

attempt to commit a disorderly persons offense is . . . not sufficiently serious to be made the object of the penal law. Many disorderly persons offenses are too innocuous or themselves too far removed from the feared result to support an attempt offense." Codes punish solicitations to commit prostitution, but prostitution, by definition, is an offense, while private sexual activity between consenting adults is in 25 states no offense at all. Under some codes, any young man loitering on a park bench who asks a girl to go to bed with him could be sent to prison.

A number of states, including Illinois, Connecticut, Hawaii, and North Dakota, have eliminated such provisions in the course of adopting new criminal codes. New Mexico has managed to live quite comfortably without ever having had a sexual solicitation law on its statute book. These changes are the result of a growing recognition that such laws are nothing but relics of a puritanical past and serve merely to make criminals of otherwise law-abiding people without carrying out any useful social purpose. "To remove criminal sanctions from the conduct itself, yet to continue to punish solicitations to engage in the now licit conduct is not only a masterpiece of inconsistency, but provides blackmailers, extortionists, and others disposed to violence against homosexuals with a substantive vehicle for their operations."

A solicitation to commit a lewd act may be lewd or not depending on its character, not on the nature of the act solicited. Speech is not automatically rendered obscene by its subject matter. More than 30 years ago, Mr. Justice Brennan said: "Sex and obscenity are not synonymous." Neither is a solicitation automatically "fighting words" and hence a threat to public peace and order. Solicitations are thus neither automatically legal or illegal and should not be indiscriminately punished. The crime of solicitation is a relic of attempts by the state to suppress sexual activity on the part of its

citizens, attempts legitimate enough under the Old Regime, but without justification in the modern liberal state whose constitution guarantees freedom of conscience and of action to those who reject the tenets of an ascetic morality.

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## SOLON

Poet, lawgiver, and chief archon (magistrate) of Athens in 594-93 B.C. Overpopulation had caused the exploitation of Attica's poor, who were enserved or even sold abroad into slavery for debt. Solon canceled all debts secured by land or liberty and ended serfdom but did not redistribute all land as the radicals demanded. He standardized coinage, weights and measures, extended citizenship to immigrant craftsmen, encouraged export of olive oil, and took other measures to improve the economy. He divided the citizens into four classes according to wealth, apportioning political power so that only the rich could serve as archons and *areopagitici* (councilors and judges), but also strengthened the *ecclesia* (assembly of citizens).

Having visited Crete to study its laws, Solon institutionalized pederasty in Athens. Copying the spectacularly successful reforms recently introduced to Sparta from Crete by Lycurgus to limit the increase of their hoplites (foot soldiers) so that their estates would not become overly subdivided, Solon ordained that men should marry between ages 28 and 35, in the fifth seventh of their lifespan. Setting the example himself, he copied the Cretan and Spartan system of having each aristocratic young man at about age 22,

when released from alert for military service, take a 12-year-old upper-class boy as *eromenos* (beloved) and train him until he was 18 and with a beard. Then ready for military service, he was often stationed in barracks. At this time the *erastes* (lover), nearing 30, was eligible for marriage. Solon also imported *gymnasia* and *palestra*, where citizens exercised nude; the seclusion of upper-class women, which later in Athens was to become more pronounced than elsewhere in Greece; and *symposia*, all-male dinner clubs that encouraged pederastic affairs and, in Athens, became, like the *gymnasia*, foci of learning. He invited the Cretan "musician" (i.e., sage, lover of the Muses) Epimenides to Athens to quell the plague and perhaps to promote the reforms. When one of Solon's *eromenoi*, his cousin Peisistratus, overthrew his reforms and established a tyranny, Solon traveled abroad for a decade, visiting Crete again.

Peisistratus and his sons Hippias and Hipparchus ruled from about 545 B.C. until the revolution of 510, which was headed by an old family, the Alcmeonidae. This family produced Cleisthenes, Pericles, and Alcibiades. The Peisistratids furthered Solon's economic and social reforms. After the collapse of Samos, when the Persians in 522 crucified the pederastic tyrant Polycrates, who out of fear of plots hatched in them had ordered all *gymnasia* burned, the Peisistratids enhanced Athens' economic and political rise to dominance in the Aegean. Hipparchus had Homer recited annually at the Panathenaion, establishing the text, emending it to emphasize the importance of Athens. Hipparchus also patronized immigrant poets, exiles and émigrés from Samos and the Ionian states seized by the Persians, including Anacreon, and others fleeing tyranny in Magna Grecia. Some of these myth-makers may have invented the fable that Theseus, after slaying the Minotaur, abandoned Ariadne in Naxos and took an *eromenos*, thus creating a "founder" of pederasty for Athens. Most Peisistratids were *eromenoi* and *eras-*

*tai* in turn, but Hipparchus, the chief patron, was exclusively drawn to boys. When Harmodius, beloved and cousin of the poor but honest citizen Aristogiton, spurned Hipparchus' persistent advances, the pair decided to assassinate the tyrant brothers. The desperate lovers, intent on overthrowing the overbearing tyrants, succeeded in slaying only Hipparchus and were in turn killed (514). Four years later, when the tyranny was overthrown with Spartan help, these "tyrannicides" (Harmodius and Aristogiton) remained heroes of the democracy, and were always toasted at symposia. Their descendants were accorded the right to dine for all time at public expense at the Prytaneum, and their statues in bronze with an inscription composed by Simonides were prominently displayed as models of civic virtue. Thus male lovers became associated with tyrannicide and the defense of self-government.

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## SOTADIC ZONE

In an attempt to sketch the geography of the prevalence of homosexual relations, Sir Richard Burton introduced the expression "sotadic zone" in the famous Terminal Essay appended to his translation of *The Book of the Thousand Nights and a Night* (commonly known as the "Arabian Nights"; 1885-88). Somewhat arbitrarily, Burton took his term from Sotades, an Alexandrian poet of the third century B.C. who wrote seemingly innocuous verses that became obscene if read backwards.

In Burton's words, "There exists what I shall call a 'Sotadic Zone,' bounded westwards by the northern shore of the Mediterranean (N. lat. 43) and by the southern (N. lat. 30), including meridional France, the Iberian Peninsula, Italy and Greece, with the coast-regions of Africa