

# Legends of the Greek Lawgivers

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AT THE END of Book 2 of the *Politics*, Aristotle lists and briefly discusses the great lawgivers of Greece.<sup>1</sup> While most of these remained only names, a few—Lycurgus, Zaleucus, Charondas, Solon—became figures of great renown around whom there arose a fairly elaborate historical tradition.<sup>2</sup> Aristotle was aware that the facts about the *nomothetae* had already become overlaid with a rich mixture of myth and invention. He comments with some asperity that attempts to present Zaleucus as a pupil of Thales and Charondas as a pupil of Zaleucus were “heedless of chronology.” The fabulous quality of such tales led some ancient authors to complete skepticism, of which the best-known example is Timaeus’ denial that Zaleucus ever existed.<sup>3</sup> Faced with the mass of inconsistent statements about the early legislators, some modern scholars have chosen to follow the lead of Timaeus. Citing the general Indo-European belief in the divine origin of law, Beloch argues that Zaleucus and Charondas were anthropomorphic hypostases of sun-gods. In support of his theory, he construes the etymology of their names as Zaleucus from *διάλευκος* (‘bright white’) and Charondas from Charon or *χάροψ* (‘flashing-eyed’).<sup>4</sup> Such a solution, however, is extreme and has not won many adherents.

<sup>1</sup> Arist. *Pol.* 2.1274a, 22ff. They are Lycurgus, Solon, Zaleucus of Epizephyrian Locri, Charondas of Catane, (possibly) Onomacritus, Philolaus of Corinth, Draco, Pittacus of Mytilene and Androdamas of Rhegion. We need not concern ourselves here with the problem of the appropriateness of this section to its context: see Newman’s note *ad loc.*

<sup>2</sup> Although Draco is credited with having drawn up the first code for Athens (*Ath.Pol.* 41.2), he has no place in the biographical tradition except for his unusual death (*infra* n.42); cf. A. C. Schlesinger, “Draco in the Hearts of his Countrymen,” *CP* 19 (1924) 370–73. Pittacus is also a special case. I have largely excluded him from the discussion because his fame stemmed not from his legislation but from his membership in the Seven Sages: e.g., *Pl. Prt.* 343a; Paus. 10.24.1; *Plut. Conv.Sept.Sap. passim*; *Diog.Laert.* 1.41–42.

<sup>3</sup> *ap. Cic. Leg.* 2.6.15 (= *FGrHist* 566 F 130); Cicero himself adopts a cautious agnosticism: *sive fuit, sive non fuit, nihil ad rem; loquimur quod traditum est*; cf. *Ep. ad Att.* 6.1.18. In his commentary on the former passage, Jacoby says that it is unlikely that Timaeus completely rejected the existence of Zaleucus and that more probably he was inveighing against the tradition that made Zaleucus a *protégé* of Pythagoras (for which, see *infra* pp.202f).

<sup>4</sup> Beloch argues that Lycurgus was also a solar deity, translating his name as *Lichtwirker* and citing the fact that he was said to have only one eye (*Gr.Gesch.* 1.2<sup>2</sup> 253–58, cf. *infra* n.35). To the best of my knowledge, only R. Delatte has accepted Beloch’s conclusions: *Essai sur*

Still there remains the problem of how to evaluate the accounts that have come down to us. As a first step we may adopt the formulation of F. E. Adcock, who distinguishes two separate strata in the tradition.<sup>5</sup> The primary tradition, as Adcock calls it, preserves genuine historical data and can be outlined as follows: chronological and biographical material is sparse but credible; the laws ascribed to the legislators are consistent with the social and economic characteristics of their respective cities, and they resemble other early codes that we know of from inscriptions. By contrast, one finds in the secondary tradition: first, an impossible chronology that attempts to link the lawgivers with one another or with some great philosopher; second, the attribution to them of laws with a pronounced ethical or moralizing tone, totally unlike the precise pragmatism of genuine codes; and finally, the more or less random attribution of laws, with the result that it becomes almost impossible to identify the author of a given statute. In introducing his method, Adcock declares, "...the primary tradition is not necessarily less credible because of the existence of the secondary tradition, which proves not that the primary tradition is false but that truth itself could not prevail against the pseudohistory which set in after Aristotle."<sup>6</sup> Since Adcock's purpose is to reconstruct as much of the primary tradition as he can, his attitude is that once one has extracted the remnants of fact, the leftover legendary material may safely be discarded as unworthy of serious attention. In addition he credits the growth of the legends to a deliberate process of distortion, "the unscrupulous disregard of historical truth in pursuit of literary or philosophical ends."<sup>7</sup>

