

Aristophanes on Solon and His Laws

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Abstract

In Aristophanes work, the references to the laws of Solon are relatively scarce: there are two allusions in *Birds* (Av. 1353-57; 1660-64), one in *Clouds* (Nub. 1178-95), and a fragment from the lost comedy *Banqueters* (Dait. fr. 233 Kassel and Austin). An equal number can be found in four *scholia* to passages: again from *Birds* (Av. 1354; 1541) and *Clouds* (Nub. 37), and another from *Knights* (Eq. 658). Despite this relative paucity, those occurrences prove that Aristophanes was familiar with Solon's laws, which he uses mainly for parodic purposes. The aim of this paper is to analyse those passages in their proper context and in comparison with passages from other authors, in order to discuss their validity as sources for the study of Solon's laws.

Keywords

Aristophanes, Solon, Greek law, comedy

The edition of *The Laws of Solon*¹ that I had the honour of preparing with P.J. Rhodes constitutes a work that I place, without hesitation, among the types of scholarly production that I have most enjoyed and profited from. This is justified, firstly, because the figure of Solon qua legislator, poet and *sophos* has been one of my preferred subjects of study for more than twenty years. However, to this reason I must add another, which makes all the difference: the privilege of being able to work, over several years, with P. J. Rhodes, a personal and academic experience that has marked me deeply, whose multiple benefits I feel daily and for which I will never be able to give adequate thanks, however often I acknowledge it. Still, I would like to begin this brief study by again publicly attesting to this feeling of gratitude on my part.

This edition of Solon's laws reunites and provides analysis for a total of 318 fragments concerning the legislation of the most paradigmatic Athenian statesman. In preparing this edition, 43 new fragments were identified that had not been included in Ruschenbusch's earlier publications.² The material used for the reconstitution of Solon's legislation derives from almost sixty authors, from different times and sources, and of an equally varied nature, ranging from the time of Herodotus to the *Suda*, thus raising complex problems of interpretation and determination of authenticity. Indeed, even when the original text of a given law is not

¹ Leão and Rhodes (2015). The 2nd revised paperback edition (2016) is used as the reference. The Greek text, translation and numbering of the fragments of Solon's laws (= Fr.) used in this study correspond to those fixed for that edition. This paper is a revised and updated version of a work originally published in Portuguese by Leão (2018), to whose editors and publisher I would like to thank for allowing me to reuse that study as the basis of the argument now proposed. I want to thank as well David Wallace-Hare and the anonymous reviewer, who read an earlier version of this paper, and whose comments helped me to improve it, especially at the linguistic level. The research presented is framed within the UID/ELT/00196/2019 project, funded by FCT - Foundation for Science and Technology.

² Ruschenbusch (1966, 2010).

available, this does not necessarily imply that the marks of a certain “Solonian kernel” cannot be identified in it.³ Solon was active in the Archaic Period (at the turn of the 7th to the 6th century BC), but the most important source for his legislation (providing information for fifty-seven fragments⁴) is the biographer Plutarch, who lived many centuries later. This implies that Plutarch alone provides about a fifth of the entire *corpus* of Solon’s laws.⁵ By comparison, only Demosthenes (or Pseudo-Demosthenes) comes close to him in magnitude, providing data for forty-eight fragments (plus two other *scholia* references), followed in third place by the Aristotelian *Athenaion Politeia*, which has twenty-four references.

