

humanitas

**Vol. LXVIII
2016**

IMPrensa DA UNIVERSIDADE DE COIMBRA
COIMBRA UNIVERSITY PRESS

Sylloga Florentiana, *Sylloga Tzetiana*, *Spuria*, *Dubia*, *Ausoniana*, and *Apochrypha Tzetiana*. The author presents the text and its translation; some entries have additional information and the majority receive a commentary on selected verses or words. Most epigrams of *Ausoniana* category do not have a commentary and only some undergo word analysis (only three in eleven). All are written in Latin, with an exception of a small Greek passage in this edition's epigram 84, which is one of the *Ausonian* epigram commented upon.

The selected bibliography is not extensive but it covers the necessary topics for this subject's discussion.

Overall, this book which intends to be 'the most comprehensive possible' critical edition of the *Pepli Epitaphia*, in my opinion, reaches its goal.

ELISABETE CAÇÃO

Centro de Estudos Clássicos e Humanísticos da Universidade de Coimbra

elisabetecacao@gmail.com

https://doi.org/10.14195/2183-1718_68_18

LEÃO, Delfim F., RHODES, P.J, *The Laws of Solon. A New Edition with Introduction, Translation. and Commentary*, 210 + xiii pp., London-New York, I.B. Tauris, 2015, ISBN 978-1-7807-6853-3

Recensão recebida a 13-07-2016 e aprovada a 25-07-2016

This work is a welcome addition to the study of the development of Athenian law and indeed to that of archaic Greek law in general, as it is the first collection of Solon's laws with English translation and commentary. The first modern edition of Solon's laws was that of Eberhard Ruschenbusch in his 1966 work entitled Σόλωνος νόμοι. *Die Fragmente des Solonischen Gesetzeswerkes mit einer Text- und Überlieferungsgeschichte* (*Historia Einzelschriften* 9, Wiesbaden 1966; 2nd ed.: Stuttgart 1983). Ruschenbusch had begun a thorough revision of this work. After his death in 2007, Klaus Bringmann edited and completed a new edition under the title *Solon: Das Gesetzeswerk - Fragmente. Übersetzung und Kommentar* (*Historia Einzelschriften* 215, Franz Steiner, Stuttgart 2010). Leão and Rhodes have followed Ruschenbusch's format, but have revisited *de novo* the assignation of fragments (some not included in the collections of Ruschenbusch and Bringmann) to various categories and the status of various *nomoi* as authen-

tically Solonian, while continuously orienting the reader to the conclusions reached in Σόλωνος νόμοι and *Gesetzeswerk*.

After a brief preface stating their aims, a guide for assisting the reader is offered, which lucidly orients us toward the status of laws as having appeared in the works of Ruschenbusch/Bringmann or which are new to this collection. Transposed fragments appear with their new citation and Ruschenbusch's own in parenthesis. Many of the laws of Ruschenbusch's final chapter that were deemed unusable or doubtful are reconsidered and newly placed among earlier chapters in this edition on the grounds of their congruence with other material traditionally attributed to Solon. Hence this edition is more extensive than Ruschenbusch's works, compiling more fragments than were in either previous collection.

This edition includes citations of the laws in Greek, followed by a small, selective *apparatus criticus* and a translation of each citation-fragment into English. Each law, or group of laws, is followed by a commentary of varied length and references to primary sources. The relevant bibliography is usefully cited at all points. In a small note of disappointment, one might criticize the formatting decision to reduce the point size of the passages of commentary, where Figueira, for one, risked eye strain, especially in reading the longer comments. Surely this was an imprudent economy in a work of such modest scale. Nonetheless, this is a volume of great utility for users at various levels of sophistication, from the student exploring Attic law for the first time to its seasoned scholar.

