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The Great Rhētra

Mary Fragkaki

University of Athens

The Great Rhētra¹ of Sparta is one of first legislative and constitutional documents of the archaic period.² It looks like a kind of constitutional charter of the Spartan state, sanctioning the establishment of state cults, the divisions of the citizens, the main governmental bodies, and envisaging the principles of political decision-making.³ The exact meaning and significance of these constitutional provisions, the dating of the document⁴ and the historical context at the time of its introduction create controversy among modern scholars.

The main sources for the Spartan *rhētra* are Plutarch⁵ (*Life of Lycurgus* 6.1-10) and Diodorus Siculus (VII.12.6 = Tyrtaeus 3a). Aristotle also quotes six lines of Tyrtaeus, probably deriving from the poem called *Eunomia* by later authors, which referred to an oracle brought from Delphi by unspecified persons.⁶ Tyrtaeus' *Eunomia* was a hortatory poem, which certainly mentioned the return of Heracleidae, the event that gave the kings of Sparta their rights on Lakonia. Aristotle had the same elegy in mind when he referred to the request of a redistribution of land, *gēs anadasmōs*, which occurred at the time of the Messenian War (*Politics* 1306b22ff. = Tyrtaeus T7G.-P. = fr. 1 W.).⁷

Sparta is the most celebrated example of an archaic and classical Greek polis that largely lacked written legislation.⁸ There is a strong possibility that even the Lycurgan *rhētra* was not written down before the late archaic or even the classical period.⁹ It has been

¹ Buckley 2010: 65: "rhētra" is the Spartan word for an enactment or decree, which, according to the tradition, was not written down, as was customary in 5th century Athens.

² There is a general agreement among the scholars that the Great Rhētra derives from the Archaic era, see further Kōiv 2005: 235f.

³ Kōiv 2003: 188.

⁴ Buckley 2010: 71: Scholarly opinion has dated the Great Rhētra from as early as the first quarter of the seventh century (699–675) to as late as the second half of the same century (650–600). In the same way, the political context is given as either after the success of First Messenian War (c.730– c.710), when the hoplites felt confident to assert their rights; or during the Second Messenian War (possibly being waged at sometime around 660 to 650), when military defeat and war-induced hardship led to political unrest; or after the end of the Second Messenian War (date unknown), when military success led to political agitation for reform.

⁵ Plutarch almost found preserved the Great Rhētra in Aristotle's lost work, *The Constitution of the Lakedaimonians*.

⁶ Tyrtaeus fr. 1b GP. *Eunomia* was mentioned by Aristotle *Politics* 1306b and Strabo 8.4.10. The identification of the verses as a part of *Eunomia* cannot be proved, but it seems reasonable enough and is generally accepted.

⁷ Nafissi 2010: 97.

⁸ Papakonstantinou 2008: 74.

⁹ On this point see Gagarin 1986: 53-4, n.9; Nafissi: 1991, 72.

suggested that the Great Rhētra predates Tyrtaeus and the latter was necessarily familiar with a written version of it.¹⁰ If the process of dissemination of information pertaining to politics and law in archaic and classical Sparta adumbrated is accepted, it could be expected that an enactment of great importance such as the Great Rhētra was frequently recited and discussed in various contexts, thus explaining the close familiarity with its contents that Tyrtaeus displays.¹¹

Plutarch *Lycurgus* 6.1-10

Οὕτω δὲ περὶ ταύτην ἐσπούδασε τὴν ἀρχὴν ὁ Λυκοῦργος ὥστε μαντεῖαν ἐκ Δελφῶν κομίσει περὶ αὐτῆς, ἣν ῥήτραν καλοῦσιν. ἔχει δὲ οὕτως: ‘Διὸς Συλλανίου καὶ Ἀθανᾶς Συλλανίας ἱερὸν ἰδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα, τριάκοντα γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἕξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι δάμῳ δὲ τὰν κυρίαν ἤμεν καὶ κράτος ἐν τούτοις τὸ μὲν φυλὰς φυλάξει καὶ ὠβὰς ὠβάξει διελεῖν ἐστὶ καὶ κατανεῖμαι τὸ πλῆθος εἰς μερίδας, ὧν τὰς μὲν φυλὰς, τὰς δὲ ὠβὰς προσηγόρευκεν. ἀρχαγέται δὲ οἱ βασιλεῖς λέγονται, τὸ δὲ ἀπελλάζειν ἐκκλησιάζειν: ὅτι τὴν ἀρχὴν καὶ τὴν αἰτίαν τῆς πολιτείας εἰς τὸν Πύθειον ἀνήψε. τὴν δὲ Βαβύκαν Χεῖμαρρος, καὶ τὸν Κνακιῶνα νῦν Οἰνοῦντα προσαγορεύουσιν: Ἀριστοτέλης δὲ τὸν μὲν Κνακιῶνα ποταμόν, τὴν δὲ Βαβύκαν γέφυραν. ἐν μέσῳ δὲ τούτων τὰς ἐκκλησίας ἤγον, οὔτε παστάδων οὐσῶν οὔτε ἄλλης τινὸς κατασκευῆς, οὐθὲν γὰρ ὤετο ταῦτα πρὸς εὐβουλίαν εἶναι, μᾶλλον δὲ βλάπτειν, φλυαρῶδεις ἀπεργαζόμενα καὶ χαύνους φρονήματι κενῶ τὰς διανοίας τῶν συμπορευομένων, ὅταν εἰς ἀγάλματα καὶ γραφὰς ἢ προσκῆνια θεάτρων ἢ στέγας βουλευτηρίων ἠσκημένας περιπτῶς ἐκκλησιάζοντες ἀποβλέπωσι. τοῦ δὲ πλῆθους ἀθροισθέντος εἰπεῖν μὲν οὐδενὶ γνώμην τῶν ἄλλων ἐφεῖτο, τὴν δ’ ὑπὸ τῶν γερόντων καὶ τῶν βασιλέων προτεθεῖσαν ἐπικρῖναι κύριος ἦν ὁ δῆμος, ὕστερον μὲντοι τῶν πολλῶν ἀφαιρέσει καὶ προσθέσει τὰς γνώμας διαστρεφόντων καὶ παραβιαζομένων, Πολύδωρος καὶ Θεόπομπος οἱ βασιλεῖς τάδε τῇ ῥήτρᾳ παρενέγραψαν: ‘αἰ δὲ σκολιὰν ὁ δᾶμος ἔλοιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρας ἤμεν,’ τοῦτ’ ἔστι μὴ κυροῦν, ἀλλ’ ὅλως ἀφίστασθαι καὶ διαλύειν τὸν δῆμον, ὡς ἐκτρέποντα καὶ μεταποιοῦντα τὴν γνώμην παρὰ τὸ βέλτιστον. ἔπεισαν δὲ καὶ αὐτοὶ τὴν πόλιν ὡς τοῦ θεοῦ ταῦτα προστάσσοντος, ὥς που Τυρταῖος ἐπιμέμνηται διὰ τούτων

