

LAWGIVERS AND TYRANTS (SOLON, FR. 9–11 WEST)

I. INTRODUCTION

Solon's fragments 9–11 (West) are preserved in three late authors: fr. 9 and 11 by Diodoros Sikelos (*fl.* 60–30 B.C.), 9.20.2, Plutarch (*fl.* A.D. 46–127), *Solon* 3.6 and 30.3 respectively, and Diogenes Laertios (*fl.* early third century A.D.), 1.50 and 1.51 respectively; and fr. 10 by Diogenes Laertios alone, 1.49. They are all quoted in the context of Solon's reaction to Peisistratos. Stories on this theme were circulating by the time of the Aristotelian *Athenaion Politeia* (*AP*), and Rhodes' scepticism about them is well founded.¹ Its author did not garnish (Rhodes' very apt term) his version of events with these poems, nor indeed with any Solonian utterance, and he explicitly states that myth-making on this subject had already resulted in two stories about Solon and Peisistratos² which were chronologically impossible (17.2).

There is no reason to think that the poems themselves are wrongly attributed; Rhodes has doubts – largely because of the chronological problems, one suspects – but most editors (including West) consider them genuine. In this paper I shall argue that these poems were incorrectly associated with Peisistratos during the infiguration (see below, p. 281) of the Solonian stories, and that their proper reference is to Drakon. I touch upon the general Solon–Peisistratos chronology debate only as required to explain the context of this argument.

II. THE ASSOCIATION WITH PEISISTRATOS

The chronological debate, already evident in *AP*'s time, has been widened since the discovery of this work to the point where some, including Jacoby and Rhodes, seriously doubt whether Solon was still alive in 561/0 when Peisistratos made his first (unsuccessful) attempt to establish a tyranny in Athens.³ The extreme unlikelihood of Solon being appointed to an arkhonship when under 30 (which holds even if one believes that the extraordinary powers he held to change the laws were not synchronous with his arkhonship) provides a lower limit for his birth at *c.* 625 at the latest. In that case he would have been 65 when Peisistratos staged his first *coup*. But

¹ P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1981), p. 202. See also A. Andrewes, 'The Growth of the Athenian State', *CAH*², III (iii) (Cambridge, 1982), p. 390.

² Namely, that they were lovers, and that Peisistratos was *strategos* in the war for Salamis. Modern calculations, based on modern hypotheses, render both chronologically possible; J. K. Davies, *Athenian Propertied Families 600–300 B.C.* (Oxford, 1971), p. 445. But this modern chronology is obtained at the expense of methodological rigour. For example, Herodotos 1.59.4 says that Peisistratos was *strategos* in the war against Megara during which Nisaia was captured. He does not mention Solon in this context. *AP* 17.2 is an explicit denial on chronological grounds that he was *strategos* in the war against Megara for Salamis. *AP* 14.1 is just a statement that Peisistratos distinguished himself in the war against Megara. *AP* does not, therefore, support Herodotos. Since the author of *AP* had thought about the chronology of these stories, whereas there is nothing to suggest that Herodotos had, the former ought to be given the benefit of the doubt.

³ F. Jacoby, *Atthis: the Local Chronicles of Ancient Athens* (Oxford, 1949), p. 365 n. 70; Rhodes, *op. cit.* (n. 1), 121f., 169f., 194–7, 199–202.

if Solon was closer to 50 when appointed to the arkhonship, he would have been nearer 85 in 561/0; most historians think such longevity extremely dubious. In addition, there are other arguments for lowering Solon's dates based on the various synchronisms provided by Herodotos' stories of his travels.⁴

Consequently there is a strong impulse to lower Solon's age when he held the arkhonship in 594/3. Rhodes, for example, though far from convinced that Solon was still alive in 560, suggested that the holding of so important a post at so young an age might not have seemed so 'startling' then as it does now.⁵ The common assumption that the Areopagus, composed of ex-arkhons, was a body of *elders* may be an unjustified one; but neither a Greek tyrant nor non-Greek royalty constitutes the appropriate evidence required to invalidate it.⁶ On the contrary, we have it straight from the horse's mouth, so to speak, that a man did not approach the height of his mental powers until 36–42, nor gain the oratorical powers to match till 43–56, and that 29–35 was the time for him to settle down and raise a family (Solon fr. 27 West). The impulse, born of chronological difficulties, to foreshorten Solon's age when arkhon and the three false analogies mentioned above are not an adequate argument against basic implausibility *plus* the explicit opinion of the man in question. The chronological difficulties are in any case a product of insufficient attention to the poems which apparently provide the 'proof' for the synchronism with Peisistratos.

