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CAN WE TRUST DIOGENES LAERTIUS?
THE *BOOK I OF THE LIVES OF EMINENT
PHILOSOPHERS* AS SOURCE FOR THE
POEMS AND THE LAWS OF SOLON

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1. *Preliminary considerations* (1).

In an earlier approach (2) to the tradition of the Seven Sages and their characterization in Diogenes Laertius' Book I of the *Lives of Eminent Philosophers*, I argued that, from a merely historical perspective, it might be said that Diogenes is usually quite unreliable as a source on the individual Sages portrayed in this part of his work, especially of those who have a better documented historical consistency, as is the case with Solon. This rather critical appraisal of his work is partly due to the fact that he very often chose to record anecdotal details and to deal somewhat superficially with the figures of the ancient *sophoi*, although relatively abundant data would be available on them, as can be deduced from the sources that Diogenes himself regularly evokes. In spite of this, I recognized as well by then that Diogenes often presents interesting surprises, as for instance when he transmits verses of Solon's poetry that would otherwise remain unknown, because they were nowhere else preserved, or when he quotes and considers the opinion of other authors, whose works have been lost and prove to be important when it comes to elucidate controversial issues. For this set of reasons, and especially when the reader is prepared to set aside the assumptions of a strictly historical approach — which certainly would not be among Diogenes' priorities, either — it must be recognized that Book I of the *Lives of Eminent Philosophers* ends up being of high interest for the study of the Seven Sages. Indeed, it illustrates a moment in the tradition in which the data relating to those figures were already crystallized in the culture of Diogenes' time, thereby making less pressing a more detailed

(1) I wish to thank the organizers for having invited me to collaborate in a volume honouring Alberto Maffi — one of the most brilliant interpreters of ancient Greek and Roman law, and a good friend. I wish also to thank Manuel Tröster, who read an earlier version of this paper and whose comments helped me to improve it, especially at the linguistic level. This research was developed under the project UID/ELT/00196/2013, funded by the Portuguese FCT - Foundation for Science and Technology.

(2) LEÃO 2013.

analysis of the information transmitted, which was thus replaced by the topical evocation of essential features of the figures portrayed, who in this way could be more easily retained by the readers.

While maintaining the assumptions of that previous approach, the present study proposes to discuss, more in detail, the comparative reliability of Diogenes as a source for the study of Solon, who is not only the most paradigmatic of the traditional Sages, but also the one whose historical existence is best documented, thus allowing a richer confrontation with other sources. By way of example and taking as reference the new edition of Solon's laws (3), the 318 fragments related to his legislative activity are collected from a group of almost 60 authors and sources varying a lot in nature and in their time of production, which spans from the work of Herodotus up to the *Suda*. The most important of those sources are Plutarch (57 fragments), Demosthenes or Pseudo-Demosthenes (48 fragments, plus 2 references in *scholia*) and the Aristotelian *Athenaion Politeia* (with 24). The work of Diogenes does not carry the same weight, but still comprehends 14 references, usually brief, to the Solonian legislation. He also shares with the main sources the fact of providing information about the poems of Solon, even to the point of citing verses that no other source has preserved. If nothing else, this contribution would suffice to attest to his importance in the history of the transmission of Greek culture, but with this study an attempt will be made in order to demonstrate that there are reasons to appreciate Diogenes' testimony also at other levels (4).

2. *Diogenes and the poetry of Solon.*

The decision to begin this analysis with references to the poetry of Solon is justified by the fact that it is a more objective and less controversial kind of information. Indeed, in the context of analyzing the statesman's role in resolving the dispute between Athens and Megara motivated by the dispute of Salamis, Diogenes (1.46-47) offers a few verses of the elegy that Solon composed at the time of the conflict. Plutarch (*Sol.* 8.1-2) had already sustained that the composition was entitled *Salamis* and that it reckoned one hundred verses, which he considered to be of great beauty. However, the biographer of Chaeronea registers only the opening elegiac couplet (fr. 1 West), while Diogenes (1.47) is responsible for the most complete preservation of three other elegiac couplets belonging to two different parts of the same elegy (respectively frs. 2 and 3 West), thus reinforcing the importance of his

(3) LEÃO, RHODES 2015.

(4) For a comparable analysis applied to the laws of Solon transmitted by Plutarch, see LEÃO 2016.

testimony (5). Diogenes (1.48) also reports that, to reinforce the legitimacy of the Athenians' possession of Salamis, Solon would have interpolated a verse in Homer (*Il.* 2.558). This was, in fact, an old insinuation, recorded already by other sources, whose origin was probably Megarian. Likewise, the biographer is aware of previous treatments of this accusation, as can be deduced from the expression used to introduce the reference to the possible interpolation (ἔνιοι δέ φασι) (6).

Diogenes (1.50) transmits as well part of fr. 9 West (vv. 1-4), as Plutarch and other sources (7) also do, although the most complete version of the elegy has been preserved by Diodorus Siculus (9.20.2), who is therefore generally used as reference for the reconstruction of the poem. Diodorus notes that, with this elegy, Solon intended to warn the Athenians against the dangers of the upcoming tyranny, and it is also in this political context that Diogenes places the production of the poem (8). For his part, Plutarch (*Sol.* 3.6-7), when introducing the quotation of frs. 9 (vv. 1-2) and 12 West, states that these verses illustrate the fact that Solon proved to be simplistic and archaic in the field of natural sciences (ἐν δὲ τοῖς φυσικοῖς ἀπλοῦς ἐστι λίαν καὶ ἀρχαῖος). Although this statement sometimes goes unnoticed by scholars, the reality is that it seems confirmed by the poet's use of *dikē* at the naturalistic and cosmological level, especially in these two fragments. In other words, the poet would recognize the existence of an immanent notion of reciprocity and balance, of a universal natural order, in which a parallel has already been seen with Anaximander (9).