¹⁰ Millender 2001: 127-9.

¹¹ Papakonstantinou 2008: 74, n.6.

Φοίβου ἀκούσαντες Πυθωνόθεν οἴκαδ' ἔνεικαν
μαντείας τε θεοῦ καὶ τελέεντ' ἔπεα:
ἄρχειν μὲν βουλῆς θεοτιμήτους βασιλῆας,
οἷσι μέλει Σπάρτας ἱμερόεσσα πόλις,
πρεσβύτας τε γέροντας, ἔπειτα δὲ δημότας ἄνδρας,
εὐθείαις ῥήτραις ἀνταπαμειβομένους.

Translation

So eager was Lycurgus for the establishment of this form of government, that he brought an oracle from Delphi about it, which they call “rhētra”. It goes: “When a shrine to Zeus Syllanius and Athena Syllania was built, [Lycurgus] shall divide the people into ‘phylai’ and into ‘ōbai’, and establish a Council of thirty members, including the ‘archāgetai’, then from time to time ‘appellazein’ between Babyca and Cnacion and so present and resign [proposals]. The main decision and power [shall be assigned] to the demos. Regarding these, the diction ‘phylas phylaxai’ and ‘obas obaxai’ means divide and distribute the multitude into segments. The latter were called ‘phylai’ and ‘obai’. By ‘archāgetai’ the kings are called. The ‘apellazein’ means [the demos] to assemble. The origin of and the reasoning for [the formulation of the constitution], he [Lycurgus] assigned to the Pythian god. Babyca is called Cheimarros and Cnacion now Oinous. But Aristotle refers to Cnacion as a river and to Babyca as a bridge. Between these [Cnacion and Babyca] they called the assemblies; There weren’t any porches or any other kind of building because he [Lycurgus] didn’t think that these promoted a right decision, but rather were harmful because they contributed in making the participants loquacious and foolish as well as having vain thoughts, since they were gazing upon statues and paintings or scene embellishments or extravagantly decorated roofs of council halls. When the multitude was assembled, no one of the others was permitted to make a proposal. The latter, presented before the *gerontes* and the kings, could be judged by the demos. Afterwards, however, the subtractions and additions were perverted and distorted by the multitude. Kings Polydorus and Theopompus inserted these to the rhētra: if the demos is making a distorted choice, the seniors and archagetai shall have power of adjournment; that is not, to ratify the vote, but dismiss completely and dissolve the session because the demos perverted

and changed the vote contrary to the right [of the state]. And they were able to persuade the city that the god dictated these as Tyrtaeus reminds us in these verses:

After they heard Phoebus, they brought to their home from Pytho
the god's oracles and the words which should be fulfilled
the divinely honoured kings shall start the Council
who care for have the beloved city of Sparta,
and the senior *gerontes*. Then the demos,
responding in turn to straight *rhētra*.

Plutarch¹² presents the Great Rhētra as a Delphic oracle, received by Lycurgus.¹³ The oracle is cited as prose and it seems that this is the authentic form of the Rhētra. The fact that the rhētra forms an oracle makes the text complex in its interpretation. Also, the divine validation actually serves the expediency of establishing a political system with esteem and stability.

The first action to be taken as dictated by the Rhētra is the establishment of a shrine dedicated to Zeus and Athena, two gods who dominate the ancient cities' social and political life. The meaning of the adjective Συλλάνιος, which accompanies the gods' names, is imponderable. The suggested restorations of the adjective are the following: *Skyllanios* (as derived from the name of a Cretan mountain) and *Kyllanios* (from the name of an Arcadian mountain).¹⁴ Ziehen¹⁵ emended Συλλάνιος to Hyllanios; I believe this suggestion is the most likely because it is based on *Hylleis* which is the name of one of the three Spartan tribes. The contradiction is due to the duplication of /s/ as well as the *scriptio continua*. Thus, it can be solved if the scriptura is taken as: ΔΙΟΣΥΛΛΑΝΙΟΥΚΑΙΑΘΑΝΑΣΥΛΛΑΝΙΑΣ.¹⁶

¹² Kōiv 2003: 188 has no doubt that Plutarch took the whole passage about the Rhētra and its establishment from the *Lakedaimonion Politeia* of Aristotle.