A quite different scenario, however, at least in terms of the abundance of material, is found in other sources, in particular in the comic writer Aristophanes, who constitutes the most direct focus of this study. Indeed, only three references to Solon’s laws occur in his extant works, two in *Birds* (Av. 1353-57 = Fr. 55a; Av. 1660-64 = Fr. 50a) and one in *Clouds* (Nub. 1178-95 = Fr. 123a), in addition to a fragment from the lost comedy *Banqueters* (Dait. fr. 233 Kassel and Austin, *apud* Gal. *Linguarum Hippocratis Explicatio, prooemium*, xix. 66 Kuhn = Fr. 41a), and 4 others in *scholia*, concerning *Birds* (Av. 1354 = Fr. 85c; Av. 1541 = Fr. 79/b), *Knights* (Eq. 658 = Fr. 64b), and *Clouds* 37.⁶ Since this is a rather small set of fragments, it is justified to approach them on a case-by-case basis, providing a brief contextualisation of the areas of Solon’s legislative activity in which they fall.

Aristophanes and Solon’s laws

The first of the passages to be analysed concerns certain obligations arising from the right of *anchisteia*, a term used to refer to the direct relatives of a deceased, although relatives in the broad sense could also be designated by the word *syngeneia*. However, the former term was more restrictive, as it did not include relatives beyond the degree of ‘sons of cousins’.⁷ The *anchisteia* guaranteed the relatives covered by it the possibility of applying to inherit the estate of a deceased relative. This prerogative was, however, accompanied by certain obligations, such as ensuring the application of justice (in case the deceased had been a victim of homicide), as well as ritual duties, especially those concerning the cult of the dead. But even before the death of the relative, his most direct descendants were obliged to provide for the members of the *oikos* in old age (*gerotrophia*), a principle that was, moreover, compensation for the fact that parents had made a similar effort with regard to their children (*paidotrophia*), when they were still too young to provide for themselves. It is to this reality, already foreseen in Solon’s code, that Aristophanes refers, in parodic terms (Av. 1353-57 = Fr. 55a):

ἀλλ’ ἔστιν ἡμῖν τοῖσιν ὄρνισιν νόμος
παλαιὸς ἐν ταῖς τῶν πελαργῶν κύρβεσιν·

³ The expression “Solonian kernel” is taken from the stimulating study of Scafuro (2006: 179). For an overview of the main problems concerning the correct identification of Solon’s laws, see Leão and Rhodes (2016: 1-9).

⁴ A small part of them (11) comes from the *Moralia*, without there being a predominance of any particular work. In fact, although Solon is the most important character in the *Banquet of the Seven Wise Men*, there is only one legislative reference in this work, concerning pederasty (*Sept. sap. conv.* 152 D = Fr. 74c). Information on the other fragments occurs in the *Vitae*, with special relevance, as might be expected, to the *Life of Solon*.

⁵ Even taking into consideration that not all of them can be considered genuine. See Leão (2016a), who expands and discusses in detail these considerations regarding Plutarch’s testimony.

⁶ Not previously registered in Leão and Rhodes (2016).

⁷ In other words, not all *syngeneis* were *anchisteis*, although all *anchisteis* were *syngeneis*. On this question, see Harrison (1968-1971: I.143-48).

“Ἐπὴν ὁ πατὴρ ὁ πελαργὸς ἐκπετησίμους
πάντας ποιήσῃ τοὺς πελαργιδέας τρέφων,
δεῖ τοὺς νεοττοὺς τὸν πατέρα πάλιν τρέφειν.”

But there is among us, the birds, this ancient law written in the *kyrbeis*⁸ of the storks: ‘When the father stork has brought up his storklings and made them ready to fly, then must those young support the father in their turn.’