On the other hand, the transmission of fr. 10 West is due solely to Diogenes. Thus, it is worth to evoke the elegiac couplet that was preserved thanks to his work (1.49):

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

(5) For the details respecting the transmission of these fragments, see WEST 1992, *ad loc.*, and NOUSSIA-FANTUZZI 2010, 85.

(6) For more information respecting this debate, see LEÃO 2001, 250-264, esp. 254-255.

(7) For an overview of the different sources and the variants that they contain, see NOUSSIA-FANTUZZI 2010, 96.

(8) RIHLL 1989 argues that this poem, as well as frs. 10 and 11 West, refer to Draco and not to Peisistratus. However, the testimony of Diogenes is much more favorable to the second hypothesis, and therefore to the idea that the poems were composed after Solon's arconship and at a time when the political rise of Peisistratus was already under way.

(9) JAEGER 1926, 24-26, is among those who first emphasized this aspect; SCHADEWALDT 1933, 58; GENTILI 1975, 160; and ALT 1979, 397, pronounce themselves along the same lines. More recently, LEWIS 2006, 46-47, argues that these verses "provide the raw material for an archaic understanding of causal necessity, which may share a common heritage with the explanations of the Presocratic philosophers". NOUSSIA 2006, 144-146, is unequivocal in accepting the influence of Anaximander. For a more detailed discussion of Plutarch's statement respecting the meaning of these verses for the discussion of Solon's philosophical perspectives, see LEÃO 2015.

A little while, and the event will show
To all the world if I be mad or no (10).

In contextualizing this quotation, Diogenes affirms that the charge of madness occurred when Solon tried to warn the citizens about Peisistratus' real intentions. Consequently, the context for the poem's production is also related to the advance of tyranny, so that it might even be the case that these verses were part of the same composition as the frs. 9 and 12 West. Nevertheless, they stand for themselves insofar as they provide a very elucidative example of the dramatic and performative power of Solon's poetry. In fact, those who possess a superior knowledge of reality (whether a seer, a divine emissary or, as Solon, a wise political observer), easily run the risk of being considered mad due to the multitude's lack of discernment. It is to this accusation that the legislator responds, with incisive verses, through which he expresses his confidence in the probative power of a future (δείξει), closer than would be expected (βαιὸς χρόνος), in which the result of human actions hitherto uncovered will become evident. And thus, to the unconscious opinion that his fellow citizens had about Solon (μανίην μὲν ἐμήν), the statesman contrasts the security of the truth (ἀληθείης) that, sooner or later, will become public. The fr. 11 West, transmitted as well by Diogenes (1.51-52), is in the same line of thought, but was composed at a later stage, after the tyranny had already been established, as the doxographer and other sources emphasize (11).

To conclude this brief consideration of the way Diogenes approaches the poetry of Solon, it is worth evoking, in its entirety, a composition (fr. 20 West) which is documented only in the work of the doxographer (1.60-61):

<“ἔξηκονταέτη μοῖρα κίχοι θανάτου.”>
ἐπιτιμῶντα αὐτῷ εἰπεῖν
ἀλλ' εἴ μοι κἄν νῦν ἔτι πείσειαι, ἔξελε τοῦτον·
μηδὲ μέγαιρ' ὅτι σέο λῶιον ἐπεφρασάμην·
καὶ μεταποίησον, Λιγυαστάδη, ὧδε δ' ἄειδε·
“ὀγδωκονταέτη μοῖρα κίχοι θανάτου”.

“I in my sixtieth year were laid to rest”;
and to have replied thus:
Oh take a friend's suggestion, blot the line,
grudge not if my invention better thine;
surely a wiser wish were thus expressed,
“At eighty years let me be laid to rest”.

This is a very interesting poem, for in this composition, as Diogenes points

(10) The translations of Diogenes' work are all taken from HICKS 1925.

(11) Cf. Didodorus 9.20. For the other testimomies, see NOUSSIA-FANTUZZI 2010, 99.

out, Solon would challenge Mimnermus to rewrite one of his own poems (fr. 6 West, preserved by this same passage from Diogenes). In fact, the poet of Colophon had described, in some of his poems, the picture of decay symbolized by old age, and it must be against this pessimistic notion that Solon is reacting. For example, in fr. 5 West, Mimnermus laments the fugacity of youth and the tribulations that come with old age, among which is the lessening of mental capacities. To this view, the Athenian legislator contrasts the image of the intellectual progress brought over time and the willingness to continue to learn (fr. 18 West). In the poem now under analysis, Solon would even propose a change in a verse by Mimnermus (12). He thus suggests that the desired timeline of life should increase from sixty (ἑξήκονταέτη) to eighty years (ὀγδωκονταέτη). This would imply that, even at an advanced age, there were good reasons to enjoy life. In fact, in addition to longing for a long life, Solon, in another poem (fr. 21 West, not preserved by Diogenes), expresses the desire that his death may be a cause of grief and pain among his friends, at the time when they will be deprived of the pleasure of his company. This wish expresses a feeling far removed from what is imprinted in the image of old age as a burden for everyone, including the closest family members, as Mimnermus maintained (frs. 1 and 3 West). Therefore in the attitude revealed in the verses preserved by Diogenes, Solon proclaims a surprising lesson by a lively and youthful spirit (13).

Shortly after having cited those verses, the doxographer provides a summary of Solon's works (1.61):

Γέγραφε δὲ δῆλον μὲν ὅτι τοὺς νόμους, καὶ δημηγορίας καὶ εἰς ἑαυτὸν ὑποθήκας, ἐλεγεία, καὶ τὰ περὶ Σαλαμῖνος καὶ τῆς Ἀθηναίων πολιτείας ἔπη πεντακισχίλια, καὶ ἰάμβους καὶ ἐπωδούς.