¹³ Nafissi 2010: 90: Lycurgus represents a particular clear case of the functional analogy between lawgiver and founder in the memory of Greek political communities. While other lawgivers did not usually receive hero cults in their own cities, Lycurgus was honoured by the Spartans as a hero, or rather as a god. Oikist cult places were a central place for memory and identity for the poleis: hero cult was the rule, but divine honours are not unheard of. Like an oikist, Lycurgus received oracles from Delphi, which in his case activate the *topos* of divine inspiration frequent among lawgivers. (Szegedy-Maszak 1978: 204f; Hölkeskamp 1999: 47) About the figure and the "biography" of Lycurgus see Kōiv 2003: 161f.

¹⁴ Further reference about the corrections in Oliva 1971: 77, nn. 1 and 2; 78, n. 1.

¹⁵ Ziehen 1929.

¹⁶ Compare ΔΙΟΣΣΥΛΛΑΝΙΟΥΚΑΙΑΘΑΝΑΣΣΥΛΛΑΝΙΑΣ; the confusion is prominent enough.

Following, the text contains references to the subdivisions of the social body into *phylai* and *ōbai*.¹⁷ The verbal forms φυλάξαντα and ὠβάξαντα are difficult to interpret because of their vague etymology. The first might derive from the verb φυλάζω which means “to form tribes” or the verb φυλάπτω which involves the idea of maintenance.¹⁸ One could counter the first interpretation with the argument that it is impossible to create something that already exists, given that Sparta before the Great Rhētra was divided into three tribes.¹⁹ The second suggested interpretation can be refuted because of the collocations φυλάς φυλάξαντα καὶ ὠβάς ὠβάξαντα. There are two frequentative verbs which mean “make something to exist”: in this case *phylai* and *ōbai* respectively.²⁰ It can thus be suggested that the meaning unveiled here is either the creation of *phylai* or the gathering of the existing *phylai*. Given that Rhētra’s text appears to regulate existing bodies, it can be argued that there is a kind of redefinition and legislative institution of the already formed *phylai*. The term *phylē* refers to a division with tribal aspect. Also, the term ὠβάξαντα raises interpretative problems, as it is a *hapax legomenon* sourced from the noun ὠβή. The plausible interpretations of the term *ōbe* point to a subdivision either territorial/local or breed, tribal. However, the latter can be rejected if the earlier existence of *phylē* is considered. The term *ōbē* frequently designates a territorial/local unity such as the κώμη (= village). Hesychius in *Glossai* quotes the word ὠγή (=ὠφή) which means κώμη. According to Lévy²¹ the κῶμαι were in fact, identified with *ōbai* in the honorific inscriptions of the Roman Period. Such evidence is obviously provided from a later period and consequently one should be reserved enough when using it in order to interpret and understand facts of the seventh century BC. We cannot however, put aside that Thucydides (1.102) notes that Sparta was divided into κῶμαι. The copy of a fragmentary inscription²² from Sparta dated back in the sixth or fifth century BC and contains a reference to the οἶα of Arkaloi. It can therefore be argued that at this time the *ōbai* neither exactly match the five Spartan κῶμαι, nor mark a subdivision of the Spartan army into five λόχοι. However, provided that this inscription²³ is not a well survived copy, it is difficult to base any interpretative endeavour strictly on it. Aelius Aristides²⁴ in the second century AD comments on Lycurgus’ institution, noting that the god himself divided the city

¹⁷ Plutarch *Lycurgus* 6.2: φυλάς φυλάξαντα καὶ ὠβάς ὠβάξαντα. Some scholars (Roussel 1976: 233f, Welwei 1979: 181, 193-4; Pettersson 1992: 115) suggest that the three Dorian tribes (*phylai*) were created at this time. There is also the old suggestion (Ehrenberg 1937: 1699-700; Oliva 1971: 78-87) that the Rhētra brought a re-organisation of the preexisting gentile (*phylai*) and territorial (*ōbai*) divisions seems convincing.

¹⁸ Lévy 1977: 91.

¹⁹ Yiouni 2006: 237.

²⁰ Lévy 1977: 91.

²¹ Lévy 1977: 92.

²² *IG V* 1. 722, 4.

²³ See Beattie 1951 and *SEG XI* (1954) 475a.

²⁴ Aelius Aristide, *Panathenaic*, 192 : αὐτὸς οὗτος θεὸς τὰς τε φυλάς φαίνεται διελὼν τῇ πόλει καὶ τὰ γένη.

into *phylai* and *genē*. Yiouni²⁵ proposed that Sparta was divided into thirty *ōbai* formed by the thirty most significant Spartan families, the two royal houses included. Lévy argues that in the Roman period, the territorial divisions have a dominant position and are generalized. As a result, the *ōbe* seems to be identified with the κώμη. Nevertheless, the tradition of the ancient division based on *genē* was yet alive.²⁶ One can, also, argue that the Rhētra through the division into *ōbai* intends to impose an advanced territorial division such as the one of Cleisthenes' in Athens, which occurs as late as 508/7 BC.²⁷ Consequently, it is possible that at the end of the ninth c. BC the local division was conflated with the tribal one and later on, the first surpassed the latter. This was also the case in Athens. It is important to mention that an inscription of Roman date (*IG V.1.27*) proves that Amyclae became one of the *ōbai* of Sparta, but there is considerable controversy both over the number of the *ōbai* and over their relationship to the 'villages' of Thucydides and the 'tribes' referred to Great Rhētra. It is possible that there were in all five *ōbai*, namely the four 'villages' of Sparta plus Amyclae.²⁸ The most convincing hypothesis²⁹ to explain the 'traditional', archaeological and epigraphic evidence is to suppose that Amyclae, already considerably 'Dorianized' and perhaps politically subordinated, was incorporated as the fifth *ōbē*³⁰ of the enlarged Sparta by Teleklos c.750.³¹

Following the reference to the subdivision of the social body, the text focuses on the constitutional organs. Firstly, there is a reference to the Gerousia, a constitutional body consisted of thirty members. There are two disputed questions regarding the puzzling matter of the institution of *gerontes* (the elders).³² Firstly, is it possible to assume an ex nihilo formulation of the Council? This would lead to two hypotheses: either the existence of the Spartan kingship lacking the presence of a Council or an increase in the number of members of the Council to thirty. One could suggest that surely prior to the Gerousia's official institutionalisation which accompanied the introduction of the Great rhētra, a Council formed by the noblemen around the king – a parallel for the Council around the Homeric

²⁵ Yiouni 2006: 237.

