

Thucydides and the 'Constitution' of the Peloponnesian League

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for Donald Kagan

SPARTA'S RELATIONS with the members of her Peloponnesian League were governed by bilateral treaties that obliged them to follow her in war.¹ It has become widely accepted, however, that at least by the fifth century a multilateral provision modified these bilateral relations: on questions of peace and war, the allies were only bound to follow Sparta's lead if a majority vote at a congress of representatives of the League's cities sanctioned Sparta's decision.² The existence of this alleged 'constitution' of Sparta's League is attractive, not least because gatherings of the allies are attested before the League embarked upon wars or concluded peace, and because mention is made of

¹ The term "Peloponnesian League," unattested in the sources (which refer to "the Lacedaemonians and their allies" or "the Peloponnesians") is a modern convenience to describe the cities more or less subject to Sparta and bound by unequal treaties to "have the same friends and enemies as the Spartans, and to follow the Spartans wheresoever they may lead" (e.g. Xen. *Hell.* 2.2.20, 4.6.2). On these treaty obligations see T. Pistorius, *Hegemoniestreben und Autonomisierung in der griechischen Vertragspolitik klassischer und hellenistischer Zeit* (Frankfurt a.M. 1985) 87-93, 120-25.

² U. Kahrstedt, *Griechisches Staatsrecht I: Sparta und seine Symmachie* (Göttingen 1922) 286f; G. BUSOLT and H. SWOBODA, *Griechische Staatskunde II* (Munich 1926: hereafter 'Busolt and Swoboda') 1330-34; 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) 140, and "The Constitution of the Peloponnesian League. I," *CP* 28 (1933: 'Larsen 1933') 259; K. Wickert, *Der peloponnesische Bund von seiner Entstehung bis zum Ende des archidamischen Krieges* (diss. Erlangen 1961) 29; and, the standard recent treatment, G. E. M. de STE. CROIX, *The Origins of the Peloponnesian War* (London 1972: 'Ste. Croix') 104-23, esp. 115-18, followed by e.g. P. A. Cartledge, *Agisilaos and the Crisis of Sparta* (London 1987) 11f. Even the lone recent dissenter, D. KAGAN, *The Outbreak of the Peloponnesian War* (Ithaca 1969: 'Kagan') 13-21, capitulated in the face of Ste. Croix's onslaught: *The Peace of Nicias and the Sicilian Expedition* (Ithaca 1981) 41 n.21.

voting at some of those meetings.³ Nevertheless, it is argued here that the balance of evidence is against the existence of any such explicit provision limiting Sparta's rights: the direct evidence for the provision is equivocal at best; there is, moreover, evidence that no such provision existed; and, in any event, there is no need to posit such a provision to explain the reported behavior of Sparta and her allies. Once this is admitted, a better understanding is possible of the speech Thucydides has the Corinthians give before Sparta's assembled allies in 432 (Thuc. 1.120–24), and, more generally, of relations within Sparta's League on the eve of the Peloponnesian War.

I. Thuc. 5.30–31

The case for the existence of the majority-vote covenant rests upon Thuc. 5.30.1, where the historian describes the Spartans' attempt in 421 to convince the Corinthians not to form an alliance with Argos in the wake of the unpopular Peace of Nicias:

Λακεδαιμόνιοι δὲ αἰσθόμενοι τὸν θρόνῳ τοῦτον ἐν τῇ Πελοποννήσῳ καθεστῶτα καὶ τοὺς Κορινθίους διδασκάλους τε γενομένους καὶ αὐτοὺς μέλλοντας σπείσεσθαι πρὸς τὸ Ἄργος, πέμπουσι πρέσβεις ἐς τὴν Κόρινθον βουλόμενοι προκαταλαβεῖν τὸ μέλλον καὶ ἡτιῶντο τὴν τε ἐσῆγησιν τοῦ παντὸς καὶ εἰ Ἄργείοις σφῶν ἀποστάντες ξύμμαχοι ἔσονται παραβῆσεσθαι τε ἔφασαν αὐτοὺς τοὺς ὄρκους καὶ ἤδη ἀδικεῖν ὅτι οὐ δέχονται τὰς Ἀθηναίων σπονδὰς εἰρημένον κύριον εἶναι ὅτι ἂν τὸ πλεῖθος τῶν ξυμμάχων ψηφίσῃται ἢν μὴ τι θεῶν ἢ ἡρώων κώλυμα ἦ.⁴

³ Before Leuctra, meetings where a vote of the allies is clearly attested are: 440 (Thuc. 1.40.5, 43.1), 432 (1.119–25), 421 (5.17.2, 30.1), and 404 (Xen. *Hell.* 3.5.8; cf. 2.2.19). In 378 we hear of a δόγμα τῶν συμμάχων, a decree of the allies (Xen. *Hell.* 5.4.37). Other meetings of the allies where it is not absolutely clear whether they were asked to vote, or just to advise the Spartans as the Corinthians and others did in 432 (Thuc. 1.67–72), include ca 504 (Hdt. 5.91ff), 428 (Thuc. 3.8–15), 423 (4.118.4, 9), 412 (8.8.2), 396 (Xen. *Hell.* 3.4.2: the wording does not leave the existence of this meeting beyond doubt), 382 (5.2.11–23), 376 (5.4.60), 371 (6.3.3–20).