Although there seems to be no way to confirm or refute it, most people are agreed that Peisistratos' first *coup* was in 561/60.⁷ No-one supposes that Solon was still alive to see Peisistratos' second *coup* c. 556. Therefore fragment 11, if it refers to Peisistratos, must refer to the first attempt, and it must be assumed to be a swift response to Peisistratos' *coup*. That so-called *coup* seems to have involved Peisistratos being voted a bodyguard and in due course seizing the akropolis. On what happened in the next few months⁸ or years⁹ until he was expelled, and how he was expelled, our sources are singularly uninformative.

Fragment 11 contains some very strong language:

εἰ δὲ πεπόνθατε λυγρὰ δι' ὑμετέρην κακότητα,
μὴ θεοῖσιν τούτων μοῖραν ἐπαμφέρετε·
αὐτοὶ γὰρ τούτους ἠὔξήσατε ῥύματα [or ῥύσια] δόντες,
καὶ διὰ ταῦτα κακὴν ἔσχετε δουλοσύνην.
ὑμέων δ' εἷς μὲν ἕκαστος ἀλώπεκος ἔχνεσι βαίνειν,
σύμπασιν δ' ὑμῖν χαῦνος ἔνεστι νόος·

⁴ Namely, a meeting with Kroisos (Hdt. 1.29–33), who acceded to the throne of Lydia c. 560; Amasis of Egypt (Hdt. 1.30.1, 2.177.2), whose reign began c. 570/69; and Philokypros of Soli (Hdt. 5.113.2), whose son was alive in 497.

⁵ op. cit. (n. 1), pp. 121f.

⁶ Tyrant: Peisistratos, who was in any case aged 40–45 at his first attempt, and 55–60 when finally successful. Non-Greek royalty: a Persian, Cyrus, given a superior military command at 16, and a Macedonian, Alexander, made regent in Philip's absence at 16. All cited by Rhodes, op. cit. (n. 1), 121f. to support the suggestion. The age of arkhons and areopagites is (necessarily) discussed more abstractly by W. G. Forrest and D. L. Stockton, 'The Athenian Archons: a Note', *Historia* 36 (1987), 235–40, at 235–7, and G. L. Cawkwell, 'NOMO-ΦΥΛΑΚΙΑ and the Areopagus', *JHS* 113 (1988), 1–12, at 4–7, who argue for the age and proven ability (rather than the youth and promise) of arkhons and areopagites. Since both also correctly make allowance for an exceptional young man to precede faster than was common, and Solon was exceptional, these arguments do not bear strongly on our problem.

⁷ See Rhodes, op. cit. (n. 1), p. 197.

⁸ As Rhodes, op. cit. (n. 1), pp. 191–9.

⁹ As Andrewes, art. cit. (n. 1), 399.

ἐς γὰρ γλώσσαν ὁρᾶτε καὶ εἰς ἔπη αἰμύλου ἀνδρός,
εἰς ἔργον δ' οὐδὲν γιγνόμενον βλέπετε.

If you have suffered terribly as a result of your own meanness, do not blame the gods for your misfortune; for you yourselves empowered these men by giving them the means of defence [or sureties],¹⁰ and thereby secured demeaning slavery for yourselves. Each one among you walks like a fox, but together you are feather-brained; for you notice the tongue and the blarney of a man, and never look at the deed done.

I do not think that this fragment refers to Peisistratos for five reasons.

1. Solon is not given to gross exaggeration, yet that is what we are required to think in order to reconcile his sharp recriminations of the people and his description of their condition with the description that we are given of the *coup*. The latter hardly warrants this castigation; if it was so bad one might expect a more vivid memory of it to have been preserved in the tradition – which, on the contrary, unanimously gives Peisistratos a good press. Herodotos, who does not mention Solon in this context, says specifically of his first *coup* that he did not change the existing laws or disturb the magistracies, and that he ‘governed the polis in an orderly and excellent way’ (1.59.6). Although *AP* does not specify to which period of Peisistratos’ tyranny he refers, the description of his rule as ‘constitutional and moderate’, and he as ‘benevolent, mild and forgiving’ (16.1–3), is consistent with Herodotos. Thukydides too stresses the non-violent character of the Peisistratids’ early rule and the continued use of existing laws (6.54.4–6).¹¹

2. Most editors require us to read a strange phrase, *ῥύματα δόντες*, strangely interpreted (his bodyguard), in order to reconcile the plural ‘these men’ with the man Peisistratos.¹² Linforth preferred the variant *ῥύσια* (Diog. Laert.) rather than *ῥύματα* (Diod. Sik., Plutarch) on grammatical and interpretative grounds.¹³ Assuming that the fragment referred to Peisistratos, Linforth thought that, for Solon (who had by that time abolished the hektemoroi system), this term would suggest a ‘natural analogy’ to describe the relationship between the people and Peisistratos: ‘You empowered these men by giving them sureties, and thereby secured demeaning slavery for yourselves’ (3–4). This seems to me to be a better reading, although if the fragment refers to Drakon, as I shall argue below, then Solon would have had hektemorage in mind not as an historical analogy, but as an existing system.

