

Drakon revisited

1. *Ath. Pol.* 7.1

Πολιτείαν δὲ κατέστησε καὶ νόμους ἔθηκεν ἄλλους, τοῖς δὲ Δράκοντος θεσμοῖς ἐπαύσαντο χρώμενοι πλὴν τῶν φονικῶν. ἀναγράψαντες δὲ τοὺς νόμους εἰς τοὺς κύρβεις ἔστησαν ἐν τῇ στοᾷ τῇ βασιλείῳ καὶ ὥμοσαν χρήσασθαι πάντες.

Next Solon drew up a constitution and enacted new laws; and they ceased to use the ordinances of Drakon, with the exception of those on homicide. They inscribed the laws on the wooden stands, and set them up in the King's Porch, and all swore to obey them.

2. *P. Berol.* 5008 B 7 ff. = *FGH* 72, F.13

Δίδυμος. . . . ἐπεὶ φησί, τοὺς ἄξονας καὶ τοὺς κύρβεις ἄνωθεν ἐκ τῆς ἀκροπόλεως εἰς τὸ βουλευτήριον καὶ τὴν ἀγορὰν μετέστησεν Ἐφιάλτης, ὥς φησιν Ἀναξιμένης ἐν Φιλιππικοῖς.

Didymos says: 'because Ephialtes moved the *axons* and the *kyrbeis* from the Akropolis to the Council chamber (*bouleuterion*) and the Agora, according to Anaximenes in his *Philippika*.

3. *Pollux* 8.129

ἄξονες δὲ τετράγωνοι χαλκοὶ ἦσαν, ἔχοντες τοὺς νόμους. ἀπέκειντο δὲ οἱ τε κύρβεις καὶ οἱ ἄξονες ἐν ἀκροπόλει πάλαι αὖθις δ' ἵνα πᾶσιν ἐξῇ ἐντυγχάνειν, εἰς τὸ πρυτανεῖον καὶ τὴν ἀγορὰν μετεκομίσθησαν.

The *axons* were four sided bronze objects containing the laws. The *kyrbeis* and the *axons* were set apart on the Akropolis in olden times. Subsequently, so that all would be able to encounter them, they were moved to the Prytaneion and the Agora.

4. *Ath. Pol.* 3.5

Θ[εσ]μοθέται δὲ πολλοῖς ὕστερον ἔτεσιν ἡρέθησαν, ἤδη κατ' ἐνιαυτὸν αἰρουμέ[νων] τὰς ἀρχάς, ὅπως ἀναγράψαντες τὰ θέσμια φυλάττωσι πρὸς τὴν τῶν ἀμφι[σ]βητ[ού]ντων κρίσιν.

The Thesmothetai were appointed many years afterwards, when these offices had already become annual, with the object that they might publicly record all legal decisions (*thesmia*), and act as guardians of them with a view to determining the issues between litigants.

5. *Ath. Pol.* 3.1

Ἦν δ' ἡ τάξις τῆς ἀρχαίας πολιτείας τῆς πρὸ Δράκοντος τοιάδε. τὰς μὲν ἀρχὰς [καθ]ίστασαν ἀριστίνδην καὶ πλουτίνδην.

Now the ancient constitution before the time of Drakon, was as follows. They elected the magistrates on the basis of birth and wealth.

6. Lysias 1.49

πολὺ γὰρ οὕτω δικαιότερον ἢ ὑπὸ τῶν νόμων τοὺς πολίτας ἐνεδρεύεσθαι, οἱ κελεύουσι μὲν, ἐάν τις μοιχὸν λάβῃ, ὅ τι ἂν οὖν βούληται χρῆσθαι . . .

This is far more fair than to be ambushed by the laws, which instruct that if anyone catches a seducer, he may treat him as he chooses . . .

7. [Dem.] 59.64-6

Στέφανος οὗτοςί, μεταπεμψάμενος εἰς ἀγρὸν ὡς θύων, λαμβάνει μοιχὸν ἐπὶ τῇ θυγατρὶ τῇ Νεαίρας ταυτησί, καὶ εἰς φόβον καταστήσας πράττεται μνᾶς τριάκοντα, καὶ λαβὼν ἐγγυητὰς τούτων Ἀριστόμαχόν τε τὸν Θεσμοθετήσαντα καὶ Ναυσίφιλον τὸν Ναυσινίκου τοῦ ἄρξαντος υἱόν, ἀφήσιν ὡς ἀποδώσοντα αὐτῷ τὸ ἀργύριον. ἐξελθὼν δὲ ὁ Ἐπαίνετος [64] Now observe the rapacity and unscrupulousness of this man Stephanos, and this too will make you realize that this woman Neaira is a foreigner. Stephanos here laid a plot against Epainetos of Andros, a long-standing lover of Neaira's who had spent a great deal on her, and who used to stay with them whenever he was in Athens because of his affection for Neaira; [65] he invited Epainetos to the country on the pretext of making sacrifice, then seized him as a seducer caught with the daughter of Neaira here, and by intimidation extorted a ransom of thirty mnai. He accepted as sureties for this sum Aristomachos who had served as Thesmothetes and Nausiphilos the son of Nausinikos who had been Archon and released Epainetos on an understanding that he would pay the money. [66] Once Epainetos got out and was his own master he brought an indictment against this man Stephanos before the Thesmothetai for false imprisonment under the law which prescribes that if anyone falsely imprisons another as a seducer the victim may indict him before the Thesmothetai for false imprisonment, and that if he secures the conviction of the man who imprisoned him and it is decided that he has been the victim of a dishonest plot, he is liable to no penalty and his sureties are quit of their bail; however, if it is decided that he is a seducer, the law prescribes that his sureties are to deliver him to his captor, who may treat him as he chooses in the court, short of using a knife, on the grounds that he is a seducer.