⁴ "The Lacedaemonians, on the other hand, seeing that this tumult had arisen in the Peloponnese, and that the Corinthians were the creators of it and were themselves about to enter into alliance with Argos, sent ambassadors to Corinth in the hope of preventing what was about to happen. They accused [the Corinthians] of being the instigators of the whole affair and of intending

In this passage the Spartans insist that Corinth, which had refused to become party to the peace with Athens, should have joined in the peace because a majority of the allies voted for it. If the majority-vote provision adduced here is a 'constitutional' requirement of the Peloponnesian League, then a majority vote of the allies compels members to make peace, and scholars may have been justified in supposing that a majority vote was required for war as well.⁵ But there is no clear indication that the Spartans are appealing here to an abiding regulation of the League, and if this passage is returned to its context in 421, it appears likely that they are not, as the Corinthian reply to the Spartan appeal shows (Thuc. 5.30.2ff):

Κορίνθιοι δὲ παρόντων σφίσι τῶν ξυμμάχων ὅσοι οὐδ' αὐτοὶ ἐδέξαντο τὰς σπονδὰς (παρεκάλεσαν δὲ αὐτούς αὐτοὶ πρότερον) ἀντέλεγον τοῖς Λακεδαιμονίοις ἃ μὲν ἡδικοῦντο οὐ δηλοῦντες ἀντικρὺς ὅτι οὔτε Σόλλιον σφίσις ἀπέλαβον παρ' Ἀθηναίων οὔτε Ἀνακτόριον εἴ τί τι ἄλλο ἐνόμιζον ἐλασσοῦσθαι πρόσχημα δὲ ποιούμενοι τοὺς ἐπὶ Θράκης μὴ προδώσειν· ὁμόσαι γὰρ αὐτοῖς ὄρκους ἰδίᾳ τε ὅτε μετὰ Ποτειδατῶν τὸ πρῶτον ἀφίσταντο καὶ ἄλλους ὕστερον. οὐκ οὐκ παραβαίνειν τοὺς τῶν ξυμμάχων ὄρκους ἔφασαν οὐκ ἐσιόντες ἐς τὰς τῶν Ἀθηναίων σπονδὰς· θεῶν γὰρ πίστεις ὁμόσαντες ἐκείνοις οὐκ ἂν εὐορκεῖν προδιδόντες αὐτούς. εἰρήσθαι δ' ὅτι ἦν μὴ θεῶν ἢ ἡρώων κώλυμα ἢ φαίνεσθαι οὖν σφίσι κώλυμα θεῶν τοῦτο. καὶ περὶ μὲν τῶν παλαιῶν ὄρκων τοσαῦτα εἶπον.⁶

to revolt from them and become allies of the Argives, and said moreover that they [the Corinthians] were going to transgress their oaths, and that they had already done wrong by not accepting the treaty with the Athenians, it having been agreed that what a majority of the allies voted was to be sovereign, unless there was a bar to do with gods or heroes."

⁵ A. W. GOMME, A. ANDREWES, and K. J. DOVER, *A Historical Commentary on Thucydides* IV (Oxford 1970: hereafter 'HCT') 25f; see also *supra* n.2.

⁶ "In the presence of those of their allies who had refused to accept the treaty (for they had summoned them beforehand) the Corinthians made reply to the Lacedaemonians, not stating openly the matters in which they had been unjustly used, be it that they had not recovered Sollium or Anactorium from the Athenians, or any other respect in which they thought themselves disadvantaged, but instead offering as a pretext that they could not betray their Thracian allies, for they had sworn oaths separately with them, first when they rebelled with the Potidaeans, and again on later occasion. The Corinthians denied, therefore, that they had transgressed the oaths of the allies in not entering into the treaty with Athens; having sworn upon the faith of the gods to their Thracian friends, they could not give them up save by

Thucydides says that Corinth chose to rely on the escape clause having to do with gods or heroes to excuse her refusal to ratify the peace, but notes that she could have complained that Sollium and Anactorium ("town[s] of the Corinthians" that Athens had taken in 431 and 425 respectively: Thuc. 2.30.1, 4.49.1) had not been returned. He even implies that this might have been a more legitimate objection than what the Corinthians actually used (a mere πρόσχημα). What are the possible grounds for this still-born objection?

A contemporaneous complaint by Elis, another non-participant in the Peace of Nicias, solves the mystery. The Eleans, Spartan allies, are found, when faced with Spartan aggression, τὴν ξυνοθήκην προφέροντες ἐν ἧ εἰρητῷ ἃ ἔχοντες ἐς τὸν Ἀττικὸν πόλεμον καθίσταντό τινες ταῦτα ἔχοντας καὶ ἐξελεθῆναι (Thuc. 5.31.5).⁷ At first sight this seems to be an appeal to the Peace of Nicias, in which it was agreed, at least informally, that territories conquered by the erstwhile foes should be returned to their original owners.⁸ But it cannot be such an appeal: Elis refused to ratify the peace (Thuc. 5.17.2), and thus can have had no right to make claims under it formally or informally.⁹ Moreover, the territories Elis had lost had fallen into Sparta's hands, not into those of Athens. An agreement between Sparta and her allies that guaranteed the return of lands lost during the war must be posited.¹⁰ It is to *this* agreement that Thucydides thinks that

breaking their oaths. Besides, the expression was, 'unless there was a bar to do with gods or heroes'. Now here, as it appeared to them, there was such a bar. So much they said about their old oaths." (This translation, as well as the others, draws upon Crawley.)

⁷ "putting forward the agreement in which it was said that whatever each had entering the Attic War, they should have leaving it." The association between the complaint of the Eleans and the potential objection of the Corinthians is made by C. Meyer, *Die Urkunden im Geschichtswerk des Thukydides* (=Zetemata 10 [Munich 1955]) 94.

⁸ *HCT* IV 28f, correctly discarded by Ste. Croix 121.

⁹ Cf. J. Classen and J. Steup, *Thukydides* (Berlin 1912) V 261. But the Eleans' application of the agreement to the "Attic War" amply disproves Steup's contention (*Thukydideische Studien* I [Freiburg 1881] 61f, reproduced in Classen and Steup V 261f) that the Eleans are referring to another consitutional provision of the Peloponnesian League.

¹⁰ That some otherwise unknown agreement must be inferred from the Elean complaint has been understood since G. Grote, *Greece*² VII (London 1888) 19 n.1. But Grote curiously thought it referred to a decision of the allies to assign the income of their dependent cities to the war effort, and was a guarantee that they should have them back after the war was over. Ste. Croix

Corinth could have appealed in complaining of her failure to receive back Sollium and Anactorium.