3. The people *had* the means to resist Peisistratos, which is inconsistent with the *tonē* and the content of the fragment.

¹⁰ See I. M. Linforth’s commentary, *Solon the Athenian*, University of California Publications in Classical Philology 6 (Berkeley, 1919), p. 207 for the variant. See further point 2 and nn. 12 and 13 below.

¹¹ We know so little of the method of appointment of arkhons at the time that the significance of Thukydides’ caveat (constitutional except that the Peisistratids ensured that one of their supporters held the arkhonship) is unknown; see Cawkwell’s remarks, art. cit. (n. 6), 4f. On Herodotos’ treatment of Peisistratos see K. H. Waters, *Herodotos on Tyrants and Despots*, Historia Einzelschriften 15 (Wiesbaden, 1971), pp. 20–3. On the other hand, since Peisistratos needed three separate attempts over about fifteen years to make his position secure, it is obvious that his tyranny was not popular with the effective majority of the Athenians (that is, with the majority of people who could act effectively to retain or expel him) until c. 546.

¹² A not insignificant technical problem is that the tradition remembered the bodyguard as, unusually, being composed of ‘club-bearers’ (*κορυνηφόροι*), e.g. Hdt. 1.59.5, *AP* 14.1, whereas *ῥύματα* principally signifies arrows or spears.

¹³ op. cit. (n. 10), 207. *ῥύματα* is the reading followed by most editors, including West. To Linforth’s arguments for *ῥύσια* and against *ῥύματα* (concerning the plurals *τούτους* and *ῥύματα*), we may add that it is only the Peisistratean context which can, and then with difficulty, provide a semblance of sense for the latter; it has to be understood as his bodyguard.

4. The orthodox interpretation and context of this fragment are incompatible with the many Solon–Peisistratos stories which share a common belief that the two men were friends as well as relatives.¹⁴

5. Solon's description of the Athenians' condition coincides with the familiar rhetoric of the evils of tyranny. However, since this poem *precedes* by about one century the main development and expression of that rhetoric, it is perhaps this very *coincidence* which led to the poem being associated with the tyrant Peisistratos. Fifth- and fourth-century Greeks (as well as the first-century and later authors who supply the fragment and its context) would see the similarity with anti-tyrannic rhetoric; they would quite naturally associate the poem with a tyrant, and the obvious candidate would be Peisistratos. But it is not at all obvious that this fragment should be considered as one of the earliest examples of anti-tyrannic rhetoric. Solon's criticism is not of misuse of great power, nor of unconstitutional seizure of such power, nor of arrogance, which we might expect if the target was a tyrant in the later accepted sense of the word.¹⁵ His criticism is of the people for putting themselves at the mercy of some men, and, when assembled together, of being superficial in their assessment of character, swayed by fine words instead of paying attention to deeds. The conjunction implies that the relationship between the latter and the former is causal. Consequently this fragment could more reasonably be taken as an early example of the anti-demagogue attitude as expressed in the classical period, particularly in the work of Aristophanes.¹⁶

If the same critical principles are applied to the alleged synchronisms with Amasis, Kroisos and Philokypros, it becomes apparent that, whilst the first and third are supported by quoted poems referring to the appropriate places, they do not refer to the *people* named in Herodotos' context, and it is the people who provide the chronological framework.¹⁷ Even C. Hignett admitted¹⁸ that Herodotos was 'misled by the tendency of the Athenians to attribute to Solon all the laws of the fifth-century code' when he stated that Solon borrowed a law of Amasis (2.117.2). That tendency to attribute things to Solon was not confined to laws, and there is no reason to distinguish between laws and everything else when assessing the authenticity of a story.

Extensive travel is a standard attribute of early lawgivers: that is where they get the education and experience which makes them not only fit but uniquely fit for their later distinction as lawgivers. Departure after the great deed is done is another common attribute. A. Szegedy-Maszak has shown quite clearly¹⁹ that these legends follow a pattern: I. Initial stage: crisis in the state; rise of one man, uniquely suited for the task

¹⁴ The traditional ideology of helping friends and harming enemies is attested by Solon himself, if he is the author of fr. 13.5–6 West.

¹⁵ See O. Tuplin, 'Imperial Tyranny: some Reflections on a Classical Greek Political Metaphor', in *Crux: Essays presented to G.E.M. de Ste Croix*, edd. P. Cartledge and F. D. Harvey (Exeter, 1985), 348–75, esp. p. 366. Nor is there reference to the use of force if *ρῦσις* is the correct reading. Contrast this with fr. 32.2 and 34.7–8, where Solon confirms that the association of tyranny with force was made in his own time.