8. Lysias 1.29

οὐκ ἡμφεσβήτει, ὦ ἄνδρες, ἀλλ' ὡμολόγει ἀδικεῖν, καὶ ὅπως μὲν μὴ ἀποθάνῃ ἡντεβόλει καὶ ἰκέτευεν, ἀποτίνειν δ' ἔτοιμος ἦν χρήματα.

He did not dispute his guilt, gentlemen, but confessed it, and begged and pleaded not to die but offered to pay money.

9. Homer *Odyssey* 8.329-348

‘οὐκ ἀρετᾶ κακὰ ἔργα· κιχάνει τοι βραδὺς ὠκύν,
ὡς καὶ νῦν Ἥφαιστος ἐὼν βραδὺς εἶλεν Ἄρηα,
ὠκύτατόν περ ἐόντα θεῶν, οἱ Ὀλυμπον ἔχουσι,
χωλὸς ἐὼν, τέχνησι· τὸ καὶ μοιχάγρι' ὀφέλλει.’

ὥς οἱ μὲν τοιαῦτα πρὸς ἀλλήλους ἀγόρευον·
Ἐρμῆν δὲ προσέειπεν ἄναξ Διὸς υἱὸς Ἀπόλλων·

“Ἑρμεία Διὸς υἱέ, διάκτορε, δῶτορ ἑάων,
 ἧ ῥά κεν ἐν δεσμοῖσ' ἐθέλοις κρατεροῖσι πιεσθεῖς
 εὖδεν ἐν λέκτροισι παρὰ χρυσῇ Ἀφροδίτῃ·
 τὸν δ' ἡμείβετ' ἔπειτα διάκτορος Ἀργεῖφόντης·
 ‘αἶ γὰρ τοῦτο γένοιτο, ἄναξ ἑκατηβόλ' Ἀπολλων.
 δεσμοὶ μὲν τρεῖς τόσσοι ἀπείρονες ἀμφὶς ἔχουσιν,
 ὑμεῖς δ' εἰσορόωτε θεοὶ πᾶσαί τε θέαιναι,
 αὐτὰρ ἐγὼν εὖδοιμι παρὰ χρυσῇ Ἀφροδίτῃ.’
 ὥς ἔφατ', ἐν δὲ γέλωι ὦρτ' ἀθανάτοισι θεοῖσιν.
 οὐδὲ Ποσειδάωνα γέλωι ἔχε, λίσσετο δ' αἰεὶ
 Ἥφαιστον κλυτοεργόν, ὅπως λύσειεν Ἄρηα·
 καὶ μιν φωνήσας ἔπεα πτερόεντα προσηύδα·
 ‘λῦσον· ἐγὼ δέ τοι αὐτὸν ὑπίσχομαι, ὥς σὺ κελεύεις,
 τείσειν αἵσιμα πάντα μετ' ἀθανάτοισι θεοῖσι.’

“Ill deeds thrive not. The slow catches the swift; even as now Hephaestus, slow though he is, has out-stripped Ares for all that he is the swiftest of the gods who hold Olympus. Lame though he is, he has caught him by craft, wherefore Ares owes the fine of the adulterer.” Thus they spoke to one another. But to Hermes the lord Apollo, son of Zeus, said: “Hermes, son of Zeus, messenger, giver of good things, wouldst thou in sooth be willing, even though ensnared with strong bonds, to lie on a couch by the side of golden Aphrodite?” Then the messenger, Argeiphontes, answered him: “Would that this might befall, lord Apollo, thou archer god— that thrice as many bonds inextricable might clasp me about and ye gods, aye, and all the goddesses too might be looking on, but that I might sleep by the side of golden Aphrodite.” So he spoke and laughter arose among the immortal gods. Yet Poseidon laughed not, but ever besought Hephaestus, the famous craftsman, to set Ares free; and he spoke, and addressed him with winged words: “Loose him, and I promise, as thou biddest me, that he shall himself pay thee all that is right in the presence of the immortal gods.” Trans. Murray.

