Thucydides 1.19.1 and the Peloponnesian League

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THE OBLIGATIONS of the members of the Peloponnesian League to their leader Sparta have always been a matter of debate among scholars.[1] Frequently the debate has taken the form "What was the constitution of the Peloponnesian League?" Some believe it had a formal constitution, involving fixed treaty obligations, regular League assemblies, and solemn oaths to follow the Spartans wherever they might lead and to share their friends and enemies, while others see a much more informal League, organized around Sparta in a series of loose defensive alliances.[2] In some sense, this is not the

[1] See G. Busolt, *Die Lakedämonier und ihre Bundesgenossen* (Leipzig 1878); U. Kahrstedt, *Griechisches Staatsrecht* I *Sparta und seine Symmachie* (Göttingen 1922); G. Busolt and H. Swoboda, *Griechische Staatskunde* II (Munich 1926) 1330–1334; J. A. O. Larsen, "Sparta and the Ionian Revolt: A Study of Spartan Foreign Policy and the Genesis of the Peloponnesian League," *CP* 27 (1932) 136–150, "The Constitution of the Peloponnesian League," *CP* 28 (1933) 257–276, "The Constitution of the Peloponnesian League, II," *CP* 29 (1934) 1–19; D. Kagan, *The Outbreak of the Peloponnesian War* (Ithaca 1969) 9–30; G. E. M. de Ste. Croix, *The Origins of the Peloponnesian War* (London 1971) 89–166 and 333–342; K. Tausend, *Amphiktyonie und Symmachie* (Stuttgart 1992); G. Cawkwell, "Sparta and Her Allies in the Sixth Century," *CQ* 43 (1993) 164–176; J. E. Lendon, "Thucydides and the Constitution of the Peloponnesian League," *GRBS* 35 (1994) 159–178; E. Baltrusch, *Symmachie und Spondai: Untersuchungen zum griechischen Völkerrecht der archaischen und klassischen Zeit* (Berlin 1994) 19–30; L. Thommen, *Lakedaimonion Politeia* (Stuttgart 1996); D. C. Yates, "The Archaic Treaties of the Peloponnesian League," *CQ* (forthcoming). I use the term "Peloponnesian League" for convenience's sake; contemporaries said "the Lacedaemonians and their allies": cf. P. Cartledge, *Agesilaus and the Crisis of Sparta* (Baltimore 1987) 9; Kagan, *Outbreak* 9–10.

[2] Formal constitution: Larsen, *CP* 27 (1932) and 28 (1933); Ste. Croix, *Origins*. Informal organization: Busolt-Swoboda, *Staatskunde*, esp. 1330; Kagan, *Outbreak* (qualified in *The Peace of Nicias and the Sicilian Expedition* [Ithaca 1981] 41 n.11); Kahrstedt, *Staatsrecht*, esp. 81–82; Lendon, *GRBS* 35 (1994); Yates, *CQ* (forthcoming).

best way to answer the question of allied obligations to Sparta, for "constitutional" is a word with many modern overtones, and may imply a comprehensive, written set of rules and regulations, which was certainly not true of any classical Greek state or league. The real issue in discussions of the Peloponnesian League constitution has been why Sparta seemed able to demand some things of some allies and not of others, or to control some allies better than others.[3] Very little is known about the process of becoming a member; we have only a few surviving treaties, and some lists of members (e.g. Thuc. 2.9.2–3).[4] Thus it is not clear what obligations members owed to Sparta,[5] or by what means she could control them. States like Corinth she clearly had difficulty controlling; states like Tegea, once conquered, she did not. Was this due only to the fact that the size and resources of states like Corinth were nearly as great as Sparta's, while Tegea's were not? Or did Sparta attempt to control her allies in ways other than the simple exercise of physical power? One recent study has in fact suggested that Sparta's problems with her more powerful allies stemmed from the political identity of the faction currently in charge of the ally and the methods by which Sparta interfered in an ally's internal affairs in order to empower a faction favorable to herself.[6]

[3] Kagan, *Outbreak* 30, argues that "control" depended on Spartan internal politics; Lendon, *GRBS* 35 (1994) 177, adopts the Thucydidean-Periclean view of selfish member-states (Thuc. 1.141.6) bound by a loose defensive alliance.

[4] See Ste. Croix, *Origins* 123–124, 333–338, on the identities of League members.

[5] Military assistance at the very least seems to have been expected, as it was in any league, but whether this applied only when Sparta was under attack or whether she expected aid in extra-Peloponnesian expeditions as well is uncertain.

[6] Yates, *CQ* (forthcoming), traces Spartan interest in promoting factions among her allies or in dealing with only a single faction of another state, thus forcing a state that wished to deal with Sparta to do it via those of her citizens who had ties to Sparta, possibly through *xenia*. Yates' ultimate conclusion, however, namely that whenever Sparta had difficulties with a particular ally, an anti-Laconian faction must have been in power in the allied city, cannot always be very well substantiated; thus, although I find

I argue here for another way in which Sparta attempted to cement her power over other states, namely the status she assigned to her various allies. Although both strong states like Corinth and weaker states like Tegea were Spartan *symmachoi*, allies, as in the phrase "the Lacedaemonians and their allies," *symmachos* does not mean that all *symmachoi* were created equal. Compare Thucydides' frequent distinction between a *symmachos* who was an ally of Athens and a *symmachos* who paid tribute to Athens,[7] or Powell's distinction between meanings of *symmachos* in Herodotus, a co-fighter or an ally in a *symmachia*.[8] The latter group could and did overlap with the former, which could be quite different from the latter in terms of its actual diplomatic relationship with those with whom it fought. A *symmachia* did not have to exist for states to fight alongside each other and be *symmachoi*. I will argue that the Peloponnesian League had two types of *symmachoi*, those independent of and those subservient to Sparta. The application of the same word to both groups is not an objection: both contributed to Spartan military campaigns and hence were co-fighters with Sparta.[9]

Scholarship has treated all Peloponnesian League allies as the same: all members, unequal in practice,[10] are nonetheless considered to have the same obligations to Sparta (most notably the oath to have the same friends and enemies as Spar-

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his conclusions compelling (especially for the archaic period, which is his focus), it must be said that they remain in the realm of speculation, since methodologically it should not be assumed that every time Sparta came into conflict with (e.g.) Corinth, it was because an anti-Laconian faction was then in power there.

[7] For Athenian *symmachoi* termed ὑποτελεῖς, "tributary," see Thuc. 1.56.2, 66.1, 80.3; 2.9.4; 5.111.4; 7.57.4–5. For those he terms ὑπήκοοι, "subject," see 1.77.2 and 5, 117.3; 2.41.3; 3.102.2; 4.99.1, 108.3; 5.96.1; 6.21.2, 22.1, 43.1, 69.3, 84.2; 7.20.2, 28.4, 57.3–5, 63.3; 8.2.2, 64.1 and 5, 68.4. Cf. also 6.84.3.

[8] J. E. Powell, *A Lexicon to Herodotus* (Cambridge 1938) s.v. σύμμαχος.

[9] Greek diplomatic terminology could be quite elastic and confusing; cf. R. A. Bauslaugh, *The Concept of Neutrality in Classical Greece* (Berkeley 1991) 3–20 (focusing on neutrality, but with relevance to all Greek diplomatic terminology).

[10] Kagan, *Outbreak* 21–22; Ste. Croix, *Origins* 124.

ta and to follow her wherever she might lead).[11] Examination of Thuc. 1.19.1 as well as archaic and classical Spartan treaties shows that in the fifth century the Peloponnesian League comprised two types of allies: those equal to Sparta and those subject to her, and these groups were distinct in the obligations they had to their Spartan leaders.[12] The inequality in practice noted above was also inequality in Spartan policy. This might seem a distinction that does not take into proper account the differences in power between Sparta and her allies; Sparta could presumably force any ally, especially the weaker ones, to do her will simply by using or threatening to use her military power against them. But this point of view leaves unexamined the actual allied obligations to Sparta: it is important to know if, when Sparta exercises power over an ally, she is doing so because the ally has reneged on its obligations to her as an ally or if she is simply being a bully. In an attempt to control her subject-allies, Sparta established oligarchies in at least some subject states and required those subject-allies alone to swear certain oaths (to follow wherever Sparta might lead and to have the same friends and enemies); both policies have been confused with Spartan treatment of the Peloponnesian League as a whole. This should change our view of the Peloponnesian League: it was not a body that we should even expect to be under Spartan control, for prominent League members like Corinth or Thebes were not under her control.