The present study is based on the premise that the legends themselves deserve careful study, not because they might be forced to yield more nuggets of historical information but because they illustrate so clearly the transformation of history by and into myth. This paper will attempt to sketch a typology and to show how the type manifests itself in the biographical anecdotes, often identifiable as *topoi*, that

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*la politique pythagoricienne* (Liège 1922) 177. For a discussion of the whole solar theory, see R. Dorson, "The Eclipse of Solar Mythology" in T. Sebeok (ed.), *Myth: A Symposium* (Bloomington 1958) 25-63.

<sup>5</sup> "Literary Tradition and the Early Greek Code-Makers," *CambHistJ* 2 (1927) 95-109.

<sup>6</sup> *Ibid.* 95. Aristotle's reproach about faulty chronology makes it clear that the 'pseudohistory' was already well entrenched in his lifetime.

<sup>7</sup> *Ibid.* 102.

came to be attached to the names of the great legislators. To begin, one must reject Adcock's notion that the legends sprang from a conscious neglect of historical accuracy by post-Aristotelian authors. The process is more subtle and complex, exemplifying what Cornford termed 'infiguration': "...facts shift into legend, and legend into myth. The facts *work loose*; they are detached from their roots in time and space and shaped into a story. The story is moulded and remoulded by imagination, by passion and prejudice, by religious preconception or aesthetic intent, by the delight in the marvellous, by the itch for a moral, by the love of a good story; and the thing becomes a legend. A few irreducible facts will remain, no more, perhaps, than the names of persons or places... but even these may at last drop out or be turned by a poet into symbols... The history has now all but won over into the mythical. Change the names and every trace of literal fact will have vanished; the story will have escaped from time into eternity."<sup>8</sup> Most of our sources for the legends of the early lawgivers are late compilations that give few, if any, references to *their* sources. The concept of infiguration allows us to treat the stories as a *genre*, unified and controlled by certain conventions.

The narrative momentum within the legends is provided by the state's progress from lack to final acceptance of a code, that is, from *anomia* to *eunomia*. Accordingly, we may begin our analysis by setting up a tripartition into initial, medial and final stages, distinguished by the political condition of the state. In all cases the initial situation is one of crisis, but this in turn takes two forms. On the mainland the disturbance is identified with *stasis*, an active internecine conflict. In Sparta, prior to the accession of Lycurgus, there arose controversy over the abuse of royal power and strife between the rich and poor.<sup>9</sup> Athens at the time of Solon was torn by the antagonism between debtors and creditors.<sup>10</sup> On the other hand, for the colonies of Magna Graecia there exists no record of overt discord. The colonial enterprise

<sup>8</sup> F. M. Cornford, *Thucydides Mythistoricus* (London 1907, repr. New York 1969) 131; on the mutual reinforcement between myth and history, see P. Munz, "History and Myth," *Philosophical Quarterly* 6 (1956) 1–16, and M. I. Finley, "Myth, Memory and History," in *The Use and Abuse of History* (New York 1975) 11–33.

<sup>9</sup> Plut. *Lyc.* 3, ἀνομία καὶ ἀταξία κατέχευε τὴν Σπάρτην ἐπὶ πολὺν χρόνον; cf. Thuc. 1.18.1; Arist. *Pol.* 5.1306b37–1307a2; W. G. Forrest, "The Date of the Lykourgan Reforms in Sparta," *Phoenix* 17 (1963) 171.

<sup>10</sup> Arist. *Ath. Pol.* 5.2, ἰσχυρᾶς δὲ τῆς στάσεως οὐσῆς καὶ πολὺν χρόνον ἀντικαθημένων ἀλλήλοις; cf. Plut. *Solon* 12.1, 13.1.

was itself a sufficient source of tension.<sup>11</sup> Because the colonists were separated by great distances from their mother cities and had to confront wholly new living conditions, they would be less bound by the legal conservatism and religious sanctions that preserved traditional practices in the homeland. An additional source of friction would have existed in those colonies, like Catane, which contained a mixed population, with settlers coming from different states and possessing different ideals and institutions.<sup>12</sup>

