

Mario Baumann



Why Charondas Taught the Thurians How to Read and Write, or: Digression and Narration in Diodorus' *Bibliothēke*

Abstract: This chapter analyses the longest digression in the extant parts of Diodorus' *Bibliothēke*, an extended excursus on two lawgivers of Greek cities in southern Italy: Charondas, who wrote the laws of Thurii, and Zaleucus, who did the same in Epizephyrian Locri (D.S. 12.12–21). It focuses on the various functions of Diodorus' lawgivers digression and shows that they can all be interpreted as part of the *Bibliothēke*'s attempt to offer its audience a spectrum of interactions that is as comprehensive as possible: the text addresses the readers' moral, intellectual and affective capacities and interests, it tells its audience engaging stories and invites its readers to connect, compare and interpret these narratives, and it makes the audience aware that all this is happening and that it is intended — a fitting undertaking for a work that calls itself a historical *Library*.

Keywords: Diodorus Siculus, lawgivers, reader/reading, narrativity, moralism, self-referentiality

This chapter approaches the issue of digressions in Diodorus' *Bibliothēke* by providing a case study: I will analyse the longest digression in the extant parts of Diodorus' universal history, an extended excursus on two lawgivers of Greek cities in southern Italy, Charondas who wrote the laws of Thurii and Zaleucus who did the same in Epizephyrian Locri. This digression is part of the *Bibliothēke*'s twelfth book (D.S. 12.12–21). The narrator inserts it at the end of his account of the foundation of Thurii which forms the greater part of the passage devoted to the year 446/5 BC (12.7–21). Beginning and end of the excursus are explicitly marked and thus clearly signalled to the *Bibliothēke*'s readers. Having

I would like to thank Glenn Patten for his careful reading of this chapter and his helpful comments.

 Open Access. © 2024 the author(s), published by De Gruyter.  This work is licensed under the Creative Commons Attribution 4.0 International License.
<https://doi.org/10.1515/9783111320908-006>

gone through the foundation history of Thurii,¹ the narrator transitions to its lawgiver, Charondas, and announces the digression (12.11.3–4):²

εἴλοντο δὲ καὶ νομοθέτην τὸν ἄριστον τῶν ἐν παιδείᾳ θαυμαζομένων πολιτῶν Χαράνδαν. οὗτος δὲ ἐπισκεψάμενος τὰς ἀπάντων νομοθεσίας ἐξελέξατο τὰ κράτιστα καὶ κατέταξεν εἰς τοὺς νόμους· πολλὰ δὲ καὶ ἴδια ἐπινοησάμενος ἐξεῦρε, περὶ ὧν οὐκ ἀνοικεῖόν ἐστιν ἐπιμνησθῆναι πρὸς διόρθωσιν τῶν ἀναγινωσκόντων.

They [sc. the Thurians] also chose as their lawgiver the best of all citizens that were highly esteemed for learning: Charondas. This was the man who, after making a study of all legislations, picked out the best elements in them, which he then embodied in his own laws. But he also worked out and formulated many ideas of his own, and these it will not be irrelevant to put on record here, for the better instruction of our readers.

In 12.21.3, the narrator closes his excursus and takes up the main thread of his narrative again:

πολλὰ δὲ καὶ ἄλλα τῶν συμβολαίων καὶ τῶν ἄλλων τῶν κατὰ τὸν βίον ἀμφισβητουμένων καλῶς ἐνομοθέτησε, περὶ ὧν ἡμῖν μακρὸν ἂν εἴη γράφειν καὶ τῆς ὑποκειμένης ἱστορίας ἀνοικεῖον· διόπερ ἐπὶ τὰ συνεχῇ τοῖς προειρημένοις ἀναβιβάζομεν τὸν λόγον.

He [sc. Zaleucus] wrote excellent laws on many other vexed aspects of life, including contracts; but it would take too long to recount these, and they are not germane to the plan of this history. We shall therefore resume our narrative at the point where we left it.

Equally clear as its opening and closure is the structure of the digression: the narrator singles out a number of remarkable laws by Charondas and Zaleucus for detailed discussion and combines these narrative close-ups with occasional summaries or allusions to further legislation to form a long, but well-structured and engaging “story” of these exemplary lawgivers.³ The digression’s appeal to

¹ For a historical analysis of the foundation of Thurii in light of the extant sources, see Mele 2017. On the historical questions that are specifically raised by Diodorus’ account, see the comments in Green 2006.

² I quote, with occasional modifications, Green’s translation for book 12 and Oldfather’s translation for the other books of the *Bibliothèque*.

³ See the appendix of this chapter for an overview of the structure of the lawgivers digression. It is worth noting that there is virtually no overlapping between Diodorus’ account of Charondas’ legislation and what we learn elsewhere about the Thurian lawgiver — in other words: none of Charondas’ laws (with maybe one exception) referred to by other ancient authors/texts is mentioned in Diodorus’ digression, and “none of the laws Diodorus does describe is referred to in connection with Charondas elsewhere” (Green 2006, 196–197 n. 63). This idiosyncrasy of Diodorus’ Charondas narrative is one of the reasons why it is impossible to determine the source(s) of his lawgivers digression (on this, see Mele 2017, 324).

the readers of the text is precisely what I will focus on in this chapter: I will analyse the functions of Diodorus' lawgivers excursus and show that for each of them aspects of narrativity are central. I will start with moral edification as a first function of the digression, then continue with storytelling and narrative interweaving as further key characteristics of 12.12–21 and conclude with the passage's marked self-referentiality.

1 Moral edification

The first function of the lawgivers digression is expressly named by the narrator in his introductory comment already quoted above: the edification (12.11.4: διόρθωσις,) of the readers. Two traits of the passage work in this direction. First, the narrator frequently points out that, by making Charondas and Zaleucus the subject of an extended digression, he gives an anthology of the very best legislation: Charondas, the narrator claims, used the best elements (τὰ κράτιστα) of existing laws and combined them with his own ideas (12.11.4), which led to many new and highly useful legal principles, and these outstanding examples of the art of lawgiving are precisely what the narrator focuses on.

Thus, Charondas' law on the keeping of bad company is marked off as "unparalleled" and "something that all other lawgivers had overlooked" (12.12.3: ἐξηλλαγμένον καὶ τοῖς ἄλλοις νομοθέταις παρεωραμένον). The law that introduced publicly funded teaching of reading and writing was, according to the narrator, even "superior, and similarly overlooked by previous lawgivers" (12.12.4: κρείττονα καὶ τοῖς παλαιότεροις αὐτοῦ νομοθέταις ἡμελημένον). Charondas' law dealing with the guardianship of orphans, in turn, is said to reveal, when subjected to close scrutiny, "great zeal and high merit" (12.15.1: μεγάλην [...] σπουδὴν τε καὶ δόξαν), and to be testimony to "the lawgiver's outstanding ingenuity" (12.15.2: ἐπίνοια τοῦ νομοθέτου περιττή). Moreover, the narrator stresses that Charondas' legislation was both more humane than its equivalents elsewhere, and more effective in deterring undesired behaviour (cf. 12.16.2 on the punishment of deserters); he adds that Charondas managed to ensure the maintenance of his norms through their stringency (12.16.3: διὰ δὲ τῆς ἀποτομίας τῶν νόμων διέσωσε τοὺς νόμους ὁ νομοθέτης). In short: everyone willing to learn about good legislation has to look no further; the Charondas digression provides a model of effective and lasting, yet thoughtful and humane lawgiving that is worthy of praise and emulation. The short section on Zaleucus corroborates this picture: similar to Charondas in his way of life (12.19.3), Zaleucus invented many laws "with outstanding wisdom" (12.20.3: πολλὰ [sc. νομοθετήματα] παρ'

ἐαυτοῦ προσεξεῦρε μάλα σοφῶς καὶ περιττῶς), effective again in directing his citizens to right behaviour (cf. 12.21.2) — another excellent example of artful (12.21.1: φιλότεχνον) lawmaking.