While recognising the obvious comic perspective of this passage, it is equally true that Aristophanes’ verses express the gist of the law on the obligation of children to feed their parents in old age (δεῖ τοὺς νεοττοὺς τὸν πατέρα πάλιν τρέφειν), which expressed a kind of principle of reciprocity, arising from the effort made by the parents to raise them from a young age.⁹ However, this norm could suffer some restrictions. Indeed, Plutarch (*Sol.* 22.1 = Fr. 56/a) reports that the legislator made *gerotrophia* dependent on the obligation of the parents themselves to teach in advance their children a *techne*. This clause has been correctly related to a concern to encourage trade and industry, at a time when the economy of Attica needed a strong stimulus to counteract the situation of widespread debt discussed in our sources. Among other measures, the statesman is said to have sought to attract outsiders to Athens, especially those who were in a position to exercise a trade. He also urged citizens to engage in such manufacturing occupations, since the poor soil of Attica was not capable of feeding a very large population. Therefore, strengthening the economy in these areas would create a surplus of production that would favour trade and the exchange of manufactured goods for basic necessities. In this spirit of stimulating production, it is thus particularly significant that the legislator made *gerotrophia* conditional on the obligation of parents to teach their children a craft.¹⁰ In another passage of Plutarch (*Sol.* 22.4 = Fr. 57/a), it is made clear that the obligation to support one’s parents in old age only applied to legitimate children. This is a balanced measure, since illegitimate children were penalized in terms of legal prerogatives.¹¹ At the same time, however, this norm accentuated the legal gap that had been established between *gnesioi* and *nothoi* offspring. In a sense, by prohibiting debt slavery (by not allowing loans that took personal freedom as collateral), Solon had already set in motion a similar process that would lead to the reinforcement of the more exclusive character of citizenship status: since a citizen could not become a slave except in especially serious cases (when he had directly put at risk the security of the state), then the reverse hypothesis also became true, since it would now be much more difficult for a slave to cross the threshold that separated him from a citizen.¹²

⁸ On the nature and functions of the *axones* and *kyrbeis*, see Leão (2001: 329–40), with bibliography. In *Nub.* 448, Aristophanes mentions the *kyrbis*, but despite the implicate allusion to Solon, no specific law is implied. See Steiner (2020: 253–54).

⁹ Incidentally, concern for *gerotrophia* was one of the motivations for adopting someone, but only in the *inter vivos* variant, for obvious reasons. On the attribution of this law to Solon, see Weeber (1973); Stroud (1979: 5).

¹⁰ Somehow, it seems to have been in the mind of the legislator that *paidotrophia* would not have been properly conducted if the parents had not taught their children a trade that would enable them to earn a living in the future. Consequently, in such a situation the principle of reciprocity binding the mutual obligations of *paidotrophia* and *gerotrophia* would no longer apply. For a more extended discussion of the principle of reciprocity between *paidotrophia* and *gerotrophia*, see Leão (2011); Cantarella (2016), with a response by Leão (2016b).

¹¹ Cf. Demosthenes 43.51 (= Fr. 50b), together with the commentary by Leão and Rhodes (2016: 85).

¹² Lape (2002/03: 129–35) understands this measure as a kind of first test of the law of citizenship (instated by Pericles in 451/0), which would aim to limit the privileges of the aristocracy, since it was mainly the latter who possessed resources that allowed them to keep illegitimate children. For a complete list of other sources that refer to the same law of Solon and their discussion, see Leão and Rhodes (2016: 92–7).

A second passage of Aristophanes, also from *Birds*, concerns already a different, though complementary, reality in the same area of family law, more specifically the right of inheritance (Av. 1660-64 = Fr. 50a):

ἐρῶ δὲ δὴ καὶ τὸν Σόλωνός σοι νόμον·
 “νόθῳ δὲ μὴ εἶναι ἀγχιστεῖαν παίδων ὄντων
 γνησίων· ἐὰν δὲ παῖδες μὴ ᾧσι γνήσιοι, τοῖς
 ἐγγυτάτω γένους μετεῖναι τῶν χρημάτων.”

I will then cite for you the law of Solon: ‘An illegitimate child shall not have right of inheritance, if there are legitimate children; and if there are no legitimate children, the property shall pass to those most closely related.’