10. Stephanos of Byzantion *Ethnika. Epitome* 2 p.615

Τένεδος ... ἔστι καὶ ἑτέρα παροιμία Τενέδιος πέλεκυς, ἐπὶ τῶν ἥτοι πικρῶς ἢ καὶ μᾶλλον συντόμως ἀποκοπτόντων τὰ ζητήματα καὶ τὰ ἄλλα πράγματα. ... φησὶν Ἀριστοτέλης ἐν τῇ Τενεδίων πολιτείᾳ ὅτι βασιλεύς τις ἐν Τενέδῳ νόμον ἔθηκε τὸν καταλαμβάνοντα μοιχοὺς ἀναιρεῖν πελέκει ἀμφοτέρους. ἐπειδὴ δὲ συνέβη τὸν υἱὸν αὐτοῦ καταληφθῆναι μοιχόν, ἐκύρωσε καὶ περὶ τοῦ ιδίου παιδὸς τηρηθῆναι τὸν νόμον καὶ ἀναιρεθέντος εἰς παροιμίαν παρῆλθε τὸ πρᾶγμα ἐπὶ τῶν ὡμῶς πρᾶττομένων. διὰ τοῦτό φησι καὶ ἐπὶ τοῦ νομίσματος τῶν Τενεδίων κεχαράχθαι ἐν μὲν τῷ ἑτέρῳ μέρει πέλεκυν, ἐπὶ δὲ τοῦ ἑτέρου δύο κεφαλὰς εἰς ὑπόμνησιν τοῦ περὶ τὸν παῖδα παθήματος. There is another proverb: *axe of Tenedos*, referring to those who ill-humouredly or too brusquely cut short enquiries or other matters. Aristotle says in his *Constitution of Tenedos* that a king at Tenedos that a man who caught people in adultery (*moicheia*)

could kill both with an axe. And when it came about that his son was taken in adultery, he ruled that the law should hold good even in the case of his own son, and when was killed, the affair became a proverb relating to people who act cruelly. This, he says, is why on Tenedian coinage on one side is inscribed an axe and on the other two heads, as a reminder of the misfortune of the son.

11. Aelian *VH*13.24:

Ζάλευκος ὁ Λοκρῶν νομοθέτης προσέταξε τὸν μοιχὸν ἀλόντα ἐκκόπτεσθαι τοὺς ὀφθαλμούς. ἃ τοίνυν μηδὲ προσεδόκησε, ταῦτα ὁ δαίμων αὐτῷ παρὰ τὴν δόξαν καὶ τὴν ἐλπίδα ἐπήγαγεν· ὁ γάρ τοι παῖς ἀλοῦς ἐπὶ μοιχείᾳ εἶτα ἔμελλε πείσεσθαι τὰ ἐκ τοῦ πατρῷου νόμου. ἐνταῦθα ἵνα μὴ διαφθαρεῖ τὸ ἄπαξ κεκυρωμένον, ὑπέμεινεν αὐτὸς ὁ ἐσηγησάμενος ὑπὲρ τοῦ ἑτέρου τῶν τοῦ παιδὸς ὀφθαλμῶν ἀντιδοῦναι τὸν ἑαυτοῦ, ἵνα μὴ ὁ νεανίσκος τυφλωθῇ τελέως.

Zaleukos the lawgiver of Lokris prescribed that the man who was taken in adultery should have his eyes put out. But against his hope and expectation fate brought about something he did not anticipate. For his son was caught in adultery and was as a result about to suffer the punishment in his father's law. At that point, to prevent the destruction of the law earlier enacted, the man who proposed the law agreed to give one of his own eyes for one of his son's, so that the young man would not be completely blinded.

12. *IC* IV 72 (Gortyn) col.III.20-25

αἱ κα τὰν ἐλευθέραν
μοικίῳν αἰλεθεῖ ἐν πατρὸς ἔ ἐν ἀ-
δελπιῳ ἔ ἐν τῷ ἀνδρός, ἑκατὸν
στατέρανς καταστασεῖ· αἱ δέ κ' ἐ-
ν ἄλλῳ, πεντέκοντα· αἱ δέ κα τὰν
τῷ ἀπεταίρῳ, δέκα·

If one be taken in adultery with a free woman in her father's, brother's, or husband's house, he shall pay 100 *stater*s, but if in another's house, fifty; and with the wife of an *apetairos*, ten.

13. Homer *Iliad* 9.629-33

ἄγριον ἐν στήθεσσι θέτο μεγάλητορα θυμὸν
σχέτλιος, οὐδὲ μετατρέπεται φιλόητος ἑταίρων
τῆς ἧ μιν παρὰ νηυσὶν ἐτίομεν ἔξοχον ἄλλων
νηλῆς· καὶ μὲν τίς τε κασιγνήτοιο φονῆος
ποινὴν ἧ οὗ παιδὸς ἐδέξατο τεθνηῶτος·

But Achilles hath wrought to fury the proud heart within him, cruel man! neither recketh he of the love of his comrades wherewith we ever honoured him amid the ships above all others—pitiless one! Lo, a man accepteth recompense from the slayer of his brother, or for his dead son. Trans. Murray.