But there is even more the readers can draw from the Charondas/Zaleucus digression in terms of instruction or edification. The passage not only describes two models of lawgiving, it is, more specifically, also a “piece of moral didacticism” as L. Hau has called it.⁴ Many of the laws cited or described in the digression have a strongly moralising character,⁵ i.e. they aim to eradicate personal or social vices and foster the citizens’ virtues. It is important to note that the “didacticism” of the passage consists not simply in naming and expressly devaluating reprehensible habits or actions and, by doing so, appealing to and corroborating the presumable moral convictions of the readers. The narrator does more than that: he “paints” little narrative scenes around these laws, scenes that involve a visual token which epitomises the wrong behaviour and involves the readers by exciting their imagination.

A first case in point is Charondas’ law against *sykophantia*,⁶ described by the narrator as follows (12.12.2):

τοὺς δ’ ἐπὶ συκοφαντία καταγνωσθέντας προσέταξε περιπατεῖν ἐστεφανωμένους μυρική, ὅπως ἐν πᾶσι τοῖς πολίταις φαίνωνται τὸ πρωτεῖον τῆς πονηρίας περιπεποιημένοι. διὸ καὶ τινὰς ἐπὶ τούτῳ τῷ ἐγκλήματι καταδικασθέντας τὸ μέγεθος τῆς ὕβρεως οὐκ ἐνεγκόντας ἐκουσίως ἑαυτοὺς ἐκ τοῦ ζῆν μεταστῆσαι. οὗ συντελεσθέντος ἐφυγαδεύθη πᾶς ἐκ τῆς πόλεως ὁ συκοφαντεῖν εἰωθός, καὶ τὸ πολίτευμα μακάριον εἶχε βίον τῆς τοιαύτης κακίας ἀπηλλαγμένον.

Those found guilty of *sykophantia*, he decreed, should, when they went out, wear a tamarisk wreath, so as to make clear to all their fellow citizens that they had won first prize for base conduct. In consequence, certain persons who had been condemned on this charge, unable to bear such great humiliation, voluntarily removed themselves from the company of the living. When this happened, all who had regularly practiced *sykophantia* were [scared into] fleeing the city; and the government, rid of this plague, thenceforth enjoyed a happy existence.

The wrong conduct of the *sykophantes* is not only “made clear” (φαίνονται) to their fellow citizens; it is also visually demonstrated to the readers of the pas-

⁴ Hau 2016, 82.

⁵ To such an extent that modern readers may feel put off by it, cf. Hölkeskamp’s complaint about the “penetrante[n] moralische[n] Tendenz” of the “story” told in 12.18.1–2 (1999, 139; see also his similar remarks on p. 141).

⁶ On the rather broad meaning of *συκοφαντία* which includes, among other things, calumny, false accusation, malicious prosecution and blackmail, see Green 2006, 197–198 n. 67.

sage who are turned into spectators who join the ranks of Thurians watching the graphic scene of tamarisk-wearing wrongdoers.

Similarly vivid and, by the same token, clear in its argument is the narrator's take on Charondas' law about deserters (12.16.1–2):

ἔτερον δὲ ἔθηκε νόμον κατὰ τῶν λιπόντων τὴν ἐν πολέμῳ τάξιν ἢ τὸ σύνολον μὴ ἀναλαμβάνοντων τὰ ὅπλα ὑπὲρ τῆς πατρίδος. τῶν γὰρ ἄλλων νομοθετῶν κατὰ τῶν τοιούτων τεθεικότων θάνατον τὸ πρόστιμον, οὗτος προσέταξε τοὺς τοιούτους ἐν τῇ ἀγορᾷ ἐφ' ἡμέρας τρεῖς καθῆσθαι ἐν ἐσθῇσι γυναικείαις. ὁ δὲ νόμος οὗτος ἅμα μὲν φιланθρωπότερός ἐστι τῶν παρὰ τοῖς ἄλλοις, ἅμα δὲ λεληθότως τῷ μεγέθει τῆς ἀτιμίας ἀποτρέπει τοὺς ὁμοίους τούτοις τῆς ἀνανδρίας· κρεῖττον γάρ ἐστιν ἀποθανεῖν ἢ τοιαύτης ὕβρεως ἐν τῇ πατρίδι πειραθῆναι· ἅμα δὲ καὶ τοὺς ἁμαρτάνοντας οὐκ ἠφάνισεν, ἀλλὰ τῇ πόλει πρὸς τὰς πολεμικὰς χρεῖας ἐτήρησε, διορθωσομένους τῇ διὰ τῆς ὕβρεως κολάσει καὶ σπεύδοντας ἐτέροις ἀνδραγαθήμασιν ἐξαλεῖψαι τὴν προγεγενημένην αἰσχύνην.

He also drafted a law aimed at those who deserted their post in wartime, or flatly refused to take up arms at all in defense of their fatherland. Whereas other legislators had stipulated death as the punishment for such men, Charondas decreed that they should sit in the marketplace for three days dressed as women. Now this law is both more humane than its equivalent elsewhere, and also, because of the extreme humiliation it inflicts, tends subconsciously to deter those similarly inclined from cowardly behaviour; for death is preferable to suffering so great an indignity in one's native city. At the same time, he did not do away with the offenders, but saved them for the state's military needs, his belief being that the punishment meted out for their disgraceful offense would make them determined to vindicate themselves, and by fresh deeds of valour wipe out their past shame.

The mechanism described here, shaming actual and potential offenders into over-compliance with the norms of the polis, is made comprehensible, and even palpable, by the drastic visualisation of ἀνανδρία enforced by Charondas' law.⁷ Imagination and instruction go hand in hand, and in this case, the readers are also invited to put themselves into the offenders' position — this, it seems, is the function of the extended description of the punishment's effects on the psyche of the culprits and those similarly inclined: they are the narrative focalisers for the greater part of the quoted paragraph,⁸ which makes the readers picture how it would actually feel to sit there in the marketplace and be the object of public contempt.

⁷ "Drastic" presumes that readers do feel that sitting in a marketplace dressed as a woman is shameful for a man — a plausible assumption at least for the ancient audience of the *Bibliothēke*.

⁸ On the term "focaliser", see Bal 1997, 144–149. For an analysis of the use of focalisers in the *Bibliothēke*, see Baumann 2020, 43–50, 129–131, 173–174. — Soraci (2003, 25–26) rightly stresses that Charondas' law "intendeva provocare [...] nell'animo dei cittadini una reazione psicologica", but does not mention the *Bibliothēke*'s readers.

The technique of “moral scene painting” is even more prominent in another case, a law on erring wives (and husbands) attributed by the narrator to Zaleucus. Here, a whole series of settings — and actors within this scenery — is conjured up (12.21.1–2):

τῶν γὰρ ἄλλων ἀπάντων ἀμαρτανουσῶν γυναικῶν ἀργυρικὰς ζημίας τεταχότων οὗτος φιλοτέχνῳ προστίμῳ τὰς ἀκολασίας αὐτῶν διωρθώσατο. ἔγραψε γὰρ οὕτω· γυναικὶ ἐλευθέρα μὴ πλείω ἀκολουθεῖν μιᾶς θεραπαινίδος, ἐὰν μὴ μεθύῃ, μηδὲ ἐξιέναι νυκτὸς ἐκ τῆς πόλεως εἰ μὴ μοιχευομένην, μηδὲ περιτίθεσθαι χρυσία μηδὲ ἐσθῆτα παρυφασμένην, ἐὰν μὴ ἑταῖρα ᾗ, μηδὲ τὸν ἄνδρα φορεῖν δακτύλιον ὑπόχρυσον μηδὲ ἱμάτιον ἰσομιλήσιον, ἐὰν μὴ ἑταιρευῇται ἢ μοιχεύηται. διὸ καὶ ῥαδίως ταῖς τῶν προστίμων αἰσχροῖς ὑπεξαίρεσιν ἀπέτρεψε τῆς βλαβερᾶς τρυφῆς καὶ ἀκολασίας τῶν ἐπιτηδευμάτων· οὐδεὶς γὰρ ἐβούλετο τὴν αἰσχρὰν ἀκολασίαν ὁμολογήσας καταγέλαστος ἐν τοῖς πολίταις εἶναι.