Our two authors are well suited to comment on early Greek law and Solon: Rhodes is notable for his scholarship on Athenian institutions, as demonstrated by his magisterial treatise on the Athenian Council of the Five Hundred (*The Athenian Boule* [Oxford 1972]) and his commentary on the Aristotelian *Athenaion Politeia* (Oxford 1981, 1993). Leão is an extraordinarily prolific scholar, the majority of whose work is in Portuguese. His scholarship on Plutarch is arguably the most pertinent of his many areas of scholarly interest that are severally significant for this study. This volume should have the salutary effect of familiarizing to his work those more exclusively in the Anglophone scholarly realm.

In a short introduction of theirs, the authors set out the conclusions of Ruschenbusch in his introduction to his Νόμοι, and then provide their own background material, with an accent on brevity, as they are more succinct than he by about 50 pages. They discuss Draco's and Solon's laws, the publication of these laws, their later history, and the debate over

the nature of the *axones* and *kyrbeis*. They agree with Ruschenbusch that these terms were applied to the same set of objects, which were probably rotating wooden beams that were numbered. Both the laws of Draco and the laws of Solon were said to have been inscribed on *axones*, despite the mention by the *Athenaion Politeia* of Solon's laws on *kyrbeis*. It is likely that the *axones* were first situated on the Acropolis before their relocation to the Stoa Basileios as recorded in *Ath. Pol.* 7, and their still later location at the Prytaneion by the time of Plutarch and Pausanias. Despite the brevity of their introduction, the authors have provided the necessary background both for using their edition, and for understanding their contextualization of the fragments.

P.J. Rhodes has drawn a rich dossier of scholarship on the development of Attic law from its Solonian foundations, trying to uncover the ways in which later Athenian political contestants drew on Solonian precedents.¹ On this basis, an edition of Solonian law finds its validation. Those who hold opposing views (like Figueira) must freely concede that they are in a minority of scholarly opinion. This is naturally a factor in substantial justification of the work under review. For the agnostics, despite Solon's reconstruction of Attic society and his redirection of Athenian politics, his *nomothesia* ushered in a period of great turmoil during which many political actors (and not least Peisistratos) had strong motivations to efface, reshape, or appropriate the Solonian statutory legacy. The Solonian *axones* and *kyrbeis* that survive for attestation (*n.b.* not necessarily physical survival) may thus belong to a Peisistratid or late archaic compilation or recension. The entire late-fifth century ideological struggle over the *patrios politeia* would make little sense for us if the nature of the Solonian code were in any significant part recoverable from surviving documentation. Hence, such a skeptic reads attestations of 'Solonian law' in classical legal settings merely to denote 'traditional Athenian law' or, at the very best, 'pre-Kleisthenic Athenian law', and their criticism necessarily falls chiefly on the premises for any edition of Solonian laws.

We shall focus on these putative laws of Solon which have generated the most interest and controversy. The work under review divides the laws themselves into the same categories that Ruschenbusch created earlier:

¹ Note (e.g.) "The Reforms and Laws of Solon: An Optimistic View", in Blok, J.H. & Lardinois, A.P.M.H. (eds.) (2011), *Solon of Athens: New Historical and Philological Approaches*, Leiden 2011, 248-260.

private wrongs; offenses against the community; procedure; family law; neighbors; economic matters; sumptuary laws; constitution, institutions; religion; entrenchment of the laws; and unusable, doubtful, or spurious material. This last category of attestation, mainly connected to Solon by literary citation, does not appear in *Das Gesetzeswerk*, but such a grouping had appeared in Νόμοι. There is an inherent difficulty here over the construal of the terms ‘fragment’ and ‘*testimonium*’, which the authors have not entirely overcome. Other than some citations from the orators — and these create special problems over interpolation and authenticity — the majority of Solon’s law are subjects of reference rather than objects of citation in the manner of a modern lawyer or a Roman jurisconsult or compiler. A closer reader (along with some earlier reviewers) may question the translations, although they are generally good (cf. frs. 1c, 2, 6, 38b, 38h, 49/g, 59, 72a, and 76a, although some differences are quite petty). Naturally, the translations are influenced by authorial intention to hew to a conservative approach throughout and their need to homogenize our evidence to signify underlying Solonian legislation.