I discuss first Thucydides' statement at 1.19.1 on oligarchies and the Peloponnesian League; then the archaic and classical Spartan treaties preserved in the literary and epigraphic record, which present problems of interpretation that must be addressed in the light of Thuc. 1.19.1; and finally the ramifications of the argument for our understanding of the

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[11] Kagan, *Outbreak* 18.

[12] My work thus differs from that of Yates, *CQ* (forthcoming), in that I am more concerned with the documentary evidence and so with detecting the obligations of allies in the Peloponnesian League. His focus is on the archaic period, and he does not observe a distinction between types of allies. He regards the treaty-clauses that I focus on here as common to all Spartan treaties, not just some.

Peloponnesian League. The conclusion will be that the League was composed of two distinct types of allies, and is better understood as the relationship between Sparta, her subject allies, and other, more independent allies like Thebes and Corinth. Whether this arrangement was deliberate on the Spartans' part cannot be determined; it may simply have arisen as time went by, and she found that she could defeat and control some states in the Peloponnesus, e.g. Tegea, but not others, e.g. Corinth.

Thucydides 1.19.1

At several points in his *History* Thucydides notes a Spartan practice of encouraging oligarchies in her allies' cities. The most famous of these passages is 1.19.1:

καὶ οἱ μὲν Λακεδαιμόνιοι οὐχ ὑποτελεῖς ἔχοντες φόρου τοὺς ξυμμάχους ἡγοῦντο, κατ' ὀλιγαρχίαν δὲ σφίσιν αὐτοῖς μόνον ἐπιτηδείως ὅπως πολιτεύσουσι θεραπεύοντες, Ἀθηναῖοι δὲ ναῦς τε τῶν πόλεων τῷ χρόνῳ παραλαβόντες πλὴν Χίων καὶ Λεσβίων, καὶ χρήματα τοῖς πᾶσι τάξαντες φέρειν.

And the Lacedaemonians were hegemons while holding allies who were not tributary to them, but they took care that they should be governed under an oligarchy in their [the Spartans'] interests alone; the Athenians, by contrast, over time took ships away from their cities, except for the Chians and Lesbians, and assessed them all to pay money.

This reference to the Spartans has largely been overlooked for its light on the Peloponnesian League, as scholars generally have taken it as applying to all members of the League.[13] While technically all Greek city-states were democracies, most members of the League, such as Corinth and Thebes, were traditionally oligarchical in the Greek view and do not appear to have been so as a consequence of Spartan influence. Moreover, among Spartan allies in the fifth century, there were certainly some that the Greeks themselves saw as democracies, namely

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[13] S. Hornblower, *A Commentary on Thucydides* I (Oxford 1991) ad loc.; Kagan, *Outbreak* 13; Ste. Croix, *Origins* 98.

Mantinea and Elis.[14] Thus Thuc. 1.19.1 is puzzling upon closer consideration.

The context of 1.19.1 in the "Archaeology" is the παρα-σκευή of Sparta and Athens for the Peloponnesian War.[15] Thucydides has already covered the subjects of politics and military power in 1.18.1–2; it remains to discuss the strength that each side draws from her allies. Just before 1.19.1 he had established that Sparta had an advantage over Athens in the stability of her government, and that Athens was a sea power and Sparta a land power; "the Lacedaemonians have used the same constitution from that time [four hundred years before the beginning of the war] and for this reason became powerful and regulated affairs in other cities."[16] Specifically, they put down tyrannies by direct military interference. In the sentence that precedes 1.19.1, Thucydides states that Sparta and Athens from 479 on were at war either with each other or with allies who had revolted from them. 1.19.1, which has an initial καί connecting it to this last observation, may continue that thought: what did Athens and Sparta do with their subjected allies?

The contrast between Athens and Sparta at Thuc. 1.19.1 is not between oligarchy and democracy, but between oligarchy and the payment of tribute;[17] this is significant because it highlights the fact that Thucydides is not making just a political

[14] Mantinea: Hdt. 9.77.1–2; Thuc. 5.29.1; Xen. *Hell.* 5.2.1–7; Arist. *Pol.* 1318b25–27. Elis: Hdt. 9.77.3; Arist. *Pol.* 1306a12–19; Diod. 11.54.1; Paus. 10.9.5. Megara was on occasion democratic (e.g., Thuc. 4.74.1). Phlius may have been a democracy in the fifth century: R. P. Legon, "Phliasian Politics and Policy in the Early Fourth Century B.C.," *Historia* 16 (1967) 324–337, at 325–326.

[15] J. W. Allison, *Power and Preparedness in Thucydides* (Baltimore 1989) 20.

[16] Sparta had a "mixed" constitution, consisting of aristocratic, democratic, and oligarchic elements: Arist. *Pol.* 1265b35–42. Although an oligarchic identity did not necessarily mean a pro-Spartan identity, oligarchs in other Greek cities saw Sparta as favorable to their cause, e.g. the Corcyraean oligarchs in 427 (Thuc. 3.70.2) or the Argive oligarchs in 418/7 when the anti-democratic party appealed to the Spartans (5.76.2, 5.81.2), while the popular party at Argos appealed to Athens (5.82.5).

[17] Allison, *Power* 21, 24.

statement, nor even merely a comment on the financial re-sources of each antagonist, but a comment on how each con-trolled her allies. The Athenians did so by exacting tribute, as Thucydides says the Spartans did not, but connected to this observation in a μέν … δέ construction is his observation that they established oligarchies. The parallelism suggests that Thu-cydides viewed establishing oligarchies as the Spartan version of exacting tribute.

Thucydides 1.19.1 combines the earlier themes of political power (oligarchies) and military power (ships); he had deter-mined at 1.18.1–2 that Sparta was superior in the first category and that Athens and Sparta had power on sea and land, respectively, in the second. At 1.19.1 he introduced a new criterion—financial resources, in which Athens in fact was superior—but he chose to do so in an oblique fashion that em-phasized each side's treatment of subordinate allies, instead of directly stating, as he does elsewhere (e.g. 1.80.3, 1.141.2–5), that Athens had more money than Sparta. The Athenians can dictate (χρήματα τοῖς πᾶσι τάξαντες φέρειν) to their allies; the Spartans must use less direct means. This is especially sug-gested by θεραπεύοντες, which Thucydides uses elsewhere to describe delicate diplomatic situations; it means, as in Alci-biades' attempt to regain the Spartan proxeny at Athens, that action is taken to ensure an end not explicitly stated or ad-mitted.[18] So θεραπεύω here would suggest indirect encourage-ment of oligarchies in Sparta's subordinate allies.[19] I argue below that there is evidence for Spartan encouragement of, but not insistence on, the institution of oligarchies in Spartan peace treaties.

[18] Thuc. 3.11.7, 3.12.1, 3.39.5 (Athenian cultivation of Mytilene in the early years of the Delian League); 5.11.1 (Amphipolitan hope that honoring Brasidas will lead to a Spartan alliance); 5.43.2 and 6.89.2 (Alcibiades and the Spartan proxeny); 8.52.1 (Alcibiades' cultivation of Tissaphernes).

[19] For other passages in Thucydides that express similar sentiments about the Spartans, their allies, and oligarchies, several of which repeat the significant word ἐπιτηδείως, see 1.76.1, 1.144.2, 5.81.2–82.1.

Spartan treaties

a. Tegea

The first known Spartan treaty is that with Tegea. It was long assumed to have been made around 550, when the Spartans had finally subjugated Tegea (Hdt. 1.67).[20] At least some of the terms of the Tegea treaty are known thanks to one of Aristotle's lost works on the constitutions of various Greek states, probably *The Constitution of the Tegeans* (fr.592 Rose). Fragments of the Aristotelian report of the treaty are found in two passages of Plutarch:

Τίνες οἱ παρ' Ἀρκάσι καὶ Λακεδαιμονίοις χρηστοί; Λακεδαιμόνιοι Τεγεάταις διαλλαγέντες ἐποιήσαντο συνθήκας καὶ στήλην ἐπ' Ἀλφειῷ κοινὴν ἀνέστησαν, ἐν ᾗ μετὰ τῶν ἄλλων γέγραπται· Μεσσηνίους ἐκβαλεῖν ἐκ τῆς χώρας καὶ μὴ ἐξεῖναι χρηστοὺς ποιεῖν. ἐξηγούμενος οὖν ὁ Ἀριστοτέλης τοῦτό φησι δύνασθαι τὸ μὴ ἀποκτιννύναι βοηθείας χάριν τοῖς λακωνίζουσι τῶν Τεγεατῶν.

Ἀριστοτέλης ἐν ταῖς Ἀρκάδων πρὸς Λακεδαιμονίους συνθήκαις γεγράφθαι φησὶ μηδένα χρηστὸν ποιεῖν βοηθείας χάριν τοῖς λακωνίζουσι τῶν Τεγεατῶν, ὅπερ εἶναι μηδένα ἀποκτιννύναι.