¹⁶ See also the interesting discussion of demagogy (expanding AP's comment that Solon was the first *προσδάτης τοῦ δήμου*, 2.2; 28.2) by E. David in his flawed (and to my mind wholly unconvincing) paper, 'Solon's Electoral Propaganda', *Rivista Storica dell' Antichità* 15 (1985), 7–22, especially pp. 13f.

¹⁷ Noticed also by A. B. Lloyd, *Herodotus Book II*, vol. 1. Introduction (Leiden, 1975), p. 57 and n. 233. Moreover, as Lloyd points out, reference to a place does not constitute evidence that the author actually went there.

¹⁸ *History of the Athenian Constitution* (Oxford, 1952), p. 320.

¹⁹ 'Legends of the Greek Lawgivers', *GRBS* 19 (1978), 199–209.

of legislation because of his virtue, education and experience. II. Medial stage: the crisis suspended; the man is selected to be lawgiver, promulgates the code, and triumphs over a challenge to it. III. Final stage: the crisis resolved; the code is firmly established, with some provision for its permanence, and the lawgiver departs.

Most lawgivers do their travelling before legislating and either die or depart from the scene very soon thereafter.²⁰ Solon's elaborate travel stories, however, are all attached to the post-lawgiving phase, and his pre-lawgiving travels are confined to the vague idea that he became a trader to gain experience of the world and that he visited Thales in Miletos.²¹ The other meetings with wise men (*de rigueur* for a lawgiver), also unelaborated except for suitable moralising anecdotes, do not take him overseas: the Skythian sage Anakharsis visits him at home in Athens, and the sage symposia take place in Delphi and Korinthos.²²

The story that Solon went abroad for ten years after legislating would invite further stories to fill that decade: the standard itinerary was Egypt, Kypros and Lydia. This itinerary is so similar to those of the other lawgivers (Egypt, Krete and Ionia) that it looks as though most if not all of the 'stage I' travel stories have in Solon's case been transferred to 'stage III'. That is not to suggest that any of them are historical.²³ Szegedy-Maszak has adequately shown the process which Cornford identified and labelled 'infiguration' (to describe the transformation of fact into legend) at work in the stories about lawgivers. The facts are detached from their proper time and place, worked into a story, moulded and remoulded by successive generations of storytellers, and only the names of people and places, if they were ever fixed in writing and if they are then retained, stop them floating off into any time at all.²⁴ The desire to quote Solon in support of the story being told, and thus to fit a poem to the context in hand, might well explain why so few poems are quoted in their entirety, and why the parts which *are* quoted are so vague and temporally 'freefloating'.

Consider fragment 10:

δείξει δὴ μανίην μὲν ἐμὴν βαιὸς χρόνος ἀστοῖς,
δείξει ἀληθείης ἐς μέσον ἐρχομένης.

A short time will reveal my madness to the people, when it becomes manifest reality in their midst.

²⁰ Any post-legislation travelling which is done normally leads to the story of their death.

²¹ Trading: Plutarch, *Solon* 2.1. Thales: according to the otherwise unknown Pataikos, *via* Hermippos (of Smyrna, third century B.C., with a reputation for deliberately falsifying history), *via* Plutarch, *Solon* 6. The same vagueness about trading is apparent in *AP* 11.1, where it is attributed, however, to his post-legislation travels.

²² Anakharsis: Plutarch, *Solon* 5; Diog. Laert. 1.101 (*via* Hermippos again). Sage symposia: Plutarch, *Solon* 4.

²³ See Lloyd, *op. cit.* (n. 17), pp. 55-7; 'Herodotus' tradition on the travels of Solon after 594 is highly suspect', p. 55; also pp. 52-5 on stories about Thales' travels, pp. 57f. on Pythagoras', and p. 50 on Lykourgos'. Also Waters, *op. cit.* (n. 11), p. 89 on the meeting with Kroisos. For an assessment of the intellectual relationship between the historical Solon (as revealed in his poems) and the Solon portrayed by Herodotos, see C. C. Chiasson, 'The Herodotean Solon', *GRBS* 27 (1986), 249-62. For a more general but more profound criticism of Herodotos as 'historian' (in our sense of the word) see A. J. Woodman, *Rhetoric in Classical Historiography* (London, 1988), pp. 1-5, esp. 3f. and n. 27.