Into such a volatile situation enters the figure of the lawgiver, who is uniquely qualified for his task by character and education. It is not surprising that the legislators are invariably described as being exceptionally virtuous. More striking is the pattern that emerges in the accounts of how they acquired their instruction. There were two principal methods, often connected: extensive travel and study with one of the great philosophers. Thus Lycurgus is said to have gone to Crete, Egypt and Ionia;<sup>13</sup> and Plutarch reports that the young Solon entered a career in commerce not to make money but to gain experience of the world.<sup>14</sup> We have noted Aristotle's criticism of attempts to link great men in *catenae* of mutual influence, but his strictures seem to have had little effect. During his sojourn in Crete Lycurgus allegedly met with Thaletas.<sup>15</sup> Solon had contact with Thales of Miletus, with the famous barbarian savant Anacharsis and with Epimenides of Crete.<sup>16</sup> Zaleucus and Charondas are both represented as pupils of Pythagoras, with a further variation to the effect that

<sup>11</sup> See G. Smith, "Early Greek Codes," *CP* 17 (1922) 187–89, and R. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle I* (Chicago 1930) 67–82.

<sup>12</sup> For Catane, see T. J. Dunbabin, *The Western Greeks* (Oxford 1948) 10–11.

<sup>13</sup> Ephorus *ap.* Strabo 10.14.9 (= *FGrHist* 70 F 149); Hecataeus of Abdera *ap.* Diod. 1.96.2–3 (= *FGrHist* 264 F 25); Plut. *Mor.* 345E, *Lyc.* 4, where he also mentions the claim of Aristocrates (*FGrHist* 591 F 2) that Lycurgus journeyed to India and held conversations with the Gymnosophists; *cf.* E. N. Tigerstedt, *The Legend of Sparta in Classical Antiquity* (Stockholm 1965, 1974) I 210–11, II 89.

<sup>14</sup> *Solon* 2.1, *cf.* Solon fr.20 Diehl: *γηράσκω δ' αἰεὶ πολλὰ διδασκόμενος*. All the testimonia concerning Solon's life and work have been collected by A. Martina, *Solon (Lyricorum Graecorum quae exstant IV, Rome 1968)*; for his early life *cf.* Martina 8–14 (τ 19–37). Some of the same material is available in J. M. Edmonds, *Elegy and Iambus I* (LCL, London and New York 1931); for the quotation *cf.* Edmonds 135. I include here only the stories that specifically put the lawgiver's travels prior to the time he made the code. The *apodemiai* after codification, such as Solon's trip to Lydia, are considered *infra* pp.207f.

<sup>15</sup> Ephorus *loc.cit.* (*supra* n.13); Plut. *Lyc.* 4.1; *cf.* Tigerstedt, *op.cit.* (*supra* n.13) I 211.

<sup>16</sup> *Solon* 5–6, 12; *cf.* Hdt. 1.29, and Diog.Laert. 1.101–02 (Anacharsis), 112–13 (Epimenides); Martina, *op.cit.* (*supra* n.14) 67–75 (τ 120–29).

Thales instructed Zaleucus, who then served as master to Charondas.<sup>17</sup> Such intellectual genealogies are certainly—to use Aristotle’s expression—“heedless of chronology.” From the standpoint of history such linkages are scandalous, but in the framework of myth they become instantly intelligible. The absence of a coherent chronology is one of the crucial factors that distinguish myth from history.<sup>18</sup> Moreover, in the mythical sphere there is something very attractive in the concept of unbroken succession, whether it be in a divine kingship, a literary style or a philosophic school. Succession connotes legitimacy as well as accumulated wisdom and experience.<sup>19</sup>

If we are to appreciate the full significance of the details about the lawgivers’ early lives, we must proceed to the medial stage of the legends: the crisis in the state is suspended when the citizens select someone to establish order. The lawgiver—as now he can properly be called—must apply all the knowledge he has amassed. It now becomes clear why so many of the lawgivers had been associated specifically with Pythagoras or Thales rather than, for example, Anaximenes or Heraclitus. The reason is that, in the mythical context, Thales and Pythagoras are entirely appropriate as teachers for legislators. Both were identified with principles of order and measurement, and, perhaps more importantly, both were known to have performed as practicing statesmen. Thales gave valuable political counsel to the Ionians,<sup>20</sup> while Pythagoras had founded his own community in Southern Italy and endowed it with its laws.<sup>21</sup> It must be