The official recognition of a legitimate son, apart from being essential to guarantee his future citizenship, was also a prerequisite for his qualification as an heir to the paternal *oikos* (in the sense of ‘property’). Correlative to this reality is also the capacity for the holder of an estate to be able to make a will. Plutarch (*Sol.* 21.3-4 = Fr. 49b) states that Solon was responsible for this innovation. In fact, according to the biographer, before Solon’s legislation, making wills was not allowed. For this reason, the deceased’s property would pass to his immediate family. By instituting the law on wills, Solon would have granted the owner the right to dispose of his property. However, Plutarch’s perspective has been questioned by those who argue the contrary, viz. that Solon may have only been officialising an already common practice, with the aim of overcoming controversies and problems derived from its practical implementation.¹³ In any case, the option for a will was dependent on the lack of natural children, as only those who were in that situation could transmit their property. Moreover, it should be guaranteed that the testator made the will of his own free will and in full use of his faculties, therefore without the pressure of illness, nor under the effect of drugs, nor by coercion nor even at the suggestion of a woman.¹⁴ Plutarch, in the passage mentioned above, mentions these various conditions, but omits another that was equally central: the requirement that children must be legitimate (*gnesioi*). This essential detail is clearly expressed in [Demosthenes] (46.14 = Fr. 49a: ἄν μὴ παῖδες ᾧσι γνήσιοι ἄρρενες), making it clear that the practice of adoption was ultimately aimed at preventing the extinction of the testator’s *oikos*. However, a man could die without a will and without having the most direct heirs of legitimate birth: a child, a grandchild or a great-grandchild. This is the case referred to in the rule mentioned by Aristophanes, who maintains that, in such circumstances, the law of Solon determined that ‘property shall pass to those most closely related’. A more complete version of the law can be found in Demosthenes (43.51 = Fr. 50b) and, in essence, it should correspond to Solon’s provisions, though revised in the meantime, as illustrated by the information that the norm was (re)published in 403-2, during the archonship of Euclides.¹⁵

¹³ Thus Ruschenbusch (1962). Without going into detail, Rubinstein (1993: 10-11) argues in the same sense. Gagliardi (2002), while recognizing the ambivalence of the sources, maintains that the so-called ‘testamentary law’ would aim at covering not only wills, but rather disciplining universal successions and therefore also adoptions, whether performed *inter vivos* or by testamentary means. For an overview of the sources and their main interpretations, see Leão and Rhodes (2016: 78-83). Humphreys (2018: 64) argues that another of the practical consequences of Solon’s law on wills was that it encouraged relatives to question wills in which testators favoured candidates with whom they were associated or attached, to the detriment of candidates’ next-of-kin.

¹⁴ In the *Moralia* (265e = Fr. 49c), Plutarch also underlines this clause.

¹⁵ See Arnaoutoglou (1998: 3). Buis (2014: 326-7) acknowledges the parody of Solon’s legislation, even if the terms of

Solon's code included several provisions concerning agricultural activity, in particular those governing certain conflicts that could arise between neighbours, such as the distance to be observed between plantations on neighbouring properties, rules for sharing water or even the use of natural fertilisers.¹⁶ Although, in agricultural societies, the importance of such details could be a source of heated dispute, the levity of lawsuits instituted over banalities such as the theft of excrement seems to have given rise to the proverbial expression 'dung suit' (*bolitou dike*). Two brief testimonies refer to this reality:

Paroemiogr. Appendix I. 58 (i. 388) (= Fr. 64a)

ΒΟΛΙΤΟΥ ΔΙΚΗΝ· πρὸς τοὺς ἀξίους καὶ ἐπὶ μικροῖς τιμωρίαν ὑπέχειν. ἐν γὰρ τοῖς Σόλωνος ἄξοσιν ὁ νόμος καὶ τοὺς βόλιτον ὑφελομένους κολάζει.

DUNG SUIT: [a proverb] coined for those who suffer deservedly even because of trifles. For in the *axones* of Solon the law punishes also those who have stolen dung.