Who are οἱ χρηστοί among the Arcadians and the Lacedaemonians? When the Spartans reconciled with the Tegeans, they made compacts and they erected a common stele at the Al-

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[20] *Staatsverträge* II 112; see e.g. Kagan, *Outbreak* 11; Kahrstedt, *Staatsrecht* 109; H. Schaefer, *Staatsform und Politik: Untersuchungen zur griechischen Geschichte des 6. und 5. Jahrhunderts* (Leipzig 1932) 130; Ste. Croix, *Origins* 97. The date 550 has been questioned by Cawkwell, *CQ* 43 (1993) 368–370, on the grounds that the clauses of the treaty as we know them deal largely with the Messenians. Concern over the helots was a prevalent feature of Spartan life, but in 550, Cawkwell argues, there was no immediate danger from them, and no proof of danger but for the Tegea treaty. He would date the treaty between 490 and the 460s, when there was known helot unrest (Thuc. 1.101–102; Pl. *Leg.* 698E2). What we do not have for that time period, however, is an occasion for a treaty with Tegea in which Sparta dictated terms, as she does here, which suggests conquest. There is such an occasion around 550, and helot unrest was a Spartan concern at all times. For these reasons I accept a date of 550 for the treaty. Cf. also J. Ducat, *Les Hilotes* (Athens 1990) 144.

pheius River. On this was written, among other things: "They will expel the Messenians from their land, and they may not make them χρηστούς." Therefore, Aristotle says in explanation that this meant they were not to kill because of help given to the laconizers of the Tegeans (*Quaest.Graec.* 292B).

Aristotle says that it was written in the agreement of the Arcadians with the Lacedaemonians that they would make no one χρηστόν because of aid to the laconizers of the Tegeans, that is, no one would be put to death (*Quaest.Rom.* 277C).

These passages have occasioned debate over the word χρηστούς, the meaning of which is essential to understanding exactly what obligations the Spartans were imposing on the Tegeans, and what political effect this treaty would have had on Tegea. Its definition has a great deal of relevance for my argument that the Spartans encouraged oligarchies among their conquered subjects. Literally, of course, χρηστούς means "useful," but in *Greek Questions* Plutarch quotes Aristotle as saying that it means "dead," and I have given this translation above. Plutarch prefaced the question in *Roman Questions* with διὰ τὸ χρηστοὺς κομψῶς λέγεσθαι τοὺς τελευτῶντας, "Since the dead are delicately referred to as χρηστούς [in Rome]." Plutarch has used the same piece of evidence to make a point in two entirely different contexts: the Rome he knew, and archaic Greece. This raises doubt about his uncritical acceptance of the Aristotelian gloss.

Another aspect of the two Plutarch passages raises doubt about the accuracy of the Aristotelian gloss on χρηστοὺς ποιεῖν. In the first, Aristotle's gloss, ἐξηγούμενος οὖν ὁ Ἀριστοτέλης τοῦτό φησι δύνασθαι τὸ μὴ ἀποκτιννύναι βοηθείας χάριν τοῖς λακωνίζουσι τῶν Τεγεατῶν, is clearly separated out from the reported terms of the treaty. In the second, however, the last part of the Aristotelian gloss in *Greek Questions*, βοηθείας … Τεγεατῶν, has become part of the reported terms of the treaty. Something is very wrong here. Are these specific terms (about the pro-Laconians) part of the treaty or part of Aristotle's gloss? Plutarch's inconsistency is troubling. This, and his use of a single piece of evidence to explain both a contemporary Roman habit and an archaic Greek treaty, justifies regarding

with some skepticism his report of Aristotle's gloss of χρηστοὺς ποιεῖν as meaning "to make dead."

Jacoby argued that χρηστοὺς ποιεῖν meant "to make useful," i.e. useful as a citizen, on the basis of a single parallel, the law of Dreros on Crete, which stated that a man would be ἄκρηστος if he were to be *kosmos* twice within a ten-year period.[21] That is, he would lose at least his right to office, and perhaps all his citizen rights. Therefore, in Jacoby's view, the terms of the treaty with Tegea were that the Tegeans would expel the Messenians and not make them citizens. The current state of the text makes this grammatically feasible: no change of subject or object is indicated between the first clause of the treaty quoted (expel the Messenians) to the next (do not make them χρηστούς). Although the clauses would then seem to contradict each other—why stipulate that the Messenians be expelled and then stipulate that they not be made citizens, hardly consistent if they had already been expelled from Tegea?—the second clause might be taken as the closing of a loophole: "you are to expel the Messenians, and you are not to avoid expelling them by making them citizens."

In response to Jacoby, Braun noted that mass grants of citizenship were relatively rare in archaic and classical Greece, making this passage even more unusual, but also casting into question the translation of χρηστούς as "citizens."[22] He sought to validate Plutarch's and Aristotle's interpretation of the χρηστοὺς ποιεῖν clause by suggesting that in the *Greek Questions* passage an unindicated change in object from the ἐκβαλεῖν clause to the χρηστοὺς ποιεῖν clause must be assumed, so that the second means "the Tegeans will not make anyone dead for

[21] F. Jacoby, "ΧΡΗΣΤΟΥΣ ΠΟΙΕΙΝ" *CQ* 38 (1944) 15–16. Dreros: Meiggs-Lewis no. 2.

[22] T. Braun, "Χρηστοὺς ποιεῖν," *CQ* N.S. 44 (1994) 40–45, at 41–42. The instances he gives are the grant of Athenian citizenship in 427 to refugee Plataeans ([Dem.] 59.104–106; Isoc. 12.94; Lys. 23.2; cf. M. J. Osborne, *Naturalization in Athens* [Brussels 1981–1983] I 28, II 11–16), the naturalization of the Selinuntines by the Ephesians in 409 (Xen. *Hell.* 1.2.10), and the Athenian grant of citizenship to the Samians in 405 (Meiggs-Lewis no. 94). I would add the example of the grants of citizenship to the rowers at Arginusae (Ar. *Ran.* 693–694; Diod. 13.97.1; Osborne I 33-37).

the sake of aid given to the pro-Laconians among the Tegeans." For this argument Braun relied heavily on the *Roman Questions* passage. Because Plutarch gives the same gloss on χρηστοὺς ποιεῖν in both the *Greek Questions* and the *Roman Questions*, it has great weight in Braun's eyes. But Braun had to use the *Roman Questions* passage (essentially a synopsis of the *Greek Questions* passage) to interpret the *Greek Questions* passage, and ignored the problem of the Aristotelian gloss in *Greek Questions* becoming part of the text of the treaty in *Roman Questions*. In support of χρηστούς meaning "dead" Braun cited the phrase χρηστὲ χαῖρε, common in Greek epitaphs. Aristotle's interpretation of χρηστοὺς ποιεῖν in the Spartan-Tegean treaty may have been influenced not by what the phrase meant when the treaty was made but by what it meant to him from contemporary epitaphs. But Braun does not give dates for these inscriptions; none is earlier than about 300 B.C.[23] If the gloss did not originate with Aristotle but with a later author, possibly Plutarch himself, the increasing use of the phrase χρηστὲ χαῖρε in later epitaphs would easily explain Plutarch's interpretation of χρηστοὺς ποιεῖν as "to make dead." And even if the phrase were archaic,[24] it is not truly parallel to the use of χρηστούς in the treaty because on tombstones this phrase "is merely an emphatic and devotional address."[25]

Latte argued that χρηστός is the verbal adjective of χρῆσθαι and thus means someone who can be treated badly by anyone without fear of retribution, i.e. an outlaw.[26] In this sense it is

[23] Of the 2118 sepulchral inscriptions in the PHI database with χρηστὲ χαῖρε or some variant thereof, 677 can be dated (32%): 7 III B.C., 4 III–II, 1 III–I, 101 II, 74 II–I, 107 I, 23 I B.C.–I A.D., 29 I, 47 I-II, 10 I–III, 40 II, 9 II–II/III, 108 II–III, 8 III, 6 III–IV, 1 VI, 1 VIII–IX, 15 Hellenistic, 1 Hellenistic or Roman, 3 Ptolemaic, 70 Roman, 3 Christian, 5 A.D., 1 Byzantine, 1 "late."

[24] Indeed, the sixth-century date for the treaty has been used to push back the date of the use of χρηστός for the dead in epitaphs: see W. R. Halliday, *The Greek Questions of Plutarch* (Oxford 1928) 50.

[25] V. Ehrenberg, "An Early Source of Polis-Constitution," *CQ* 37 (1943) 16.