14. Dem.23.51

Ὁ μὲν νόμος ἐστὶν οὗτος Δράκοντος, ὃ ἄνδρες Ἀθηναῖοι, καὶ οἱ ἄλλοι δὲ ὅσους ἐκ τῶν φονικῶν νόμων παρεγραψάμεν δειδὼς ἂν λέγει σκέψασθαι. ἵκατὰ τῶν ἐνδεικνύντων⁷ φησὶ τοὺς κατιόντας ἀνδροφόνους ὅποι μὴ ἔξεστι δίκας φόνου μὴ εἶναι. ἔνταυθι δύο δηλοῖ δίκαια, ἃ παρ' ἀμφοτέρω οὗτος εἵρηκεν τὸ ψήφισμα, ὅτι τ' ἐνδεικνύναι δίδωσι τὸν ἀνδροφόνον καὶ οὐκ αὐτὸν ἀγώγιμον οἴχεσθαι λαβόντα, καὶ ὅτι, ἐὰν κατὴ τις ὅποι μὴ ἔξεστι, καὶ αὐτὸ τοῦτο δίδωσιν, οὐχ ὅπου βούλεται τις. οὐκ ἔξεστι δὲ ποῖ;

This statute, men of Athens, like all the other excerpts from the law of homicide which I have cited for comparison, is a statute of Drakon; and you must pay attention to his meaning. "No man is to be liable to prosecution for murder for laying information against manslayers who return from exile illegally." Herein he exhibits two principles of justice, both of which have been transgressed by the defendant in his decree. In the first place, though he allows information to be laid against the homicide, he does not allow him to be seized and carried off; and secondly, he allows it only if an exile returns, not to any place, but to a prohibited place. Trans Murray.

15. *H.Hom.Herm.313-8*

Αὐτὰρ ἐπεὶ τὰ ἕκαστα διαρρήδην ἐρέεινον
 Ἑρμῆς τ' οἰοπόλος καὶ Λητοῦς ἀγλαὸς υἱὸς
 ἀμφὶς θυμὸν ἔχοντες· ὁ μὲν νημερτέα φωνήν
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 οὐκ ἀδίκως ἐπὶ βουσὶν ἐλάζυτο κύδιμον Ἑρμῆν,
 αὐτὰρ ὁ τέχνησιν τε καὶ αἰμυλίοισι λόγοισιν
 ἤθελεν ἑξαπατᾶν Κυλλήνιος Ἀργυρότοξον·

So Hermes the shepherd and Leto's glorious son [315] kept stubbornly disputing each article of their quarrel: Apollo, speaking truly ... not unfairly sought to seize glorious Hermes because of the cows; but he, the Cyllenian, tried to deceive the God of the Silver Bow with tricks and cunning words.

16. *Lysias fr.40b*

ἀργίας δίκη· Λυσίας ἐν τῷ κατὰ Ἀρίστωνός φησιν ὅτι Δράκων ἦν ὁ θεὸς τὸν νόμον, αὐθις δὲ καὶ Σόλων ἐχρήσατο, θάνατον οὐχ ὀρίσας ὥσπερ ἐκεῖνος, ἀλλ' ἀτιμίαν, ἐὰν τις ἄλῳ τρίς, ἐὰν δ' ἅπαξ, ζημιοῦσθαι δραχμὰς ἑκατόν.

Suit for idleness. Lysias in his speech *Against Ariston* says that Drakon was the person who passed this law and that Solon too subsequently used it, but not with death as the penalty unlike Drakon but loss of rights (*atimia*), if a man was convicted three times and a fine of a hundred drachmas if he was convicted once..

17. *Plutarch Solon 17*

Πρῶτον μὲν οὖν τοὺς Δράκοντος νόμους ἀνείλε πλὴν τῶν φονικῶν ἅπαντας διὰ τὴν χαλεπότητα καὶ τὸ μέγεθος τῶν ἐπιτιμιῶν. μία γὰρ ὀλίγου δεῖν ἅπασιν ὥριστο ζημία τοῖς ἀμαρτάνουσι θάνατος, ὥστε καὶ τοὺς ἀργίας

άλόντας ἀποθνήσκειν, καὶ τοὺς λάχανα κλέψαντας ἢ ὀπώραν ὁμοίως κολάζεσθαι τοῖς ἱεροσύλοις καὶ ἀνδροφόνοις.

In the first place, then, he repealed the laws of Drakon, all except those concerning homicide¹ because they were too severe and their penalties too heavy. For one penalty was assigned to almost all transgressions, namely death, so that even those convicted of idleness were put to death, and those who stole salad or fruit received the same punishment as those who committed sacrilege or murder. Trans Bernadotte Perrin

18a. Ancient commentator on Aristophanes *Knights* 445

ἐκ τῶν ἀλιτηρίων· τῶν μετεχόντων τοῦ Κυλωνείου ἄγους, ὅπερ εἰς τὴν Ἀθηνᾶν δοκεῖ γενέσθαι ἀσέβημα, ἐπειδὴ περ οἱ συγκατακλεισθέντες τῷ Κύλωνι ἐν τῇ ἀκροπόλει εἰς τὴν κρίσιν κατέβησαν ἐν Ἀρείῳ πάγῳ, ἐκ τοῦ ἔδους τῆς θεοῦ ἐξάψαντες τὴν ἱκετηρίαν. ἥς διαρρυείσης λίθοις αὐτοὺς ἔβαλλον οἱ Ἀθηναῖοι.

‘Belonging to the cursed’: those who shared in the curse of Kylon, which seems to have been an act of impiety against Athena, since those who had been hemmed in on the Akropolis with Kylon went down to be tried on the Areopagos with their suppliant thread attached to the seat of the goddess, and when it broke the Athenians stoned them.