Schol. Aristophanes, Eq. 658, Suda β 367 (= Fr. 64b)

ΒΟΛΙΤΟΥ ΔΙΚΗΝ· πρὸς τοὺς ἐπὶ μικροῖς δίκας ὑπέχοντας. ὁ γὰρ Σόλωνος νόμος καὶ τοὺς βόλιτον ὑφελομένους κολάζει.

DUNG SUIT: [a proverb] coined for those who face justice just because of trifles. For the law of Solon punishes also those who have stolen dung.

The fact that the *axones* of Solon are expressly mentioned in Fr. 64a is a sign that this matter could indeed have been dealt with in the legislator's code. Although this detail is absent from Fr. 64b, it is in any case unequivocal that it refers to the same reality. The comment occurs in a *scholium* to Aristophanes' *Knights* (v. 658: τοῖς βολίτοις ἡττημένος), at a time when the character Sausage-Seller refers to the opponent Paphlagon as being a 'piece of dung' who was outdoing him in the debate, prompting him to react by making supplementary promises to the *boule*. The term βόλιτον designates in particular 'ox dung' (cf. Pollux 5.91), and so it is possible that the norm began by referring to anyone who possessed or was responsible for this type of livestock. Over time, the expression βολίτου δίκη would evolve from the literal sense ('dung private suit') to a more generic usage, emphatically expressing penalties arising from trifling contentions.

One of the traits of Solon's legislative action in religious matters would have been the organization of an official calendar of sacrifices, although it is doubtful whether he created them for the first time or if, on the contrary, he limited himself to systematizing already existing regulations. Among the innovations at this level is the reformulation of the *Genesia*, a celebration in honour of the dead that, initially, would have belonged to the private domain of aristocrats, whose influence Solon would have sought to curtail. Therefore, the decision

the law do not entirely coincide with the norms referred to by Demosthenes 43.51. Martin (2015: 78-9) admits the parody of Solon's law, but is more favourable to the interpretation that the target is Pericles' law of citizenship. Melis (2020: 81-85) thinks that the play echoes the complaints of Athenian citizens targeting the 'falsi cittadini' who did not meet the conditions laid down in Pericles' law, by not being directly descended from Athenian citizens on both sides.

¹⁶ See Leão and Rhodes (2016: 103-6).

to pass the *Genesia* to the domain of official festivals would have been a contribution to this strategy.¹⁷ In this context, Aristophanes is also evoked, with reference to a *scholium* to the passage of *Birds* discussed earlier (fr. 55a), arguing in favour of Cretan influence in this type of legislation:

Schol. Aristophanes, *Av.* 1354 (Fr. 85c)

ΕΝ ΤΑΙΣ ΤΩΝ ΠΕΛΛΑΡΓΩΝ ΚΥΡΒΕΣΙΝ· ἀπὸ τῶν κορυβάντων. ἐκείνων γὰρ εὕρημα, ὡς φησι Θεόφραστος ἐν τῷ περὶ εὐσεβείας.

IN THE *KYRBEIS* OF THE STORKS: from the Corybantes. The invention is theirs, as Theophrastus says in his *On Piety*.

The most distinctive aspect of this short fragment is the establishment of a relationship between the religious regulation of Athens (in particular that concerning sacrificial practices) and the influx of the Corybantic rite from Crete. This information is supported by two further sources: Theophrastus (*De Piet. apud Porphyry Abstin.* II. 20-1 = Fr. 85a) and Photius (κ 1234 Theodoridis = Fr. 85b). Plutarch also points in the same direction (*Sol.* 12.7-9), by maintaining that Epimenides of Crete inspired Solon's funerary laws.

In a final *scholium* to the comedy *Birds*, which thus proves to be a very fruitful source for Solon, one finds some information about the *naukrariai* (and their *naukraroi*), an unclear political institution, possibly abolished in the early 5th century:

Schol. Aristophanes *Av.* 1541 (= Fr. 79/b = Androtion *FGrH* 324 F 36)

Ἀνδροτίων γράφει οὕτως· “τοῖς δὲ ἰοῦσι Πυθῶδε θεωροῖς τοὺς κωλακρέτας διδόναι ἐκ τῶν ναυκραρικῶν ἐφόδιον ἀργύρια, καὶ εἰς ἄλλο ὅ τι ἂν δέη ἀναλώσαι”.