He is undoubtedly the author of the laws which bear his name; of speeches, and of poems in elegiac metre, namely, counsels addressed to himself, on Salamis and on the Athenian constitution, five thousand lines in all, not to mention poems in iambic metre and epodes.

Leaving aside for now the question of the laws and discourses produced by the statesman, as well as the different types of meter that Solon cultivated, it is suitable to make some final considerations about the reference to the amount of verses that he would have composed and that would reach five thousand lines (πεντακισχίλια), just in what respects verses in elegiac metre. In fact, dedication

(12) Whom he treats with much respect, addressing him as "Ligyastades", whose meaning would be equivalent to "melodious singer", as can be deduced from the *Suda*, s.v. Μίμνερμος ... ἐκαλεῖτο δὲ καὶ Λιγαστάδης διὰ τὸ ἑμμελὲς καὶ λιγύ, "Mimnermus ... was called as well 'Ligyastades' due to the melodious and harmonious character [of his poetry]".

(13) Cf. FALKNER 1990, 9-10.

to poetry is a motive that characterizes the traditional *sophos* with such a regularity that it becomes fairly suspicious. If, in some cases, Diogenes does not indicate the number of verses that the personality in question would have produced, it is also often the case that the figures indicated are conspicuously high (14). It is true that more impressive examples of productivity came from antiquity, and therefore the numbers indicated would not exclude the correctness of Diogenes' information. However, the systematic presence of this element, along with the expression of political opinions and famous sentences, leads to the supposition that the composition of poetry has become, over time, just another factor of the general characterization of the Sage, and should therefore not be regarded as entirely reliable information. However, it is likely that the general way of dealing with poetic material was already present in the sources of Diogenes, and is therefore not his responsibility (15).

From the analysis conducted so far, some preliminary conclusions may be advanced: in what regards the way in which Diogenes uses the poems of Solon (and discounting some exaggerations about the figures pointing to the poetic production of the *sophoi*), there is enough reason to believe that the doxographer used good sources, and therefore that he is very reliable when providing information on the poetry of the Athenian statesman. In two-thirds of the fragments documented in his work, Diogenes quotes verses of Solon that were preserved as well by other authors, thus allowing the confrontation between them, and it is possible to conclude from this confrontation that both the text and the context that he provides are, as a general rule, reliable. It is also particularly meaningful that, in two cases (frs. 10 and 20 West), the poems were preserved by Diogenes only, a circumstance that turns him into a source of prime importance for the reconstitution of the poetry of the great Athenian statesman.

3. *Diogenes and the laws of Solon.*

The conclusions presented at the end of the previous section remain valid also for this one, at least in what regards the relative significance of Diogenes as a source on Solon's legislative activity, since in his work there are 14 references to the Solonian legislation. There is, however, an important difference which must promptly be emphasized: whereas, in the case of poetic fragments, Diogenes literally quotes from the source or sources he uses, with respect to the laws the references are generally restricted to brief allusions, which do not properly contain a quotation from the original text. This situation shows that it

(14) E.g. Bias (1.85: εἰς ἔπη δισχιλία); Cleoboulus (1.89: εἰς ἔπη τρισχιλία); Periander (1.97: εἰς ἔπη δισχιλία); and Epimenides, who is the most paradigmatic case (1.111-112: ἔπη πεντακισχιλία ... ἔπη ἑξακισχιλία πεντακόσια ... εἰς ἔπη τετρακισχιλία).

(15) Vide GOULET-CAZÉ 1999, 58-59.

would not be the doxographer's priority to delve into the minutiae of a hermeneutical analysis of Solon's legislative output, choosing instead to present rather general summaries. This decision diminishes the weight of his testimony in the process of reconstituting the actual wording of the law, in addition to exposing the author, more easily, to the risks of missing the substance of the norms evoked or even of favouring their misrepresentation. While keeping in mind these contingencies, it is now time to move on to the concrete consideration of the moments in which Diogenes refers to the laws of Solon (16).

The way in which Diogenes introduces the section dedicated to the figure of the Athenian statesman gives the first impression that he was ready to assign some priority to topics of a political and legal nature. In fact, he begins by stating that "Solon, the son of Execestides, was born at Salamis. His first achievement was the *seisachtheia*, which he introduced at Athens" (17). Indeed, after mentioning this emblematic term to designate the emergency measures proposed to alleviate the situation of severe indebtedness and extreme social, economic and political crisis in which Attica was involved when the statesman became archon, Diogenes provides a short summary alluding to the nature of the measure in question and to the way in which Solon himself was ready to lose money with his program of a general cancellation of debts. And then he concludes the section with this statement: *καὶ οὗτος ὁ νόμος ἐκλήθη σεισάχθεια· φανερόν δὲ διὰ τί*, "this law of his was called *seisachtheia*, and the reason is obvious". In fact, the term *seisachtheia* (which suggests the idea of "shaking off of burdens") would have been created by Solon as a euphemism intended to disguise the rigidity of difficult measures with an expressive metaphorical term (18). In the continuation of the account, Diogenes shows himself to be aware of the fact that afterwards Solon "went on to frame the rest of his laws" (*τοὺς λοιποὺς νόμους ἔθηκεν*), but he soon makes clear that it is not his intention to devote himself to the detailed analysis of these regulations, because it "would take time to enumerate them" (*οὐς μακρὸν ἂν εἶη διεξιέναι*). Instead, he goes on to recall the episode concerning the dispute of Salamis and the relationship with Peisistratus — topics considered already in the previous section.