<sup>17</sup> For Pythagoras see, e.g., Iambl. *Vit.Pyth.* 7.33, 27.30, 30.172, 36.267; Diod. 12.20–21; Sen. *Ep.* 90.6; Diog.Laert. 8.15–16 (= Aristoxenus fr.43 Wehrli); Ael. *VH* 3.17; *Suda s.v. Ζάλευκος*. G. Vallet observes, “. . . en effet les néoplatonniciens et les néopythagoriciens, sans tenir aucun compte des données chronologiques, ont fait de tous législateurs célèbres ou connus d’Occident, y compris Zaleucos et Charondas, des disciples de Pythagore”: *Rhégion et Zancle* (Paris 1958) 287. The association with Thales is mentioned, only to be discarded, by Aristotle (*supra* p.199).

<sup>18</sup> Finley provides an excellent discussion of this point, *op.cit.* (*supra* n.8) esp.15–26.

<sup>19</sup> “Obviously there must have been cases in antiquity where a famous man really did receive some instruction from the leading exponent of his art of the previous generation. . . . However, when one reads solemn assertions about the master/pupil relationships between epic poets before Homer, one realizes to what an extent ancient scholarship was beset with a desire to pigeon-hole everyone into succession lists”: so J. Fairweather, “Fiction in the Biographies of Ancient Writers,” *AncSoc* 5 (1974) 262.

<sup>20</sup> Hdt. 1.170, cf. G. S. Kirk and J. E. Raven, *The Presocratic Philosophers* (Cambridge 1957) 75–76.

<sup>21</sup> For Pythagoras as a lawgiver, see Iambl. *Vit.Pyth.* 25; Porph. *Vit.Pyth.* 17; Diog.Laert. 8.3; Cic. *Tusc.* 5.4; Kirk and Raven, *op.cit.* (*supra* n.20) 217–18. The relative proximity of

emphasized that the legends are not merely capricious or careless of fact. They have an internal logic.

In the same way, the lawgiver's travels influence the composition of the code. He has been able to examine at first hand the customs of other people, so that when the time comes for him to form his own code he can pick and choose from the best of what he has seen.<sup>22</sup> Among the Greek states, Sparta, Crete and Athens were particularly famed for their *eunomia*.<sup>23</sup> Zaleucus, first to make a written code, is said to have combined Cretan, Spartan and Areopagite usages.<sup>24</sup> As we have seen, Lycurgus himself had travelled to Crete<sup>25</sup> and is even alleged to have borrowed some laws from Thesean Athens.<sup>26</sup> Charondas, too, "after examining the legislations of all peoples, singled out the best and incorporated them in his laws."<sup>27</sup>

In addition to their native genius, wide experience and expert tutelage, some of the lawgivers were credited with divine assistance. The story about Lycurgus is probably the best known: on entering the temple of Apollo at Delphi, Lycurgus was greeted by the Pythia as "beloved of Zeus" and was asked by her whether he should be addressed as man or god.<sup>28</sup> Ephorus adds that Lycurgus received laws

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Croton to Locri and Catane must have facilitated the connection between Pythagoras and Zaleucus and Charondas. For Pythagoras and Lycurgus, see Tigerstedt, *op.cit.* (*supra* n.13) I 230–33, 250–51.

<sup>22</sup> There is a Roman parallel in Livy's report that the Decemvirs visited Athens as preparation for drawing up the Twelve Tables (3.31).

<sup>23</sup> The three participants in the *Laws* are Cleinias of Crete, Megillus of Sparta and an unnamed Athenian stranger; cf. Polyb. 6.43, listing Sparta, Crete, Mantinea, Athens and Thebes; see also G. Morrow, *Plato's Cretan City* (Princeton 1960) 75–76.

<sup>24</sup> Ephorus *ap.* Strabo 6.1.8 (= *FGrHist* 70 F 139); in his commentary *ad loc.* Jacoby cites Niese's opinion that the inclusion of the Areopagus reflects the influence of Isocrates' *Areopagiticus*.

<sup>25</sup> There are numerous references in the sources to the resemblance between Cretan and Spartan institutions: e.g., Hdt. 1.65; Pl. *Resp.* 544c, *Leg.* 631bff, 634aff; Arist. *Pol.* 2.1271b 19ff. Polybius is a conspicuous holdout, denying that the Spartan constitution was like that of Crete (6.45). In historical times, Crete was rather a backwater but was still held in high esteem for its past glories; cf. Morrow, *op.cit.* (*supra* n.23) 17–35. We may recall that Lycurgus was supposed to have visited Egypt, and there is also a strong tradition comparing Spartan and Egyptian customs: e.g., Hdt. 2.80, 166–67, 6.60; Pl. *Tim.* 24; Isoc. *Bus.* 17–20.