The collection begins with Draco’s laws on homicide, since, as the sources claim, these are the only laws of Draco that Solon retains. Draco’s laws on homicide included different categories: willing and unwilling homicide, matters which might involve both these categories, lawful homicide, and unknown non-human killers. In their commentary on the first set of fragments, Leão and Rhodes also examine the possible existence of other laws created by Draco. Ruschenbusch had stated that Draco enacted no laws aside from homicide laws; otherwise entrenchment clauses in his other laws would have protected them from being replaced by Solon’s laws less than thirty years later. While the authors are hesitant to choose a side, the lack of any reliable evidence for other laws might suggest we should side with Ruschenbusch. Fr. 22 gives us an entrenchment clause with the penalty of *atimia* right after the homicide laws, though the authors point out that it may itself be post-Draconian, and one notes that, despite an entrenchment clause, the homicide laws may well have later been modified. Fr. 93a and Fr. 93b give the entrenchment clauses on Solonian laws, with both legal and religious penalties. If Draco’s other laws included such clauses, it is odd that Solon would so quickly change them. Yet it may also be argued that the very notion of specific entrenchment in a late seventh-century law (as opposed to the imposition of general oaths to abide by a set of enactments) may be anachronistic.

The laws on moral offenses protected marriages that were consummated or in future prospect. Solon defined specific penalties for certain sexual offenses, such as a hundred-drachma fine for raping a free woman, and the captor's right to kill an adulterer caught in the act. The authors explore current scholarship on rape laws in Greece and emphasize conservatively that in cases of rape, punishment is focused not on the woman's experience of abuse, but on "safeguarding the honour of the *oikos* and the power of the *kyrios* to keep his control over the women under his responsibility" (p. 42). The authors argue — necessarily because of their general commitment to the historicity of the label Solonian — that the hundred-drachma fine ought refer to standard weights of silver rather than coinage, which did not yet exist in the time of Solon. This is an adjustment that the reader must keep in mind when reading the fines for different transgressions as well, since *testimonia* often define a penalty in terms of coinage. The appearance of such fines in coinage has been a red flag for some scholars (including Figueira), who both doubt the very existence of a pre-coinage quasi-monetary system comprising weights of silver and, therefore, relegate all contexts where amounts of coin are seemingly specified to the late archaic period at the earliest.

Among the laws on compensation for damage, we would highlight the treatment of the punishment of a dog that has bitten anyone. Here the authors note that the verb *παράδοῦναι* could connote that the dog was to be handed over to the victim. Yet Plutarch's own suggestion that the dog was being subjected to a *κλιός* (most probably a wooden dog collar) seems more sensible (cf. 54-55). The presentation of two alternatives for the reader to weigh is typical of the overall editorial modesty of this commentary, which is beneficial in welcoming the reader to form his or her own opinions based on the given evidence.

Leão and Rhodes give a detailed analysis on the evidence for a law acting against political neutrality. Ostensibly, Solon punished with *atimia* citizens who took no side in civil strife. The law was considered anomalous, even by Plutarch's writing, because it seems to contradict Solon's better-established role as mediator. Here the reader is urged to understand that *atimia* was harsher punishment (*i.e.* outlawry) in the time of Solon, a fact requiring the author of the *Ath. Pol.* to define this term's earlier valence for his audience. The authors attempt to reconcile Solon's mediate position, as represented by his poetry, and the tenor of the law on neutrality by nuancing Solonian neutrality. Accepting this enactment as Solonian, this commentary

lastly considers whether Solon passed this law before or after his *apodēmia* (166). Perhaps he enacted the law before leaving to prevent apathy (which was a necessary condition for Peisistratus to come to power), or to gauge the political preferences of the *dēmos* (though as the authors state, this would deepen civil strife). In any event, an equally good case, in our view, might be made that the law, if historical, was created during an anti-Peisistratid interlude by those seeking legitimacy for anti-populist retaliation.