For instance, where all other societies imposed financial penalties on erring wives, he [sc. Zaleucus] found a most artful device whereby to curb their licentiousness, through the following laws that he drafted. A free woman could not be escorted abroad by more than one female attendant — unless she was drunk. Nor could she leave the city at night — except to commit adultery; nor could she wear gold jewellery or a purple-bordered dress — unless she was a courtesan. A husband, similarly, could not wear a gilded ring or an outer garment in the Milesian style — unless set on whoring or adultery. As a result, by imposing a sense of shame in lieu of the old penalties, he had no trouble in steering [citizens] away from damaging luxury and licentious practices; for no one wanted to become a laughing-stock among the other citizens by openly admitting to such shameful and self-indulgent habits.

The narrator’s remarks are short, but give sufficient stimulus to the readers’ imagination. The audience only need to activate their knowledge of (New) Comedy to turn the visual hints of the narrator into full scenes conjured up before their mind’s eye, complete with costumes and props like golden rings. Again, vivid narration and moralism are closely interlinked, in other words: the narrator’s account is instructive, but also entertaining, which is true for the whole digression that effectively combines the utility of learning about good legislation with the pleasure of reading captivating stories.

2 Storytelling

Telling the reader fascinating stories is precisely what defines the second function of the lawgivers digression. This aspect is in fact — beyond the implicit appeal of the various narrative scenes pointed out above — also explicitly named by the narrator who uses the key term *παράδοξον* to highlight the most

brilliant pieces of narrative within the digression. It is no accident that the two passages where this word occurs form the end of the Charondas “story”: there is a progression in the narrator’s account towards a double culmination, Charondas’ provisions to make his legislation permanent (12.17–18) and his death (12.19). In what sense, then, are these last deeds of Charondas, and the narrative about them, a παράδοξον? Several connotations of this multi-faceted term are relevant here: these acts/stories are surprising, they are idiosyncratic or peculiar, but also amazing and fascinating.⁹ All these qualities, of course, make them worthy objects of the readers’ attention and curiosity.

Charondas’ peculiar way to ensure the continued existence of his laws is the first case in the digression where the narrator foregrounds his storytelling with the word παράδοξον (2.17.1–2):¹⁰

τὸν δ’ οὖν Χαρώνδαν φασὶ παραδοξότατον νενομοθετηκέναι περὶ τῆς διορθώσεως τῶν νόμων. ὁρῶντα γὰρ αὐτὸν ἐν ταῖς πλείσταις πόλεσι διὰ τὸ πλῆθος τῶν ἐπιχειρούντων ἐπανορθοῦν τοὺς νόμους λυμαίνοντας μὲν τὰς προϋπαρχούσας νομοθεσίας, εἰς στάσεις δὲ τὰ πλήθη προαγομένους, ἴδιόν τι καὶ παντελῶς ἐξηλλαγμένον νομοθετῆσαι. προσέταξε γὰρ τὸν βουλόμενον διορθῶσαι τίνα νόμον, ὅταν ποιῇται τὴν περὶ τῆς διορθώσεως συμβουλίαν, τὸν ἑαυτοῦ τράχηλον εἰς βρόχον ἐντιθέναι, καὶ μένειν ἄχρι ἂν ὅτου τὴν κρίσιν ὁ δῆμος περὶ τοῦ διορθουμένου νόμου ποιήσῃται, κἂν μὲν ἡ ἐκκλησία προσδέξῃται τὸν ὕστερον γραφόμενον, ἀπολύεσθαι τὸν εἰσηγησάμενον, ἐὰν δὲ ἄκυρον ποιήσῃται τὴν διόρθωσιν, παραχρῆμα θνήσκειν ὑπὸ τοῦ βρόχου σφιγγόμενον.

However, what has been described as the most amazing legislation by Charondas is that to do with his revision of the legal code. Remarking that in most cities the sheer number of efforts to revise the laws both debased established legislation and encouraged civil dis-

⁹ For the meaning and the implications of the term παράδοξον, in the specific context of paradoxography (or related genres or discourses) and beyond, see Giannini 1963, 249–251; Jacob 1983, 122; Schepens/Delcroix 1996, 381–382; Pajón Leyra 2011, 41–50. There is one further connotation of παράδοξον which does not come to the fore in the lawgivers digression: a παράδοξον can also be an incredible thing or story; in D.S. 12.12–21, however, there is no hint by the narrator that the readers should call the credibility of the narrative into question (see Baumann 2018 for other passages of the *Bibliothēke* where the narrator actually “exploits” this connotation of the term παράδοξον).

¹⁰ Demosthenes describes an identical provision to keep laws unchanged (24.139–141) which he attributes to Epizephyrian Locri. The way he relates the story is quite different from Diodorus’ digression: no lawgiver is named by Demosthenes, and neither παράδοξον nor similar terms occur; it fits into the picture of a much “drier” account that Demosthenes refers to only one instance of a successful change of legislation in Locri, while the *Bibliothēke*’s narrator tells of three such cases in Thurii. Cf. Plb. 12.16 for yet another version of the story, also set in Locri (there again, no παράδοξον is mentioned, but the entertaining character of the anecdote is highlighted, cf. 12.16.14).

sension in the masses, he drafted a decree that was both personal and quite extraordinary. His ruling was that anyone wishing to amend a law should put his neck in a noose when advancing his proposed revision, and so remain until the demos returned a verdict on it. If the assembly accepted the amendment, the proposer would be released; but if his proposal was voted down, he was to be hanged on the spot.

What Charondas does is, in the narrator's word, a very personal (ἴδιον) way of securing the stability of his legislation — this takes up the narrator's introductory remark in 12.11.4 that Charondas, apart from picking out the best elements of existing legislations, also formulated many ideas of his own (πολλὰ δὲ καὶ ἴδια ἐπινοησάμενος ἐξεῦρε) —, and it is a peculiar thing to do too (ἐξηλλαγμένον); this term also appears elsewhere in the digression¹¹ and helps to focus the readers' attention on Charondas' specific approach to lawgiving and, by the same token, on the equally remarkable story told about him in the *Bibliothèque*.