[26] K. Latte, *Heiliges Recht: Untersuchungen zur Geschichte der sakralen Rechtsformen in Griechenland* (Tübingen 1920) 114. He also compares χρηστούς to

very close to the meaning of ἀχρηστός, "without rights": χρηστοὺς ποιεῖν would then mean "they are not to make them outlaws." To Latte, the "them" cannot be the Messenians, as the grammar of *Greek Questions* 292B would suggest; it must be those in Tegea who are pro-Laconian or those who help the pro-Laconian party. Accordingly a change of object must be implicit in the text; one cannot simultaneously expel the Messenians *and* not make them outlaws. Aristotle, not under-standing the archaic meaning of χρηστούς here, may have supplied his own from the usage that he may have known from contemporary tombstones. This Plutarch found convenient, because it corresponded with the use of the word he knew in Rome and in contemporary epitaphs.

Braun's inability to invoke early instances of χρηστοί in epitaphs tells against Aristotle and Plutarch as well. Latte's solution is flawed in having to assume an implicit change of object in the passage. I would therefore prefer Jacoby's in-terpretation. But it is significant that each interpretation of χρηστοὺς ποιεῖν has a bearing upon the composition of the Tegeate citizen body: it changes either because the Messenians (presumably anti-Spartan) become Tegean citizens, or because the pro-Laconian citizens are in danger of being put to death, or because those same citizens are denied their civic rights or outlawed. Each of these scenarios would harm Spartan in-terests in Tegea, since each would increase the likelihood of resistance to Sparta by increasing the number of Tegeans who were anti-Spartan or decreasing the number who were pro-Spartan. Hence all three interpretations are reasonable from the point of view of Spartans concerned about Tegean loyalty in the future. Although no mention of oligarchy is made in the treaty, there is a clear attempt on Sparta's part to arrange the government of Tegea in her favor,[27] a practice not inconsistent

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the word κρέθθαι in the Gortyn Law Code (*I.Cret.* IV 72.ii.35), which means that someone or something can be freely used or abused. Latte was cited by neither Jacoby, *CQ* 38 (1944) 15–16, nor Braun, *CQ* N.S. 44 (1994) 40–45.

[27] It is not certain that Tegea was an oligarchy in the sixth century. For a summary of the known facts of the Tegean constitution, see T. H. Nielsen, *Arkadia and Its Poleis in the Archaic and Classical Periods* (Göttingen 2002) 338–339. Nielsen (342–343) posits that Tegea was an oligarchy from at least the

with Thuc. 1.19.1. In this treaty, Sparta has interfered with the government of a conquered state, but has done so indirectly: she has not mandated a change in government, but has taken care (θεραπεύοντες) that those who support her will continue to have access to power in Tegea. Similar concerns can also be seen in fifth-century Spartan treaties.

b. Athens

In 404 Sparta defeated Athens and brought her to terms. Those terms, according to Xenophon, were: (1) the Long Walls and the walls of the Piraeus were to be destroyed; (2) the entire Athenian navy was to be reduced to twelve ships; (3) the Athenian exiles were to return; (4) the Athenians were to have the same friends and enemies as the Spartans, and were to follow the Spartans wherever they might lead by land and sea (*Hell.* 2.2.20). Generally, the reports of the terms of this peace in other authors (Andoc. 3.12, Lys. 12.70, [Arist.] *Ath.Pol.* 34.3, Plut. *Lys.* 14.4, Diod. 14.3.2, 6, Just. 5.8) agree with Xenophon and with one another,[28] except with respect to one of the provisions, the third item, that the Athenians were to permit their exiles to return. The *Ath.Pol.*, Lysias, and Diodorus all report not this clause, but a clause stating that Athens would return to its ancestral constitution.[29] This has implications for

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early fifth century until at least 370 B.C., when there was a change to a democratic government (Xen. *Hell.* 6.5.6–9; Polyaen. 1.10.3). Cf. C. Callmer, *Studien zur Geschichte Arkadiens* (Lund 1943) 86.

[28] Those sources that preserve more than one of the terms follow much the same order, e.g., listing the destruction of the walls before the restoration of the exiles: Xen. *Hell.* 2.2.20; Diod. 14.3.2; Plut. *Lys.* 14.4. There are historiographical problems with many of these accounts; my focus here, however, is on the terms of the treaty, which remain fairly consistent throughout the historical accounts.

[29] These passages are not detailed accounts of the treaty, but rather focus on this one clause; cf. A. Fuks, *The Ancestral Constitution: Four Studies in Athenian Party Politics at the End of the Fifth Century B.C.* (London 1953) 52. He also argues (58, 63) that the phrase was not in the 404 peace, since the two sources that use it, the *Ath.Pol.* and Diodorus, are also the only sources that record a clash of political parties in Athens at that time, and therefore their use of πάτριος πολιτεία is suspect. See also P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia*[2] (Oxford 1991) 427.

my argument about Spartan interest in encouraging oligarchies among her subject allies; I suggest that these clauses were in fact one and the same, and that the return of the exiles was meant to encourage an oligarchy at Athens.

The *Ath.Pol.* presents the peace terms thus: "when the peace had been made by [the Athenians], under the terms of which they would govern according to the ancestral constitution (τὴν πάτριον πολιτείαν)" (34.3). Diodorus reports the clause in question twice: τῇ πατρίῳ πολιτείᾳ χρῆσθαι, "to use their ancestral consitution" (14.3.2), and τῇ πατρίῳ συνεφώνησε χρήσεσθαι πολιτείᾳ, (the peace treaty of 404) "agreed that they should use their ancestral constitution" (14.3.6). While the very phrase πάτριος πολιτεία may not have been part of the original treaty between Sparta and Athens, its repetition in all these passages very striking. What the phrase meant was contested by the Athenians themselves; Diodorus has them debate whether oligarchy or democracy is their παλαιὰν κατάστασιν, "ancient constitution" (14.3.3).[30]

In describing the terms of the treaty, Justin wrote, *reique publicae ex semet ipsis XXX rectores acciperent*, "and the [Athenian] state would receive thirty rulers from themselves" (5.8). No source earlier than Justin states that the creation of the Thirty[31] was an actual demand made during the treaty negotiations,[32] but it was certainly the end result of the 404 peace. That the sources differ on this one clause (either return of exiles or re-establishment of the ancestral constitution) and that the order in which the sources list the treaty's stipulations puts exiles and πάτριος πολιτεία (which are never in the same source) in the same place suggests that the two provisions had a direct

[30] To some Athenians πάτριος πολιτεία meant the constitution of Solon, to others that of Cleisthenes. Cf. *Ath.Pol.* 29.3; G. Adeleye, *Studies in the Oligarchy of the Thirty* (diss. Princeton 1971) 55; F. Jacoby, *Atthis: The Local Chronicles of Ancient Athens* (Oxford 1949) 123.

[31] On the Thirty in general, see Adeleye, *Studies*; P. Krentz, *The Thirty at Athens* (Ithaca 1982); D. Whitehead, "Sparta and the Thirty Tyrants," *AncSoc* 13–14 (1982–83) 105–130.

[32] According to Diod. 14.3.4 the demand was made later by Lysander, and was in fact initially a piece of advice to the Athenians.

relationship. In fact, the former ensured the latter, albeit indirectly.[33] Andocides provides evidence for this assertion. Speaking some years later, in reference to the stele upon which the peace of 404 was inscribed, and comparing it to the peace proposed in 391, Andocides observed: "now [in 391] it is not compulsory to accept our exiles, but then [in 404] it was compulsory to accept them, from which constraint the democracy was put down" (3.12). In 399 Andocides made a similar claim (1.80): "when there was a truce with the Lacedaemonians, and you destroyed your walls, and you accepted back your exiles, and they established the Thirty." Andocides is the only source that explicitly notes that the effect of the exiles clause in the 404 peace treaty was to establish an oligarchy. He states clearly that it was the forced return of exiles, many probably associated with the Four Hundred in 411 and thus of oligarchic sympathies, that brought about the new oligarchy.[34]

Andocides alone is explicit in linking the clause about exiles and the establishment of oligarchy, but Xenophon's account of the rise of the Thirty implies the connection as well. Xenophon records that in the months after the peace, Lysander came to Athens and the exiles returned (*Hell.* 2.2.23).[35] Shortly thereafter the Thirty came to power, at Lysander's insistence. This suggests indirectly that there was a link, if only a chronological one, between the return of the exiles and the establishment of oligarchy. The 404 treaty, although it did not of itself establish an oligarchy, allowed those who supported such a government to return to Athens, and made Lysander's suggestion of the Thirty (in Diodorus's account) the more likely to be implemented. *Hellenica* 2.2.23 in particular suggests that a return to the "ancestral" ways of Athens was the primary concern of the Spartans, and that they interpreted those ways as oligarchic;

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[33] For other factors in the downfall of the democracy see Rhodes, *Commentary* 427.