²⁶ Lévy 2003: 44.

²⁷ Lévy 1977: 93.

²⁸ Wade-Gery 1958: 37–85.

²⁹ Cartledge 2002: 92-3.

³⁰ Parker 1993: 45, n.2 cites that Amyclae was in fact a Spartan *ōbē*: *IG V 1. 26*. Chrimes 1949: 166 cites that Amyclae enjoyed some kind of municipal organization which was conceded by Sparta.

³¹ According to Cartledge 2002: 93 the precise location of the *ōbē*, however, is still unclear. Several pieces of evidence, including the Roman inscription, suggest that it lay at Sklavochori (now, typically, officially renamed Amyclae); but this location tallies neither with the distance of Amyclae from Sparta given by Polybius (5.19.2) nor with the historian's description of the sanctuary of Apollo as lying on the seaward side of the settlement. One solution might be that Amyclae extended in an arc from the range of hills north and north-west of the sanctuary to the site of modern Amyclae.

³² They had to be over 60 years of age.

kings – would have existed. Before the *rhētra*, the Council consisted of the most powerful aristocrats, although their role was consultative and based more on a customary law than on an institutionalised one. Through the *rhētra*, the Gerousia was instituted as a Spartan political organ and shared the power with the kings (by this time the power was exerted exclusively by the kings). There is another question which needs to be answered concerning the number of Gerousia's members. It is the case of thirty *gerontes* and two kings; otherwise, thirty *gerontes* (ten *gerontes* from each tribe) given that Aristotle³³ preserves a tradition, according to which Lycurgus had thirty fellows, two of which withdrew themselves and consequently the two kings took these vacate places via their embodiment in the Gerousia. A successful interpretation can be derived from our knowledge about the classical Sparta.³⁴ Taking this into account, the Gerousia is unveiled as a body of thirty members which includes twenty-eight *gerontes* as well as the two kings. The royal power was moderated through the Gerousia's institutional fortification enabled by the Great *Rhētra* and the power which the aristocratic *genē* held, was redistributed. In this way, there was a transition from kingship to a constitution characterised by an equal distribution of power among the powerful Spartan families. The term *archāgetēs*³⁵ is an honorary title for founders, leaders of colonies, or for heroes and gods to which families, *phylai* and communities attach their origins.³⁶ Plutarch (*Lyc.* 6.3) explains the term in the *rhētra* with *basileis*.³⁷ However, in the context of the Great *Rhētra*, this term seems to have its poetical meaning, which is king. The mythical kings Agis and Eurypon, founders of the two royal Spartan houses actually creep into the *ad litt.* content of the term³⁸. If these two were literally *archāgetai* and were intertwined with the Gerousia, it is legitimate for them to be called like their successors. The latter taken into consideration, the Great *Rhētra* appears to be Sparta's founding map, providing justification concerning actions like the foundation of the shrine, the division into *phylai* and *ōbai*, the establishment of the Gerousia and

³³ Plutarch *Lycurgus* 5.12: τοσούτους δέ φησι κατασταθῆναι τοὺς γέροντας Ἀριστοτέλης, ὅτι τριάκοντα τῶν πρώτων μετὰ Λυκούργου γενομένων δύο τὴν πρᾶξιν ἐγκατέλιπον ἀποδειλιάσαντες.

³⁴ Lévy 1977: 94.

³⁵ The literal meaning of the term *archāgetēs* is founder of a family, city or settlement. Chantraine 1968 s.v. ἄρχω.

³⁶ Leschhorn 1984: 109-15, 180-5, 346-86; Malkin 1989: 241-50.

³⁷ Nafissi 2010: 104: When used for men, *archāgetēs* is usually an epithet of personalities of the past, or contemporaries who will be remembered in the future as originators. The latter may be the case of ἀρχηγέτης καὶ βασιλεύς (Βάπτος) in the alleged seventh century decree in SEG 9.3 = M-L 5, II, 26f., which is in fact a retrospective text dating from the fourth century. Plutarchs' explanation find no strong support in ancient Greek literature sometimes quoted for this purpose. For the term *archāgetēs* see Nafissi 2010: 104f.

³⁸ Buckley 2010: 66: There were two hereditary kings from the families of the Agiads and the Eurypontids, and, although the former were traditionally the senior (Herodotus 6.51), there were constitutionally equal in authority and thus acted as a check upon each other's power. By the terms of the Great *Rhētra*, their constitutional power was diminished by being included with no special privileges. Aristotle (*Politics* 1285a 5-10) limited their importance to the leadership of the army on campaign.

Lycurgus' dating in the period of the Heracleidae.³⁹ Such an early dating might seem improbable; however it can be understood only in the context of a founding map.