The examples of successful changes of laws in Thurii as related by the narrator also exhibit the qualities of ἴδιον and ἐξηλλαγμένον: all these changes are proposed by certain individuals for highly personal reasons, and they pertain to unusual or unforeseen, in one word: peculiar situations. The first case of an amended law illustrates well how the narrator uses the form of short, self-contained anecdotes to tell the noteworthy stories of people risking death by hanging to find acceptance for their interpretation of what is right (12.17.4–5):

νόμου γὰρ ὄντος, ἐάν τις τινος ὀφθαλμὸν ἐκκόψῃ, ἀντεκκόπτεσθαι τὸν ἐκείνου, ἑτερόφθαλμός τις ἐκκοπεῖς τὸν ὀφθαλμὸν καὶ στερηθεῖς ὅλης τῆς ὁράσεως τῷ τὸν ἕνα ἀντεκκεκόφθαι τὸν δράσαντα ἔλαττον ὑπέλαβε πρόστιμον ἐκτίσαι· τυφλώσαντα γὰρ ἕνα τῶν πολιτῶν, εἰ τὸ κατὰ νόμον πρόστιμον ὁ πράξας ὑπομένει, μὴ τετευχέναι τῆς ἴσης συμφορᾶς· δίκαιον οὖν εἶναι τὸν ἑτερόφθαλμον τὴν ὅρασιν ἀφελόμενον ἀμφοτέρους ἐκκόπτεσθαι τοὺς ὀφθαλμούς, εἰ μέλλει τὴν ἴσην ἀναδέχεσθαι τιμωρίαν. διὸ καὶ περιαλγῇ γενόμενον τὸν ἑτερόφθαλμον ἀποτολμῆσαι λόγον ἐν ἐκκλησίᾳ διαθέσθαι περὶ τῆς ἰδίας συμφορᾶς, ἅμα μὲν τοῖς πολίταις ἀποδυρόμενον τὴν ἰδίαν ἀτυχίαν, ἅμα δὲ συμβουλευόντα τοῖς πλήθεσι διορθώσασθαι τὸν νόμον· τέλος δὲ δόντα τὸν τράχηλον εἰς βρόχον καὶ ἐπιτυχόντα τῇ συμβουλίᾳ, ἀκυρῶσαι μὲν τὸν ὑπάρχοντα νόμον, βεβαιώσαι δὲ τὸν διορθωθέντα, καὶ διαφυγεῖν τὸν τοῦ βρόχου θάνατον.

In the first case, there was a law that if a man put someone's eye out, he himself should lose an eye by way of reprisal. Now a certain one-eyed man had had that eye destroyed, and thereby lost his sight entirely. He therefore argued that the offender, by forfeiting one eye only in return, had paid less than a fair penalty, since he who blinded a fellow citizen, and paid only the penalty prescribed by law, would not have suffered a comparable loss.

¹¹ Cf. 12.12.3: ἔγραψε δὲ ὁ Χαρώνδας καὶ περὶ τῆς κακομιλίας νόμον ἐξηλλαγμένον καὶ τοῖς ἄλλοις νομοθέταις παρεωραμένον (“Charondas also wrote an *unparalleled* law on the keeping of bad company, something that all other lawgivers had overlooked”).

To be fair, and make the punishment equitable, anyone who robbed a one-eyed man of sight should have both his eyes put out. Thus the one-eyed man, who had become extremely embittered, had the courage to raise in the assembly the matter of his personal loss, and while lamenting to his fellow citizens over the mishap he had suffered, also proposed to the commons a revision of the law, winding up by putting his neck in a noose. He got his proposal carried, had the law as it stood revoked and the amendment confirmed, and also escaped death by hanging.

The narrator gives his story a distinctly emotional note: the man is “extremely embittered” (περιαλγῇ), expresses this emotion by lamenting (ἀποδυρόμενον) over his case and thus moves the audience, his fellow citizens. Again, the narrative is vivid, even dramatic, and invites the readers to share the feelings of the audience.¹² That this emotionalism is a characteristic trait of the narrator’s storytelling is underlined by the end of the third (and last) example of a revision of Charondas’ legislation: here, an orphaned and poor heiress persuades the *demos* to change the law concerning heiresses (which is disadvantageous to her) by weeping over her misery in front of the audience; they amend the law out of pity (12.18.4: διὰ τὸν ἔλεον), which again can be read as an appeal to the emotions and, more specifically, sympathy of the readers.¹³

The question of the stability of legislation links the anecdotes about legal revisions with the description of the lawgiver’s death, the end and climax of the Charondas narrative — and the second passage in the digression where the narrator calls an event (and the story about it) a παράδοξον. What makes this episode peculiar — again an aspect that is expressly named by the narrator — is that Charondas himself, albeit unintentionally, jeopardises the maintenance of his laws. As A. Szegedy-Maszak puts it, the legal code is confronted in this story with a challenge “which is paradoxically *created by* the lawgiver’s authority”.¹⁴ This happens because Charondas violates his own statute (12.19.1–2):

¹² In Demosthenes’ account already quoted above (24.140–141), emotions are hardly put into relief (the only rather vague mention of an emotion is χαλεπῶς ἐνεγκῶν ὁ ἑτερόφθαλμος in 24.140; there is no reference to any laments or any emotional reactions by the audience). His version of the story is also much less drastic than the one in the *Bibliothēke*: in Demosthenes’ speech, the crime (the destruction of the eye) is only threatened while in the *Bibliothēke* the victim has actually been blinded. So contrary to what Green (2006, 204 n. 80) claims, the two stories are not identical. Arist. *Rh.* 1365b16–19 and Ael. *VH* 13.24, quoted in various studies in connection with D.S. 2.17.4–5 because of the recurring motifs of blinding and punishment (cf. Mühl 1929, 109 and 432; Hölkesskamp 1999, 139 with n. 59; Green 2006, 204 n. 80; Mele 2017, 321–322), either do not tell any story at all (Aristoteles) or tell a different one (Aelian).

¹³ For the importance of emotions in the *Bibliothēke* in general, see Bommelaer 1989, xlv–xlix.

¹⁴ Szegedy-Maszak 1978, 206.

Λείπεται δ' ἡμῖν εἰπεῖν ὑπὲρ τῆς τοῦ Χαρώνδου τελευτῆς, καθ' ἣν ἴδιόν τι καὶ παράδοξον αὐτῷ συνέβη. ἐπὶ γὰρ τὴν χώραν ἐξιὼν μετὰ ξιφιδίου διὰ τοὺς ληστάς, καὶ κατὰ τὴν ἐπάνοδον ἐκκλησίας συνεστῶσης καὶ ταραχῆς ἐν τοῖς πλήθεσι, προσέστη πολυπραγμονῶν τὰ κατὰ τὴν στάσιν. νενομοθετηκῶς δ' ἦν μηδένα μεθ' ὅπλου ἐκκλησιάζειν, καὶ ἐπιλαθόμενος ὅτι τὸ ξίφος παρέζωσται, παρέδωκεν ἐχθροῖς τισιν ἀφορμὴν κατηγορίας. ὣν ἐνὸς εἰπόντος Καταλέλυκας τὸν ἴδιον νόμον, Μὰ Δι', εἶπεν, ἀλλὰ κύριον ποιήσω· καὶ σπασάμενος τὸ ξιφίδιον ἐαυτὸν ἀπέσφαξεν. ἔνιοι δὲ τῶν συγγραφέων τὴν πράξιν ταύτην περιτιθέασι Διοκλεῖ τῷ Συρακοσίων νομοθέτῃ.

It remains for us to speak of Charondas' death, concerning which a most peculiar and unlooked-for accident befell him. When he left town for the country, he had armed himself with a dagger as a defence against highwaymen. On his return he found the assembly in session and the populace greatly upset, and being curious as to the cause of dissension, he went in. Now he had once passed a law that no one should enter the assembly carrying a weapon, and it had slipped his mind on this occasion that he himself had a dirk strapped to his waist. He thus offered certain of his enemies a fine opportunity to bring a charge against him. But when one of them said, "You've revoked your own law," he replied, "No, by God, I shall maintain it," and with that drew his dirk and killed himself. Certain writers, however, attribute this act to Diocles, the lawgiver of the Syracusans.

In the end, the law is maintained, but at the price of the lawgiver's death — a true paradox, and certainly an intriguing and entertaining anecdote which effectively rounds off the Charondas narrative.

In addition to bringing out the narrative qualities of the lawgivers digression, telling of παράδοξα also serves the purpose of linking the digression with other parts of the *Bibliothēke*. This brings us to the third function of the Charondas/Zealeucus passage: these chapters also form a narrative intersection within the larger context of Diodorus' universal history.