Perhaps the most likely context for such an understanding is the League congress in 432 when the allies voted for war, and where it was "resolved that the necessities be procured by every state, and that there be no delay" (Thuc. 1.125.2).¹¹ Thucydides' terse description of the business transacted at this meeting is illuminated by occasions in the fourth century when the Spartan alliance similarly bound itself to fight wars under set terms. In 382 the Spartans and their allies decided how large an army was to be sent against Olynthus, decreed that member cities that did not want to send troops might send money instead, agreed that the Spartans were to fine any state that did not send its allotment, and discussed tactics (Xen. *Hell.* 5.2.20–23, 37).¹² In 378, when Agesilaus led the League's army against Thebes, it was the "decree of the allies" (δόγμα τῶν συμμάχων) that war should be made upon any member of the League that carried on a private war while Agesilaus' army was in the field (Xen. *Hell.* 5.4.37). At minimum, we must take it from Thucydides' statement that the League congress in 432 defined each city's contribution to the war effort; moreover, if Diodorus (12.39.4) be believed, the congress agreed to dispatch an ultimatum to Athens, requiring the Athenians to rescind the Megarian decree as the price of peace. The guarantee about possessions that the Eleans mentioned—and Thucydides thinks the Corinthians might have mentioned—seems apropos here.

121f, echoing G. Busolt, *Griechische Geschichte bis zur Schlacht bei Chaeroneia* III² (Gotha 1904) 857, deems it "an ingenious device to prevent the allies from being tempted to fight each other while the war lasted, without openly placing any restraint on their right to do so." But the allies showed no hesitation in fighting one another (Thuc. 4.134 with *HCT* III 625; 5.29.1, 31.3) and the League was perfectly willing explicitly to forbid intra-league wars in 378 (Xen. *Hell.* 5.4.37), so why resort to devices in 432?

¹¹ Busolt (*supra* n.10: 857) suggested that the guarantee was passed at a separate meeting of the League in early 431.

¹² Larsen (1933: 261) notes that a similar arrangement about the commutation of men into money was in force in 373 (Xen. *Hell.* 6.2.16), and argues that the meeting in 382 passed a "constitutional amendment" to the League's constitution. The evidence, however, no less supports a hypothesis that this commutation was provided for on a number of separate occasions during the early fourth century. A pre-war agreement about how war was to be waged in common was also clearly contemplated in the 418 treaty between Sparta and her defeated opponent Argos: Thuc. 5.77.6, 79.3 with *HCT* IV 138f.

Yet whenever it was before the outbreak of the Archidamian War that Sparta gathered her allies and agreed with them that "whatever each had entering the Attic War, they should have leaving it," it is in the context of this agreement that we must understand Sparta's claim that Corinth was bound to make peace by a majority vote of the allies. For if Thucydides thinks Corinth could have replied to the Spartan envoys' complaint under the terms of this pre-war agreement, it was naturally under the terms of this agreement that Sparta complained. The provision that peace could be made only upon a majority vote of the allies, mentioned without context by the Spartans, is, then, probably not an abiding 'constitution' of the Peloponnesian League, but instead part of Sparta's agreement with her allies for the prosecution of the war against Athens.

Leaving aside the military and diplomatic measures taken at the League congress of 432, we suggest that before the outbreak of the war agreement was reached between Sparta and her allies on at least two points: that the co-combatants were guaranteed to emerge from the war with at least the possessions they had when they entered, and that the making of peace required a majority vote from the allies, a vote that should be binding upon all unless there was a bar having to do with gods or heroes. This pre-war agreement was confirmed with oaths; to prove that they have not "transgressed the oaths of the allies" (Thuc. 5.30.3), the Corinthians adduced their oaths to the Thracians, that is, a bar to do with gods or heroes; and at the end of the Corinthians' *apologia*, Thucydides remarks laconically, "so much they said about their old oaths" (5.30.4).¹³

The pre-war agreement between Sparta and her allies was, therefore, a treaty; it was, in fact, an unexceptional example of a class of Greek treaties made between allies in contemplation of war against a third party: treaties that *inter alia* settled in advance the potentially vexed question of how peace with that third party might be concluded. Analogous in intent was Sparta's treaty with the Persians in 412 (Thuc. 8.18), setting out the terms upon which the signatories were to make war together against the Athenians. The treaty guaranteed that neither party should make a separate peace with Athens. And it is easy to adduce

¹³ Thucydides' use of *παλαιούς ὄρκους* (5.80.2) to refer to oaths made at the beginning of the war (accepting the interpretation of *HCT* IV 146) indicates that the *παλαιῶν ὄρκων* to which the Corinthians refer here need be no older than that. See also Thuc. 2.22.3, 3.86.3 with *HCT* II 78, 387 for *παλαιός* alliances that are not so very old.

other Greek treaties in which the parties agreed not to make a separate peace with the common enemy: all signatories to the treaty had to agree beforehand.¹⁴ The majority-vote provision of Sparta's pre-war agreement with her allies was a predictable modification of this conventional measure in the face of the large number of cities—often themselves at odds—that made up Sparta's League. It is the same solution adopted in a treaty between Athens (presiding by now over her Second Naval League) and Corcyra in the 370s: "it shall not be permitted for the Corcyraeans to make either war or peace without [the agreement of] the Athenians and the majority of the allies."¹⁵