18b. Plutarch *Solon* 12

Τὸ δὲ Κυλώνειον ἄγος ἤδη μὲν ἐκ πολλοῦ διετάραττε τὴν πόλιν, ἐξ οὗ τοὺς συνωμότας τοῦ Κύλωνος ἱκετεύοντας τὴν θεὸν Μεγακλῆς ὁ ἄρχων ἐπὶ δίκη κατελθεῖν ἔπεισεν, ἐξάψαντας δὲ τοῦ ἔδους κρόκην κλωστήν καὶ ταύτης ἐχομένους, ὥς ἐγένοντο περὶ τὰς Σεμνὰς θεὰς καταβαίνοντες, αὐτομάτως τῆς κρόκης ῥαγείσης, ὥρμησε συλλαμβάνειν ὁ Μεγακλῆς καὶ οἱ συνάρχοντες, ὥς τῆς θεοῦ τὴν ἱκεσίαν ἀπολεγομένης, καὶ τοὺς μὲν ἔξω κατέλευσαν, οἱ δὲ τοῖς βωμοῖς προσφυγόντες ἀπесφάγησαν, μόνοι δ' ἀφείθησαν οἱ τὰς γυναῖκας αὐτῶν ἱκετεύσαντες.

Now the Cylonian pollution had for a long time agitated the city, ever since Megacles the archon had persuaded Cylon and his fellow conspirators, who had taken sanctuary in the temple of Athena, to come down and stand their trial. They fastened a braided thread to the image of the goddess and kept hold of it, but when they reached the shrine of the Erinyes on their way down, the thread broke of its own accord, upon which Megacles and his fellow-archons rushed to seize them, on the plea that the goddess refused them the rights of suppliants. Those who were outside of sacred precincts were stoned to death, and those who took refuge at the altars were slaughtered there; only those were spared who made supplication to the wives of the archons.

19. Hesiod *Works and Days* 34-9

σοὶ δ' οὐκέτι δεύτερον ἔσται
ᾧδ' ἔρδειν· ἀλλ' αὖθι διακρινώμεθα νεῖκος
ἰθείησι δίκης, αἶ τ' ἐκ Διός εἰσιν ἄρισται.
ἤδη μὲν γὰρ κλῆρον ἔδασσάμεθ', ἄλλα τε πολλὰ

ἀρπάζων ἐφόρεις μέγα κυδαίνων βασιλῆας
δωροφάγους, οἱ τήνδε δίκην ἐθέλουσι δικάσσαι.

But you shall have no second chance to deal so again: nay, let us settle our dispute here with true judgement which is of Zeus and is perfect. For we had already divided our inheritance, but you seized the greater share and carried it off, greatly swelling the glory of our bribe-swallowing lords who love to judge this case. Trans. Evelyn-White adjusted

20a. [Dem.]44.68

ὁ νόμος λῆγει. ὅσοι μὴ ἐπεποίηντο' φησὶν ὅτε Σόλων εἰσῆει εἰς τὴν ἀρχήν, ἐξεῖναι αὐτοῖς διαθέσθαι ὅπως ἂν ἐθέλωσιν', ὡς τοῖς γε ποιηθεῖσιν οὐκ ἐξὸν διαθέσθαι, ἀλλὰ ζῶντας ἐγκαταλιπόντας υἱὸν γνήσιον ἐπανιέναι, ἢ τελευτήσαντας ἀποδιδόναι τὴν κληρονομίαν τοῖς ἐξ ἀρχῆς οἰκείοις οὔσι τοῦ ποιησαμένου.

All those who had not been adopted," says the lawgiver, "at the time when Solon entered upon office, may bequeath their property by will, as they see fit," thus indicating that those who were adopted might not so dispose of theirs, but that they might return to their families in their lifetime, leaving a lawfully born son in their place; otherwise, in case of death, they must give back the property to those who from the first were relatives of the adoptive father. Trans. Murray.

20b. [Dem.]46.14

NOMOS.

Ὅσοι μὴ ἐπεποίηντο, ὥστε μήτε ἀπειπεῖν μήτ' ἐπιδικάσασθαι, ὅτε Σόλων εἰσῆει τὴν ἀρχήν, τὰ ἑαυτοῦ διαθέσθαι εἶναι ὅπως ἂν ἐθέλη, ἂν μὴ παῖδες ὥσι γνήσιοι ἄρρενες, ἂν μὴ μανιῶν ἢ γήρως ἢ φαρμάκων ἢ νόσου ἔνεκα, ἢ γυναικὶ πειθόμενος, ὑπὸ τούτων του παρανοῶν, ἢ ὑπ' ἀνάγκης ἢ ὑπὸ δεσμοῦ καταληφθεῖς.

Law

Any citizen, with the exception of those who had been adopted when Solon entered upon his office, and had thereby become unable either to renounce or to claim an inheritance, shall have the right to dispose of his own property by will as he shall see fit, if he have no male children lawfully born, unless his mind be impaired by one of these things, lunacy or old age or drugs or disease, or unless he be under the influence of a woman, or under constraint or deprived of his liberty. Trans. Murray.

