQ* 6: 11-25.
- Gallant, T. (1982) 'Agricultural systems, land tenure, and the reforms of Solon', *BSA* 77, 111-24.
- Hagedorn, A. (2004) *Between Moses and Plato: Individual and Society in Deuteronomy and Ancient Greek Law*, Göttingen.
- Halpern, B. (1988) *The First Historians: The Hebrew Bible and History*, San Francisco.

⁵⁶ On the reductive contrast between 'The Greek Mind' and 'The Hebrew Mind' see the sensible comments of Hagedorn 2004: 14-37.

- Halpern, B. (1995) 'Erasing history: the minimalist assault on ancient Israel', *Bible Review* 11.6, 26-47.
- Harris, E. M. (1997) 'A new solution to the riddle of the seisachtheia' in Mitchell and Rhodes (1997), 103-12.
- Harris, E. M. (2006) *Democracy and the Rule of Law in Classical Athens*, Cambridge.
- Hawke, J. (2011) *Writing Authority: Elite Competition and Written Law in Early Greece*, Dekalb, IL.
- Hodkinson, S. (2000) *Property and Wealth in Classical Sparta*, London.
- Körner, R. (1993) *Inchriftliche Gesetzestexte der frühen griechischen Polis*, Köln – Weimar – Wien.
- Kristensen, K.R. (2004) 'Gortynian debt bondage: some new considerations on IC IV 41 IV-VII, 47 and 72 I.56-II.2, X.25-32', *ZPE* 149, 73-9.
- Kroll, J. H. (1998) 'Silver in Solon's laws' in R. Ashton and S. Hurter (eds.), *Studies in Greek Numismatics in Memory of Martin Jessop Price*, London, 225-32.
- Lemche, N. P. (1975) 'The "Hebrew slave": comments on the slave law Ex. XXI 2-11', *Vetus Testamentum* 25.2, 129-44.
- Lenski, G. and Lenski, J. (1974) *Human Societies: An Introduction to Macrosociology*, New York.
- Levinson, B. (2006a) 'The manumission of hermeneutics: the slave laws of the Pentateuch as a challenge to contemporary Pentateuchal theory' in A. Lemaire (ed.), *Congress Volume 2004: Vetus Testamentum Supplements 109*, Leiden, 281-324.
- Levinson, B. (2006b) 'The first constitution: rethinking the origins of the rule of law and separation of powers in light of Deuteronomy', *Cardozo Law Review* 27.4, 1853-88.
- Levinson, B. (2006c) 'The "effected object" in contractual legal language: the semantics of "If you purchase a Hebrew slave" (Exod. xxi 2)', *Vetus Testamentum* 56, 485-504.
- Levinson, B. (2008) *Legal Revision and Religious Renewal in Ancient Israel*, Cambridge.
- Lewis, D. M. (2011) 'Near Eastern slaves in classical Attica and the slave trade with Persian territories', *CQ* 61, 91-113.
- Lods, A. (1932) *Israel, From its Beginnings to the Middle of the Eighth Century*, London.
- Millett, P. (1984) 'Hesiod and his world', *PCPS* 30, 84-115.
- Mitchell, L. (1997) 'New wine in old wineskins: Solon, arete and the *agathos*' in Mitchell and Rhodes (1997), 75-81.
- Mitchell, L. and Rhodes, P. J. (eds.) (1997) *The Development of the Polis in Archaic Greece*, London and New York.
- Na'aman, N. (1986) 'apiru and Hebrews: the transfer of a social term to the literary sphere' *Journal of Near Eastern Studies* 45, 278-85.
- Naiden, F. (2006) 'Rejected sacrifice in Greek and Hebrew religion' *Journal of Ancient Near Eastern Religions* 61., 189-223.
- Nielsen, F. A. J. (2014) 'Israel the antithesis of Hellas: enslavement, exile and return in the Greek Solon tradition and the Hebrew Bible' in T. L. Thompson and P. Wadjenbaum (eds.), *The Bible and Hellenism: Greek Influence on Jewish and Early Christian Literature*, London and New York, 175-86.
- Ober, J. (2006) 'Solon and the horoi: facts on the ground in archaic Athens' in Blok and Lardinois (2006), 441-56.
- Raaflaub, K. (2007) 'Josias und Solons Reformen: Der Vergleich in der Gegenprobe' in Burckhardt, Seybold and von Ungern-Sternberg (2007), 163-91.
- Rhodes, P. J. (1981) *A Commentary on the Aristotelian Athenaion Politeia*, Oxford.
- Rhodes, P.J. and Leão, D. (2015) *The Laws of Solon: A New Edition with Introduction, Translation and Commentary*. London & New York.
- Rihll, T. E. (1991) 'EKTHMOPOI: partners in crime?' *JHS* 111, 101-27.
- Rosivach, V. J. (1992) 'Redistribution of land in Solon, fragment 34 West', *JHS* 112, 153-7.

- Rosivach, V. J. (2002) 'The requirements for the Solonic classes in Aristotle, AP 7.4', *Hermes* 130, 36-47.
- Ruschenbusch, E. (1966) *Σόλωνος νόμοι. Die Fragmente des Solonischen Gesetzwerkes mit einer Text- und Überlieferungsgeschichte*, Wiesbaden.
- Sancisi-Weerdenberg, H. (1993) 'Solon's hektemoroi and Pisistratid dekatemoroi' in H. Sancisi-Weerdenberg et al. (eds.), *De Agricultura: in memoriam Pieter Willem de Neeve (1945-1990)*, Amsterdam, 13-30.
- Seybold, K. and von Ungern-Sternberg, J. (2007) 'Josia und Solon: Zwei Reformer' in Burckhardt, Seybold and von Ungern-Sternberg (2007), 107-61
- Snell, D. C. (2001) *Flight and Freedom in the Ancient Near East*, Leiden.
- Stanley, P. V. (1999) *The Economic Reforms of Solon*, St. Katharinen.
- Ste. Croix, G. E. M. de (2004) *Athenian Democratic Origins and Other Essays*, Oxford.
- Stolper, M. (1985) *Entrepreneurs and Empire: The Murašu Archive, the Murašu Firm and Persian Rule in Babylonia*, Leiden.
- Van der Toorn, K. (2007) *Scribal Culture and the Making of the Hebrew Bible*, Cambridge, MA.
- van Wees, H. (1999) "'The mafia of early Greece": violent exploitation in the seventh and sixth centuries BC' in K. Hopwood (ed.), *Organized Crime in Antiquity*, London: 1-51.
- van Wees, H. (2000) 'Megara's mafiosi: timocracy and violence in Theognis' in R. Brock and S. Hodkinson (eds.), *Alternatives to Athens: Varieties of Political Organisation and Community in Ancient Greece*, Oxford, 52-67.
- van Wees, H. (2006) 'Mass and elite in Solon's Athens: the property classes revisited' in Blok and Lardinois (2006), 351-89.
- Vlassopoulos, K. (2007) *Unthinking the Greek Polis: Ancient Greek History beyond Eurocentrism*, Cambridge.
- Vlassopoulos, K. (2013) *Greeks and Barbarians*, Cambridge.
- West, M. L. (1989-92) *Iambi et Elegi Graeci*, 2nd ed., Oxford.
- Wilkinson, R. and Pickett, K. (2009) *The Spirit Level: Why More Equal Societies Almost Always Do Better*, London.
- Yamauchi, E. (1980) 'Two reformers compared: Solon of Athens and Nehemiah of Jerusalem' in G. Rendsburg et al. (eds.), *The Bible World: Essays in Honour of Cyrus S. Gordon*, New York, 269-92.