²⁴ F. M. Cornford, *Thucydides Mythistoricus* (London, 1907), pp. 130-2; Szegedy-Maszak, *art. cit.* (n. 19). See also M. I. Finley, 'Myth, Memory and History', in *The Use and Abuse of History*² (London, 1986), 11-33, esp. pp. 15, 18, 23-6, 28-31. So, for example, in Diog. Laert. (1.51) the foundation of Soli story is transferred from Kypros to Kilikia. Note that this immediately precedes the brief introduction to fr. 11, and is followed by a letter from Peisistratos to Solon!

In the context supplied by Diogenes, that is, spoken by Solon in his old age and with his extraordinary political career behind him, this utterance can only be interpreted as ironic.²⁵ It seems to me far more plausible to suppose that this fragment belongs to an early stage of Solon's career, before he gained his reputation as a sage. And here there is a direct link with one particular story.

Plutarch (*Solon* 8) reports a tale that Solon deliberately faked madness in order to speak on a banned subject: Salamis. In the fragments of his poems on the subject which Plutarch quotes, however, he does not present himself as a madman, but as a herald (κῆρυξ). Nor do the poems exude one whiff of insanity. Nor is there any independent evidence that Salamis was a taboo subject. The story of feigned madness may well be a late invention, as A. Masaracchia supposes.²⁶ However, that we have a poem in which Solon describes himself as 'mad' cautions against hasty rejection of the whole issue. If this poem does not refer to Salamis, nor to Peisistratos, what else could it refer to?

III. THE ASSOCIATION WITH DRAKON

Another candidate for powers such as are described in fragments 9 and 11 has been overlooked: Drakon. It is generally agreed that Drakon's legislation was passed in 621/20.²⁷ Solon's arkhonship was in 594/3. Peisistratos' first *coup* was in 561/60. Thus Solon was seven years closer to Drakon than he was to Peisistratos.²⁸

Drakon appears to have held a very unusual post in what amounted to the Athenian government of the day; he was certainly invested with extraordinary powers. Hammond proposed as an analogy the position of Sulla, *dictator reipublicae constituendae causa*.²⁹ This is very suggestive. Roman dictators and Greek tyrants had much in common; so did early Greek tyrants and early Greek lawgivers.³⁰ Solon was very aware of the possibilities in that direction which his own appointment offered (fr. 32, 33, 36.20–5, 37.7–8 West). The pride in his own restraint, expressed after the fact, is to be contrasted with fr. 9, which strongly disapproves of investing such power in one man:

ἐκ νεφέλης πέλεται χιόνος μένος ἡδὲ χαλάζης,
βροντῇ δ' ἐκ λαμπρῆς γίγνεται ἀστεροπῆς.

²⁵ e.g. H. Fränkel, *Early Greek Poetry and Philosophy*, tr. M. Hadas and J. Willis (Oxford, 1975), p. 229 n. 22; G. Ferrara, *La Politica di Solone* (Naples, 1964), p. 141. Fr. 10 is apparently in contradiction with *AP* 14.2, where it is said that Solon opposed Peisistratos 'claiming that he (Solon) was wiser than some and braver than others', although these opposites can be reconciled with a minimum of interpretative fuss.

²⁶ *Solone* (Florence, 1958), p. 243.

²⁷ R. S. Stroud, *Drakon's Law on Homicide*, California Publications in Classical Studies 3 (Berkeley, 1968); M. Gagarin, *Dracon and Early Athenian Homicide Law* (New Haven, 1981).

²⁸ 34 years between Solon's arkhonship and Peisistratos' first *coup*, 27 years between it and Drakon's office.

²⁹ N. G. L. Hammond, 'The Seisachtheia and the Nomothesia of Solon', *JHS* 60 (1940), 72–83, at 82.

³⁰ For example, '[Pittakos] was scarcely more a tyrant in the later accepted sense of the word than was Solon in Athens, who held similar power for the year of his arkhonship', M. White, 'Greek Tyranny', *Phoenix* 9 (1955), 1–18, at 2. The Greeks themselves distinguished between different types of monarchical position more carefully than we do through terms such as, in White's example, *aisumnetes* and *diallaktes* (I wish to thank the referee for drawing my attention to this point). A. Andrewes' description of a tyrant as 'a man who obtained sole power in the state and held it in defiance of any constitution that had existed previously' (*Greek Tyranny* [1956], p. 7) is even more true of a lawgiver. See also Waters, *op. cit.* (n. 11), pp. 6, 11.

ἀνδρῶν δ' ἐκ μεγάλων πόλις ὀλλυται, ἐς δὲ μονάρχου
 δῆμος αἰδρίην δουλосύνην ἔπεσεν.
 λίην δ' ἐξάραντ' <οὐ> ῥαίδιον ἔστι κατασχεῖν
 ὕστερον, ἀλλ' ἤδη χρὴ <καλὰ> πάντα νοεῖν.