(16) The numbering of the laws and the text adopted for the quoted passages will be those of the new edition of Solon's legislation prepared by LEAO, RHODES 2015. The data now explored are based on the arguments developed in that broader commentary, albeit from a different perspective.

(17) 1.45: Σόλων Ἐξηκεστίδου Σαλαμίνιος πρῶτον μὲν τὴν σεισάχθειαν εἰσηγήσατο Ἀθηναίους.

(18) When mentioning this measure, Plutarch (*Sol.* 15.2) states ironically that the Athenians must have learned quickly Solon's lesson, because "they called harlots 'companions', taxes 'contributions', the garrison of a city its 'guard', and the prison a 'chamber'". (*τάς μὲν πόρνas ἐταίρας, τοὺς δὲ φόρους συντάξεις, φυλακὰς δὲ τὰς φρουράς τῶν πόλεων, οἴκημα δὲ τὸ δεσμοτήριον καλοῦντας*). The English translation is taken from PERRIN 1914.

The reference to Solon's legislative activity is thus reduced to a brief summary of several measures that Diogenes presents later on, sometimes permeated by famous sayings pronounced by the legislator (1.55-59). This applies to a comment, for instance, that the statesman would have made regarding the homicide law, in which he kept the essence of Draco's law on this matter (1.59 = fr. 4a):

ἔρωτηθεὶς διὰ τί κατὰ πατροκτόνου νόμον οὐκ ἔθηκε, διὰ τὸ ἀπελπίσαι ἔφη.

On being asked why he had not enacted a law against patricide, [Solon] replied, because he had not expected [*sc.* the deed to occur].

Echoes of this same commentary are found as well in other sources, hence the information seems to have enough consistency to be considered reliable (19). Along with those other sources, Diogenes points to an ethical justification (the improbability of someone getting to the point of killing his own father), but the reason may be simpler: given that killing is generally unlawful, a special law forbidding the killing of ones' own father would not be necessary, unless a special punishment was intended (20).

Elsewhere, Diogenes alludes to the law on neutrality in times of civil strife (*stasis*), certainly one of the most debated Solonian laws, given its apparent contradiction with the legislator's pacifist ideals (21). Moreover, the strangeness of the law was already pointed out by the ancients themselves, as is clearly attested by the testimony of Plutarch (*Sol.* 20.1) (22). However, this is not the place to take up this issue in detail, and it is sufficient in this context to evoke the way Diogenes addresses this much-debated topic (1.58 = fr. 38g):

καὶ πρῶτος τὴν συναγωγὴν τῶν ἑννέα ἀρχόντων ἐποίησεν εἰς τὸ συνειπεῖν, ὡς Ἀπολλόδοτος φησὶν ἐν δευτέρῳ Περὶ νομοθετῶν. ἀλλὰ καὶ τῆς στάσεως γενομένης οὔτε μετὰ τῶν ἐξ ἄστεως, οὔτε μετὰ τῶν πεδιέων, ἀλλ' οὐδὲ μετὰ τῶν παράλων ἐτάχθη.

(19) Cf. Cicero, *Rosc. Am.* 70; Orosius, 5.16.23-24. Sextus Empiricus, *Pyrr.* 3.211 refers to the same subject, but seems to have confused the essence of the question. See text and commentary in LEÃO, RHODES 2015, 14-15.

(20) Still, there would be a procedural problem if a son killed his father, since, in the light of Attic law, it would normally be up to the next of kin (in this case possibly the killer himself) to initiate the prosecution for homicide. For more on these implications, see RUSCHENBUSCH 1957, 264-265.

(21) For a short presentation of the main trends in dealing with this law, see WALTER 1993, 195-196 n. 104. For an analysis of the numerous sources addressing the issue and a proposal on their possible harmonization, see LEÃO, RHODES 2015, 59-66.

(22) For an analysis of Plutarch's criticism in dealing with this particular law throughout his work, see LEÃO 2016, 251-253.

Solon was the first to bring together the nine archons, so that they could talk with each other, as Apollodorus states in the second book of *On Legislators*. When the civil strife came, he did not adhere to those of the city, or to those of the plain, or to those of the coast.

The law on neutrality stated that a citizen who, in times of *stasis*, did not line up with one of the conflicting parties would be punished with *atimia* (in order to avoid apathy or mere political opportunism). By stating, in this passage, that the statesman did not adhere to any of the factions, Diogenes seems to suggest that Solon would be contradicting by his own actions the law he had enacted. There may be, however, another explanation for Diogenes' remark, in line with the way in which, throughout the account, he refers to the poetry of Solon. In fact, although the statesman became an archon in a period of *stasis*, he still often states in his poems that he remained equidistant regarding the conflicting parties (e.g. frs. 5.5-6 and 37.9-10 West). This position of balance would be consistent with the status of someone who had achieved the archonship with a strong general support of the population, as "mediator and legislator" (διαλλακτῆς καὶ νομοθέτης (23)), even if, in other poems, Solon does not hesitate to deprecate, in a direct and vigorous way, the tribulations that are afflicting the community (e.g. frs. 4.19, 26-9; 36.15-17 West), thus showing his genuine civic dedication. Therefore, in making the statement about Solon's lack of political alignment, Diogenes is in accord with the tradition that presented the statesman as an impartial mediator (without calling into question his qualities as a committed citizen) — and direct support for this interpretation can in fact be found in Solon's poetry.

In another passage, Diogenes briefly discusses a regulation of Solon that has also been the subject of much discussion: the law on idleness or *nomos argias*. Again, this is not the context for resuming the details of the debate (24), except to maintain that, in this connexion too, the testimony of Diogenes proves to be relevant (1.55 = fr. 66/1e; part of fr. 104b infra):

καὶ ὁ ἀργὸς ὑπεύθυνος ἔστω παντὶ τῷ βουλομένῳ γράφεσθαι. Λυσίας ἐν τῷ κατὰ Νικίδου (fr. 246 Carey) Δράκοντά φησι γεγραμέναι τὸν νόμον.