The references to Solon's poetic fragments, when they shed light on his laws, are carried out systematically, which helps to give a more complete portrait of the Attic statesman and poet. In the section on sumptuary laws and funeral restrictions, for example, the legal fragments show that Solon restricted mourning and certain funerary practices, but in one of his poetic fragments (21 West) Solon declares how he anticipates that his death will cause grief among his friends. Sumptuary laws and this poetic sentiment, however, need not be taken to contradict each other since the poetic fragment discusses private grief among friends rather than the public expressions of grief that he restricts in his laws. Leão and Rhodes also adduce a putative poetical fragment as possible support on behalf of the existence of a Solonian second council, the Four Hundred. They are inclined to believe in its creation for the purpose of weakening the leading families that still controlled the Council of the Areopagus. While this theory is attractive, it remains rather speculative.

Overall the edition is very useful to classicists of varied interests and will likely soon replace the works of Ruschenbusch. The commentary brings up important debates and scholarship on the laws, often without choosing sides but thoroughly presenting both. The translations are clear and now make Solon's laws accessible to a wider audience of those interested in Solon, archaic Greek law, and ancient history. Leão and Rhodes frequently address the authenticity of the laws and endeavor to find the Solonian kernel within them. This becomes particularly important in sources from fourth-century orators, where many early laws are attributed to Solon but are most likely reconstructed or the product of revision. The authors bring out the key characteristics of these fragments that make the laws "Solonian", such as his use of metaphorical terms and references to the *axones*. For those that believe we can reconstruct the laws of Solon through such *testimonia*, this edition is an excellent contribution to the field of Solonian study in a narrower sense. Even for those who believe we cannot determine the authentic laws of Solon, this edition ought still to be useful as a guide to archaic Greek

thought. Regardless of where one stands in this debate, the edition's updated bibliography, readable translations, and logical interpretations make this edition an improvement on the works of Ruschenbusch and a marvelous gift for those of us who teach the development of the Athenian constitution, ancient legal history, and archaic Greek society.

NICOLE NOWBAHAR

Rutgers, The State University of New Jersey
nicolenowbahar@gmail.com

THOMAS FIGUEIRA

Rutgers, The State University of New Jersey
figueira@rci.rutgers.edu
https://doi.org/10.14195/2183-1718_68_19

MARTÍNEZ SARIOGO, Mónica María, *Horacio en Alberto Lista. La impronta horaciana en el corpus teórico y en la obra poética de Alberto Lista*, 188 pp., Sevilla - Alfar: Alfar Universidad, 195. 2014, ISBN 978-84-7898-549-4

Recensão recebida a 16-04-2016 e aprovada a 25-07-2016

Recibimos con entusiasmo el nuevo volumen de la profesora Martínez Sariogo (Universidad de las Palmas), a quien hemos seguido y seguimos a través de sus copiosos y brillantes estudios, centrados, por lo general, en ese duro ámbito académico, por intrincado, de la crítica y tradición literarias, tanto en su vertiente puramente teórica, como práctica.

De nuevo, el lector tendrá en sus manos un buen ejemplo del buen hacer de Martínez Sariogo, que plantea el redescubrimiento, sino descubrimiento, de un autor prácticamente perdido para las lenguas hispanas, Alberto Isla.

Antes de pasar a describir el contenido de cada sección, merece la pena detenerse en la estructura del volumen. Sus páginas comienzan dedicadas a una breve "1. Introducción" (13-20), que plantea el objeto de estudio; continúa el volumen con un capítulo eminentemente teórico, dirigido a explicitar los principales ejes temáticos sobre los que el análisis y comentario pivotarán: "2. Asimilación y confrontación del *corpus* teórico de Lista con la poética horaciana" (21-44); después, el lector llega al corazón del estudio, es decir, el planteamiento a modo de díptico de la