21. Aristotle *Rhetoric* 1400b20ff

ἄλλος ἀπὸ τοῦ ὀνόματος, οἷον ὡς ὁ Σοφοκλῆς
σαφῶς σιδήρῳ καὶ φοροῦσα τοῦνομα,
καὶ ὡς ἐν τοῖς τῶν θεῶν ἐπαίνοις εἰώθασι λέγειν, καὶ ὡς Κόνων
Θρασύβουλον θρασύβουλον ἐκάλει, καὶ Ἡρόδικος Θρασύμαχον "ἀεὶ

θρασύμαχος εἶ", καὶ Πῶλον "ἀεὶ σὺ πῶλος εἶ", καὶ Δράκοντα τὸν νομοθέτην, ὅτι οὐκ ἀνθρώπου οἱ νόμοι ἀλλὰ δράκοντος (χαλεποὶ γάρ).

Another topic is derived from the meaning of a name. For instance, Sophocles says, "Certainly you are iron, like your name."

This topic is also commonly employed in praising the gods.

Konon used to call Thrasyboulos "the man bold in counsel," and Herodikos said of Thrasymachos, "You art always bold in fight," and of Polos, "You are always Polos (colt) by name and colt by nature," and of Drakon the legislator that his laws were not those of a man, but of a dragon, so severe were they. Trans, Freese adapted.

22. Plutarch Solon 18

διὸ Δημάδης ὕστερον εὐδοκίμησεν εἰπὼν, ὅτι δι' αἵματος, οὐ διὰ μέλανος, τοὺς νόμους ὁ Δράκων ἔγραψεν. αὐτὸς δ' ἐκεῖνος ὥς φασιν ἐρωτώμενος, διὰ τί τοῖς πλείστοις ἀδικήμασι ζημίαν ἔταξε θάνατον, ἀπεκρίνατο, τὰ μὲν μικρὰ ταύτης ἄξια νομίζειν, τοῖς δὲ μεγάλοις οὐκ ἔχειν μείζονα.

Therefore Demades, in later times, made a hit when he said that Drakon's laws were written not with ink, but blood. And Drakon himself, they say, being asked why he made death the penalty for most offences, replied that in his opinion the lesser ones deserved it, and for the greater ones no heavier penalty could be found. Trans. Bernadotte Perrin.

23. Lysias 1.31

καὶ οὕτω σφόδρα ὁ νομοθέτης ἐπὶ ταῖς γαμεταῖς γυναιξὶ δίκαια ταῦτα ἡγήσατο εἶναι, ὥστε καὶ ἐπὶ ταῖς παλλακαῖς ταῖς ἐλάττονος ἀξίαις τὴν αὐτὴν δίκην ἐπέθηκε. καίτοι δηλὸν ὅτι, εἴ τινα εἶχε ταύτης μείζω τιμωρίαν, ἐπὶ ταῖς γαμεταῖς ἐποίησεν ἄν. νῦν δὲ οὐχ οἷός τε ὦν ταύτης ἰσχυροτέραν ἐπ' ἐκείναις ἐξευρεῖν, τὴν αὐτὴν καὶ ἐπὶ ταῖς παλλακαῖς ἡξίωσε γίνεσθαι. ἀνάγνωθι δέ μοι καὶ τοῦτον τὸν νόμον.

And the lawgiver was so convinced of the justice of this [i.e. the right to kill the seducer] in the case of married women that he imposed the same penalty in the case of concubines, who are of less importance. Yet clearly, if he had had a harsher penalty in the case of married women, he would have employed it. As it is, unable to find a more severe penalty in their case, he determined that the punishment should be the same as in the case of concubines.

24. Dem.24 113-4

ὁ Σόλων, ὃ ἄνδρες δικασταί, ὃ οὐδ' ἂν αὐτὸς Τιμοκράτης φήσειεν ὅμοιος νομοθέτης εἶναι, οὐχ ὅπως ἀσφαλῶς κακουργήσουσι φαίνεται παρασκευάζων τοῖς τοιούτοις, ἀλλ' ὅπως ἢ μὴ ἀδικήσουσιν ἢ δώσουσι δίκην ἀξίαν, καὶ νόμον εἰσήνεγκεν, εἰ μὲν τις μεθ' ἡμέραν ὑπὲρ πεντήκοντα δραχμὰς κλέπτει, ἀπαγωγὴν πρὸς τοὺς ἑνδεκ' εἶναι, εἰ δέ τις νύκτωρ ὅτιοῦν κλέπτει, τοῦτον ἐξεῖναι καὶ ἀποκτεῖναι καὶ τρῶσαι διώκοντα καὶ ἀπαγαγεῖν