[34] Cf. *Ath.Pol.* 34.3. Andocides certainly had his political prejudices; in support of his statement at 3.12, however, this passage is part of a larger comparison between the treaties of 404 and 391.

[35] *Ath.Pol.* 34.3 has these events in reverse order: first the exiles return, then Lysander comes to Athens.

immediately after the election of the Thirty, Lysander left Athens and Agis withdrew from Decelea (*Hell.* 2.3.3). With an oligarchy established at Athens, there was no further need of their presence.[36]

Like the treaty with Tegea, then, the Spartan-Athenian treaty of 404 was in part concerned with affirming the rights of certain citizens, here exiled citizens. That these citizens were sympathetic to oligarchy, and were thus viewed by the Spartans as sympathetic to the Spartan cause, is directly stated by Andocides (3.12), and indirectly suggested by Xenophon via the sequence in which he puts events at Athens in 404: the peace with the return of the exiles as one of its terms, the coming of Lysander, the actual return of the exiles, the election of the Thirty, and the departure of Lysander. Again, the Spartans have not mandated the establishment of an oligarchy, but they have created circumstances favorable to it.

One question that might affect this interpretation is the place of the Thirty in normal Spartan foreign policy. The Thirty are, on the face of it, much like the decarchies that Lysander established in the conquered cities that had formerly belonged to the Athenian Empire,[37] and were in fact accompanied by the Piraeus Ten (Xen. *Hell.* 2.4.38). The establishment of the decarchies elsewhere would seem to confirm Thuc. 1.19.1, and so might appear to be a continuation of that policy, if a more direct and harsh one. This however is not the case. The decarchies were quite distinct from other ancient oligarchies. Diodorus (14.3.1) distinguishes between decarchies and oligarchies when he describes Lysander's activities. The criterion

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[36] A Spartan garrison was left at Athens, but it is uncertain when it was established there. Krentz, *Thirty* 87–91 (following Aristotelian chronology, *Ath.Pol.* 37.2), argues that it was later, while Xen. *Hell.* 2.3.13–14 makes it earlier (cf. M. C. Taylor, "One Hundred Heroes of Phyle?" *Hesperia* 71 [2002] 384, against Krentz's acceptance of Aristotelian chronology). See also Rhodes, *Commentary* 454.

[37] On Samos: Xen. *Hell.* 2.3.7. On Thasos (possibly): Nep. *Lys.* 2. On Miletus (possibly): Plut. *Lys.* 8.1–3. In some cities only: Diod. 14.13.1. Everywhere in the former imperial territory of Athens: Xen. *Hell.* 3.5.12–13; Plut. *Lys.* 13.3–5; Nep. *Lys.* 1.5, 2. On the decarchies in general: Diod. 14.10.1, 14.13.1; Plut. *Lys.* 13.3–5, 14.1.

for selection was not noble birth or personal wealth, but one's friendship with Lysander. The decarchies were, in Cartledge's words, "collective tyrannies of non-responsible absolute rulers above the law."[38] Certainly the decarchies did not last long as Spartan policy; at a date in some dispute, but somewhere between 402 and 397,[39] the Spartan ephors brought an end to them and allowed the Greek cities to return to their former constitutions (Xen. *Hell.* 3.4.2, Nep. *Lys.* 3.1). All of this suggests that the form of the decarchy was not a natural one for the Spartans, especially as the decarchies were so closely associated with Lysander; Spartan methods of establishing governments friendly to them among some of their allies had previously not been so direct or brutal.[40]

The 404 peace treaty with Athens instead continues the pattern seen above in the 550 Spartan-Tegean treaty: a peace treaty with a state Sparta had decisively defeated contained measures to ensure that the government of that state would be friendly to Sparta. In Athens, this took the form of an insistence that Athenian exiles return; these exiles were mainly oligarchic in their sympathies, might also be sympathetic to Sparta, and in fact their return enabled the Thirty to take power. Sparta had not formally established an oligarchy at Athens by the terms of the treaty, but she had taken care (θεραπεύοντες) that one was viable at Athens, an action perfectly consistent with Thucydides 1.19.1.

[38] Cartledge, *Agesilaus* 90–91. See also J.-F. Bommelaer, *Lysandre de Sparta: histoire et traditions* (Athens 1981) 152.

[39] See A. Andrewes, "Two Notes on Lysander," *Phoenix* 25 (1971) 206–216, for a summary of the arguments and bibliography up to that date. Since then, C. D. Hamilton, *Sparta's Bitter Victories: Politics and Diplomacy in the Corinthian War* (Ithaca 1979) 128, has argued that the revocation of Lysander's imperial policy came after Cinadon's conspiracy, and more recently that Lysander's political setback was probably not a permanent one (C. D. Hamilton, "Lysander, Agesilaus, Spartan Imperialism, and the Greeks of Asia Minor," *AncW* 23 [1992] 40).

[40] In any case, the decarchies were probably limited to former subjects of Athens, and did not involve Spartan allies; see H. W. Parke, "The Development of the Second Spartan Empire (405–371 B.C.)," *JHS* 50 (1930) 37–79, at 52.

c. Aetolians and Erxadieis

A third Spartan treaty also reflects this pattern of behavior. In 1965 Werner Peek found in the Sparta Museum a stele, originally discovered on the Spartan Acropolis,[41] which preserves our only epigraphic example of a pre-Hellenistic Spartan treaty:

[συνθε̑κ]αι Αἰτολοῖς κ[αττάδε]
[φιλία]ν καὶ hιράναν ε̑[μεν ποτ]
[Αἰτο]λὸς καὶ συνμα[χίαν ³⁻⁴]
4   [³⁻⁴]νμονος μαν[τ ¹⁻² hεπο]-
[μ]ένος hόπυι κα Λα[κεδαιμόνι]-
[ο]ι hαγίονται καὶ κα[τὰ γᾶν]
[κ]αὶ καθάλαθαν, τὸν [αὐτὸν]
8   φίλον καὶ τὸνν αὐτ[ὸν ἐχθρὸν]
ἔχοντες hόν περ [καὶ Λακε]-
δαιμόνιοι. μεδὲ κ[ατάλυhιν]
ποιε̑θαι ἄνευ Λα[κεδαιμονίον]
12 μεδενί, ἀνhιέμε[ν δὲ μαχομένος]
ἐπὶ ταὐτὸν ποθ᾽ ὃ Λ[ακεδαι]-
μονίος. φεύγον[τας μὲ δεκέθο]-
hαν κεκοινανεκ[ότας ἀδικε]-
16 μάτον. αἐ δέ τίς κα [ἐπὶ τὰν τὸν]
Ἐρξαδιέον χόραν [στρατεύει]
ἐπὶ πολέμοι, ἐπικο[ρε̑ν Λακεδαιμο]-
νίος παντὶ σθένε[ι κὰ τὸ δυνατόν·]
20 αἰ δέ τίς κα ἐπὶ τὰ[ν Λακεδαιμο]-
νίον χόραν στρ[ατεύει ἐπὶ πολέ]-
μοι, ἐπικορε̑ν Ἐ[ρξαδιε̑ς παντὶ]
[σθένει κὰ τὸ δυνατόν. . . . .]

[Agreeme]nt with the Aetolians. Ac[cording to these terms there will be friendsh]ip and peace [towards the Aeto]lians and alli[ance. - -]nmon was pri[est. The Aetolians will fol]low the Sp[artan]s whithersoever they may lead both b[y land a]nd by sea. They will have th[e same] friend and [enemy] as [the Sp]artans have. They will not make p[eace] without the

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[41] W. Peek, *Ein neuer spartanischer Staatsvertrag* (*AbhLeip* 65.3 [1974]) 3.

Sp[artans,] and they will lea[ve off fighting] against the same
person whom [the Spar]tans do. [They will not acc]ept exiles
who have taken p[art in unjust act]ions. If anyone should
at[tack] the land of the Erxadieis, [the Spart]ans will assist them
with all their strengt[h as much as they can.] And if anyone
should at[tack] the land of th[e Lacedaemo]nians, the E[rxadieis
will assist them with all their strength as much as they can ...][42]

We do not know who the Erxadieis were, and the treaty has
been variously dated from the end of the sixth century[43] to the
420's. Some scholars take the Erxadieis to be *perioikoi* from a
perioecic city named Aetolia, mentioned by Androtion (*FGrHist*
324 F 63).[44] But the treaty's reference to "Lacedaemonians"
suggests a classical date;[45] this leaves the Erxadieis unknown,
and makes the Aetolians the inhabitants of the region Aetolia.