And the idle man can be called to account by anybody who wishes to prosecute. Lysias in the speech against Nicides says that it was Draco who wrote this law.

In identifying the authorship of this law, the sources hesitate to choose between Draco, Solon and Peisistratus. Herodotus maintains (2.177.2) that the

(23) Cf. Plut. *Sol.* 14.3.

(24) For an analysis of the sources and the main arguments, see LEÃO, RHODES 2015, 109-112.

regulation was introduced by Solon (albeit from a similar rule that existed already in Egypt) and the fact that he makes this statement before the dissemination of the discussion around the topic of the *patrios politeia* (“ancestral constitution”) is an indication that favours the authenticity of the attribution to Solon. This is the position which also seems to underlie Diogenes’ judgment, when he mentions the different opinion of Lysias, who advocated instead a (less probable) attribution to Draco.

Sometimes the abridged way Diogenes evokes the laws of Solon leads him to present in a condensed (or even amalgamated) form rules that had a different provenance or even a distinct authorship. In these contexts, the reliability of the doxographer is more difficult to support, although it is still possible to detect some valid information or at least some relation to the essence of regulations actually enacted by Solon. This applies to a passage in which he refers, in a very close context, to norms concerning the prizes to be awarded to the victors in official games, to the tradition of funeral speeches and to the feeding of war orphans at the expense of the State (1.55-56 = frs. 89/1b, 144c and 145):

(fr. 89/1b) συνέστειλε δὲ καὶ τὰς τιμὰς τῶν ἐν ἀγῶσιν ἀθλητῶν, Ὀλυμπιονίκη μὲν τάξας πεντακοσίας δραχμάς, Ἴσθμιονίκη δὲ ἑκατόν, καὶ ἀνά λόγον ἐπὶ τῶν ἄλλων· ἀπειρόκαλον γὰρ τὸ ἐξαίρειν τὰς τούτων τιμὰς, ἀλλὰ μόνων ἐκείνων τῶν ἐν πολέμοις τελευτησάντων (fr. 144c), ὧν καὶ τοὺς υἱοὺς δημοσίᾳ τρέφεσθαι καὶ παιδεύεσθαι (fr. 145). ὅθεν καὶ ἐξήλουν πολλοὶ καλοὶ κάγαθοὶ γίνεσθαι κατὰ πόλεμον· ὡς Πολύζηλος, ὡς Κυνέγειρος, ὡς Καλλίμαχος, ὡς σύμπαντες οἱ Μαραθωνομάχαι· ἔτι δ’ Ἄρμόδιος καὶ Ἄριστογείτων καὶ Μιλτιάδης καὶ μυρίοι ὅσοι. ἀθληταὶ δὲ καὶ ἀσκούμενοι πολυδάπανοι, καὶ νικῶντες ἐπιζήμιοι· καὶ στεφανοῦνται κατὰ τῆς πατρίδος μᾶλλον ἢ κατὰ τῶν ἀνταγωνιστῶν. γέροντές τε γενόμενοι κατὰ τὸν Εὐριπίδην (fr. 282. 12 Nauck) “τρίβωνες ἐκλιπόντες οἴχονται κρόκας”. ὅπερ συνιδῶν ὁ Σόλων μετρίως αὐτοὺς ἀπεδέξατο.

Also he curtailed the honours paid to the athletes participating in games, assigning five hundred drachmae to an Olympic victor, one hundred to an Isthmian victor, and in proportion for the others. He argued that it would be tasteless to praise those men with such great honours, which ought to be given only to those who had fallen in battle, and whose children were to be reared and educated at public expense. Because of this, many men were eager to be fine and good in war: this was the case of Polyzelus, of Cynegirus, of Callimachus, and of all the men who fought at Marathon; also of Harmodius, of Aristogiton, of Miltiades, and of countless others. As for athletes, their training is very expensive and their victories detrimental, but they receive crowns as if they have beaten their country and not simply their competitors. And when they become old, as Euripides says, “they are like worn-out cloaks that have lost their nap”. Solon realised this, and treated them with moderation.

The provisions referred to in this passage are part of a set of laws implemented by Solon and which the author of the testimony regards as positive. Diogenes agrees with Plutarch (*Sol.* 23.3) in essence, that is, in the amount envisaged by the legislator to be attributed to victorious athletes in the Olympic and in the Isthmian Games (25). He adds, however, some details that may be of interest from a different perspective as well. First, Diogenes states that, with this measure, Solon did not properly inaugurate a custom, but rather moderate an already existing practice (συνέστειλε δὲ καὶ τὰς τιμὰς τῶν ἐν ἀγῶσιν ἀθλητῶν). This small nuance ends up greatly altering the interpretation of Solon's regulation. In fact, if the legislator had instituted a prize that did not yet exist, then his attitude could be interpreted as a stimulus to these sports practices; however, if the statesman came to curtail a practice which he considered excessive, in this case the law would assume a sumptuary character, whose purpose would be the containment of public expenditure. Diogenes also adds that the legislator applied an analogous reform to the other games (καὶ ἀνὰ λόγον ἐπὶ τῶν ἄλλων). If this really were the case, Solon's regulation would have quite broad purposes. However, the fact that Diogenes only adduces the cases already referred to by Plutarch is probably an indication that the doxographer is amplifying a provision that began with a restricted application, thus being confined to the most important games. If this interpretation is correct, Diogenes' objective would be to make his commentary on the law more pungent, pointing out that more importance should be given to the soldiers killed in defense of the city than to the victorious athletes (frs. 144c-145). At any rate, this comment turns out to be a recurring *topos* in the traditional criticism of sports, and therefore the authenticity of these last observations seems unlikely (26).

