

MICHAEL GAGARIN (AUSTIN, TX)

OBSERVATIONS ON THE GREAT RHETRA: A RESPONSE TO FRANÇOISE RUZÉ

Διὸς Σκυλλανίου καὶ Ἀθανᾶς Σκυλλανίας ἱερὸν ἰδρυσάμενον, φυλὰς φυλάξαντα καὶ ὠβὰς ὠβάξαντα, τριάκοντα γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάξιν μεταξὺ Βαβύκας τε καὶ Κνακιῶνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι ΓΑΜΩΔΑΝΓΟΡΙΑΝ ΗΜΗΝ καὶ κράτος (Plutarch, *Lycurgus* 6, 1).

αἱ δὲ σκολιὰν ὁ δᾶμος ἔροιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρας ἦμεν (*ibid.* 6, 8).

Having built a temple of Zeus Skyllanios and Athena Skyllania, having tribed the tribes and having obeyed the obes, having established a gerousia (council of elders) of thirty together with the archagetai, then in season after season he is to have a meeting between Babyka and Knakion, and in this way is to introduce (proposals) and stand aside... and power.

If the people speak crookedly, the elders and the archagetai are to be the ones who put it aside.

Françoise Ruzé has taken on one of the most difficult problems in the history of early Greek law, the Spartan Great Rhetra. Our primary source, Plutarch, wrote many centuries after the fact, and the only possible contemporary source, Tyrtaeus, is a poet, whose testimony is less than straightforward. In addition, textual problems complicate attempts to understand either author. Ruzé suggests a new understanding of the Rhetra based in part on her sense of the nature of political power in early Greek communities. I find some parts of her argument convincing, other parts less so. She is correct, I think, to reject attempts to understand the Rhetra as a whole as a response to class conflict within Sparta: as she observes, conflict in early Sparta involved Spartans against others, particularly Messenians, not rich Spartans against poor Spartans. She is also right to conclude that the Rhetra is not a form of anti-tyranny legislation, but a response to the demands of the *damos* for a voice in the government. But when she examines the text of the Rhetra, she is less convincing.

Ruzé first considers the words οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι (“in this way *eispherein* and *aphistasthai*”). As Ruzé says, the first verb very likely directs someone to introduce proposals in an assembly or assembly-like body; the second verb most likely has its normal meaning of “stand back” or “stand aside.” The construction strongly implies that the same person or group is the subject of both

verbs, but gives no clear indication who this subject is. Ruzé accepts the common view that the subject is probably the *archagetai* and the *gerousia*, who are mentioned in the preceding sentence. There is a difficulty with this: the construction of the sentence – a series of accusative singular participles followed by several infinitives functioning as imperatives – suggests that the subject of the infinitives is the same as the subject of the participles, namely a singular person or group. Most likely the subject of the participles is a group like the *damos*, which will have built the temples, established the tribes and obes and council of thirty, and then is instructed (by the infinitives) to hold regular meetings, at which some more specific body introduces and then stands aside. Thus, I am inclined to agree with Ruzé that the *archagetai* and the *gerousia* are the likely introducers.

We can only guess what it is they are supposed to introduce – proposals? questions? general issues? disputes? – but it seems likely that the introducing takes place in the meeting just mentioned, where the matter will be debated and decided. There may perhaps be a vote, but I see no reason to adopt Schulz’s emendation ψαφίσασθαι for ἀφίστασθαι. Not only is the emendation far from easy paleographically and the presence of ἀποστατήρας in the amendment, which comes a page later in Plutarch’s text, does nothing to make it any easier, but I can find no example of ψηφίζομαι in the middle with the meaning “put something to the vote.” Quite likely, the assembly did vote on proposals that were introduced, but there was no need to specify that someone put the proposal to a vote.