[42] The text is that of Meiggs-Lewis Add. 67 bis. Peek's text has more
Doricisms and fewer restorations throughout. The major differences
between Meiggs-Lewis and Peek lie in lines 12–13 and 15. Peek read at lines
12–13 μεδενίαν hιέντ[ας πρέσβες] ǀ ἐπὶ ταὐτὸν πόθον [περ Λακεδαι]. This
should mean "sending ambassadors to the same people to whom the
Spartans send them." For line 13, I accept the reading of Meiggs-Lewis
(following W. Luppe, "Zum spartanischen Staatsvertrag mit den ΑΙΤΩΛΟΙ
ΕΡΞΑΔΙΕΙΣ," *ZPE* 49 [1982] 23–24); I cannot find comparanda for Peek's
πόθον. For line 12, I incline towards Peek's reading; I read hιεν[on the
stone itself, as does F. Gschnitzer, *Ein neuer spartanischer Staatsvertrag und die
Verfassung des peloponnesischen Bundes* (Meisenheim am Glan 1978) 4, 41, and
who restores 12–13 μεδενὶ, ἀνhιέντ[ας πολεμε͂ν?] ǀ ἐπὶ ταὐτὸν πόθ᾽ ὂν [περ
Λακεδαι]. (At 13 end I cannot see ΟΝ on the stone.) Peek's line 12 does have
its flaws: the form μεδενίαν is not otherwise attested, although, as Peek
points out (7), the form is merely the result of a failure to assimilate. I would
follow Peek's line 12, μεδενὶ ἀνhιέντ[ας (the participle also unattested). At
line 15, Meiggs-Lewis (following Gschnitzer 41) restore [ἀδικε]ǀμάτον, while
Peek offers no restoration. There is not enough evidence for the restoration.
For other readings and comments, see, on lines 1–16, *SEG* XXVIII 408; on
lines 10–14, *SEG* XXXII 398 and Luppe.

[43] Van Effenterre/Ruzé, *Nomima* I no. 55, on the basis of the script,
though they admit that the formulary looks to be of the fifth century.

[44] Gschnitzer, *Staastvertrag* 24.

[45] J. M. Hall, "Sparta, Lakedaimon, and the Nature of Perioikic De-
pendency," in P. Flensted-Jensen, ed., *Further Studies in the Ancient Greek Polis*
(Stuttgart 2000) 84. Most scholars have placed the treaty in classical times;
see further discussion of the date below.

In determining the identity of the Erxadieis, it is the terms to which they agreed that are important; they are party to the clauses in the treaty that promise mutual defense (16–23), which are standard for classical Greek treaties, especially after the Peace of Nicias, and suggest that they are independent of Sparta, since mutual defense was almost always a stipulation of states independent of one another.[46] It is the preceding clauses, sworn to by the Aetolians, that are of particular interest for my argument.[47] The Aetolians agree to follow the Spartans wherever they lead, and to share their friends and enemies (4–10); correspondingly, they also agree not to make peace without the Spartans (10–14), and not to accept as refugees exiles who are outlaws (14–16). This is an important provision; the Spartans are essentially mandating the domestic policy of the Aetolians, just as they did with the Tegeans and Athenians.

[46] E.g. Thuc. 5.23.1–3, 47.3–4. Such defense clauses are standard in fourth-century treaties: *Staatsverträge* II 223.1–14, 224.4–9, 229.b1, 231.5–9, 248.26–30, 257.46–51, 263.2–11, 16–20, 26–30, 267.5–9, 280.12–23, 290.25–35, 293.16–19, 26–29, 307.4–13. Such clauses are also reported at Thuc. 1.44.1, 8.18.1, 37.2, and 58.4. See in general P. Bonk, *Defensiv- und Offensivklauseln in griechischen Symmachieverträgen* (diss. Bonn 1974) 16–47.

[47] From the careful distinction made in the treaty between those to whom the clauses of mutual defense apply (the Erxadieis and the Spartans, after line 15) and those whose foreign policy is now subject to the Spartans' whim (the Aetolians, lines 1–14), it appears that the document was made with the two groups simultaneously. It is possible, since the width of the stone cannot be determined (L. H. Jeffery, "The Development of Laconian Lettering: A Reconsideration," *BSA* 83 [1988] 179–181, at 181), that lines 2–3 could have established this division between Aetolians and Erxadieis by reading [φιλία]ν καὶ hιράναν ἐ[μεν ποτ | Αἰτο]λὸς καὶ συνμα[χίαν Ἐρξαδιεῦhι]. *Symmachiae* in the Greek world did not involve oaths to have the same friends and enemies or promises to follow the foreign policy of one's ally (S. Bolmarcich, *Thucydidean Explanations: Diplomacy and Historiography in Archaic and Classical Greece* [diss. U. Virginia 2003] 79–138). Thus the Erxadieis do not equal the Aetolians, despite Gschnitzer's restoration (41) of line 1 [συνθἐκ]αι Αἰτολοῖς Ἐ[ρξαδιεῦhι] (this is epigraphically possible, for the stone preserves only the bottom part of a vertical downstroke after Αἰτολοῖς, but I think it unlikely given the appearance of the Erxadieis by themselves in 17) and the fact that they do not swear the same oaths the Aetolians do. The focus of my discussion will be on the clauses the Aetolians swear, since it is they who make the promises about exiles.

After the initial publication of the treaty, it was assumed that the exiles referred to were Messenians. W. Peek, U. Cozzoli, and P. Cartledge all consequently dated the treaty to the fifth century. Peek argued for the first half of the century, on the grounds that the exiles were Messenian and Sparta had trouble with them then, although there is no known occasion for a peace treaty with Aetolia at that time.[48] Cozzoli prefered a date around 450 and explained a Spartan alliance with Aetolia at this time by a Spartan desire to stave off any possible threat from the Messenians now settled at Naupactus.[49] Cartledge assigned the treaty to 426 because at that time the Aetolians sought an army from Sparta to use against Naupactus (Thuc. 3.94.5, 100.1). But this seems to be a peace treaty (hιράναν, 2), and there is no known conflict between Sparta and Aetolia at that time. Furthermore, the Aetolians' request for an army, not an alliance, would suggest that a treaty was already in effect, but there is no record of such an agreement.[50]

D. H. Kelly, arguing against these dates, has offered good reasons to think that the clause about exiles does not refer to the Messenians.[51] He points out that the negative is a restoration, and that the phrase "shared in unjust actions" (if correctly restored) is "a very roundabout way of referring to ex-Helots at Naupactus." He would instead restore 14–16 φεύγοντ[ας δὲ ἀνhέσθο]|hαν κεκοινανεκ[ότας . . . . . .], "take back fugitives who

[48] Peek, *Staatsvertrag* 12–15.

[49] U. Cozzoli, "Sul nuovo documento di alleanza tra Sparta e gli Etoli," in *Xenia: Scritti in Onore di Piero Treves* (Rome 1985) 71.

[50] P. A. Cartledge, "A New 5th-century Spartan Treaty," *LCM* 1 (1976) 91–92.

[51] The parallels for the argument that "fugitives" means "Messenians" are the Spartan-Tegean treaty (above) and the Spartan-Athenian alliance made after the Peace of Nicias, which stated that Athens would receive no Spartan slaves (Thuc. 5.23.3), while the 423 truce between Athens and Sparta stated that neither side would accept any fugitives, either slave or free (Thuc. 4.118.5). The parallel of the Spartan-Tegean treaty, cited by Peek, *Staatsvertrag* 8, and Cartledge, *LCM* 1 (1976) 91, to prove that the exiles in question are Messenian, is not a good one, since in the 404 treaty with Athens, the exiles referred to in a similar clause are not Messenians.

have shared in …"⁵² A parallel is Plut. *Lys.* 14.4, which details the terms of the peace to be made with Athens in 404, τοὺς φυγάδας ἀνέντες. Xen. *Hell.* 2.2.20 has the same phrase, with the participle καθέντας. Spartan habit, I suggest, supports Kelly in taking this clause to address not the Messenians but a segment of the Aetolian population, possibly pro-Laconian in their sympathies.⁵³ The Spartan insistence on a conquered state, as part of peace terms, accepting its exiles back or promising not to harm them or deprive them of their civic rights as at Tegea, fits an even larger pattern than the Spartans' constant persecution of the Messenians. Interference with a conquered state's government is a Spartan habit, as seen in the treaties with Tegea in 550 and Athens in 404/3.