τοῖς ἑνδεκα, εἰ βούλοιτο. τῷ δ' ἁλόντι ὧν αἱ ἀπαγωγαί εἰσιν, οὐκ ἐγγυητὰς καταστήσαντι ἔκτισιν εἶναι τῶν κλεμμάτων, ἀλλὰ θάνατον τὴν ζημίαν. καὶ εἴ τις γ' ἐκ Λυκείου ἢ ἐξ Ἀκαδημείας ἢ ἐκ Κυνοσάργους ἱμάτιον ἢ ληκύθιον ἢ ἄλλο τι φαυλότατον, ἢ εἰ τῶν σκευῶν τι τῶν ἐκ τῶν γυμνασίων ὑφέλοιτο ἢ ἐκ τῶν λιμένων, ὑπὲρ δέκα δραχμάς, καὶ τούτοις θάνατον ἐνομοθέτησεν εἶναι τὴν ζημίαν. εἰ δέ τις ἰδίαν δίκην κλοπῆς ἀλοίη, ὑπάρχειν μὲν αὐτῷ διπλάσιον ἀποτεῖσαι τὸ τιμηθέν, προστιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ πρὸς τῷ ἀργυρίῳ δεσμὸν τῷ κλέπτῃ, πένθ' ἡμέρας καὶ νύκτας ἴσας, ὅπως ὀρῶεν ἅπαντες αὐτὸν δεδεμένον. καὶ τούτων ὀλίγῳ πρότερον ἠκούσατε τῶν νόμων. And yet Solon, gentlemen of the jury,—and even Timokrates cannot pretend to be a legislator of the same calibre as Solon,—so far from providing such defaulters with the means of swindling in security, actually introduced a law to ensure that they should either refrain from crime or be adequately punished. For a theft in day-time of more than fifty drachmas a man might be arrested summarily and put into custody of the Eleven. If he stole anything, however small, by night, the person aggrieved might lawfully pursue and kill or wound him, or else put him into the hands of the Eleven, at his own option. A man found guilty of an offence for which arrest is lawful was not allowed to put in bail and refund the stolen money; no, the penalty was death. Or suppose that he stole a cloak, or an oil-flask, or any such trifle, from the Lyceum, or the Academy, or Cynosarges, or any utensil from the gymnasia or the harbors, above the value of ten drachmas, for such thefts also Solon enacted the capital penalty. If a man was found guilty on a private prosecution for theft, while the normal penalty was double reparation, the court was empowered to add to the fine the extra penalty of imprisonment for five days and as many nights, so that everybody might see the thief in jail. You heard those laws read not long ago. Trans. Murray.

25. Pollux 8.43

τῆς δὲ ἀργίας ἐπὶ μὲν Δράκοντος ἀτιμία ἦν τὸ τίμημα· ἐπὶ δὲ Σόλωνος, εἰ τρίς τις ἀλώη, ἡτιμοῦτο.
For idleness the punishment under Drakon was loss of rights (*atimia*), under Solon loss of rights on third conviction.

26. Pollux 9.61

καὶ μὴν καὶ τοῖς Δράκοντος νόμοις ἔστιν ἀποτίνειν εἰκοσάβοιον.
And indeed in Drakon's laws occurred the phrase 'pay a twenty-oxen'.

27. Ath. Pol. 9.1

δοκεῖ δὲ τῆς Σόλωνος πολιτείας τρία ταῦτ' εἶναι τὰ δημοτικώτατα· πρῶτον μὲν καὶ μέγιστον τὸ μὴ δανείζειν ἐπὶ τοῖς σώμασιν, ἔπειτα τὸ ἐξεῖναι τῷ βουλομένῳ τιμωρ[εῖ]ν ὑπὲρ τῶν ἀδικουμένων, τρίτον δὲ <ῶ καὶ> μάλιστα φασιν ἰσχυκέναι τὸ πλῆθος, ἢ εἰς τὸ δικαστή[ριον] ἔφε[σι]ς· κύριος γὰρ ὧν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας.

And the three most democratic features in Solon's constitution seem to be these: first and most important the prohibition of loans secured upon the person, secondly the liberty

allowed to anybody who wished to exact redress on behalf of injured persons, and third, what is said to have been the chief basis of the powers of the multitude, the right of appeal to the jury-court—for the people, having the power of the vote, becomes sovereign in the government. Trans. Kenyon.

28. Lysias 10.18

Τὸ ἀργύριον στάσιμον εἶναι ἐφ' ὁπόσω ἂν βούληται ὁ δανείζων.
τὸ στάσιμον τοῦτό ἐστιν, ὃ βέλτιστε, οὐ ζυγῶ ἰστάναι ἀλλὰ τόκον
πράττεσθαι ὁπόσον ἂν βούληται.

Law “Money shall be placed out at whatever rate the lender may choose.” “Placed out” here, my fine fellow, is not a case of placing in the balance, but of drawing interest to such amount as one may choose. Trans. Lamb.

29. IG 1³ 1-2

πρῶτος ἄχσον.

καὶ ἐὰν μὲ 'κ ἐκ [π]ρονοί[α]ς [κ]τ[ένει τίς τινα,
φεύγ]ε[ν· δ]ικάζεν δὲ τὸς βασιλέας αἴτιο[ν] φόν[ο] . . . [β]ολ-
εύσαντα· τὸς δὲ ἐφέτας διαγν[]ν[α]ι. [αἰδέσασθαι δ' ἐὰν μὲν πατέρ]ρ []-
ι ἔ' ἀδελφὸς] ἔ' υἱος, χάπαντ[α]ς, ἔ' τὸν κο[λύ]οντα κρατ[]ν· ἐὰν δὲ μὲ] hoῦ-
τοι []σι, μέχρ' ἀνεφ[σι]ότετος καὶ [ἀνεφσι], ἐὰν χάπαντες αἰδέσ]ασ-
θαι ἐθέλοσι, τὸν κο[λύ]οντα [κ]ρα[τ] []ν·

First axon: ‘And if [or ‘even if’] a man kills without intent, he is to be exiled. And the kings are to judge the man guilty of murder . . . contriving. And the *ephetai* are to decide. Pardon may be given by father if there is one or brother or sons, all of them, or the one who refuses is to prevail. If there is none of these, then as far as the rank and person of cousin, if all wish to pardon, the one who refuses is to prevail.