<sup>26</sup> Isoc. *Panath.* 152–53, *Paneg.* 39.

<sup>27</sup> Diod. 12.11.1; Diodorus also says that Charondas adopted Solon's law on heiresses (12.18.3).

<sup>28</sup> Hdt. 1.65, cf. Plut. *Lyc.* 5.3; Diod. 7.12; Tyrtaeus frs. 2–3 Diehl; Tigerstedt, *op.cit.* (*supra* n.13) I 70–73.

from Apollo just as Minos had received them from Zeus.<sup>29</sup> One tradition depicts Zaleucus as a shepherd who was given the laws by Athena in a dream.<sup>30</sup> The theme of divine intervention gives rise to more widespread objection than does any other aspect of the legends. Writers not otherwise noteworthy for their skepticism express indignation at such tales. A statement of Plutarch's may be taken as typical of the rationalizing approach. He records that several of the ancient rulers—Minos, Zaleucus, Zoroaster, Numa and Lycurgus—were said to have had conversations with a god. Plutarch comments that while such stories might be true, there is another explanation worth taking seriously, namely that these lawgivers only pretended to have divine guidance in order to gain acceptance for their decrees.<sup>31</sup> Posidonius adopts a more conciliatory tone, observing that “these things, whatever truth there may be in them, have at least been believed and sanctioned among men.”<sup>32</sup> The latter point is most important. Historically, belief in the divine origin of law may reflect the sacral character of primitive statutes. Within the legends, however, such a tradition forms part of the same set that includes the tales of the legislators' virtue, voyages and education. All these factors, in whatever combination, ensure that the laws that are finally included in the code will be the best available.

No matter how excellent, the code is certain to be severely tested soon after its completion. Sometimes there was open resistance on the part of those whose privileges had been curbed or whose expectations had been disappointed. After the *seisachtheia*, the cancellation of debts, Solon was assailed by both rich and poor alike. On perceiving the value of the measure, the people empowered Solon to complete his task, but once he had finished he was barraged again by complaints

<sup>29</sup> Ephorus *ap.* Strabo 10.4.19 (= *FGrHist* 70 F 149); and *ap.* Clem.Alex. *Strom.* 1.170.3 (= *FGrHist* 70 F 174); this neatly combines the theme of Cretan *eunomia* with that of generic succession, where Minos is to Lycurgus as Zeus is to Apollo. For a full discussion of the passages, see Jacoby's commentary *ad loc.*, and Tigerstedt, *op.cit.* (*supra* n.13) I 211–15, esp. n.910, and II 131–32, 240–41.

<sup>30</sup> Schol. *ad* Pind. *Ol.* 10.17, pp.314–15 Drachmann = Arist. fr.548 Rose; Chamaeleon *ap.* Clem.Alex. *Strom.* 1.170.3 (= fr.13 Wehrli) says that the story is found in Aristotle's *Constitution of the Locrians*.

<sup>31</sup> Numa 4.6–8 (*cf.* *Comp. Lyc. et Numa* 1); for the same opinion: Polyb. 10.2.8–12; Cic. *Nat.D.* 3.91; Dion.Hal. 2.61; Ephorus *ap.* Strabo 10.4.19 (= *FGrHist* 70 F 149).

<sup>32</sup> *ap.* Strabo 16.2.39–40 (= *FGrHist* 87 F 70), transl. Jones LCL; Jacoby comments, “Dessen auffassung ist wesentlich tiefer als Ephoros' plumper rationalismus” (cited in the preceding note).