Kelly dates the Spartan treaty with the Aetolians and Erxadieis to 389, since at that time there was trouble in Central Greece: the Acarnanians were harassing the Achaeans, and King Agesilaus of Sparta marched through Aetolia in 389 by permission of the Aetolians (Xen. *Hell.* 4.6.14). The Acarnanians finally made peace with the Achaeans and an alliance with Sparta (4.7.1). Although the *Agesilaus*, Xenophon's encomiastic biography of the king, says that he made personal alliances with the Acarnanians, Achaeans, Argives, and Aetolians at this same time (*Ages.* 2.20), it mentions no formal treaty between Aetolia and Sparta, let alone a peace treaty. Differences between the *Agesilaus* and the *Hellenica* are in fact significant;⁵⁴ with respect to the issue at hand, in the *Agesilaus*, Agesilaus has become the motivating diplomatic force for reconciling these disparate groups, rather than the groups themselves, and he also acquires yet more friends, a habit of his (e.g. *Hell.* 5.3.15, *Ages.* 1.17–19, 2.21–23, 11.12; Isoc. 5.87, *Epist.* 9.13–14; Plut. *Ages.* 5.1–2). The *Agesilaus* passage is not then necessarily helpful for the date of the treaty and the *Hel-*

⁵² D. H. Kelly, "The New Spartan Treaty," *LCM* 3 (1978) 140.

⁵³ Our knowledge of Aetolian government at this period is scanty and we do not know who these exiles might be. For a summary of Aetolian history, see G. Klaffenbach, *IG* IX.1² pp.IX–XLVIII; W. Hohmann, *Aitolien und die Aitoler bis zum lamischen Kriege* (Halle 1908).

⁵⁴ J. Dillery, *Xenophon and the History of His Times* (London 1995) 114–119.

lenica passage does not seem to refer to it in any way. The circumstances—Aetolia allowing a Spartan army to march through her territory—do not suggest hostility between Sparta and Aetolia at this point; peace could already have been made between the two groups before 389, and not necessarily after.

I suggest another possible date for this treaty, ca. 402–401, for two reasons: first, there was occasion at that time for a peace treaty between the Aetolians and the Spartans, and second, if the exiles referred to are in fact the Messenians, they were at that time more troublesome than usual to the Spartans. In 402, the Eleans and the Spartans made war against each other, and the Aetolians sent a thousand hoplites to the Eleans' aid (Diod. 14.17.9–10). Once the Spartans were victorious over Elis and those who helped her, there might have been occasion for a peace treaty between the Aetolians and the Spartans. According to Xenophon (*Hell.* 3.2.30), the Spartans made a treaty of *eirene* with Elis after her defeat; why not with Aetolia as well? The treaty under discussion in fact has ἱιράναν in line 2. As for the Messenians, at that time they inhabited Cephallenia and Naupactus; once the war with Elis had been concluded, Sparta was free to turn her attention to expelling them from Greece and returning Cephallenia and Naupactus to the Cephallenians and the Locrians (Diod. 14.34.1–2). The Aetolians, so recently in conflict with Sparta, might well have been tempted to harbor the Messenians in their own troubles with Sparta, if, again, the clause about the fugitives does refer to the Messenians.

All three treaties discussed here—with Tegea, Athens, and Aetolia—include clauses that affect the government or at least the citizen body of the non-Spartan party to the treaty, and it is noteworthy that all appear to have been peace treaties: after the defeat of the Tegeans in the sixth century, the final surrender of the Athenians in 404, and the defeat of the Aetolians, possibly in 402. Two of these peace treaties, those with Athens and the Aetolians, include the oath "to have the same friends and enemies and to follow the Spartans wherever they may lead by land or by sea." Thucydides at 1.19.1 discussed Athenian and Spartan control of their subjugated allies by the exaction of tribute and the promotion of oligarchy, re-

spectively; the three treaties discussed here have borne out
Thucydides' statement about Sparta, showing that she did
interfere in the government of subjected allies. The oath "to
have the same friends and enemies and to follow the Spartans
wherever they might lead" in two of these treaties might
suggest another means of control: the oath was unilateral,
taken by a subordinate to a hegemon, and is especially as-
sociated with Sparta.[55]

The oath of the Peloponnesian League

   As noted above, this oath has been regarded by some schol-
ars as essential to all Peloponnesian League treaties.[56] That
should mean in practice that Sparta controlled completely the
foreign policy of all her allies. Yet just as not all Spartan allies
were oligarchies because of Spartan interference, only those
whom she had defeated and wished to control by that means,
so too we would not expect all allies to swear this oath to
Sparta.[57] It is hard to imagine Corinth or Thebes subordinat-
ing their foreign policy to Sparta willingly. In fact, the historical
record of the oath "to have the same friends and enemies and
to follow the Spartans wherever they may lead" shows a strik-
ing fact: it is found only of states that Sparta had conquered.
This suggests that the oath was a concession demanded by the
Spartans from the conquered, since such clauses are, to the best

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[55] Peloponnesian League use of the oath: Xen. *Hell.* 2.2.20 (Athens to
Sparta), 4.6.2 (Achaea to Sparta), 5.3.26 (Olynthus to Sparta), 7.1.24
(Arcadia to Sparta); Meiggs-Lewis Add. 62 bis (Aetolian Erxadieis to
Sparta); cf. Ste. Croix, *Origins* 106–109. Delian League use of the oath "to
have the same friends and enemies": *Ath.Pol.* 23.5 (foundation of Delian
League; cf. Plut. *Arist.* 25); Thuc. 1.44.1 (Athens to Corcyra), 3.70.6 (Cor-
cyraean democrats to Athens), 3.75.1 (Corcyraean democrats to Athens),
7.33.5 (Thurian democrats to Athens); *IG* I³ 76.18–19 (Thracian Bottiaeans
to Athens), 89.28 (Perdiccas to Athens). Other uses of the oath "to have the
same friends and enemies": Plut. *Pel.* 27 (Ptolemy of Macedon to Pelopidas),
Xen. *Hell.* 7.1.42 (Achaean aristocrats to Thebes via Epaminondas),
Aeschin. 3.100 (Oreus to Athens via Demosthenes).

[56] See especially Ste. Croix, *Origins* 106–109.

[57] In particular, if Yates, *CQ* (forthcoming), is right about Sparta forming
relationships with *xenoi* among her allies to ensure smooth diplomatic re-
lations, this oath is hardly an appropriate one to ask a *xenos* to swear.

of our knowledge, not present in Spartan treaties that did not involve making peace.[58]

Thus, it was the Athenian Autocles, in reference to the 404 peace with Sparta, who complained to the Spartans in 371 that they make their allied cities (συμμαχίδας πόλεις)[59] follow them wherever they choose to lead (Xen. *Hell.* 6.3.7). Athens had been defeated in 404 and been made to swear the oath (2.2.20, discussed above), and Autocles goes on to complain not only of the oath but also of the Spartan habit of setting up oligarchies and interfering with the normal government of a conquered state (6.3.8). Both provisions had also been part of that peace treaty with Athens, and both were associated with Spartan peace. Athens was certainly no longer bound by those treaty terms, but she did have first-hand experience of them, and so Autocles' speech serves to associate the oath with the peace treaty.

The Olynthians had also been required to swear the oath in 379 (Xen. *Hell.* 5.3.26), after being reduced by famine to sur-

[58] In fact, the only Spartan treaties we know of that were publicly erected were peace treaties: the treaty with Tegea, the Thirty Years' Peace, the Peace of Nicias and its accompanying alliance between Sparta and Athens, the 404 peace with Athens, the treaty with Aetolia. This does not mean that the Spartans erected only peace treaties in public—I do not wish to suggest that if a document no longer exists, it never did exist—but it suggests that they may in fact have done so. The Spartans had a very different view of peace treaties than they did of standard alliances with the rest of the Peloponnesian League. They expected a subjected ally to swear absolute loyalty to them and even to submit to a change in government to satisfy her conqueror. And they erected a public stele of the treaty as a testament to their victory (cf. Isoc. 4.180 on peace treaties as trophies).