The previous passage served as a transitional point, since the provisions referred to were at the border between historical reliability and rhetorical exploitation. Contrariwise, on the set of norms that will be approached in the final part of this study there are more consistent suspicions that they may be pure invention or at least a later misrepresentation of the spirit of Solon's laws (even if this possible misrepresentation is not necessarily attributable to Diogenes). This is the case with the passage in which the doxographer refers to

(25) For a discussion of the sources, which include as well Diodorus 9.2.5, see LEÃO, RHODES 2015, 144-146.

(26) RUSCHENBUSCH 1966, 43 and 123, places these provisions among the spurious laws, arguing that the rewards are too high for the time of Solon. Although this objection carries some weight, it needs not be fatal to the authenticity of the law, in what regards the prizes envisaged for victors of the Olympic and the Isthmian Games, because the legislator might have started by setting lower rewards. On the other hand, the penalty for violating a free woman was 100 drachmae (Plut. *Sol.* 23.1), the same amount awarded to a winner at the Isthmian Games; so the prize, at least in this case, would not be so high. WEILER 1983 thinks that the law may be Solonian and the same is maintained by LEÃO 2000, whose argument is resumed at this point.

certain limitations to the civic rights that could result from certain kinds of crimes. Part of the testimony has already been discussed, with regard to the *nomos argias* (fr. 66/1e), and for that reason it will be evoked here simply for the framing in a broader legal context (1.55 = fr. 104b):

(fr. 104b) δοκεῖ δὲ καὶ κάλλιστα νομοθετῆσαι· ἔάν τις μὴ τρέφῃ τοὺς γονέας, ἄτιμος ἔστω· ἀλλὰ καὶ ὁ τὰ πατρῶα κατεδηδοκῶς ὁμοίως· (καὶ ὁ ἀργὸς ὑπεύθυνος ἔστω παντὶ τῷ βουλομένῳ. Λυσίας δ' ἐν τῷ κατὰ Νικίδου Δράκοντά φησι γεγραφέναι τὸν νόμον (fr. 66/1e). Σόλωνα δὲ τεθηκέναι τὸν τε ἡταιρηκότα εἶργειν τοῦ βήματος.

He seems to have legislated very well: “If anybody does not maintain his parents, he shall be *atimos*; and the man who has eaten up his family property likewise”. (And the idle man can be called to account by anybody who wishes to prosecute. Lysias in the speech against Nicides says that it was Draco who wrote this law.) And Solon enacted the law to exclude from the platform the man who had prostituted himself.

The provisions referred to above (apart from the already mentioned case of the *nomos argias*) appear to be included in measures to control the conduct of speakers (*dokimasia rhētorōn*). Although they may correspond to genuine laws, they should date only from the end of the fifth century, and therefore cannot be attributed to Solon. In this instance, Diogenes is not therefore reliable, although the confusion could already be in his sources, as can be confirmed by the comparison with references to this legislation in the work of the orators (27). Still in this context, the author maintains that Solon determined that the man who had not guaranteed *gērotrophia* to his parents would become *atimos*. It is true that the legislator enacted important laws concerning the care of parents in old age, establishing punishments for those who did not fulfill that ethical and legal obligation, but the penalty of *atimia* is too high for the time of Solon and cannot therefore be genuine (28).

In the previous section, when referring to the elegy of Salamis, Diogenes (1.48) evoked the tradition according to which Solon would have interpolated a verse in Homer (*Il.* 2.558), in order to reinforce the legitimacy over the island. This belief is again taken up in another context and, although its authenticity is unlikely, the way in which Diogenes refers to this tradition may provide some

(27) For more details, see LEÃO, RHODES 2015, 165-169, with commentary and suggestions for further reading.

(28) See LEÃO 2011, 467-470. On the attribution of this law to Solon and its complex interpretation, see WEEBER 1973; STROUD 1979, 5; CANTARELLA 2016. On the principle of reciprocity deriving from the interconnection of *paidotrophia* with *gērotrophia*, in the context of Attic tragedy, see FIALHO 2010; on the sometimes tense relations between parents and children, in the light of Attic law, see CANTARELLA 2010.

valid clues as to its origin, as well as to the use of Homer's work in disputes among *poleis* (1.57-8 = frs. 123c; 149):

(fr. 123c) τά τε Ὀμήρου ἐξ ὑποβολῆς γέγραφε ῥαυωδεῖσθαι, οἷον ὅπου ὁ πρῶτος ἔληξεν, ἐκεῖθεν ἄρχεσθαι τὸν ἐχόμενον. (fr. 149) μᾶλλον οὖν Σόλων Ὀμηρον ἐφώτισεν ἢ Πεισίστρατος <...>, ὡς φησι Διευχίδας ἐν πέμπτῳ Μεγαρικῶν (*FGIHL* 485 F 6). ἦν δὲ μάλιστα τὰ ἔπη ταυτί· “οἱ δ’ ἄρ’ Ἀθήνας εἶχον” καὶ τὰ ἐξῆς (*Il.* II. 546). πρῶτος δὲ Σόλων τὴν τριακάδα ἔνην καὶ νέαν ἐκάλεσεν.

He wrote that Homer's verses ought to be recited in sequence, in the sense that at the point where the first reciter stopped, there the next one should start. Therefore Solon shed more light on Homer than Pisistratus did <...>, as Dieuchidas says in the fifth book of his *History of Megara*. This concerns particularly the following line, “those men who occupied Athens”, and what follows. Solon was the first to call the thirtieth day [of the month] old and new.