Androtion writes as follows: ‘To the *theoroi* going to Delphi the *kolakretai* shall give silver from the naucraric funds for their travelling expenses, and for anything else which they need to spend’.

It is likely that the *naukrariai* performed a role involving the provisioning of ships, but this *testimonium* suggests that they might also have had other functions, such as financing the official envoys to Delphi (*theoroi*), with pieces of metal (i.e. silver) to guarantee payment of expenses at a time when there was no coinage in Athens. Although brief, this *scholium* thus provides an important contribution to our understanding of a particularly obscure question of the financial organisation of Athenian society in the Archaic Period.¹⁸ The *scholium* to the passage from Aristophanes' comedy is prompted by the occurrence of the term κωλακρέτης in v. 1541; consequently, there is no express reference to Solon's legislation. However, this relationship is clearly established by the *Constitution of the Athenians* (*Ath. Pol.* 8.3 = Fr. 79a), which holds that references to this institution occurred frequently “in the laws of Solon which

¹⁷ For a discussion of the main strands of the debate, see Blok (2006: 235-7). On the testimonies pertinent to this question, see Leão and Rhodes (2016: 140-3).

¹⁸ For the other fragments, see Leão and Rhodes (2016: 135-6). For more details regarding *naukrariai* and *naukraroi* in the Archaic Period, see Leão (2001: 214-21).

are no longer in use' (ἐν τοῖς νόμοις τοῖς Σόλωνος οἷς οὐκέτι χρῶνται).¹⁹ In a *scholium* to Aristophanes' *Clouds* 37 (SA 1.3.1.256.11-20 Koster), the institution of the *nauklaroi* is credited to Solon or even to an earlier period, and a testimony from Demetrius of Phalerum is cited, who speaks about the appointment of *demarchoi* by Solon.²⁰

Another reference to Solon's legislation occurs in the now lost comedy *Banqueters* (*Daitaleis*), referring to the field of evidence, namely the presentation of witnesses.

Daitaleis (fr. 233 Kassel and Austin), *apud Gal. Linguarum Hippocratis Explicatio, prooemium* (xix. 66 Kuhn) = Fr. 41a

νομίζω δέ σοι τὰ ὑπὸ Ἀριστοφάνους ἀρκέσειν τὰ ἐκ τῶν Δαιταλέων ᾧδέ πως ἔχοντα
 “πρὸς ταῦτα σὺ λέξον Ὀμηρείους γλώττας, τί καλοῦσι κόρυμβα (Hom. *Il.* 9.241);”
 προβάλλει γὰρ ἐν ἐκείνῳ τῷ δράματι ὁ ἐκ τοῦ δήμου τῶν Δαιταλέων πρεσβύτης τῷ
 ἀκολάστῳ υἱεῖ πρῶτον μὲν τὰ κόρυμβα τί ποτ' ἐστὶν ἐξηγήσασθαι. μετὰ δὲ τοῦτο·
 “τί καλοῦσιν ἀμενηνὰ κάρηνα (Hom. *Od.* 10.521, etc.);”
 κάκεῖνος μέντοι ἀντιπροβάλλει τῶν ἐν τοῖς Σόλωνος ἄξοσιν γλώτταν εἰς δίκας
 διαφερούσας ᾧδί πως
 “ὁ μὲν οὖν σὸς, ἐμὸς δὲ οὗτος ἀδελφὸς φρασάτω, τί καλοῦσιν ἰδυίους;”
 εἶτ' ἐφεξῆς προβάλλει
 “τί ποτέ ἐστιν ὀπυίειν (fr. 52c);”
 ἐξ ὧν δῆλον ὡς ἡ γλῶττα παλαιὸν ἐστὶν ὄνομα τῆς συνηθείας ἐκπεπτωκός.