3 Narrative interweaving

This aspect of the digression is evident from the last sentence of the suicide episode quoted above: the narrator concludes his anecdote with the remark that "certain writers, however, attribute this act to Diocles, the lawgiver of the Syracusans" (12.19.2: ἔνιοι δὲ τῶν συγγραφέων τὴν πράξιν ταύτην περιτιθέασι Διοκλεῖ τῷ Συρακοσίων νομοθέτῃ). There were, of course, other noteworthy lawgivers apart from Charondas and Zealeucus, and by explicitly pointing to one of them, the narrator invites the readers to draw comparisons and reflect on this panorama of lawgiving. To do so, the reader does not even have to turn to other texts than the *Bibliothēke*, for there is a passage in the *Bibliothēke*'s following book where Diocles appears in the narrative and is indeed said to have suffered

the same fate as Charondas. This story is part of the account of the Athenians' Sicilian Expedition (and in particular of the aftermath of their defeat) and closes the *Bibliothēke*'s treatment of the year 413 BC (13.33.2–3):

Μετὰ δὲ τὴν κατάλυσιν τοῦ πολέμου Διοκλῆς τοὺς νόμους ἀνέγραψε τοῖς Συρακοσίοις, καὶ συνέβη παράδοξον περὶ τὸν ἄνδρα τοῦτον γενέσθαι περιπέτειαν. ἀπαραίτητος γὰρ ἐν τοῖς ἐπιτιμίοις γενόμενος καὶ σκληρῶς κολάζων τοὺς ἐξαμαρτάνοντας, ἔγραψεν ἐν τοῖς νόμοις, ἐάν τις ὄπλον ἔχων εἰς τὴν ἀγορὰν παραγένηται, θάνατον εἶναι πρόστιμον, οὔτε ἀγνοία δοὺς οὔτε ἄλλη τινὶ περιστάσει συγγνώμην. προσαγγελθέντων δὲ πολέμιων ἐπὶ τῆς χώρας ἐξεπορεύετο ξίφος ἔχων· αἰφνιδίου δὲ στάσεως καὶ ταραχῆς κατὰ τὴν ἀγορὰν γενομένης, ἀγνοήσας μετὰ τοῦ ξίφους παρῆν εἰς τὴν ἀγορὰν. τῶν δὲ ἰδιωτῶν τινος κατανοήσαντος καὶ εἰπόντος, ὅτι τοὺς ἰδίους αὐτὸς καταλύει νόμους, ἀνεβόησε, Μὰ Δία οὐ μὲν οὖν, ἀλλὰ καὶ κυρίου ποιῶσω. καὶ σπασάμενος τὸ ξίφος ἑαυτὸν ἀπέκτεινεν.

After the termination of the war Diocles set up the laws for the Syracusans, and it came to pass that this man experienced a strange reversal of fortune. For having become implacable in fixing penalties and severe in punishing offenders, he wrote in the laws that, if any man should appear in the market-place carrying a weapon, the punishment should be death, and he made no allowance for either ignorance or any other circumstance. And when word had been received that enemies were in the land, he set forth carrying a sword; but since sudden civil strife had arisen and there was uproar in the market-place, he thoughtlessly entered the market-place with the sword. And when one of the ordinary citizens, noticing this, said that he himself was annulling his own laws, he cried out, "Not so, by Zeus, I will even uphold them." And drawing the sword he slew himself.

The stories are virtually identical, and the narrator uses the term παράδοξον here in the same way, and for the same effect, as he does in the Charondas digression. For a reader who reads both passages, these parallel stories are an instance of repetitive narration.¹⁵ Such a comparative reading is motivated by the text itself, since the mentioning of Diocles in 12.19.2 comes close to a cross-reference — within the context of a universal history, every reader can and will expect a treatment of Syracuse in the work, and will thus be prompted to interpret the narrator's remark as an implicit and "open", i.e. not fully specified, crosslink.¹⁶

What the readers get when they actually step onto the bridge offered by the narrator's remark on the varying attributions of the suicide story is an entry to an extensive and fruitful comparison between lawgivers. For in book 13, the

¹⁵ Cf. Genette 1972, 145–156.

¹⁶ Cross-references are frequent in the *Bibliothēke*, and they show a great variety as to their degree of specification; cf. Rubincam 1989, 40–43. See Baumann 2022, 100 for the cross-references as a hallmark of the "bookishness" and self-referentiality of the *Bibliothēke*.

narrator also gives a detailed account of the merits of Diocles' legislation beyond the story of his death (13.35):¹⁷ if one compares this evaluation with what the narrators says about Charondas and Zaleucus, both similarities and differences appear. In all three cases, the wisdom and reflexion of the lawgivers is stressed (cf. 12.15.1, 12.20.3, 13.35.4), but whereas Charondas' laws are characterised by their mildness and humanity vis-à-vis other legislations (12.16.2, cf. the similar, albeit more implicit, notion in 12.21.1–2 (Zaleucus)), Diocles' main trait is that “he sets heavier penalties against all wrongdoers than any other legislator” (13.35.4: διὰ τὸ πάντων τῶν νομοθετῶν πικρότατα πρόστιμα θεῖναι κατὰ πάντων τῶν ἀδικούντων), and while the narrator puts much emphasis on Charondas' and Zaleucus' relation to older legislations (cf., e.g., 12.11.4, 12.21.2), he focuses on the *Nachleben* of Diocles' laws which, he claims, many Sicilian cities continued to use down to the time of Roman rule over the island (13.35.3).

Thus, the *Bibliothèque* shows its readers a whole range of models of legislation, and of narrative perspectives on them. The full picture only emerges when the readers take these passages together, compare the information given by the narrator and combine the various narrative “approaches”, which enables them to learn even more from the text and at the same time enjoy further storytelling. How intimately both aspects, instruction (or edification, to pick up the term used above) and narration, are connected in the *Bibliothèque* is illustrated precisely by the “bridge” between the two passages discussed here, the παράδοξον of the lawgivers' suicide: in the Diocles account, the narrator gives an explicit interpretation that is missing in the Charondas digression,¹⁸ that Diocles' “dramatic death” (13.35.5: ἡ περὶ τὴν τελευτὴν περιπέτεια) is testimony to his virtue (ἐμαρτύρησε [...] αὐτοῦ τὴν ἀρετὴν) — a “lesson” every reader can easily apply to Charondas as well. At the same time, a striking difference in the narrative sequence invites the readers to reflect on the various ways to relate a story and what this means for the appreciation of a narrative: Charondas' death is, in keeping with the chronological order of events, placed at the end of the digression devoted to him, while Diocles as a lawgiver¹⁹ is introduced by the story of

¹⁷ The closing remark of 13.35.5 in which the narrator justifies the length of this chapter (ταῦτα μὲν οὖν ἀκριβέστερον εἰπεῖν προήχθη διὰ τὸ τοὺς πλείους τῶν συγγραφέων ὀλιγωρότερον περὶ αὐτοῦ διελέχθαι, “now these qualities of Diocles I have been moved to set forth in considerable detail by reason of the fact that most historians have rather slighted him in their treatises”) is very similar to phrases used to mark off digressions, so we might consider this passage to be a kind of excursus too.

¹⁸ A *Leerstelle*, to borrow W. Iser's famous term (cf. Iser 1984, 280–355).

¹⁹ As a politician in a broader sense he is introduced in 13.19.4 where he advocates a tough stance towards the captured Athenians — an analogy to his strictness as a lawgiver?

his suicide — how he came to act as a lawgiver and what he did in this capacity is told later, in 13.35 as mentioned above.