The pre-war agreement of Sparta and her allies was drawn up to guarantee the unity of the League in adversity. The majority-vote provision was intended to guard against the making of a separate peace, and to ensure that when peace was made, it would be observed. It required that the League should fight against and treat with Athens as a group. Yet to that necessary provision was added a countervailing safeguard, for if the majority could force peace upon the rest, the interest of a hard-pressed minority might be sacrificed to those of a war-weary mass. Thus it was agreed that peace could not be made unless the losses of all were made good. Certainly this agreement was prompted by the sectional division in the League, which Thucydides stresses repeatedly, having Archidamus observe that "a war which each has undertaken for his private interests ... is not easily settled in a creditable fashion" (Thuc. 1.82.6). The agreement was designed exactly to ensure that despite the diversity of interests in Sparta's League, the war could be settled creditably.¹⁶ Perhaps the agreement was also inspired by the memory of Sparta's bolt home after the battle of Tanagra during the First Peloponnesian War in 458 or 457, when she made a four-month truce with Athens and left Boeotia to her fate at

¹⁴ The treaty of 412 was later refined and to an extent renegotiated (Thuc. 8.37, 58); but the provisions concerning the making of peace with Athens are found in all three treaties. Measures against separate peace: Thuc. 5.23.2, 47.4; cf. 5.80.1; *Staatsvertr.* 148, 263, 293, 309.

¹⁵ *Staatsvertr.* 263: πό[λ]ε[μ]ον δὲ καὶ εἰρήνην μὴ ἐξεῖναι Κορκυραίοις ποιήσασθαι [ἄ]νευ Ἀθηναίων καὶ [τοῦ] πλήθους τῶν συμμάχων.

¹⁶ On the sectional division in the Peloponnesian League, Thuc. 1.119f, 122.2, 125.1, 141.6f. The League's members even fought private wars with each other during the war against Athens: *supra* n.10.

Oenophyta.¹⁷ In the event, the terms of the agreement were far-sighted, if futile: for in the view of the cities that refused to ratify the Peace of Nicias it was exactly the kind of separate peace they had feared.

As we interpret Thuc. 5.30, therefore, all Spartan claims and Corinthian counter-claims (possible and actual) about the past are made under the terms of the pre-war agreement, and none of them under a 'constitution' of the Peloponnesian League or the Peace of Nicias. To begin with, the Spartans "accused [the Corinthians] of being the instigators of the whole affair and of intending to revolt from them and become allies of the Argives, and said moreover that they were going to transgress their oaths."¹⁸ Pondering the future, then, the Spartans contemplate Corinth's revolting from Sparta, thus violating the old bilateral treaty that made her a Spartan ally, and thereby breaking her oaths. Concerning the past, however, they then claim that she has "already done wrong by not accepting the treaty with the Athenians, it having been agreed that what a majority of the allies voted was to be sovereign, unless there was a bar to do with gods or heroes," that is, the Spartans accuse the Corinthians of having violated the pre-war agreement.

In their reply, the Corinthians ignore the Spartan hypothesis about the future. In defending their conduct in the past, the Corinthians (Thucydides observes) could have replied under the provision of the pre-war agreement, which required that each should exit the war with all possessions intact and thus rendered the peace with Athens illegitimate, as Sollium and Anactorium had not been restored to them. But the Corinthians decided instead to rely upon the bar having to do with gods and heroes, which was a term of the majority-vote provision of the pre-war agreement: in the face of such a bar, they were not bound by the vote. Thus they argued that they were not violating the oaths sworn over the pre-war agreement.¹⁹

¹⁷ Tanagra: Thuc. 1.108; Diod. 11.80–83; and esp. Pl. *Menex.* 242B; see Kagan 91–94.

¹⁸ Thus Andrewes (*HCT* IV 25) interprets this difficult sentence.

¹⁹ The Spartans speak of future oath-breaking, and the Corinthians defend themselves against accusations of oath-breaking in the past: there are two separate sets of oaths here. The context makes clear that ἀδικεῖν in the Spartan accusation (5.30.1) is *variatio* for παραβαίνειν ὄρκους, just as, e.g., it is for σπονδαὶ λελύσθαι at 1.87 (cf. 1.79.2). Thus the Spartans accuse the Corinthians of intending to violate one set of oaths (those of the bilateral treaty between Corinth and Sparta) and having violated a second (those of the pre-war agree-

Thucydides stands convicted of excessive compression in his account of this quarrel between Sparta and her allies; he requires that we have knowledge of a pre-existing agreement between them to which he makes only trifling reference. But compression is this historian's characteristic vice, and it is particularly marked in Book 5.²⁰ If the pre-war agreement be admitted, and Sparta's complaint to Corinth seems at home in it, the only direct evidence that Sparta's right to command her allies was limited by a multilateral regulation of her League evaporates.²¹ And even if this reconstruction is not accepted in detail, Thuc. 5.30f is shown to be muddled to such a degree that it is dangerous to infer that the Spartans allude to a 'constitution' of the Peloponnesian League when they complain to Corinth.

II. No Majority-Vote Provision

There is thus no clear testimony that a majority vote of the allies governed the activities of Sparta's League. Moreover,

ment). The Corinthians ignore the first accusation and defend themselves against the second.

²⁰ H. D. Westlake, "Thucydides and the Uneasy Peace—A Study in Political Incompetence," *CQ* 65 (1971) 315–25, highlights the roughness of much of Book 5: "It might almost have been written by Xenophon" (315). He signals compression as a particular difficulty (316); cf. *HCT* V 375–79. Thucydides may also be alluding to this pre-war agreement when he records the allies' worry that the terms of the peace of Nicias (5.18) could be amended by the Athenians and Spartans alone, when properly all Sparta's allies should have been consulted (5.29.2f). If it was agreed that a vote of the allies was needed to make the treaty, the allies reasoned that a similar vote should be needed to change it.