After the reference to the Gerousia, Plutarch cites the term ἀπελλάζειν and next, he explains the term, stating as a synonym the infinitive ἐκκλησιάζειν. Both terms refer to the demos Assembly. However, the name of the Assembly is doubtful. Ancient writers⁴⁰ except Plutarch did not use the term *apella*. In specific, Plutarch adopted the term in its plural form: ἀπέλλαι.⁴¹ The word *apella* actually derives from the name of the god Apollo⁴² (Ἀπέλλων in the Doric dialect); this fits the context of a Delphic oracle. Furthermore, Apollo is the most prominent political god, a divine lawmaker and this can explain why most lawmakers demanded confirmation for their laws by Delphi. The frequency in the convocation of the assemblies was decided based on indeterminable criteria. It is supposed that in an early stage a great frequency was not the case. It is thus, impossible to define the exact meaning of the phrase ὥρας ἐξ ὥρας. The suggested translation by modern scholarship⁴³ 'from time to time' seems to be quite unspecific. An accepted translation would be 'once a year/period/month'. Thucydides (1.67) notes that the assemblies take place in every full moon. This might have occurred in a later period and not at an early stage. Lévy⁴⁴ quotes the view that the Assembly took place during a month called Ἀπελλαῖος. This month was actually attested in the Doric cities but not in Sparta. Based on logical reasoning, the assemblies would have possibly been called whenever an issue was raised and they were obliged to make a decision. Also, Rhētra's text contains a reference to the location where the Assembly took place which was μεταξύ Βαβύκας τε καὶ Κνακιῶνος. Plutarch also cites Aristotle's⁴⁵ testimonial that Knakionas was a river, while Babyka a bridge and during the writer's age the location was called Oinountas. Plutarch comments that the Spartan Assembly took place in the countryside and at a place which lacked buildings, because they were thought to distract citizens from sound decision making.

The phrase οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι, which follows in Rhētra's text is not the expected one according to the regularities of the ancient Greek language (οὕτως should be

³⁹ Also in Xenophon *Constitution of the Lacedaimonians* 10.8.

⁴⁰ Herodotus (7.134) uses the term ἀλή (ἄλία in the Doric Dialect), Thucydides (1.87.1; 6.88.10; 5.77.1) the term ἐκκλησία, Xenophon (*Hellenica* 2.4.38; 5.2.33; 6.3.3) the term ἐκκλητοί.

⁴¹ Buckley 2010: 68: The Great Rhētra authorized the Assembly to be held at regular intervals: i.e. at the time of festivals in honour to Apollo called "Apellai". Nafissi 2010: 95 also mentions that *apellazein* might be an allusion to a yearly (?) festival of Apollo, when political meetings took place.

⁴² The etymology of the name Apollon is uncertain. See Chantraine 1968 s.v. Ἀπόλλων; Burkert 1975: 1-21.

⁴³ See the references in Tigerstedt 1965: 534, n. 362; Wade-Gery 1958: 45-7; Oliva 1971: 92.

⁴⁴ Lévy 2003: 48.

⁴⁵ Plutarch *Lycurgus* 6.4.

combined with a participle and not with an infinitive).⁴⁶ What is more, the interpretation of the infinitive lies uncertain; there is no subject in the sentence, thus leading to ambiguity.⁴⁷ Most probably, this is an occult reference to the Gerousia. The word εἰσφέρειν might stand for the action of submission of suggestions. The infinitive ἀφίστασθαι purports to mean ‘they, who submitted a suggestion, should back off’. The following process may actually underlie the infinitives: the convocation of the Assembly followed by submission of suggestions, acceptance or rejection of suggestions, withdrawal. Lévy suggests that the last stage might be the end of the session after the completion of the process described above or the arbitrary termination of the session.⁴⁸ According to the same scholar⁴⁹ the infinitive ἀφίστασθαι obtains a certain meaning, if we take into account that the Spartan kings Polydorus and Theopompus had made a “rider” to the Rhētra concerning the acquisition of the veto power by the Gerousia and the kings. As Plutarch cites, the Rhētra gives ultimate power of political decision-making, presumably including the right to endorse legislation, to the *damos*.⁵⁰ However, the same document contains two provisions that compromise what at first glance appears as an unequivocal recognition of the *damos*’ supreme decision-making power. First, the clause regarding the powers of the *Gerousia* (council of elders, including the two kings): they are to introduce proposals (εἰσφέρειν) and withdraw (ἀφίστασθαι). This provision very possibly refers to the *probouleutic*⁵¹ powers of the *Gerousia*, i.e. its power to draft and submit bills or other motions to the popular assembly.⁵² Secondly, there is the so-called “rider”,⁵³ considered by Plutarch as a later addition, but probably an integral part of the original *rhētra*. In this clause, it is stipulated that if the *damos* reached a wrong decision, the *gerontes* and the *archāgetai* could annul it.⁵⁴ Such a right (of veto) was exercised once⁵⁵ and gained the most of its significance at

⁴⁶ Lévy 1977: 96.

⁴⁷ The phrase ἔδοξε τοῖς ἐφόροις καὶ τῇ ἐκκλησίᾳ (Xenophon *Hellenica* 3.2.23; 4.6.3) indicates that Xenophon recognized an authority of *probouleusis* to the ephors issued in the fourth century BC.

⁴⁸ Lévy 1977: 97.

⁴⁹ Lévy 1977: 97.

⁵⁰ Plutarch *Lycurgus* 6.1: δάμῳ δὲ τὴν κυρίαν ἡμεν καὶ κράτος; cf. Tyrtaios 4W.5-9: ἔπειτα δὲ δημότας ἄνδρας εὐθείαις ῥήτραις ἀνταπαμειβομένους ‘it is for the common people to respond with straight decisions’. *Damos* = *dēmos*.

⁵¹ Papakonstantinou 2008: 54: *Probouleusis* was the procedure whereby a restricted number of officials or citizens set the agenda of the meetings of the popular assembly and other legislative bodies and even drafted bills that were then approved, rejected or perhaps modified by the appropriate policymaking bodies. On *probouleusis* in Spartan politics and lawmaking see Andrewes 1954 and Sealey 1969.