This passage of Diogenes belongs to a group of fragments — among which, above all, Aristophanes (*Nub.* 1178-95 = fr. 123a) stands out — which deal with the way of interpreting the expression ἔνη τε καὶ νέα, in fact an ordinary expression that the Aristophanic character Pheidippides presents as a legal archaism which he uses in order to give a taste of old authority to an interpretation of the law that favours him. Although other ancient sources tend as well to identify here an expression conceived by Solon (29), possibly linked to the Attic calendar, it is more likely just a comic invention whose popularity would lead it to be adopted by other authors as well (30) — a fact that may underscore the prestige of Aristophanes as a playwright, but that adds nothing to the reconstitution of Solon's laws. Diogenes thus follows in the same vein as other sources, but the reference to Homer is, in his case, enriched by the suggestion that it was Solon rather than Peisistratus who initiated the recitation of the Homeric poems in Athens. Although such a proposition is highly improbable, Diogenes' passage still has the advantage of suggesting, through a reference to the work of the historian Dieuchidas, that this belief was possibly rooted in a Megarian tradition (as well as Homer's connection to the Salamis dispute through diplomatic channels).

Finally, it remains to analyze one last passage, in which Diogenes seems to amalgamate different regulations of different legislators, without worrying about identifying who their real promoters might have been. This is perhaps the

(29) Cf. Plut. *Sol.* 25.4-5 (= fr. 123b); *Lex. Rhét. Cant.* (75.11-12 *Lexica Graeca Minora* = fr. 123d). See also LEÃO, RHODES 2015, 182-184.

(30) See RUSCHENBUSCH 1966, 46; SOMMERSTEIN 1982, 218; MANFREDINI, PICCIRILLI 1998, 262-263.

moment in which the doxographer shows a considerable neglect in dealing with the legislative activity of Solon (1.56-7 = frs. 131-5):

κάλλιστον δὲ κάκεϊνο· τὸν ἐπίτροπον τῆ τῶν ὄρφανῶν μητρὶ μὴ συνοικεῖν, μηδ' ἐπιτροπεύειν, εἰς ὃν ἡ οὐσία ἔρχεται τῶν ὄρφανῶν τελευτησάντων (fr. 131). κάκεϊνο· δακτυλιογλύφῳ μὴ ἐξεῖναι σφραγίδα φυλάττειν τοῦ πραθέντος δακτυλίου (fr. 132). καὶ ἐὰν ἓνα ὀφθαλμὸν ἔχοντος ἐκκόψη τις, ἀντεκκόπτειν τοὺς δύο (fr. 133). ἂ μὴ ἔθου, μὴ ἀνέλη· εἰ δὲ μή, θάνατος ἢ ζημία (fr. 134). τῷ ἄρχοντι, ἐὰν μεθύων ληφθῆ, θάνατον εἶναι τὴν ζημίαν (fr. 135).

This is also another excellent regulation: a guardian was not allowed to marry the mother of the orphans [under his care], and no man could be nominated guardian, if the property of the orphans would come to him in the event that they died. And another one: a seal engraver is not allowed to keep the impression of a ring that he has already sold. And if a person knocks out the eye of someone who had only one, that person shall lose both eyes in turn. What you did not deposit, do not redeem, or the penalty shall be death. If an official is caught drunk, he shall face the death penalty.

None of the laws referred to here can be attributed to Solon with security, therefore being more likely either spurious regulations or the result of confusion with other legislators of the Archaic Period, such as Zaleucus, Charondas, or Pittacus (31). In this respect, Diogenes does with this set of laws what the tradition has often done with the apophthegms and famous sayings of the Seven Sages: he dilutes their paternity to the point of turning them into a kind of common heritage that can be used according to the purpose that fits a certain context or circumstance. But in choosing this path, Diogenes obviously compromises his value as a source of reliable information.

4. *Conclusions.*

In what regards the transmission of Solon's poems — and even taking into account that Diogenes provides sometimes doubtful information (such as the number of verses that the statesman would have composed) —, the doxographer turns out to be a very useful source for the recuperation of the poetic work of the statesman, to the point of preserving verses that no other sources have documented. As for the legislative work, the value of Diogenes is more ambivalent. On the whole, it refers to a still relatively high number of norms, but, unlike with the poems, he chooses not to quote the laws literally, thus giving preference to brief allusive summaries, not always exact in their wording and in their ascription to Solon. Even so, one can find in his testimony also some

(31) For more details, see GAGARIN 1986, 64-67; LEÃO, RHODES 2015, 188-189.

useful interpretive suggestions which do not appear in other sources. Still, if one compares the thin information provided about laws with the attention he dedicates to the alleged letters that Solon exchanged with other personalities such as Peisistratus, Periander, Epimenides, and Croesus (1.52-4; 64-7), it is clear that the doxographer (and most probably his readers) would be far more interested in the ethical potentialities of this type of apocryphal material than in critically reconstituting Solon's legislative work. Awareness of this fact requires caution in analyzing the information that Diogenes conveys, but does not obliterate his value and relevance as a source.