from all sides.<sup>33</sup> Eventually he decided to leave the city. Lycurgus' legislation aroused such fury among the wealthy that he was assaulted by a mob, and a youth named Alcander struck him with a staff and blinded one eye. When the people realized what they had done, they delivered Alcander for punishment, but Lycurgus forgave him and they became fast friends. There is no further mention of civil discord.<sup>34</sup> In both of the aforementioned cases the attacks are directed at the lawgiver himself, and he solves the crisis—and saves his code—by exercising his personal authority. The code can also be confronted with another type of challenge, one which is paradoxically *created by* the lawgiver's authority. This occurs when the legislator falls afoul of one of his own statutes. Zaleucus, for example, decreed that anyone taken in adultery be blinded. When his son was caught and convicted, Zaleucus gave up one of his own eyes so that his son would not be totally sightless.<sup>35</sup> A similar story is told of Charondas. He had declared it a capital offense to enter the assembly carrying a weapon. On one occasion he had armed himself with a dagger for protection against robbers in the countryside and then, forgetting that he still had it with him, went into a meeting of the assembly. When someone rebuked him with the charge that he had annulled his own law, he drew his dagger and killed himself.<sup>36</sup> Similar peripetias are ascribed to other politicians since the theme has great potency as a literary motif.<sup>37</sup>

<sup>33</sup> Plut. *Solon* 16.3, Arist. *Ath.Pol.* 12.3 (= Solon fr.34 West),

χαῦνα μὲν τότε ἐφράσαντο, νῦν δέ μοι χολούμενοι  
λοξὸν ὀφθαλμοῖς ὀρώωσι πάντες ὥστε δῆϊον·

cf. *Solon* 25.4 and *Ath.Pol.* 12.5; Edmonds, *op.cit.* (*supra* n.14) 123, 149.

<sup>34</sup> Plut. *Lyc.* 11, cf. *Mor.* 227A–B; Val.Max. 5.3 ext. 2; Stob. *Flor.* 3.19.3; Ael. *VH* 13.23–25; Paus. 3.18.2. There is an interesting parallel to the story of Charondas' death (see *infra*) in Plutarch's report that after the injury done to Lycurgus the Spartans abandoned the custom of carrying staves to the assembly (*Lyc.* 11.4).

<sup>35</sup> Ael. *VH* 13.24; Val.Max. 6.5 ext. 3; Heraclid.Lemb. *Exc.Polit.* 61 Dilts. Jacoby comments on Timaeus (*loc.cit.*, *supra* n.3), "Er kannte auch die geschichte vom verhalten gegen seinen sohn... deren ausgang merkwürdig an den einaügigen Lykurg erinnert" (n.543 *ad loc.*).

<sup>36</sup> Diod. 12.19.1–2; Val.Max. 6.5 ext. 4; Eustath. *ad Il.* 1.197 attributes the action to Zaleucus. There is an exact doublet of this story in Diodorus' account of Diocles of Syracuse (13.33.2–3); the doublet may indicate that such behavior was routinely expected of a lawgiver. It exemplifies what Fairweather calls "floating biographical *topoi*... motifs which are freely transferable from one person's *Life* to another": *op.cit.* (*supra* n.19) 266.

<sup>37</sup> Ael. *VH* 13.24 mentions the following four instances: Zaleucus (*supra* n.35); Cleisthenes, cf. Androtion *FGrHist* 324 F 6; Lycurgus the orator, cf. Philochoros *FGrHist* 328 F 65; and Pericles, cf. Plut. *Per.* 37, *Mor.* 842A, and Philochoros *FGrHist* 328 F 119 and Jacoby's n.6 *ad loc.*

It can furnish an illustration of fortune's mutability or of the statesman's probity.<sup>38</sup> Although the theme retains its literary and ethical overtones, it acquires special significance within the legends of the lawgivers. When the legislator submits to punishment rather than exempt himself or change the law, it is clear that the code has become supreme.

At the final stage of the legends the crisis in the state has been resolved by the stability of the code. It is worth noting that all the legends contain some provision to ensure the continuation of the original code in its original form. At Locri Zaleucus decreed that if anyone wished to introduce a new law or change one already in existence, he had to argue his case before the Council with a noose around his neck. Forensic criticism was swift and direct, for if he failed to persuade he was strangled on the spot.<sup>39</sup> Demosthenes claims that only one law was so changed in over 200 years. On seeing that the laws had attained completion, Lycurgus made the Spartans swear a solemn oath that they would not tamper with the code.<sup>40</sup> The laws that Solon made were intended to last for a period of one hundred years, and they were absolutely protected by oath for the first ten years.<sup>41</sup> Such measures notwithstanding, the fact that the lawgiver himself retained the power to change the code made him, as we have seen, a potential threat to its operation. In the legends, the danger is relieved in two ways, by the death of the lawgiver or by his departure into self-imposed exile. Thus Charondas had killed himself, and Zaleucus is said to have died in battle on behalf of his city.<sup>42</sup> Solon, vexed by constant demands for his judgement, left Athens for the ten years covered by the oath of his fellow citizens. It is said that he visited Egypt, Crete and Lydia, where he conducted his famous interview with Croesus.<sup>43</sup>

<sup>38</sup> So Arist. *Ath.Pol.* 16.8: despite his power as tyrant, Pisistratus appears in court to defend himself against a charge of murder.