Out of the cloud come raging snow and hail, thunder is born of the flash of lightning; thus from great men the polis is brought to ruin, to monarchy, and the people fall into slavery through their own shortsightedness. Having raised one too high it is not easy subsequently to hold him back; so here and now it is essential to consider all things well.

Solon was living proof that a man with such powers could restrain himself; if composed after tenure of his extraordinary office, this poem would seem to his audience at best odd, at worst melodramatic and arrogant. But the tone is more that of a man who has no experience of such power, and who is (justifiably) anxious about the integrity of the incumbent.

'Monarchy' first appears in Greek here (unless Theognidea 52 [μόναρχος] is earlier).³¹ It would be a very apt description of Drakon's extraordinary office. In fact, the whole poem is perfectly consistent with what a cautious, intelligent citizen might have thought during Drakon's tenure of the office; perhaps shortly after his appointment. The power to make law is a great one. Those who invest such power in one man run grave risks (5-6). Solon expresses serious doubts about the future of the country and, characteristically of prophets of doom, appears to exaggerate the horrors with which the people might be faced if they are not careful (3-4).³² And no doubt, also characteristically of prophets of doom, he was considered to be a (harmless) nut-case by his fellow citizens. This is a very plausible context for fragment 10: a short time will reveal my madness to the people, he says, when it becomes manifest reality in their midst.

Is it chronologically possible that Solon could write a poem on Drakon? As pointed out above, the gap between Solon and Drakon is seven years shorter than that between Solon and Peisistratos, but the evidence is also weaker: evidence for Drakon's life before or after his legislation is non-existent,³³ so the argument turns on Solon. His orthodox dates are largely determined by the alleged synchronisms with Peisistratos *et al.* I have argued above that those synchronisms are suspect. Can we estimate Solon's age when archon independently of them?

Rightly judged authentic by West, Linforth and most other commentators, poem 27 (West) is quoted in the context of the properties of the number seven³⁴ or the division of a man's life.³⁵ In support of the suggestion above (p. 281) it should be noticed that this context did not preclude quotation of the whole poem.³⁶

³¹ See G. Nagy, 'Theognis and Megara', in *Theognis of Megara: Poetry and the Polis*, edd. T. J. Figueira and G. Nagy (Baltimore and London, 1985), pp. 33f., 41, 51.

³² See Nagy (last note) 42f. on the similar generalised situation envisaged in Theognidea vv. 39-52. Note also Nagy's observation that 'the description of the emerging tyrant [the term actually used is *μόναρχος*] is expressed in words that would be appropriate for describing the Athenian lawgiver Solon', p. 43. The distinction between tyrant and lawgiver has vanished here, rightly so: 'monarch' is an admirable description of either.

³³ Excepting the death by smothering story in Suda s.v. Drakon.

³⁴ Philo, *de opificio mundi*, 104; Clement of Alexandria, *Stromateis* 6.144.3; and Anatolius, *περὶ δεκάδος*, p. 37 Heiberg, all in M. L. West, *Iambi et Elegi Graeci*, II (Oxford, 1972), pp. 135-7.

³⁵ Apostolius 14.94.

³⁶ Most scholars assume it to be so, though there is, as usual, a minority opinion: West believes that the first and last lines are missing, but see A. W. H. Adkins, *Poetic Craft in the Early Greek Elegists* (London, 1985), pp. 128, 131f.

παῖς μὲν ἄνηβος ἔὼν ἔτι νήπιος ἔρκος ὀδόντων
 φύσας ἐκβάλλει πρῶτον ἐν ἑπτ' ἔτεσιν.
 τοὺς δ' ἐτέρους ὅτε δὴ τελέσῃ θεὸς ἑπτ' ἐνιαυτούς,
 ἥβης †δὲ φάνει† σήματα γεινομένης.
 τῇ τριτάτῃ δὲ γένειον ἀεζομένων ἔτι γυίων 5
 λαχνούται, χροιῆς ἄνθος ἀμειβομένης.
 τῇ δὲ τετάρτῃ πᾶς τις ἐν ἑβδομάδι μέγ' ἄριστος
 ἰσχύν, ἥ τ' ἄνδρες πείρατ' ἔχουσ' ἀρετῆς.
 πέμπτῃ δ' ὥριον ἄνδρα γάμου μεμνημένον εἶναι
 καὶ παιδῶν ζητεῖν εἰσοπίσω γενεήν. 10
 τῇ δ' ἕκτῃ περὶ πάντα καταρτύεται νόος ἀνδρός,
 οὐδ' ἔρδειν ἔθ' ὁμῶς ἔργ' ἀπάλαμνα θέλει.
 ἑπτά δὲ νοῦν καὶ γλώσσαν ἐν ἑβδομάσιν μέγ' ἄριστος
 ὀκτώ τ' ἀμφοτέρων τέσσαρα καὶ δέκ' ἔτη.
 τῇ δ' ἐνάτῃ ἔτι μὲν δύναται, μαλακώτερα δ' αὐτοῦ 15
 πρὸς μεγάλην ἀρετὴν γλώσσά τε καὶ σοφίη.
 τὴν δεκάτῃ δ' εἴ τις τελέσας κατὰ μέτρον ἵκοιτο,
 οὐκ ἂν ἄωρος ἔων μοῖραν ἔχοι θανάτου.