⁵² See Jones 1966 and Forrest 1967 on how this worked in practice.

⁵³ The “rider” regarding the veto was made, according to Plutarch, because several additions and removals lead to distortions. For an analytic approach on the “rider” see the chapter: “The traditions about Theopompos and Polydoros: the “rider” to the Rhētra, the ephors and the allotment of land” in Kōiv 2003: 199f.

⁵⁴ Plutarch *Lycurgus* 6.8: αἱ δὲ σκολιὰν ὁ δᾶμος ἔλοιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρας ἡμεν.

the time when the Gerousia lost part of its precedence over the Assembly's initiatives to the benefit of the ephors. What the *rhētra* seems to envisage is a multi-stage decision-making process in archaic Sparta. Many details remain unclear and disputed but, to summarize the preceding discussion, we can be quite confident that the process involved the drafting of laws and decrees by the political elite in the *Gerousia*, their endorsement or rejection by the *damos* and finally the power of the *Gerousia* and the *archāgetai* to reverse the *damos*' decisions if that was deemed appropriate. This complex legislative procedure, and especially the *probouleutic* and annulment powers of the *Gerousia* and the *archāgetai*, effectively undermined the seemingly unrestrained decision-making powers of the *damos* as declared in the *rhētra* itself.⁵⁶ Plutarch explains this right as a measure in order to prevent from taking the wrong decisions. The question raised here is who could actually make a “rider” to the Rhētra. Aristotle (*Politics* 1273a 9-13) precludes the case that the members of the Assembly had the right to make a “rider” because this is a feature of an advanced form of democracy. Consequently, the “rider” to the Rhētra might have been made either by a member of the Gerousia, which had a different opinion from the others or by one of the kings. The latter relied on the majority of the Assembly in order to offer a different suggestion from the one of the rest of the members. A specific example was the case of the king Archidamus who in 432 BC disagreed with the war against Athens, but here as well Gerousia's accession was necessary for the Assembly to vote.

Rhētra's last phrase δάμω δὲ τὰν κυρίαν ἤμεν καὶ κράτος was multiply restored by scholars.⁵⁷ Most proposals presuppose that the sentence refers to the role of the *damos*. Wade-Gery⁵⁸ suggested the emendation: δάμω δ' ἀνταγορίαν ἤμεν καὶ κράτος which means: the *damos* has the right to express a different opinion. The word ἀνταγορία involves the notion of opposition. Moreover, the restoration of the word ANΓΟPIAN would stand close to the word ἀνδρίαν. However, if the latter is accepted, the political value unveiled in the end of Rhētra's text would be missed. Nevertheless, the power of *demos* is understood in military terms.⁵⁹ Levy's emendation to ἀγορᾶ – having the meaning of the *demos*' Assembly – can be compared to Tyrtaeus' line δήμου δὲ πλήθει.⁶⁰ If the lack of the infinitive

⁵⁵ Agis' IV reforms were originally submitted to the Gerousia. They were not approved, but not wholly rejected (Plutarch *Agis* 9.1). Next, the reforms were voted by the Assembly and were finally repealed by the Gerousia (Plutarch *Agis* 11.1).

⁵⁶ Papakonstantinou 2008: 58-9.

⁵⁷ Luther 2004: 39, n.124 offers a selection of the corrections proposed for this passage.

⁵⁸ Wade-Gery 1943: 62-72.

⁵⁹ Lévy 1973: 21-22.

⁶⁰ Diodorus Siculus 7.12.6 = Tyrtaeus 3a.

εἶναι is also taken into consideration, this phrase would fit the context of a Delphic oracle.⁶¹ Treu proposed δάμω δ' ἀναγορίαν ἤμεν καὶ κράτος,⁶² which is very close to the readings of the manuscripts, giving to the otherwise unattested *anagoria* its natural meaning (cf. *anagoreusis*), referring to the right of the people to listen to the proposals of its leaders. In this case it seems that the *damos* had the right to respond with a yes or no, consequently to confirm or reject. We agree with Papakonstantinou⁶³ that the line is extremely garbled and other restorations are possible, such as <δ>άμω δ' ἀγοραῖ νίκην καὶ κράτος. Whatever the exact wording, there is little disagreement that this line assigned supreme decision-making power to the *damos*.

The role of the Assembly is defined through the phrase δάμω δὲ τὰν κυρίαν ἤμεν καὶ κράτος, which means that the *demos* has a dominant role as it holds the power to form the final decision by judging the suggestions submitted by the *Gerousia*. This phrase stands as a parallel for Tyrtaeus' line 'δήμου τε πλήθει νίκην καὶ κάρτος ἔπεσθαι'.⁶⁴ The political significance of the *demos*' Assembly actually lies on the right of decision and validation of law, features which were assigned to the Assembly through the introduction of the *Rhētra*.

Following the *Rhētra*, the *demos*' Assembly was transformed into an institutionalised political organ, which held a dominant political role, as it turned the outcome of a discussion into a decision. The confirmation offered by the Assembly, assigned validity and legalisation to all the submitted issues. Nevertheless, the role of the Assembly was underestimated in the antiquity, whereas modern scholarship has often misinterpreted its role. It is of high importance to stress that it was not the case of an Assembly which did not favour discussion. Moreover, none of the ancient testimonials refers to prohibition of discussions. If that was the case, they would not validate or reject submissions. Furthermore, there is no reference that only the organs of authority could express an opinion in the Assembly. In Sparta and probably in the majority of ancient Greek cities, one does not come across lively discussions which were typical in Athens in the second half of the fifth century BC. However, the view that this type of discussion took place in periods of crisis such as the Persian Wars and the Peloponnesian War, cannot be rejected.