²¹ And with it, all the explicit evidence that the allies were always guaranteed the right to opt out of league actions on the basis of a bar having to do with gods or heroes, as, e.g. Busolt and Swoboda (1334), Larsen (1933: 260), and Ste. Croix (118ff) believed. We do see such excuses given for refusals to come on league expeditions (e.g. *Xen. Hell.* 4.2.16, and perhaps 2.4.30 and Paus. 3.9.2; for a delay rather than a refusal, Thuc. 8.9.1), but the Spartans held such conduct against the Mantineans (*Xen. Hell.* 5.2.2), implying that allies did not have an agreed-upon right to refuse to participate on these grounds. In practice, the scrupulous Spartans would have respected an ally's genuine religious bar (see Thuc. 5.54.2), whether or not this was formally guaranteed: they abandoned expeditions themselves when the omens were unfavorable (e.g. *Hdt.* 6.76; Thuc. 5.54.2, 55.3; *Xen. Hell.* 3.2.24); and when an enemy, Argos, adjusted her calendar so that her holy month coincided with Spartan invasions of her territory, the Spartans needed divine permission to ignore even so dishonest a truce (*Xen. Hell.* 4.7.2f).

plenty of evidence attests that Sparta was not formally required to consult her allies to lead them into war or to make peace on their behalf. In 1974 Werner Peek published an inscription of a treaty enrolling the otherwise unknown Aetolian Erxadieis in the Peloponnesian League ("to follow the Spartans wheresoever they may lead by land or sea"), which provides the first reasonably full text of one of the bilateral treaties of which the League was composed.²² Not only is the majority-vote provision not mentioned, but lines 12ff commit the Erxadieis "not to make peace without the Lacedaemonians"²³—*i.e.*, Sparta alone is recognized as sovereign in matters of making peace; in this realm, relations between Sparta and an ally are purely bilateral and unequal. It is difficult to reconcile this stark statement with a Spartan obligation to get a majority vote of her allies to make peace on behalf of the League.²⁴

²² W. Peek, *Ein neuer spartanischer Staatsvertrag* (= *AbhLeip* 65.3 [Berlin 1974]), who dates it (12) to 500–470; see also P. A. Cartledge, "A New 5th-Century Spartan Treaty," *LCM* 1 (1976) 87–92, and "The New 5th-Century Spartan Treaty Again," *LCM* 3 (1978) 189–90 for the 420s; *contra*, D. H. Kelly, "The New Spartan Treaty," *LCM* 3 (1978) 133–41 for *ca* 388; P. Bonk, *Defensiv- und Offensivklauseln in griechischen Symmachieverträgen* (diss. Bonn 1974 [1978]) 73f for the early fourth century. The absolute date does not matter: the treaty clearly falls within the life of the Peloponnesian League.

²³ μεδὲ κ[ατάλυθ]ν ποιῆθαι ἄνευ Λα[κεδαιμονίων] μεδενί. Peek's reconstruction (*supra* n.22) is confirmed by his critic F. Gschnitzer, *Ein neuer spartanischer Staatsvertrag und die Verfassung des Peloponnesischen Bundes* (= *Beitr.z.kl.Phil* 93 [Meisenheim am Glan 1978]) 41. The treaty may also commit the Aetolian Erxadieis not to treat for peace without the Lacedaemonians (thus Peek 7, Kelly [*supra* n.22] 134ff; Cartledge [*supra* n.22 (1978)] 189), but Gschnitzer (7) reconstructs the text differently.

²⁴ Cartledge (*supra* n.22 [1976]: 91) avoids this consequence by excluding the Aetolian Erxadieis from the Peloponnesian League "on geographical, military and political grounds," although (as Gschnitzer [*supra* n.23] 23–26 shows) there is no reason to suppose that the Aetolian Erxadieis are not a Peloponnesian people. Here Cartledge appeals to Ste. Croix's distinction (102–05) between members of the Peloponnesian League proper, whom he defines as those having the right to vote at League congresses, and Sparta's other, various, and far-flung allies, who do not. Rejecting the constitutional requirement for votes, we necessarily reject this definition of League membership as well. Gschnitzer (33f) is quite right to insist that the Aetolian Erxadieis do by this treaty become members of the League, and, adopting Peek's dating, tries to avoid the contradiction by supposing (1) that the majority-vote provision had not yet been enacted by the early fifth century (then how would he explain Hdt. 5.91ff, seemingly a meeting of the League *ca* 504?); or (2) that the majority-vote provision was enshrined somewhere in the lost ending of the text (to take up again a subject—decisions on peace and war—already dealt with by the fragment [lines 10–14], which has by its end [lines 16–22] moved on to

Second, in the treaty of alliance between Sparta and Argos in the winter of 418/417, the parties agreed, Thucydides reports (5.79.3), that αἱ δὲ ποι στρατείας δέη κοινᾶς, βουλευέσθαι Λακεδαιμονίως καὶ Ἀργείως ὅπα κα δικαιοτάτα κρίναντας τοῖς ξυμμάχοις ("if it shall be anywhere necessary to make an expedition in common, the Lacedaemonians and Argives shall consult upon it and decide as may be most fair for the allies" [tr. Crawley]). Andrewes notes that "on the face of it [this measure] overrides completely the right of Sparta's older allies to decide by majority vote whether they should go to war or not."²⁵ But if they never had such a right, there is no contradiction.

Third, in a speech of the Athenian Autocles in 371 to the Spartans and their allies, Xenophon (*Hell.* 6.3.7f) writes:

συντίθεσθε μὲν γὰρ πρὸς τὰς συμμαχίδας πόλεις τοῦτο πρῶτον ἀκολουθεῖν ὅποι ἂν ὑμεῖς ἡγήσθε. καίτοι τί τοῦτο αὐτονομία προσήκει; ποιεῖσθε δὲ πολεμίους οὐκ ἀνακοινούμενοι τοῖς συμμαχοῖς καὶ ἐπὶ τούτους ἡγεῖσθε· ὥστε πολλάκις ἐπὶ τοὺς εὐμενεστάτους ἀναγκάζονται στρατεῦειν οἱ λεγόμενοι αὐτόνομοι εἶναι.²⁶

If the Spartans lead their allies against their enemies without consulting them, Sparta's right to summon her allies to war can hardly have been subject to their vote.

praxis, and there to contradict the earlier statement?); or (3) that the majority-vote provision, being multilateral, had no place in a bilateral treaty (but would a bilateral treaty be written that contradicted it, as this one seems to do?).