Ruzé next takes up the meaningless letters ΓΑΜΩΔΑΝΤΟΠΙΑΝΗΜΗΝ. Following Schulz, she proposes to restore the otherwise unattested noun ἀναγορίαν, which, she argues, means “proclamation,” but she remains undecided about the first word in the clause, which she would restore as either δάμω or γνώμω. The text will then read either δάμω δ’ ἀναγορίαν ἡμεν καὶ κράτος (“and let proclamation and power be in the hands of the people”) or γνώμω δ’ ἀναγορίαν ἡμεν καὶ κράτος (“and for judgment let there be proclamation and power”). I confess that neither alternative makes much sense to me. First, proclamation and power are quite different, and linking them together makes little sense. Second, I can see no point to either clause in the context of this legislation. Third, both readings are paleographically difficult, requiring at least three letter changes (including the restoration of an *alpha* to produce ἀναγορίαν), none of them obvious. The current text almost certainly reflects more than one stage of corruption, and I see no way to recover the original.

The amendment – “If the *damos* speaks crookedly (*skolion*), the elders and the *archagetai* are to be *apostateres*” – also presents a difficulty. Ruzé wants to take *apostateres* in the same sense as *aphistasthai* in the main body of the Rhetra (see above), namely “stand aside.” This would mean that even if the *damos* speak crookedly, their decision should be left alone. Following Vélissaropoulos, she explains this by arguing that *skolion* means “wrong” only in the sense of contrary to tradition or “new.” Thus, if the *damos* depart from tradition in their legislation, their

action should be allowed to stand. This meaning in itself is unobjectionable, but I don't see how it can be gotten from the Greek. The examples in epic, including those that Ruzé notes, confirm that *skolion* has a strong association with injustice, and a public document like the Rhetra cannot simply abandon the well-established sense of a word and make it mean something else. And if *skolion* does imply “unjust,” I find it impossible to accept that the Spartans, famed for *eunomia*, would enact a law saying that someone cannot prevent injustice. Furthermore, if they were meant to give the *damos* complete power to legislate as it wished, it would make no sense to name two specific bodies who must “stand back,” because this would not prevent others from blocking new legislation. To achieve the meaning Ruzé desires, the rule should require that everyone stand back and allow the *damos* to legislate as it wishes. And a more likely wording for such a rule would be, “if the *damos* judge *skolion*, no one is to interfere.” It is true that *aphistasthai* and *apostateres* come from the same verb, but whereas *aphistasthai* in the middle must mean “stand aside,” the noun *apostateres* more likely has a transitive sense, “put aside” or “veto.”

Let me end this response with some observations on an aspect of the Rhetra that Professor Ruzé only hints at when she says that the Rhetra takes a form that is easy to memorize, namely the presence of oral elements. I find it impossible to read the Rhetra without feeling its strong oral qualities, in particular the balanced syntactical structure, with four participial clauses followed by three infinitives, the parallelisms of Διὸς Σκυλλανίου καὶ Ἀθανᾶς Σκυλλανίας, and the euphony of φυλάξ φυλάξαντα καὶ ὠβᾶς ὠβάξαντα (“having tribed the tribes and obed the obes”) and ὥρας ἐξ ὥρας (“season after season”). All this indicates that this Rhetra (as perhaps all rhetras) began as an oral prescription, perhaps in a ritual context where after the basic elements were in place (sanctuaries of Zeus and Athena, division into obes and tribes, establishment of the *gerousia*), then the Spartan *damos* would be assembled, meeting regularly (perhaps monthly) between Babyka and Knakion. The Rhetra may even have been recited at the beginning of the meeting.

Some time later, after the *damos* had been meeting regularly, during the period when legislation was being enacted in writing all over Greece, the text was written down. Possibly, this took place after the conquest of Messenia and was intended to establish the authority of this Spartan form of government for all, including the Messenians. Then, after the Rhetra was written down, the amendment was added, which has the clear appearance of written legislation – a conditional sentence, typical of written laws, with none of the oral features of the Rhetra itself. This had the effect of limiting the power of the *damos* and establishing a balance of power in the government of Sparta, which was one of the features of the city's famed *eunomia*. Indeed, it was commonplace to contrast Sparta's form of government, in which several powers held each other in check, with the Athenian democracy, in which the *dēmos* did have unlimited power to legislate (in the fifth century, at least).

It seems impossible to attribute a similar form of government to Sparta at any period in its history.