<sup>39</sup> Dem. 24.139–41; Polyb. 12.16; Hierocles *ap.* Stob. 3.39.36 Hense; Bekker, AG I 220 s.v. βρόχος. Diodorus attributes the law to Charondas (12.17).

<sup>40</sup> Plut. *Lyc.* 29.1–3; cf. Tigerstedt, *op.cit.* (*supra* n.13) II 226–28.

<sup>41</sup> Hdt. 1.29.2; Arist. *Ath.Pol.* 7.2, 11.1; Plut. *Solon* 25.1, 6; cf. Martina, *op.cit.* (*supra* n.14) 11 (τ 33), and Edmonds, *op.cit.* (*supra* n.14) 107–09.

<sup>42</sup> *Suda* s.v. Ζάλευκος. The *Suda*, s.v. Δράκων, also has the story of Draco's death. He was invited to Aegina, and when he arrived there the people were so happy to see him that they showered down cloaks and cushions in such quantity that he was smothered. The biographies of ancient writers also contain numerous examples of such amazing death stories; cf. Fairweather, *op.cit.* (*supra* n.19) 269–70.

<sup>43</sup> Solon's travels were a popular topic, with numerous references; see Martina, *op.cit.* (*supra* n.14) 11–12 (τ 33–37) and n. *ad loc.*, p.427. The same is true of the interview with

Having exacted the aforementioned oath from the Spartans, Lycurgus added the further condition that the oath remain in effect until he came back from a journey to Delphi. He then made the promise, and the code, permanent, by never returning to Sparta.<sup>44</sup>

Having arrived at this point, we can summarize the material in schematic form:

i. Initial stage—crisis in the state; rise of one man, uniquely suited for the task 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.

Underlying the biographical narrative is the state's progress from *anomia* to *eunomia*. Indeed it might even be said that the hidden hero of the legends is codified law itself; once the code is self-sustaining, the legislator becomes superfluous. It is in this context that all of the details of the legends acquire their significance. They do not represent careless error or simple hagiography. Rather they are consistent and unified in that they contribute to the idea of the excellence of the laws. The Greeks had a well-known tendency to ascribe the creation of their various institutions to a single person.<sup>45</sup> It is striking how forcefully the legends assert that law is a human endeavor. As we have seen, divine inspiration is only one among many sources for law and by no means the most important. Such a concept is very different from that embodied, for example, in the story of Moses, who received the laws from God and passed them on without any additions of his

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Croesus, which came to exemplify the contrast between Greek and barbarian, statesman and king, wise man and fool, etc.; cf. Martina 32–50 (τ 70–99), and Edmonds, *op.cit.* (*supra* n.14) 109–11.

<sup>44</sup> So Plut. *Lyc.* 29, with the additional information that Lycurgus killed himself by fasting. Later (*Lyc.* 31) Plutarch records different traditions about where he died; some say on Cirrha or Elis, but Timaeus (*FGrHist* 566 F 128), Aristoxenus (fr.44 Wehrli) and Aristocrates (*FGrHist* 591 F 3) agree that he died in Crete; cf. Tigerstedt, *op.cit.* (*supra* n.13) I 589 n.660 and II 238.

<sup>45</sup> See A. Kleingünther, *Πρώτος Εὐπετής: Untersuchungen zur Geschichte einer Fragestellung* (*Philologus* Suppl. 26, Leipzig 1933).

own. The Greek codes are produced in response to a crisis and, from then on, serve as the foundation for stability and social harmony. The success of Zaleucus, Charondas, Lycurgus and Solon is best confirmed by the widespread tradition that praises their cities as exemplary in their *eunomia*.<sup>46</sup>

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<sup>46</sup> So, for example, Pl. *Tim.* 20A, *Resp.* 599D–E, *Leg.* 638B; Arist. *Pol.* 2.1274b, 4.1296a; Isoc. *Nicoles* 24, *Paneg.* 39; Dem. 24.139–41, etc.

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