²⁵ Andrewes, *HCT* IV 141, but he adds that "it might, however, be envisaged that, after Sparta and Argos had jointly decided that they wished to make war, a conference of the Peloponnesian League should still meet in the old way."

²⁶ "For the first thing you enjoin upon your allied cities is that they should follow wheresoever you may lead: how does that square with autonomy? And without having consulted the allies, you make enemies and lead the allies against them, so that often the so-called autonomous are compelled to campaign against their closest friends." This passage, not surprisingly, was problematic for J. A. O. Larsen, "The Constitution of the Peloponnesian League. II," *CP* 29 (1934) 9f, who was driven to posit a change in Spartan policy: although in the fifth century Sparta was obliged to put questions of war to her allies' vote, the arrogant fourth-century Spartans, riding roughshod over their allies' rights, had imposed upon them new treaties eliminating the necessity of consulting them. Note also that Xenophon (*Hell.* 6.3.18f) describes the formalities of making peace in detail on this occasion—necessarily so, because the peace foundered on a technical flaw (Agesilaus would not let Thebes take the oath for the Boeotian cities)—and there is no mention of a vote of the allies.

Finally, we turn from texts to actions of the Peloponnesian League that cast light on the question. In *ca* 506 the Spartan king Cleomenes summoned the alliance to war. Herodotus relates (5.74ff) that he did not tell the allies the goal of his expedition, which was to install Isagoras as tyrant at Athens. On the eve of battle, the Corinthians decided that the cause was unjust, and the army dissolved. At this date, clearly, a League assembly (much less an affirmative vote) was not required for Sparta to lead out her allies: the allies were not even told why they were going.²⁷ Almost a century later, in 419, when the Spartans assembled their allied troops at Leuctra on their frontier, "no one knew whither they were advancing, not even the cities which sent them" (Thuc. 5.54.1). The allies had good reason to be puzzled: Argos had attacked Epidaurus, Sparta's ally (Thuc. 5.53), but the Spartan point of departure was as suited to a march against Argos' allies Elis and Mantinea, both in rebellion from the League. In the event, the expedition was abandoned when the sacrifices proved unfavorable. But if the allies did not know against whom they were marching, they cannot have voted for the war.²⁸ Consider also Sparta's allies' reactions to the campaigns of Agesilaus into Boeotia in 378 and 377. Plutarch describes the allies as unwilling to participate in these League expeditions. They were "offended at Agesilaus," and "said that they did not desire to waste away hither and thither year after year" (*Ages.* 26.3f). They seemed to be on the verge of refusing to serve when Agesilaus won their continued loyalty with a ruse (*Ages.* 26.4f). But there was a League congress in 378 (*Xen. Hell.* 5.4.37); if the allies were so unwilling, and it lay in their power to do so, why did they not veto the expedition? They complained

²⁷ This is admitted by those who advocate the multilateral provision; they necessarily believe that the requirement for a vote was introduced after this debacle, perhaps in response to it: Larsen (*supra* n.2 [1932]) 140–45; Ste. Croix 116ff.

²⁸ Thuc. 5.54.1, ἤδει δὲ οὐδεις ὅποι στρατεύουσιν, οὐδὲ αἱ πόλεις ἐξ ᾧν ἐπέμθησαν, with *HCT* IV 73f for commentary and geography. Could failure to consult the allies have been permissible under special rules of the League, which allowed Sparta to summon her allies to march against rebels (Busolt and Swododa 1334) or participate in 'defensive' wars unconsulted (*e.g.* Ste. Croix 112–15)? But Sparta could not very well invoke such exceptions without telling her allies where they would be going. Moreover the distinction between 'offensive' and 'defensive' wars is spurious: even supporters of the Athenian attack on Melos (Thuc. 5.97ff) and the Sicilian expedition (Thuc. 6.6.2) could think these acts 'defensive'. Who ever admits to an 'offensive' war?

bitterly, but they came when Sparta called: they can hardly have had the right to thwart Spartan plans by voting.

On the evidence, Sparta's theoretical right to lead her League to war and peace was unlimited. Considered individually, scholars' arguments to discount individual *testimonia* to this fact (*supra* nn.26–28) can seem compelling; but in the face of the massed evidence they convey an unsettling sense of special pleading. So informal, irregular, and *ad hoc* were the meetings of the Peloponnesian League that Thucydides (1.141.6) can have Pericles fault the Peloponnesians for "using no single council chamber, and thus not accomplishing anything immediately and efficiently."

Sparta was not obliged to consult her allies or canvass their votes. Yet she sometimes chose to do both. To understand why, appeal must be made to the realities of power and Sparta's position as the by-no-means over-mighty *hegemon* of a fractious League. Herodotus described what happened in *ca* 506 when the Spartans led their League out and the allies proved recalcitrant: a shambles. On later occasions allies simply refused to go on expeditions (*e.g.* Xen. *Hell.* 2.4.30; 3.2.25, 5.5) and even if they came, they might come slowly (Thuc. 3.15.2, 8.9.1). Sparta could not coerce all her allies at once, and she could hardly coerce her more powerful allies at all.²⁹ Moreover, her allies supplied the lion's share of the League's military strength.³⁰ Whatever Sparta's theoretical rights, if the allies were not willing to go on expeditions, there was little point in setting out against a powerful enemy. Herodotus describes (5.91ff) a meeting of Sparta's allies called in *ca* 504 to convince them to support the restoration of Hippias as tyrant at Athens: the allies were opposed and the project was abandoned. Had the allies not been consulted, the League army might have dissolved like Cleomenes' a few years before. Sparta consulted her allies in the first place simply to find out if enough were willing to go to make the expedition practical.