This makes the readers wonder: does the picture of a lawgiver change when his story is narrated from the end — even if the end remains the same? What aspects of the lawgivers' character and achievements are thrown into relief by the two forms of narrative, and could Charondas' life also be told the other way, i.e. starting from his end? All these questions are inextricably tied to the specific storytelling of the *Bibliothēke*, which means that inviting the readers to think about them is a form of self-referentiality of the text. This aspect, that the *Bibliothēke* self-consciously directs the readers' attention to its own literary “make-up”, is another function of the lawgivers digression, the last one I will discuss in this chapter. But before I elaborate on this point, one further narrative link which the lawgivers digression offers its readers should at least be mentioned: there is yet another “bridge” provided by the motif of παράδοξον, in this case not to a further Greek model of lawgiving, but to Egypt.

Every reader of the lawgivers digression who is interested in the connection of legislation and παράδοξον finds a parallel in the *Bibliothēke*'s first book where the narrator gives a detailed account of the many peculiar customs and laws of the Egyptians (1.69–98). Terms as ἴδιον and ἐξηλλαγμένον, alongside παράδοξον, abound in these chapters;²⁰ a good example of the “mood” of strangeness and idiosyncrasy created by the narrator is the passage on the Egyptian law on theft (1.80.1–2):

Ὑπῆρχε δὲ καὶ περὶ τῶν κλεπτῶν νόμος παρ' Αἰγυπτίοις ιδιώτατος. ἐκέλευε γὰρ τοὺς μὲν βουλομένους ἔχειν ταύτην τὴν ἐργασίαν ἀπογράφεσθαι πρὸς τὸν ἀρχίφωρα, καὶ τὸ κλαπὲν ὁμολόγως ἀναφέρειν παραχρῆμα πρὸς ἐκείνον, τοὺς δὲ ἀπολέσαντας παραπλησίως ἀπογράφειν αὐτῷ καθ' ἑκάστον τῶν ἀπολωλότων, προστιθέντας τὸν τε τόπον καὶ τὴν ἡμέραν καὶ τὴν ὥραν καθ' ἣν ἀπώλεσεν. τοῦτ' οὗ δὲ τῷ τρόπῳ πάντων ἐτοιμῶς εὕρισκομένων, ἔδει τὸν ἀπολέσαντα τὸ τέταρτον μέρος τῆς ἀξίας δόντα κτήσασθαι τὰ ἑαυτοῦ μόνα. ἀδυνάτου γὰρ ὄντος τοῦ πάντας ἀποστήσαι τῆς κλοπῆς εὗρε πόρον ὁ νομοθέτης δι' οὗ πᾶν τὸ ἀπολόμενον σωθήσεται μικρῶν διδομένων λύτρων.

The Egyptian law dealing with thieves was also a very peculiar one. For it bade any who chose to follow this occupation to enter their names with the Chief of the Thieves and by agreement to bring to him immediately the stolen articles, while any who had been robbed filed with him in like manner a list of all the missing articles, stating the place, the day, and the hour of the loss. And since by this method all lost articles were readily found, the owner who had lost anything had only to pay one-fourth of its value in order to recover just what belonged to him. For as it was impossible to keep all mankind from stealing,

²⁰ See Baumann 2020, 27–34.

the lawgiver devised a scheme whereby every article lost would be recovered upon payment of a small ransom.

No lawgiver is named here, but again the *Bibliothēke*'s account combines the usefulness of showing an ingenious take on a legislative problem (how to deal with theft?) with an appeal to the reader's interest in what is fascinating and entertaining — a fusion of intended effects that is neatly summed up by the narrator in the introduction to that part of 1.69–98 which deals with the Egyptians' individual laws (1.77.1):

Ἐπεὶ δὲ τῆς νομοθεσίας ἐμνήσθημεν, οὐκ ἀνοίκειον εἶναι τῆς ὑποκειμένης ἱστορίας νομίζομεν ἐκθέσθαι τῶν νόμων ὅσοι παρὰ τοῖς Αἰγυπτίοις παλαιότητι διήνεγκαν ἢ παρηλλαγμένην τάξιν ἔσχον ἢ τὸ σύνολον ὠφέλειαν τοῖς φιλαναγνωστοῦσι δύνανται παρασχέσθαι.

Since we have spoken of their legislation, we feel that it will not be foreign to the plan of our history to present such laws of the Egyptians as were especially old or took on an extraordinary form, or, in general, can be useful for lovers of reading.

The usefulness (ὠφέλεια) is stressed, and by calling the readers φιλαναγνωστοῦντες (“lovers of reading”), strong connotations of curiosity, of readers eager to follow a well-narrated story into detail and to its end, are also conveyed.²¹ All the narratives of laws and lawgivers in the *Bibliothēke* cater to such readers, and by following the explicit or implicit links between them and thus juxtaposing the various accounts, the φιλαναγνωστοῦντες can make the most of them.²²

4 Self-referentiality

I now return to self-referentiality as the last aspect of the lawgivers digression that will be discussed in this chapter. In addition to what I have already pointed out above, a specific law written by Charondas, and the narrator's comment on it, demonstrate that the digression consciously mirrors key aspects of the

²¹ See 2.54.7 and 16.1.2 for other occurrences of φιλαναγνωστοῦντες in the *Bibliothēke* which demonstrate these connotations.

²² See Muntz 2017, 191–214 for a decidedly political interpretation of the *Bibliothēke*'s first book and its intended usefulness: Muntz claims that Egypt is shown here as a paradigm, a positive model Diodorus' contemporary Roman readers should follow, not least as for its laws. This requires, of course, that readers draw a comparison between their own legislation and the Egyptian laws, and act upon this juxtaposition (in Muntz' words, “pick and choose” (214) from the Egyptian legal paradigm).

Bibliothēke's concept of historiography. The law in question is Charondas' provision that all citizens of Thurii should learn to read and write (12.12.4):

ἔγραψε δὲ καὶ ἕτερον νόμον ἀπὸ τούτου κρείττονα καὶ τοῖς παλαιότεροις αὐτοῦ νομοθέταις ἡμελημένον· ἐνομοθέτησε γὰρ τῶν πολιτῶν τοὺς υἱεῖς ἅπαντας μανθάνειν γράμματα, χορηγούσης τῆς πόλεως τοὺς μισθοὺς τοῖς διδασκάλοις. ὑπέλαβε γὰρ τοὺς ἀπόρους τοῖς βίοις, ἰδίᾳ μὴ δυναμένους διδόναι μισθοὺς, ἀποστερήσεσθαι τῶν καλλίστων ἐπιτηδευμάτων.

He also framed another law of greater merit even than this one [sc. than the law on the keeping of bad company], and similarly overlooked by previous lawgivers. This laid down that all the sons of citizens should learn to read and write, and that the state should be responsible for paying teachers' salaries. His assumption here was that the indigent, who could not afford such fees from their own resources, would [otherwise] be deprived of the best and highest pursuits.