30. Plutarch Solon 19.3-4

οἱ μὲν οὖν πλεῖστοι τὴν ἐξ Ἀρείου πάγου βουλήν, ὥσπερ εἴρηται, Σόλωνα συστήσασθαι φασί, καὶ μαρτυρεῖν αὐτοῖς δοκεῖ μάλιστα τὸ μηδαμοῦ τὸν Δράκοντα λέγειν μηδ' ὀνομάζειν Ἀρεοπαγίτας, ἀλλὰ τοῖς ἐφέταις ἀεὶ διαλέγεσθαι περὶ τῶν φονικῶν. ὁ δὲ τρισκαιδέκατος ἄξων τοῦ Σόλωνος τὸν ὄγδοον ἔχει τῶν νόμων οὕτως αὐτοῖς ὀνόμασι γεγραμμένον· ‘ἀτίμων ὅσοι ἄτιμοι ἦσαν πρὶν ἢ Σόλωνα ἄρξαι, ἐπιτίμους εἶναι, πλὴν ὅσοι ἐξ Ἀρείου πάγου ἢ ὅσοι ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφευγον ὅτε ὁ θεσμός ἐφάνη ὁδε.’ ταῦτα δὴ πάλιν ὡς πρὸ τῆς Σόλωνος ἀρχῆς καὶ νομοθεσίας τὴν ἐξ Ἀρείου πάγου βουλήν οὕσαν ἐνδείκνυται.

Now most writers say that the council of the Areiopagus, as I have stated, was established by Solon. And their view seems to be strongly supported by the fact that Draco nowhere makes any mention whatsoever of Areiopagites, but always addresses himself to the ‘ephetai’ in cases of homicide. Yet Solon's thirteenth table contains the eighth of his laws recorded in these very words: ‘As many of the disfranchised as were made such before the archonship of Solon, shall be restored to their rights and franchises, except such as

were condemned by the Areiopagus, or by the ephetai, or in the prytaneium by the kings, on charges of murder or homicide, or of seeking to establish a tyranny, and were in exile when this law was published.'

31. Plutarch *Solon* 31.6

καὶ νόμους αὐτὸς ἑτέροισι ἔγραψεν, ὧν ἐστὶ καὶ ὁ τοὺς πηρωθέντας ἐν πολέμῳ δημοσίᾳ τρέφεσθαι κελεύων. τοῦτο δὲ φησὶν Ἡρακλείδης καὶ πρότερον ἐπὶ Θερσίππῳ πηρωθέντι τοῦ Σόλωνος ψηφισαμένου μιμήσασθαι τὸν Πεισίστρατον. ὥς δ' ὁ Θεόφραστος ἱστορεῖ, καὶ τὸν τῆς ἀργίας νόμον οὐ Σόλων ἔθηκεν, ἀλλὰ Πεισίστρατος, ᾧ τὴν τε χώραν ἐνεργότεραν καὶ τὴν πόλιν ἡρεμαιοτέραν ἐποίησεν.

[Peisistratos] also made other laws himself, one of which provides that those who are maimed in war shall be maintained at the public charge. But Heracleides says that even before that Solon had caused a decree to be passed to this effect in the case of Thersippus, who had been so maimed, and that Peisistratus was following his example. Moreover, Theophrastus writes that the law against idleness, in consequence of which the country became more productive and the city more tranquil, was not made by Solon, but by Peisistratus. Trans. Bernadotte Perrin

32. Herodotos 2.177

Νόμον δὲ Αἰγυπτίοισι τόνδε Ἄμασις ἐστὶ ὁ καταστήσας, ἀποδεικνύναι ἕτερος ἑκάστου τῷ νομάρχῃ πάντα τινὰ Αἰγυπτίων ὅθεν βιοῦται· μὴ δὲ ποιεῦντα ταῦτα μηδὲ ἀποφαίνοντα δικαίην ζόην ἰθύνεσθαι θανάτῳ. Σόλων δὲ ὁ Ἀθηναῖος λαβὼν ἐξ Αἰγύπτου τοῦτον τὸν νόμον Ἀθηναίοισι ἔθετο· τῷ ἐκείνοι ἐς αἰεὶ χρέωνται, ἐόντι ἀμώμῳ νόμῳ.

It was Amasis also who made the law that every Egyptian declare his means of livelihood to the ruler of his district annually, and that omitting to do so or to prove that one had a legitimate livelihood be punishable with death. Solon the Athenian got this law from Egypt and established it among his people; may they always have it, for it is a perfect law. Trans. Godley

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