Bibliography

- ALT 1979 = K. ALT, *Solons Gebet zu den Musen*, in *Hermes* 107 (1979) 389-406
- CANTARELLA 2010 = E. CANTARELLA, *Fathers and Sons in Athenian Law and Society*, in *Symposion 2009. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, eds. E. CANTARELLA, M. GAGARIN, J. MÉLÈZE, G. THÜR, Wien 2010, 1-13
- CANTARELLA 2016 = E. CANTARELLA, *Gerotrophia: A Controversial Law*, in *Symposion 2015. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, eds. D. LEÃO, G. THÜR, Wien 2016, 55-66
- FALKNER 1990 = T. FALKNER, *The Politics and the Poetics of Time in Solon's "Ten Ages"*, in *CJ* 86 (1990) 1-15
- FIALHO 2010 = M. FIALHO, *Paidotrophia and Gerotrophia: Reciprocity and Disruption in Attic Tragedy*, in *Law and Drama in Ancient Greece*, eds. E. HARRIS, D. LEÃO, P.J. RHODES, London 2010, 108-121
- GAGARIN 1986 = M. GAGARIN, *Early Greek Law*, Berkeley 1986
- GENTILI 1975 = B. GENTILI, *La giustizia del mare: Solone, fr. 11D., 12 West. Semiotica del concetto di dike in greco arcaico*, in *QUCC* 20 (1975) 159-162
- GOULET-CAZÉ 1999 = M.-O. GOULET-CAZÉ (ed.), *Diogène Laërce. Vies et doctrines des philosophes illustres*, Paris 1999
- HICKS 1925 = R. HICKS, *Diogenes Laertius. Lives of Eminent Philosophers*, Cambridge 1925, repr. 1972
- JAEGER 1926 = W. JAEGER, ΗΜΕΤΕΡΗ ΔΕ ΠΟΛΙΣ. *Solons Eunomie*, in *SPA* 25 (1926) 69-85 [= *Antike Lyrik*, ed. W. EISENHUT, Darmstadt 1970, 7-31]
- LEÃO 2000 = D. LEÃO, *Os honorários dos atletas vencedores (a propósito de Plutarco, Sol. 23.3)*, in *O espírito olímpico no novo milénio*, ed. F. OLIVEIRA, Coimbra 2000, 73-83
- LEÃO 2001 = D. LEÃO, *Sólon. Ética e política*, Lisboa 2001
- LEÃO 2011 = D. LEÃO, *Paidotrophia et gerotrophia dans les lois de Solon*, in *RHD* 89 (2011) 457-472
- LEÃO 2013 = D. LEÃO, *O Livro I de Diógenes Laércio: a tradição dos Sete Sábios e a caracterização da figura do sophos*, in *Dos homens e suas ideias. Estudos sobre as Vidas de Diógenes Laércio*, eds. D. LEÃO, G. CORNELLI, M. PEIXOTO, Coimbra 2013, 1-19
- LEÃO 2015 = D. LEÃO, *Plutarch on Solon's Simplicity Concerning Natural Philosophy: Sol. 3.6-7 and Frgs. 9 and 12 West*, in *Natural Spectaculars: Aspects of Plutarch's Philosophy of Nature*, eds. M. MEEUSEN, L. VAN DER STOCKT, Leuven 2015, 227-238
- LEÃO 2016 = D. LEÃO, *Consistency and Criticism in Plutarch's Writings Concerning the Laws of Solon*, in *A Versatile Gentleman. Consistency in Plutarch's Writing*, eds. J. OPSOMER, G. ROSKAM, F. TITCHENER, Leuven 2016, 243-254

- LEÃO, RHODES 2015 = D. LEÃO, P.J. RHODES, *The Laws of Solon. A New Edition with Introduction, Translation and Commentary*, London 2015
- LEWIS 2006 = J. LEWIS, *Solon the Thinker. Political Thought in Archaic Athens*, London 2006
- MANFREDINI, PICCIRILLI 1998 = M. MANFREDINI, L. PICCIRILLI, *Plutarco. La vita di Solone*, Milano 1998⁵
- NOUSSIA 2006 = M. NOUSSIA, *Strategies of Persuasion in Solon's Elegies*, in *Solon of Athens. New Historical and Philological Approaches*, eds. J. BLOK, A. LARDINOIS, Leiden 2006, 134-156
- NOUSSIA-FANTUZZI 2010 = M. NOUSSIA-FANTUZZI, *Solon the Athenian. The Poetic Fragments*, Leiden 2010
- PERRIN 1914 = B. PERRIN, *Plutarch's Lives*, Cambridge 1914
- RIHLL 1989 = T. RIHLL, *Lawgivers and Tyrants (Solon, fr. 9-11 West)*, in *CQ* 39 (1989) 277-286
- RUSCHENBUSCH 1957 = E. RUSCHENBUSCH, *Δικαστήριο πάντων κύριον*, in *Historia* 6 (1957) 257-274
- RUSCHENBUSCH 1966 = E. RUSCHENBUSCH, *Σόλωνος νόμοι: Die Fragmente des solonischen Gesetzeswerkes mit einer Text- und Überlieferungsgeschichte*, Wiesbaden 1966
- SCHADEWALDT 1933 = W. SCHADEWALDT, *Lebenszeit und Greisenalter im frühen Griechenland*, in *Die Antike* 9 (1933) 282-302 [= *Hellas und Hesperien*, Zürich 1960, 41-59]
- SOMMERSTEIN 1982 = A. SOMMERSTEIN, *Aristophanes. Clouds*, Warminster 1982
- STROUD 1979 = R. STROUD, *The Axones and Kyrbeis of Drakon and Solon*, Berkeley 1979
- WALTER 1993 = U. WALTER, *An der Polis teilhaben: Bürgerstaat und Zugehörigkeit im archaischen Griechenland*, Stuttgart 1993
- WEEBER 1973 = K.-W. WEEBER, *Ein vernachlässigtes solonisches Gesetz*, in *Athenaeum* 51 (1973) 30-33
- WEILER 1983 = I. WEILER, *Einige Bemerkungen zu Solons Olympionikengesetz*, in *Festschrift für Robert Muth*, eds. P. HÄNDEL, W. MEID, Innsbruck 1983, 573-582
- WEST 1992 = M. WEST, *Iambi et elegi Graeci ante Alexandrum cantati*. II, Oxford 1992