κόρυμβα Poll. II. 109; κόρυβα Galen. τὸ ὀπυίειν Dindorf; τὸ εὐποιεῖν Galen.

I think what is said by Aristophanes in the *Banqueters* will be sufficient for you, which runs like this:

'In addition to this you must expound Homeric expressions: what do they mean by *korymba* ["high point"]?'

For in that drama the old man from the deme *Daitaleis* challenges his dissolute son first to explain what *korymba* means. After that:

'What do they mean by *amenena karena* ["fleeting heads"]?'

He then challenges him in turn on expressions in Solon's *axones* relating to various lawsuits, like this:

'Your son and my brother, tell me, what is meant by *idyioi* ["witnesses"]?'

Then he challenges next:

'What is *opyiein* ["marry"]?'

From which it is clear that the expression is an ancient name which has fallen out of currency.

Aristophanes' fragment lends credence to the possibility that the words under dispute would occur in Solon's *axones*, thus reinforcing their authenticity. It could possibly be argued that the reference to the material support of Solon's laws and to terms like *idyioi* and *opyiein* would serve only the purpose of giving verisimilitude to a legislative forgery imagined by the

¹⁹ For further discussion on this passage, see Rhodes (1981: 151-3).

²⁰ This (new) fragment was not registered by Leão and Rhodes (2016). For the full text of the *scholium*, with a short commentary, see Fortenbaugh and Schütrumpf (2000: 176-9).

playwright.²¹ However, the likely occurrence of these terms in the *axones* is strongly indicated by other sources as well,²² and is also consistent with the recourse to legal imagery with which an audience of *theatai/politai* would be well familiar. Technical terms should therefore be used correctly and as such recognised by the spectators, so that the parody could be apprehended and prove successful on stage.²³

Finally, the most expressive and direct reference to Solon in Aristophanes' work occurs in the *Clouds*, at a moment when Pheidippides, already initiated in sophistic rhetoric and dialectic, displays his argumentative capacity before his father, Strepsiades, who is overwhelmed by the approach of the day when he must pay his debts. Despite its length and evident comic efficacy, the passage nevertheless represents the case in which a relationship with Solon's actual regulation will be least likely (*Nub.* 1178-95 = Fr. 123a). It is therefore not necessary to quote it in full here, because it will suffice to recall the essence of what is at stake. This passage from the *Clouds* joins a group of fragments that address the question of how to interpret the dictum ἔνη τε καὶ νέα ('the old and new [day]', i.e. the last one of the Attic month), which was actually a current expression that the Aristophanic character presents as a legal archaism of Solon to which he resorts in order to give an age-old authority to an interpretation of the law that would be favourable to him. In fact, he even considers that "Solon, that man of antiquity, was by nature a friend of the people" (v. 1187: ὁ Σόλων ὁ παλαιὸς ἦν φιλόδημος τὴν φύσιν).²⁴ The term *philodemos* could be taken as an indication that the statesman was seen as being favourable to democracy (thus anticipating the propagandistic image of Solon in the light of the *patrios politeia* theme), but it is too vague to provide secure support for this hypothesis. At any rate, despite the fact that other ancient sources tend to identify in the expression ἔνη τε καὶ νέα an aphorism devised by Solon,²⁵ possibly linked to the reform of the Attic calendar, it is more likely to be merely a comic invention, intended to demonstrate the sophisticated skillfulness of Pheidippides.²⁶ The fact that it is echoed in other authors argues in favour of Aristophanes' prestige as a playwright, but it does not really contribute to the reconstitution of Solon's code of laws.