From a strictly historical point of view, it is at least doubtful whether such a law could actually have been passed in the fifth century BC.²³ Given that the closest proven parallels of institutionalised state-funded education are from the Hellenistic period,²⁴ some form of backprojection seems to be at play in the Charondas account as presented by the *Bibliothēke*. But for the purpose of this chapter, the more important question is what the *Bibliothēke* and its narrator make of the “story” of Charondas providing free education to the young Thurians. From this perspective, the narrator's comment on Charondas' law is most interesting — he gives a eulogy of literacy which clearly echoes what the *Bibliothēke* as a written universal history is all about (12.13):

τὴν γὰρ γραμματικὴν παρὰ τὰς ἄλλας μαθήσεις προέκρινεν ὁ νομοθέτης, καὶ μάλα προσηκόντως· διὰ γὰρ ταύτης τὰ πλεῖστα καὶ χρησιμώτατα τῶν πρὸς τὸν βίον ἐπιτελεῖσθαι, ψήφους, ἐπιστολάς, διαθήκας, νόμους, τᾶλλα τὰ τὸν βίον μάλιστα ἐπανορθοῦντα. τίς γὰρ ἂν ἄξιον ἐγκώμιον διάθοιτο τῆς τῶν γραμμάτων μαθήσεως; διὰ γὰρ τούτων μόνων οἱ <μὲν> τετελευτηκότες τοῖς ζῶσι διαμνημονεύονται, οἱ δὲ μακρὰν τοῖς τόποις διεστώτες τοῖς πλείστον ἀπέχουσιν ὡς πλησίον παρεστῶσι διὰ τῶν γεγραμμένων ὁμιλοῦσι· ταῖς τε κατὰ πόλεμον συνθήκαις ἐν ἔθνεσιν ἢ βασιλεῦσι πρὸς διαμονὴν τῶν ὁμολογιῶν ἢ διὰ τῶν γραμμάτων ἀσφάλεια βεβαιωτάτην ἔχει πίστιν· καθόλου δὲ τὰς χαριεστάτας τῶν φρονίμων ἀνδρῶν ἀποφάσεις καὶ θεῶν χρησμούς, ἔτι δὲ φιλοσοφίαν καὶ πᾶσαν παιδείαν μόνη τηρεῖ καὶ

²³ But scholarly opinions differ, see Hölkeskamp 1999, 142 (“[es] erscheint [...] höchst fraglich, ob der Kern der Sache, nämlich dieses ‘Gesetz’, wenigstens als Maßnahme des Sophisten und Gesetzgebers Protagoras für Thurii denkbar ist”) and Green 2006, 199 n. 70 (“it is more than possible, then, that Charondas did legislate for state-sponsored education”) for the sceptical and the appreciative ends of the spectrum.

²⁴ See Andriolo 1998, 51: “Di scuole di ‘Stato’, pubbliche, regolarmente istituite e funzionanti, senza interruzioni, si hanno esempi solamente in età alessandrina.”

τοῖς ἐπιγινόμενοις αἰεὶ παραδίδωσιν εἰς ἅπαντα τὸν αἰῶνα. διὸ καὶ τοῦ μὲν ζῆν τὴν φύσιν αἰτίαν ὑποληπτέον, τοῦ δὲ καλῶς ζῆν τὴν ἐκ τῶν γραμμάτων συγκειμένην παιδείαν. ὅθεν ὡς μεγάλων τινῶν ἀγαθῶν ἀποστερουμένους τοὺς ἀγράμματοις διωρθώσατο τῇ νομοθεσίᾳ ταύτῃ καὶ δημοσίας ἐπιμελείας τε καὶ δαπάνης ἡξίωσε, καὶ τοσοῦτον ὑπερέβαλετο τοὺς πρότερον νομοθετήσαντας δημοσίῳ μισθῷ τοὺς νοσοῦντας τῶν ἰδιωτῶν ὑπὸ ἱατρῶν θεραπεύεσθαι, ὥσθ' οἱ μὲν τὰ σώματα θεραπείας ἡξίωσαν, ὁ δὲ τὰς ψυχὰς τὰς ὑπ' ἀπαιδευσίας ἐνοχλουμένας ἐθεράπευσε, κάκείνων μὲν τῶν ἱατρῶν εὐχόμεθα μηδέποτε χρεῖαν ἔχειν, τοῖς δὲ τῆς παιδείας διδασκάλοις ἐπιθυμοῦμεν ἅπαντα τὸν χρόνον συνδιατρίβειν.

Indeed, this lawgiver ranked literacy above every other kind of learning, and was right to do so: for this is what enables the bulk — and the most valuable part — of human affairs to be carried out: voting, letter-writing, the engrossment of laws and covenants, and all other things that most contribute to the proper regulation of life. Who could sufficiently praise the acquisition of letters? It is by this alone that the dead survive in the memory of the living, or that people in places widely separated one from the other communicate, even with those at the greatest distance from them, by means of the written word, just as though they were close by. Also, as regards wartime treaties between peoples or monarchs, the firmest guarantee that such agreements will hold good is provided by the specificity of a written text. In sum, this is what alone preserves the most satisfying pronouncements of wise men and the oracles of the gods, not to mention philosophy and all educational knowledge, and is forever handing them on to generation after generation down the ages. Thus, while we must acknowledge that nature is the cause of life, we must also agree that the good life is brought about by an upbringing grounded in literacy. It was, then, to right the wrong done the illiterate (in thus depriving them of certain enormous benefits) that [Charondas] by his legislation judged them deserving of public concern and expenditure; and whereas earlier legislators had decreed that private individuals, when sick, should enjoy medical services at the expense of the state, he went far beyond what they did, since they [merely] thought bodies worth healing, while he offered care to souls burdened through lack of education. Indeed, while we must pray that we never stand in need of those [other] physicians, we most heartily desire that all our time may be spent among such teachers of knowledge.

This is not just a “philosophic-pedagogical addition” to the law proper as Hölkeskamp contended.²⁵ It is a programmatic statement that closely ties in with the *Bibliothēke*’s “project”: making the dead survive in the memory of the living and handing knowledge on to future generations (12.13.2) is of course what the *Bibliothēke* aims at (cf. 1.2.3–5), as much as any other work of historiography. More specifically, as a universal history, the *Bibliothēke* claims to “record the affairs of the entire world, as though they were the affairs of some single city” (1.3.6: τοῦ σύμπαντος κόσμου πράξεις, ὥσπερ τινὸς μᾶς πόλεως, [...] ἀναγράψαι; cf. 1.1.3), which chimes with what the narrator says about literacy in 12.13.2, that this is what enables “people in places widely separated one from the other [to]

25 Hölkeskamp 1999, 142 (“spätere philosophisch-pädagogische Zutat”).

communicate, even with those at the greatest distance from them, by means of the written word". If one also takes into account that the *Bibliothēke* shows a marked interest in inscriptions and other writing practices, as appears from the numerous references to epigraphical material, and that these references cover a broad range of topics which are in tune with what the narrator highlights in 12.13 (cf. 12.13.1: "laws and covenants", 12.13.2: "pronouncements of wise men"),²⁶ a dense network of connections between the praise of literacy in book 12 and the other parts of the *Bibliothēke* becomes evident.

Moreover, the *Bibliothēke* has rightly been called a "book history",²⁷ for its technique of compiling older historiographical material into one new and coherent "Library" as much as for its insistence on the benefits of reading such an account: throughout the proem to his work, the narrator stresses that the *Bibliothēke* provides a safe (1.1.1–2) and effortless (1.3.8) way of gaining knowledge — one simply has to read its well-structured, so the narrator asserts, and easy to grasp (1.3.8: εὐπαράκολούθητον) narrative of mankind's past. This claim to readability plays an important role in recent efforts to pin down the *Bibliothēke*'s intended audience in sociological terms: M. Rathmann has convincingly argued that what he calls a "provincial middle class" was probably the audience Diodorus primarily wrote for — precisely the social group the *Bibliothēke*'s author himself in all likelihood belonged to.²⁸ For such readers the "story" that all citizens of Thurii, regardless of their economic status, were given free education and the narrator's ensuing praise for this legislation must have been of particular significance and interest. But even beyond this primary "target group", the explicit narratorial voice in 12.13 makes sure that the basic self-referential point of this passage cannot be lost on the *Bibliothēke*'s audience, whatever their social background: they are readers of a literary work whose manifold benefits are closely linked to its specific mediality, its "bookish" take on historiography.