A boy grows his hedge of teeth while an infant; still a child he loses them within the first seven years. When a god has brought the second seven to a close, the boy shows signs of youthful manhood. In the third the limbs continue growing, while a downy beard appears, and the bloom of the skin changes. In the fourth seven years every man is at his physical peak, when men attempt to achieve prowess (?). In the fifth it is the time for a man to think of marriage and to beget children to follow after him. In the sixth a man's mind is being educated in everything, nor is he now equally wont to do stupid things. In the seventh seven he is at his mental and oratorical peak, in the eighth too; together, fourteen years. In the ninth, though still capable, his speech and his thoughts are feebler by comparison with his peak. The tenth, should a man reach the end of it, would not be a premature time for him to possess death.

It is probably a work of his maturer years: the patronising comments in line 12, which apply to the under 36's, together with the mental and oratorical superiority attributed to the (double seven) 43–56 age group, and the noticeable but not dramatic mental and oratorical enfeeblement attributed to the over 56's, suggest to me that the author is at least 43, and probably someone who is approaching or even has recently passed the 56 watershed. Apart from the indications in the text itself, it is highly unlikely that a man who seeks to have influence (even if greatness was thrust upon him) would consciously denigrate the wisdom of his opinions on the grounds of his age. So it seems reasonable to assume that this poem was written around the time of or after his arkhonship or extraordinary office.

Further support for Solon's being in this age band when arkhon/legislator is the requirement, attested at different times, for the holder of certain offices – including the archaic *ephetai* – to be over 50.³⁷ Precedence in addressing the *ekklesia* was still given to the over-50's in the fourth-century democracy when 'anyone who wished' was entitled and invited to speak;³⁸ according to Aiskhines (1 [*Timarkhos*] 23; 3 [*Ktesiphon*] 2) Solon had thus legislated. It should also be borne in mind that the more important the arkhonship was (i.e. broadly speaking, the earlier in Athenian constitutional history) the more likely the Athenians were to consider it unsuitable for a younger and less experienced man. The same argument has even more force when a man is being chosen to rewrite the laws.

³⁷ See Rhodes, *op. cit.* (n. 1), p. 498 for details.

³⁸ M. H. Hansen, *The Athenian Assembly* (Oxford, 1987), p. 91 and n. 581.

We know the date of his arkhonship, 594/3. If he held it some time between the ages of 43 and 57,³⁹ he would have been born in 644/3 \pm 7, and he would have been 23 \pm 7 when Drakon's legislation was passed. That Solon expressed opinions of the kind evinced in fr. 9 West at the minimum age of sixteen is highly unlikely, but not impossible. The argument becomes increasingly reasonable towards and beyond the median age of 23, which corresponds to the median age of 50 when arkhon. Moreover, that Solon was closer to this median age is suggested by the tendency of public opinion simply to ignore a youth's thoughts, but to invalidate a young man's through imputations of inexperience or ignorance, as the Athenians did Solon's if the above interpretation of fr. 10 West is correct. A link between Solon and Drakon is, therefore, not only chronologically possible, but quite plausible.

Suppose that the story of a taboo subject is true: attached to the wrong topic, but true. The legends of every Greek lawgiver include protection for his laws; either a prohibition against changes or a severe disincentive to proposing one.⁴⁰ Solon insisted that the Athenians swear a solemn oath to adhere to his own laws, as framed, for one hundred years according to *AP* 7.2 and Plutarch, *Solon* 25.1, ten according to Herodotos 1.29, with an extremely heavy penalty for breaking the oath. Ancient legal practice was notoriously conservative,⁴¹ and I do not find it inherently implausible that the Athenians of the day would commit their descendants as well as themselves to observing Solon's laws (what were said to be laws of Solon were still being cited in court over two hundred years later). The argument which compares peace treaties has no force: swearing an oath to obey the laws of the polis is not analogous to swearing an oath to keep the peace with another state. What is one to imagine would happen, on this analogy, when the ten years were over: automatic dissolution of the law, i.e. anarchy? Those who follow Herodotos also underestimate the importance of the lawgiver in the Greek popular conception, if not the history, of the development of their constitutions. Solon believed that his sacrifice of short-term gain (and popularity, we might add, fr. 37) would win him long-term glory (frr. 32, 33 West). An assumption by those involved at the time that the laws should continue indefinitely (for which 100 years was a reasonable approximation) makes much more sense.