Diodorus Siculus 7.12.6 = Tyrtaeus 3a

⁶¹ Lévy 1977: 99.

⁶² Treu 1941: 23.

⁶³ Papakonstantinou 2008: 58, n.32.

⁶⁴ Diodorus Siculus 7.12.6 = Tyrtaeus 3a.

Ἔδ' ἄρ' ἀργυρότοξος ἄναξ ἐκάεργος Ἄπόλλων
χρυσοκόμης ἔχρη πίοτος ἐξ ἀδύτου,
ἄρχειν μὲν βουλῆς θεοτιμήτους βασιλῆας,
οἷσι μέλει Σπάρτης ἱμερόεσσα πόλις,
πρεσβυγενεῖς δὲ γέροντας, ἔπειτα δὲ δημότας ἄνδρας,
εὐθείαις ῥήτραις ἀνταπαμειβομένους
μυθεῖσθαί τε τὰ καλὰ καὶ ἔρδειν πάντα δίκαια,
μηδέ τι βουλευεῖν τῆδε πόλει σκολιόν,
δήμου τε πλήθει νίκην καὶ κάρτος ἔπ' εἶσθαι·
Φοῖβος γὰρ περὶ τῶν ὧδ' ἀνέφηνε πόλει.

Apollo of the silver bow and golden hair, the far-darting,
oraculated from his rich *adyton*:

'The divinely honoured kings shall start the Council
who care for have the beloved city of Sparta,
and the senior gerontes. Then the demos,
responding in turn to straight *rhētra*
must say what is right and do all that is just,
and not plot against this city.
victory and power will attend the multitude of the people'.
For thus Phoebus declared to the city these things.

Another source for the Great *Rhētra* is the elegy *Eunomia*⁶⁵ of Tyrtaeus which is cited by Diodorus Siculus. Plutarch's citation does not contain a reference to the receiver of the *Rhētra*. However, it has been assumed, based on the participle ἀκούσαντες, that the receivers were the kings Polydorus and Theopompus. On the other hand, Diodorus Siculus⁶⁶ presents Lycurgus as a receiver of the *Rhētra*.

In the *Eunomia*, the demos is exhorted to obey the kings and the members of the Gerousia. It has been argued that this does not have to do with a true domination of the demos, but actually it is a kind of supremacy of the city over the enemies. The description of the Spartan government system appears to have striking similarities with the Homeric one. The leadership of the Homeric kings, a parallel for the Spartan kings, is sourced from Zeus (θεοτιμήτους βασιλῆας). In the Homeric epics, the kings and members of the Gerousia

⁶⁵ About an analysis of the relation of *Eunomia* with the Great *Rhētra* see Kōiv 2003: 186f.

⁶⁶ Diodorus Siculus 7.12.6: Ἡ Πυθία ἔχρησε τῷ Λυκούργῳ περὶ τῶν πολιτικῶν οὕτως.

discuss before the convocation of the Assembly. The role of the Homeric Assembly was however, restricted to acceptance accompanied by acclamations or the maintenance of silence which stood for rejection. The Great Rhētra presents a different world, where the kings were members of the Gerousia. It is known that this Council consisted of thirty members. However, in the context of the *Eunomia* it stands for a new political scheme and this may account for the lack of reference to the number of members. The *Eunomia* refers neither to the place where the sessions took place nor the frequency of their occurrence. The demos has a definite role and that is not restricted to expressing its opinion with acclamations or silence. The members of the Assembly have the right to speak (μυθεῖσθαί τε τὰ καλὰ) and vote for or against submissions offered by the Gerousia. As both texts demonstrate, the final decision lies in the hands of the demos. However, the dominant role of the demos might have been restricted due to the exercise of the right of the Gerousia to provide no validation for distorted decisions. In line with its role as defined in the Rhētra, the demos gives the final approval. Whatever the outcome of the discussion, the Assembly of demos formed it into a decision.

Aristotle⁶⁷ cites Tyrtaeus' elegy as a testimonial of the fact that civil wars break out when some people are in need, whereas others enjoy wealth. A similar situation seems to have been the case in Sparta and Pausanias⁶⁸ states that Tyrtaeus through his poems, managed to dissuade citizens from a civil war. According to this view, the institutionalisation of the political organs, the particular form of government and the legal acquisition of demos' domination, would have occurred in Sparta after the elegy *Eunomia* of Tyrtaeus.

As far as the context and aim of the oracle in the *Eunomia* are concerned – provided that the oracle is not connected to the Rhētra – the question raised here is about the reason why the Delphic Oracle had given such an oracular response. The oracle seems to fit the situation that Sparta deals with at the age of Tyrtaeus. The Delphic Oracle urges into obedience in a period during which there is an extreme conflict and the demos appears to be quite dissatisfied. It is notable that the Delphi give this oracle while Sparta is in war and thus, the oracle promises victory for Spartans over the Messenians. The anonymous Heracleidae who appear to receive the oracular response are in fact, identified in the poem with those who seek to gain legitimacy for their power over Sparta. These Heracleidae are

⁶⁷ Aristotle *Politics* 1306b, 35 -1307a1: ἔτι ὅταν οἱ μὲν ἀπορῶσι λίαν οἱ δ' εὐπορῶσιν (καὶ μάλιστα ἐν τοῖς πολέμοις τοῦτο γίνεται: συνέβη δὲ καὶ τοῦτο ἐν Λακεδαιμόνι ὑπὸ τὸν Μεσηνιακὸν πόλεμον: δῆλον δὲ καὶ τοῦτο ἐκ τῆς Τυρταίου ποιήσεως τῆς καλουμένης εὐνομίας: θλιβόμενοι γὰρ τινες διὰ τὸν πόλεμον ἠξίουσαν ἀνάδαστον ποιεῖν τὴν χώραν).