[59] The phrase συμμαχίδας πόλεις does seem to have connotations of subjection (and does not necessarily indicate that these cities were equal allies with their hegemon): Thuc. 1.66.1 (Potidaea), 1.98.4 (Naxos), 8.40.1, 48.5 (Delian League cities in general), 53.2 (Aegean and Ionian cities Sparta had conquered, cf. K. J. Dover, *HCT* V [1981] 100); Xen. *Hell.* 5.2.37 (Peloponnesian League cities that Sparta had command over), 43 (the neighbors of Olynthus that Sparta had conquered), 5.3.9 (emphasis that there were volunteers from the allied cities, suggesting that this was not normally the case), 5.4.62 (Sparta guarding her land and the allied cities during the Athenian circumnavigation of the Peloponnesus, suggesting that in some sense the allied cities were considered Spartan property).

render to Sparta. Likewise, in 389 the Achaeans referred to the oath while complaining of unfair treatment by the Spartans (4.6.2). In 417 the Achaeans had been subdued by Sparta and oligarchies had been set up in their towns; in 367 the Achaean oligarchs were in negotiations with Epaminondas (7.1.42), and hence again in a position of power, suggesting that they had indeed never lost it.[60] It might plausibly be supposed that both these terms (oath and oligarchy) were part of a 417 peace treaty between Achaea and Sparta. Lastly, the Arcadians apparently swore the oath: they are reproached for this in 369 by Lycomedes of Mantinea, a city brought to heel by Sparta in 418/7 (7.1.24). The Arcadians had long had trouble with Sparta, and Tegea had been conquered several times (Hdt. 1.67–68; 9.35, 37). It is quite possible that in such a context the subjected Arcadians agreed at some point to such terms as are included in the oath of the Peloponnesian League with the conquering Spartans.

Although the evidence of these last two passages is only indirect, the establishment of oligarchies is associated with Spartan peace treaties, as is the oath of the Peloponnesian League. The link between the former and the latter implies a context of subjection, and the examples discussed above suggest that the oath was exacted from only some Peloponnesian League members, in some cases the same members who simultaneously endured a change in government at Spartan hands.

Thucydides again

In light of this discussion of Spartan treaties, I quote Thucydides 1.19.1 again:

> And the Lacedaemonians were hegemons while holding allies who were not tributary to them, but they took care that they should be governed under an oligarchy in their [the Spartans'] interests alone; the Athenians, by contrast, over time took ships

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[60] J. K. Anderson, "A Topographical and Historical Study of Achaea," *BSA* 49 (1954) 72–92, at 84–85; J. A. O. Larsen, "The Early Achaean League," in G. E. Mylonas and D. Raymond (eds.), *Studies Presented to David Moore Robinson* II (St. Louis 1953) 797–815, at 804.

away from their cities, except for the Chians and Lesbians, and assessed them all to pay money.

Further proof that Thucydides means that the Spartans interfered in the domestic policy of their subjugated allies can be found in the passage itself. He refers first to the allies of Sparta, and then to the subject states of the Athenian Empire, those who paid tribute to Athens. By no means were all Athenian allies tribute-paying members of the Delian League; the Athenians had many alliances with states that were not part of her empire, e.g. among the Western Greeks (*IG* I³ 11, Egesta; 53–54, Rhegium and Leontini).[61] If Thucydides is speaking not of all Athenian allies but only of those within her empire, might he be keeping a strict parallelism, speaking not of all members of the Peloponnesian League, but of only some—those Sparta had conquered and in which she had encouraged oligarchies? He is comparing not the strength of each side as a whole, but the strength of each antagonist as determined by what she specifically demanded of her subject states. Thucydides does not contradict the evidence about Spartan treaties discussed above; rather, he complements and supports it.

Such a system, in which there were allies Sparta had subjected and allies over which she had no direct control, could explain much about the Peloponnesian League. Scholars have assumed that it was entirely under Spartan control, but in fact it may have been more analogous to the Athenian Empire, which had equal allies outside the League and essentially subjected allies within it. From a pragmatic point of view, of course, such distinctions may not always have mattered; Sparta and Athens certainly had more power than their individual allies and could to some degree do what they pleased. But in terms of the obligations allies had to Sparta, it is noteworthy that states like Corinth, Thebes, or Elis could go their own way and were rarely punished for doing so by Sparta, while some members, like Tegea, were bound to Sparta by the fact that she

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[61] Euphemus in his speech at Camarina (Thuc. 6.84.3) makes a similar distinction between tribute-paying Athenian allies like Chalcis and autonomous allies like Leontini. Cf. n.6 above.

had conquered them, just as some members of the Delian League, including subdued rebels, swore oaths to Athens that other League members may not have sworn, including at times the oath "to have the same friends and enemies."[62] By exacting that oath, Sparta gained control over the conquered ally's foreign policy; by trying to establish oligarchy or a controlling pro-Laconian faction in the conquered ally, as Thucydides claims at 1.19.1, she tried to gain control over the ally's domestic policy as well, and so the ally would in effect become a Spartan satellite. The contrast at 1.19.1, between oligarchy and payment of tribute, is also a contrast between controlling an ally's domestic policy by dictating her form of government (on Sparta's part), and controlling her foreign policy by removing her naval forces and exacting tribute (on Athens' part). The Athenian Empire was built on the visible manifestation of Athenian power, her navy and her money; the Peloponnesian League was built on Spartan politicking.

This view has several ramifications for our understanding of the Peloponnesian League. First, the "rebellions" of states like Corinth are not rebellions, and are the more easily explained if such allies were not as closely bound to Sparta as has been assumed.[63] In 506 the Corinthians refused at Eleusis to march on Athens with the Spartans because they felt they were not doing τὰ δίκαια, "the just things" (Hdt. 5.75.1). As Cawkwell points out, and I strongly concur, "that definite article [τὰ] is consistent with there being acts that could justly be required of them"[64] by, say, a *symmachia*, an equal alliance, with Sparta.[65] If a distinction between Spartan allies can be made not only on

[62] Oaths of Athenian subjects in general: *IG* I³ 15.40–42, 37.43–56, 40.21–39, 48.15–21. Oath to have the same friends and enemies: 76.18–19, 89.28.

[63] Kagan, *Outbreak* 15–16, 21–24, is especially concerned with intransigent Spartan allies.

[64] Cawkwell, *CQ* 43 (1993) 367.

[65] For expectations of behavior according to δίκη in treaties, see *IG* I³ 53.14 (Rhegium), 54.22 (Leontini), 89.29 (Perdiccas II); Thuc. 5.18.9 (Peace of Nicias), 23.2 (Spartan-Athenian alliance), 47.8 (treaty between Athens, Argos, Elis, and Mantinea).

the basis of power and geographical proximity to her,[66] but also on the basis of whether or not Sparta had conquered the ally and held a corresponding sway by virtue of a treaty, the Peloponnesian League becomes not a fearsome body that the Spartans could barely control, but an organization with a kernel of subjugated allies, bound to Sparta by conquest, and further surrounded by *symmachoi* equal or nearly equal to Sparta like Corinth. Sparta could control Aetolia; she could not control Corinth.[67]

Subjugated allies were bound to Sparta by the oath "to have the same friends and enemies and to follow the Spartans wherever they may lead," and by Spartan interference in their internal affairs. For more powerful and independent allies like Corinth, the situation was somewhat different. Sparta surely knew that she could not control Corinth or Thebes; unlike Athens, she did not necessarily have military supremacy over rebellious allies. Sparta had a greater chance of controlling smaller states, but she acted to ensure that she could control them not only by force, but politically as well. It was they who would be guilty of breaking Sparta's trust if they violated the oaths she had made them swear or expelled citizens who favored her policies. Sparta interfered with states subject to her, thus increasing her own standing in the Peloponnesian League so that her hegemony, threatened as it might occasionally be by Corinth or Thebes, remained strong.

Conclusion

Several extant Spartan peace treaties include clauses that indicate Spartan interference with the other party's government. The other party is always one that Sparta has conquered. Frequently these parties are also made to swear the oath "I shall have the same friends and enemies as the Spartans and I shall follow them wherever they may lead." The peace

[66] Kagan, *Outbreak* 21–22.

[67] It is here in particular that Spartan interests in having friends among the powerful men in allied cities would be especially important for controlling larger and more powerful states like Corinth; cf. Yates, *CQ* (forthcoming).

treaties made by Sparta are also the only ones that we know the Spartans erected in public. This combination of evidence suggests that Spartan peace treaties were unusual documents, both in the terms they used and as public Spartan documents, and in fact they shed a great deal of light on Spartan diplomacy and the Peloponnesian League. Thucydides 1.19.1 suggests that Sparta had in oligarchies a mechanism for controlling her subjugated allies, just as Athens controlled hers by exacting tribute. But Thucydides cannot mean all the allies of either Sparta or Athens, and recognition of this allows us a different view of the Peloponnesian League: it was, on the one hand, hegemony of Sparta over states with which she had allied herself by defeating them in war and imposing treaty obligations involving a strict oath of fealty and the encouragement of oligarchy, and, on the other hand, larger, powerful states like Corinth and Thebes with which Sparta cooperated. Sparta drew her hegemony of the League from these conquered allies, not from her control of states equal to her in power like Corinth or Thebes.[68]

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