In fact, all the functions of Diodorus' lawgivers digression that I have highlighted in this analysis — moral edification, storytelling, narrative interweaving, and self-referentiality — can be interpreted as part of the *Bibliothēke*'s attempt to offer its audience a spectrum of interactions that is as comprehensive as possible: the text addresses the readers' moral, intellectual and affective capacities and interests, it tells its audience engaging stories and invites its readers to connect, compare and interpret these narratives, and it makes the audience

²⁶ See Liddel 2018, esp. 456–462 and the appendix (with a useful list of references, 467–469).

²⁷ On this way of writing historiography and how it differs from Polybius' concept of pragmatic history, see Wiater 2006, esp. 248–260.

²⁸ See Rathmann 2016, 142–147 (and 65–68 on Diodorus' social background).

aware that all this is happening and that it is intended — a fitting undertaking for a work that calls itself a historical *Library*.

5 Appendix: The structure of the lawgivers digression (D.S. 12.12–21)

1. Laws given by Charondas:

- “First, there is the decree he instituted regarding such men as brought in a stepmother to be in charge of their existing children: these he banned from serving as counselors for their fatherland” (12.12.1).
- “Those found guilty of *sykophantia*, he decreed, should, when they went out, wear a tamarisk wreath, so as to make clear to all their fellow citizens that they had won first prize for base conduct” (12.12.2).
- “The lawgiver banned all friendship and intimate association with base persons, drafted laws against the keeping of bad company, and by means of stringent penalties discouraged those about to commit such errors” (12.12.3).
- “He framed the law that all the sons of citizens should learn to read and write, and that the state should be responsible for paying teachers’ salaries” (12.12.4–13.4).
- “Both of the earlier laws here mentioned have received witness from many poets in verse: that on keeping bad company as follows: [...] while the law regarding stepmothers produced this: [...]” (12.14).
- Law dealing with the guardianship of orphans: “the property of orphans should be managed by the next of kin on the father’s side, but the orphans themselves should be brought up by their relatives on the mother’s side” (12.15).
- “He drafted a law aimed at those who deserted their post in wartime, or flatly refused to take up arms at all in defense of their fatherland. [...] Charondas decreed that they should sit in the marketplace for three days dressed as women” (12.16.1–2).
- “He prescribed obedience to the law whatever the circumstances, even if it had been fundamentally ill-drafted; at the same time, he allowed for re-drafting should the need arise” (12.16.3–5).
- Legislation which related to revision of the laws: “His ruling was that anyone wishing to amend a law should put his neck in a noose when advancing his proposed revision, and so remain until the *demos* returned a verdict on it.

If the assembly accepted the amendment, the proposer would be released; but if his proposal was voted down, he was to be hanged on the spot" (12.17–18). Three cases of revised laws:

- a. "law that if a man put someone's eye out, he himself should lose an eye by way of reprisal", 12.17.4–5,
 - b. "law giving a wife the right to divorce her husband and [thereafter] marry whomsoever she pleased", 12.18.1–2,
 - c. law concerning heiresses, 12.18.3–4.
- Death of Charondas, law that no one should enter the assembly carrying a weapon (12.19.1–2).

[Transition to Zaleucus, 12.19.3]

2. Laws given by Zaleucus:

- "In the general preamble to his legislation, he stated that the city's inhabitants must, first and foremost, by reason as by faith, believe that the gods do indeed exist" (12.20.2).
- "He tacked on a further requirement, that they should treat none of their fellows as an irreconcilable enemy" (12.20.3).
- Short reference to further legislation (12.20.3).
- Laws "to curb the licentiousness of erring wives"; three cases described in detail (12.21.1–2).
- Mention of "laws on many other vexed aspects of life, including contracts"; end of the digression (12.21.3).

Bibliography

- Andriolo, N. (1998), "Caronda e il problema dell'istruzione pubblica", in: *Patavium* 6, 45–60.
- Bal, M. (1997), *Narratology. Introduction to the Theory of Narrative*, Toronto/Buffalo/London, 2nd ed.
- Baumann, M. (2018), "Wunderlektüren: Paradoxa und die Aktivität des Lesers in Diodors *Bibliothèque*", in: T. Blank/F.K. Maier (eds.), *Die symphonischen Schwestern. Narrative Konstruktion von 'Wahrheiten' in der nachklassischen Geschichtsschreibung*, Stuttgart, 227–240.
- Baumann, M. (2020), *Welt erzählen. Narration und das Vergnügen des Lesers in der ersten Pentade von Diodors Bibliothéke*, Göttingen.
- Baumann, M. (2022), "Sailing the Sea, Sailing an Image: Periplus and Mediality in Diodorus' *Bibliothéke* and Philostratus' *Imagines*", in: J. König/N. Wiater (eds.), *Late Hellenistic Greek Literature in Dialogue*, Cambridge, 94–118.
- Bommelaer, B. (1989), *Diodore de Sicile. Bibliothèque Historique. Livre III*, Paris.
- Genette, G. (1972), "Discours du récit. Essai de méthode", in: G. Genette, *Figures III*, Paris, 65–282.

- Giannini, A. (1963), "Studi sulla paradossografia greca. I Da Omero a Callimaco: motivi e forme del meraviglioso", in: *RIL* 97, 247–266.
- Green, P. (2006), *Diodorus Siculus, Books 11–12.37.1: Greek History 480–431 B.C.—the Alternative Version*, Austin.
- Hau, L. (2016), *Moral History from Herodotus to Diodorus Siculus*, Edinburgh.
- Hölkeskamp, K.-J. (1999), *Schiedsrichter, Gesetzgeber und Gesetzgebung im archaischen Griechenland*, Stuttgart.
- Iser, W. (1984), *Der Akt des Lesen. Theorie ästhetischer Wirkung*, 2nd ed., Munich.
- Jacob, C. (1983), "De l'art de compiler à la fabrication du merveilleux. Sur la paradoxographie grecque", in: *Lalies* 2, 121–140.
- Liddel, P. (2018), "Inscriptions and Writing in Diodoros' *Bibliothēke*", in: L. Hau/A. Meeus/B. Sheridan (eds.), *Diodoros of Sicily: Historiographical Theory and Practice in the Bibliothēke*, Leuven/Paris/Bristol, CT, 447–469.
- Mele, A. (2017), "Da Sibari a Turi: strategie di una rifondazione", in: *RAL* Ser. 9, 28, 281–325.
- Mühl, M. (1929), "Die Gesetze des Zaleukos und Charondas", in: *Klio* 22, 105–124 and 432–463.
- Muntz, C.E. (2017), *Diodorus Siculus and the World of the Late Roman Republic*, New York.
- Oldfather, C.H. et al. (1933–1967), *Diodorus of Sicily, The Library of History*, Cambridge, MA/London.
- Pajón Leyra, I. (2011), *Entre ciencia y maravilla. El género literario de la paradoxografía griega*, Zaragoza.
- Rathmann, M. (2016), *Diodor und seine Bibliothēke*, Berlin/Boston.
- Rubincam, C. (1989), "Cross-References in the *Bibliothēke Historike* of Diodoros", in: *Phoenix* 43, 39–61.
- Schepens, G./Delcroix, K. (1996), "Ancient Paradoxography: Origin, Evolution, Production and Reception", in: O. Pecere/A. Stramaglia (eds.), *La letteratura di consumo nel mondo greco-latino*, Cassino, 373–460.
- Soraci, R. (2003), "Il 'codice' di Caronda e l'obbedienza alle leggi", in: *QCSAM* 2, 5–58.
- Szegedy-Maszk, A. (1978), "Legends of the Greek lawgivers", in: *GRBS* 19, 199–209.
- Wiater, N. (2006), "Geschichtsschreibung und Kompilation. Diodors historiographische Arbeitsmethode und seine Vorstellungen von zeitgemäßer Geschichtsschreibung", in: *RhM* 149, 248–271.