²¹ Martin (2015: 80) argues along these lines, seeking to draw a parallel with the rhetorical practice of 4th-century orators. Loddo (2018: 61-64) underlines the importance of this reference for witnessing the memorisation of Homeric and Solonian *glossae* at school, in this case in an educational programme that would oppose old and new teaching methods, possibly along with the lines of what is caricatured in *Clouds*.

²² See Leão and Rhodes (2016: 70-3).

²³ A position openly held by MacDowell (2010: 156), who states: "since the spectators were knowledgeable about the law, Aristophanes had to get his facts right, and that means that his comments about the law, though of course they are very incomplete, can, as far as they go, be used by us as historical evidence to supplement the information that we have from other sources".

²⁴ For more details respecting the reconfiguration of Solon through the lens of the *patrios politeia*, see Leão (2001: 43-72, at p. 61 on this passage). Martin (2015: 77) translates the passage as 'Solon of old was *demos*-loving by nature', but again this does not imply necessarily that Aristophanes saw the legislator as a proto-democrat. Loddo (2018: 65-6) argues that it is in the very 'obscurity' of archaic laws that Pheidippides sees the mark of Solon favouring the *demos* and, as a consequence, that the term *philodemos* could be a sign that "Solone nelle *Nuvole* sia associato con un modo demagogico di fare politica". In fact, in *Ath. Pol.* 9.2 (= Fr. 47a), Solon's law on inheritances and heiresses (*epikleroi*) is presented as an example of an 'obscure' norm, but what seemed not clear enough to a late-fifth-century audience was not necessarily intended as such by Solon. For further details, see Rhodes (1981: 440-1); Leão and Rhodes (2016: 75).

²⁵ Plutarch *Sol.* 25.4-5 (= Fr. 123b); Diogenes Laertius 1.57-8 (= Fr. 123c); *Lex. Rhet. Cant.* (75.11-12 *Lexica Graeca Minora* = Fr. 123d). See also Leão and Rhodes (2016: 182-4).

²⁶ See Ruschenbusch (1966: 46); Sommerstein (1982: 218); Manfredini and Piccirilli (1998: 262-3).

Final considerations

At this point in the analysis, there are already enough elements to make a more concrete appreciation of the presence of Solon's laws in Aristophanes' comedy. The most fruitful occurrences undoubtedly occur in the *Birds*, in which there are two allusions to the laws concerning *gerotrophia* and the right of inheritance. Despite its evident parodic nature, Solon's influence on these regulations is easily detected. The same comedy also motivates two *scholia* with references to the regulations established by Solon: one concerning the possible influence of the Corybantic rite of Crete on the legislation on sacrifices and the other on the functions of the *naukrariai* (a topic approached as well in a *scholium* to *Clouds*). There is also another *scholium* to *Knights*, concerning the proverbial expression *bolitou dike*, referring to cases of negligible importance, as well as a fragment of *Banqueters*, in which the archaic and technical use of Solonian *glossae* are under scrutiny. It should be stressed that, in all these cases, the implicit or explicit reference to Solon is confirmed by other sources, in such terms that support the reliability of Aristophanes' testimony.

The same is not true, however, of the more extensive occurrence, in *Clouds*, concerning the saying ἔνῃ τε καὶ νέᾳ, analysed last. Although it is attested in other ancient sources, it corresponds more probably to a phrase in common usage, which the ambience of comedy (and not necessarily Aristophanes) would end up connecting to the most paradigmatic Athenian legislator.

Still, despite the fact that Aristophanes' contribution is very different in scope and nature from Plutarch's (as briefly evoked at the beginning of this study), the playwright turns out to be a very pertinent source in the skilful way he weaves into his work allusions to the ancient Athenian statesman. Apart from the relative weight that may be attributed to his work for the reconstruction of Attic legal activity, this situation, in particular, provides a very revealing analysis of the way in which the greatest Athenian comic writer knew how to use, for comic effect, a legal imaginary with which the average Athenian *theates/polites* could easily identify.

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