There were almost certainly other laws of Drakon besides the homicide law, the only one which Solon retained (which does not imply belief in a Drakonian constitution).⁴² If they were protected by similar prohibitions on their alteration (as asserted by Demosthenes, 23 [*Arist.*] 62), then Solon's madness, feigned or attributed, may have saved him. For before his appointment to a similarly powerful office from which he could safely repeal them, he would have been liable to prosecution. We have only this story to suggest that in archaic Athens apparent insanity excluded one from valid participation in discourse on a topic, and thereby excused one from the

³⁹ Whether or not he was legislator during his arkhonship is irrelevant; the double age group has an error margin of \pm 7 years, which is adequate for any such gap between his arkhonship and his extraordinary office.

⁴⁰ Szegedy-Maszak, art. cit. (n. 19), 207.

⁴¹ See Rhodes, op. cit. (n. 1), pp. 111f.; R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge, 1988), pp. 68, 83f. Plutarch says (*Lyk.* 13.3) that Lykourgos prohibited written laws so that they could be changed as circumstances changed. Irrespective of whether the reasoning was contemporary or later (probably later), the laws were unwritten, and Spartan conservatism was nevertheless legendary.

⁴² See Rhodes, op. cit. (n. 1), pp. 110f.; M. Gagarin, op. cit. (n. 27), pp. 73, 116-21; id. *Early Greek Law* (London, 1986), p. 66 and n. 64; A. Andrewes, art. cit. (n. 1), 371.

appointed punishment for speaking on a banned subject.⁴³ But it has been and still is common for societies wholly or partially to excuse or ignore individuals' behaviour on the grounds that they are not responsible for their actions, through madness, disease or the influence of drugs.

The other laws of Drakon were clearly disastrous:⁴⁴ they were not modified but repealed, and repealed within a generation of their enactment. If the above interpretation of fr. 9 is correct, then Solon predicted this disaster. And if he had foreseen the problems with Drakon's laws when all around him thought he was mad (fr. 10), then he was the obvious man to choose to create new and better laws. So what was Solon talking about in fragment 11?

If fragment 11 refers to Drakon, it states that one or more of his laws had imposed the giving of sureties.⁴⁵ In the economy of the day that could conceivably mean land, goods, or people. Solon said that he freed the land, redeemed those (legally and illegally) sold abroad, and liberated those reduced to slavery at home (fr. 36.5–15 West). The fragment would seem, therefore, to refer to land or people.⁴⁶

IV. CONCLUSION

I have argued that Solon frs. 9–11 West are products of Solon's youth, not his old age, and that they refer not to Peisistratos but to Drakon. I have suggested that Drakon's legislation involved or included the giving of security in the form of land or hostages. Solon warned the people (fr. 9) that by allowing this they were inviting trouble for themselves and ruin for the polis. For this he was ridiculed (fr. 10). When in due course (within one generation) the evils of this law or laws materialised, as he had predicted they would (fr. 10), he reminded them that it was a consequence of their own earlier folly (fr. 11). Hitherto regarded as an idiot (like most prophets), Solon was revealed as a sage, and was duly empowered to put the mess to rights.⁴⁷

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⁴³ On the social construction of discourse, and the variability of access to valid participation, see M. Foucault, *The Archaeology of Knowledge*, tr. A. M. Sheridan Smith (London, 1974), chapters 3 and 6, esp. p. 68.

⁴⁴ This obvious inference from the Athenians' appointment of a second lawgiver so soon after the first and their consignment of the first and his laws to near oblivion is noticed also by Andrewes, art. cit. (n. 1), 371.

⁴⁵ In the context of law the plural 'men' is not a problem; it obviously refers to those who administered and executed the law. Similarly, as *μονάρχου* was appropriate for Drakon in fr. 9.3, so in fr. 36.14 *δεσπορέων* is appropriate for the post-Drakon law officers.

⁴⁶ *AP* says that he forbade the giving of security on the person (6.1). *ῥύσια* can mean more specifically 'hostages'. This is not the place to enter on a detailed discussion of Solon's reforms and the crisis which necessitated them. See T. E. Rihll, 'EKTHMOPOI: Partners in crime?' (to appear).

⁴⁷ My thanks to Steve Hodgkinson, D. M. Lewis, Anthony Snodgrass, the Editors and the anonymous referee for their helpful comments, criticisms and corrections; any errors of fact or interpretation which remain are my own.