Whatever Sparta's moral or legal claims to lead her allies without consulting them, her weakness vis-à-vis her allies, and her

²⁹ For Spartan expeditions against refractory allies, Ste. Croix 342, and see also Xen. *Hell.* 3.5.5 for 395. On Sparta's power relations with her allies, Kagan 21–26, adding Thuc. 1.141.6, where Pericles says of Sparta's allies that they πάντες ... ισόψηφοι ὄντες. Ste. Croix 306 has adduced Thuc. 3.79.3 to show that ισόψηφοι in Thucydides can mean "with the same power of effective decision" rather than "with equal votes."

³⁰ For contributions to League expeditions, Busolt and Swoboda 1335ff.

heavy reliance on allied soldiers, ensured that in practice consultation was often essential. Calling meetings of the League also served to encourage allied adherence to Sparta's decisions, for the Spartans might try to persuade their allies, as when they explained why they wished to restore Hippias, or they might rely on interested parties outside the League, as in 418, when envoys of Mitylene were summoned to Olympia (Thuc. 3.8–15; cf. Xen. *Hell.* 5.2.11–20), or inside the League: in 432 the Corinthians especially, but others as well, lobbied their fellow-allies for action (Thuc. 1.119–25; cf. Xen. *Hell.* 5.4.60). In 382, when an expedition against Olynthus was in contemplation, Xenophon explains that many “who desired to gratify the Lacedaemonians” urged war (*Hell.* 5.2.20). Just as Athens could rely on the lesser cities of her alliance to support her in the assembly of the Delian League (Thuc. 3.10.5; *HCT* II 262, 264), so perhaps Sparta's lesser allies could be relied upon to join with her in pressuring the unwilling.

Sometimes the Spartans set their allies to voting: Thucydides has the Corinthians claim to the Athenians that “when the Samians were in revolt [440] we did not cast our vote against you when the other Peloponnesians were divided in their votes as to whether to help them” (Thuc. 1.40.5; cf. 1.41.2, 43.1). Why Sparta consulted her allies on this occasion is easily explained: she had little hope of aiding a besieged Samos—either by invading Attica or sending a fleet—without the help of the other cities in her League, and especially Corinth; when the allies refused, the project was necessarily abandoned. But why have a formal vote? And why have a formal vote of the allies for war in 432 (Thuc. 1.87.4, 119)?

An understanding of what open voting meant to the Spartans makes the war votes of the Peloponnesian League explicable. In 432 the pro-war ephor Sthenelaidas put the question of war with Athens to the Spartan assembly: “he said that he could not determine which roar was greater (for they voted by shouting and not with ballots) and, hoping by making them show their opinions openly to stir them up for war,” he called for a division (Thuc. 1.87.2). This was, as Classen realized, a form of coercion: it was much easier for a Spartan anonymously to shout “no” than to walk over and stand in a group of presumptive cowards.³¹

³¹ J. Classen and J. Steup, *Thucydides* I (Berlin 1919) 240, followed by D. M. Lewis, *Sparta and Persia* (Leiden 1977) 42. Cf. coercive open voting at Megara: Thuc. 4.74.3; for secret voting at Acanthus, presumably to guard against this: Thuc. 4.88.1.

It is likely that voting had the same coercive function in Sparta's League. The atmosphere at League meetings was menacing: the allies met the Spartan proposal to restore Hippias in *ca* 504, which they widely opposed with silence. Only when the brave Socles, from powerful Corinth, a state largely invulnerable to Spartan punishment, spoke against the proposal, did the other allies add their voices to his (Hdt. 5.92f). This is not the conduct of a free and sovereign assembly: the allies clearly feared Sparta's wrath if they opposed the demands she thought legitimate. In 432, and perhaps on all occasions, Sparta put the war to the vote of her allies after she had made her own decision for war (Thuc. 1.118f; Ste. Croix 117). Setting the allies to vote was thus similar to forcing Delphic approval of a Spartan expedition to Asia by first consulting a pliant oracle of Zeus and then inquiring of Apollo "do you agree with your father?" (Plut. *Mor.* 191B, 208F – 209A). When Sparta called her allies to vote she called on them to affirm their loyalty: a League member's vote signified not so much whether she favored going to war (that decision Sparta had already made for her) as whether she was willing to obey Sparta's *Diktat* and the terms of her treaty with Lacedaemon. The votes forced members of the League publicly to commit themselves to sending troops, and as in 432 the same meeting might define the preparations each city was to make. The votes served to intimidate opponents, and to flush out waverers: those cities that demurred at the vote could instantly be marked down for punishment. The use of compulsory open voting to daunt the timid and coerce the weak should come as no surprise to anyone familiar with the practices of modern tyrannies, the Senate of Imperial Rome, or university department meetings.

Thus when in 432 the Spartans, "having summoned the allies, said that it seemed to them that Athens had acted unjustly, but that they desired to put the matter to a vote, having summoned all the allies, so that they might make war, if it seemed good, having deliberated in common" (Thuc. 1.87.4); or, as Thucydides describes it elsewhere, "having summoned the allies, desired to put the question of whether the war was necessary to a vote" (1.119), they desired to do so in order to compel their allies, whose enthusiasm for the war varied, to commit them-

selves to the propositions that the war was just and necessary, and to pledge themselves to fighting alongside Sparta.³²

The congresses of Sparta's Peloponnesian League were instruments of Spartan policy: the Spartans had good reasons to summon their allies to counsel and to vote. But among these reasons there cannot be found a constitutional scruple that obliged her to submit questions of war and peace to a majority vote of the League. We have shown that the only piece of direct evidence for such a provision probably refers to something else entirely, and, furthermore, that there is ample evidence against such a regulation. We must confirm Kagan's view (21) of Sparta's relations with her allies: "on every occasion it was political or military reality, not constitutional regulations, which were decisive."