⁶⁸ Pausanias 4.18.2-3: καὶ ἀπὸ τούτου σιτοδεία ἐγένετο ἐν Σπάρτῃ καὶ ὁμοῦ τῇ σιτοδείᾳ στάσις: οὐ γὰρ ἠνείχοντο οἱ ταύτῃ τὰ κτήματα ἔχοντες τὰ σφέτερα ἀργὰ εἶναι. καὶ τούτοις μὲν τὰ διάφορα διέλυε Τυρταῖος.

actually the kings of Tyrtaeus' age⁶⁹ who remain unidentified in the elegy. The aim of the request of an oracle coincides with Tytaeus' intention to reproduce it in his poem. More specifically, this aim was related to the elimination of the dissatisfaction of the demos and ceasing the voices which requested redistribution of land. Moreover, it had to do with a reaffirmation of the kingship. Consequently, the *Eunomia* was a way for Sparta to respond to the seventh century BC crisis. The Spartans requested an oracular response which urged into legitimising the kingship. At the same time, the oracle prevented from greed, a notion which is also found in Solon's poems. The best way to restore order and combat the dissatisfaction of demos was the reminder of the divinely defined sociopolitical order through oracles, rites and poems. This was a common practice in Sparta in the last decades of the seventh century BC and Athens in the early sixth century BC, but was abandoned in the classical period.⁷⁰

The text of the *Eunomia* focuses on kingship which is said to be given by the gods and supported by the oracle. In contrast, the Great Rhētra draws attention upon the Assembly of citizens. The time and place where its sessions took place were defined and it is also stressed that its authority was derived from a social accordance rather than a divine command. In this period, political and religious practices could take place at the same time. However, in the classical period Athens and Sparta were not subject to the influence of poets in order to solve the social problems they faced.⁷¹ Consequently, the *Eunomia* is the last example of a sequence of endeavours to establish order through poems and rites related to superficial powers. If it is true that the Rhētra was formed after the *Eunomia*, then in that time between the composition of the two texts, there is a transition to a new sort of political community. This is a crucial stage in the process of Sparta's political development in the end of seventh century BC and early sixth century BC.

As a concluding remark, one may stress that the Great Rhētra as a constitutional document of the archaic period demonstrates the new political structure and redefines the relations between the kings, *Gerousia* and the demos after the creation of a new political body, the *homoioi* in the Spartan polis. However, there is no reference to the demos using the term *homoioi*, but the definition of its rights and role confirms the assignment of political value to a developing political body. The Great Rhētra refers to changes and redefinitions of existing constitutions and organs. The "rider" to Rhētra, which gives Gerousia the right not to

⁶⁹ Pausanias 4.15.2: ἐν δὲ Λακεδαιμόνι οἱ τινες τηνικαῦτα ἔτυχον βασιλεύοντες, Τυρταῖος μὲν τὰ ὀνόματα οὐκ ἔγραψε.

⁷⁰ Van Wees 1999: 26.

⁷¹ Van Wees 1999: 26.

validate distorted decisions of the demos, could have been characterised as an opposing measure to demos' rights and would have caused social instability. At a later period, the introduction of ephors appears to have been the solution to that problem, by means of restriction of the power of kings and Gerousia giving instead the demos a dominant role.⁷² These rights were given to the demos during the second Messenian War and after the introduction of the *oplitic phalanga* and were restricted afterwards, leading to social conflict and the introduction of the institution of the ephors. The fact that Sparta avoided tyranny and that the Great Rhētra gave the Spartan hoplites the political power, which their counterparts in other states only won by supporting revolution and tyranny, makes the middle of the seventh century (c.650) the most attractive date and political context for its introduction. The Spartan aristocracy would have been deeply worried by the success of King Pheidon of Argos, quoted by Aristotle (*Politics* 1310b) as an example of a king becoming a tyrant, in utilizing the hoplites to overthrow the aristocracy in c.670; by the success of the tyrants of Sicyon and of Corinth in c.650s, Orthagoras and Cypselus, respectively; and by the recent memory of King Polydorus, who had supported the grievances of the ordinary Spartan, resulting in his assassination at the hands of an aristocrat. It was the Second Messenian War, that occurred around the time of these tyrannies, and its all-powerful threat to Sparta's very existence, that proved to be the constitutional turning point in Sparta's history. The Great Rhētra, by giving sovereign power to the hoplites, was intended to resolve their political grievances, and to provide them with the incentive to save Sparta from destruction.⁷³ In that way, Sparta managed to avoid tyranny by solving problems concerning the relations between the different social groups.

⁷² As Kōiv 2003: 186-7 mentions: "The point of the view excluding the ephorate from the original Lycurgan establishment certainly prevailed from the middle of the 4th century onwards. Plato separated the creation of the ephorate from the establishment of the double kingship by a "god" and *Gerousia* by "a human being blended with divine power" (apparently Lycurgus), and presented it a third stage in the development of the Spartan constitution, ascribed to a "third saver". Aristotle (*Politics*. 1313a) abandoned Plato's (*Laws* 691e-692a) somewhat vague expressions and stated explicitly that the ephorate had been added to the previous constitution by king Theopompos, known by the ancients as the grandson of Charillos in whose time Lycurgus was believed to have legislated. Most of the post-classical authors accepted this as a self-evident fact." On this, see Richer 1998: 15f. Also, it is uncertain why the dominance, which the demos obtained, was restricted.

⁷³ Buckley 2010: 72.

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