III. Thuc. 1.120–24 and the Peloponnesian League on the Eve of the War

A happy consequence of this conclusion is the light it sheds on the speech of the Corinthians before the assembled allies (Thuc. 1.120–24). This is an old enigma: as early as 1919 Schwartz noticed the marked contrast between the moderate and reasonable tone of this Corinthian address and the fire-breathing of the earlier Corinthian speech to the Spartan assembly (1.68–71). In the earlier speech the Corinthians bitterly castigated Spartan lethargy and demanded immediate and decisive action against the Athenians; in the latter they promise no more reproaches, and even speak of a negotiated settlement with Athens. But the strategic situation, which earlier so alarmed the Corinthians, had not changed: Potidaea was still under siege—its plight worsening day by day—and the hoped-for invasion of Attica was still many months away. Could these two speeches perhaps have been written at different times, and could Thucydides' interpretation

³² Notice Thucydides' choice of βούλομαι to describe the Spartan decision in both cases. The Spartans "desired" the vote; they were not obliged to hold it. There are also two attested occasions when the League gathered to vote on peace. We have argued that in 421 (Thuc. 5.17.2, 30.1) they did so under the terms of the pre-war agreement. In 404 (Xen. *Hell.* 3.5.8), a similar agreement may have been in effect, or the Spartans may have wanted to intimidate as many allies as possible into supporting her widely unpopular decision not to destroy Athens (Xen. *Hell.* 2.2.19). The agreement of Sparta's allies may also have been solicited for the peace treaty between Sparta and Argos in the winter of 418/417 (Thuc. 5.77.8), but the text and its interpretation present difficulties.

of events have changed in the meantime?³³ But in such speculation lies the *Thukydideische Frage*, and frustration.

Gomme's answer to Schwartz's analysis of the speeches was to stress the intervening Spartan decision for war: "[to] me the difference in their tone seems exactly explained by the two situations, the one before any open move for the war and addressed to Sparta, the other after the Spartan decision and addressed to the other states, big and small, some of which were reluctant and hesitating." Gomme's reply (*HCT* I 419f) is compelling if the League assembled did not have the right to vote against the war; if, on the other hand, it did have that power, the tenor of the Corinthian speech is quite puzzling, for, in Schwartz's acute words (*supra* n.33: 114), the Corinthians "ermahnen die Bundesmitglieder mit der Ruhe von Leuten, die sicher sind ihren Willen im wesentlichen durchgesetzt zu haben." In what is conventionally interpreted as a speech begging the allies for their votes, before an assembly competent to choose peace instead of war, the Corinthians seem to take the war for granted. In the envoys' words, the allies are already "rousing war" (τὸν πόλεμον ἐγείρομεν); the question is not whether to start, but when to stop (1.121.1, 124.2). An Athenian blockade of the Peloponnese is assumed, whatever effect the Corinthian speech has upon its hearers (1.120.2). The reasons for the war, upon which one would expect the Corinthians to dwell, are neglected in favor of consideration of ways and means for fighting it (1.121.2–122.1, 124.1). Regardless of the view one takes of Thucydidean speeches, whether they represent what was appropriate under the circumstances or adhere closely to what was actually said (1.22.1), the Corinthians seem to be anticipating the result.

The mystery is solved if it be accepted that the earlier Spartan decision for war bound the allies as well. When the envoys from Corinth speak before the League congress, the decision to go to war is already made, and their confidence and calm are justified. "Gentlemen of the allies," say the Corinthians, "we can no longer blame the Spartans: they have themselves voted for war and called us together for that purpose" (Thuc. 1.120.1: οὐ καὶ αὐτοὶ ἐψηφισμένοι τὸν πόλεμόν εἰσι καὶ ἡμᾶς ἐς τοῦτο νῦν ξυνήγαγον), that is, the allies have been summoned for the explicit purpose of voting *for war*: they are publicly to signify

³³ E. Schwartz, *Das Geschichtswerk des Thukydides* (Bonn 1919 [1929]) 113f, and following him on the composition question, M. Pohlenz, "Thukydidesstudien," *NAkG* (1919) 98; *contra*, e.g., J. de Romilly, *Thucydides and Athenian Imperialism*, tr. P. Thody (Oxford 1963) 32.

their acceptance of the Spartan decision. In his introduction to the Corinthian speech Thucydides describes the Corinthians canvassing the cities privately, "in order that they vote the war, fearing lest Potidaea be destroyed beforehand" (1.119: ὥστε ψηφίσασθαι τὸν πόλεμον δεδιότες περὶ τῆ Ποτειδαία μὴ προδιαφθορῆ). Thucydides does not entertain the possibility that the allies might vote against helping Potidaea. Corinth canvasses them to encourage promptness.

The objective of the Corinthian speech is not a favorable vote, which is assumed, but the zealous conduct of the war by the allies, for which arrangements were made after the vote (1.125.2). Thus the Corinthians concern themselves not with the vote *per se*, but rather with the state of mind in which war will be voted: "knowing that the time of necessity is upon us, and that the things said here are best, vote the war not fearing immediate terror, but enthusiastic for the more durable peace that will rise out of it" (Thuc. 1.124.2). The allies "must go to war boldly for many reasons," and the reasons (divine sanction, and a mass of allies) are for boldness in war's prosecution, not war itself (1.123).

It is for actual military cooperation from the various, variously interested, members of the League, not for the vote, that the Corinthians need to rally support: the question about the inland states is not how they will vote, but whether they will ἡσυχάζειν ("remain inactive," 1.120.3) or ἀμύνωσι ("defend" or "avenge") the coastal states (1.120.2). The Corinthians are worried that "the Athenians are sufficient against all of us put together, and stronger than each city individually, and unless we resist them united—each city and tribe—they will easily get the better of us divided" (1.122.2). If the cities do not come together and fight as a unity, but delay, "some are already being harmed while the others—if it become known that we have met but not dared to avenge ourselves—will suffer the same soon after" (1.124.1). The war is assumed; the envoys' stress throughout is on the unity of the League; the question is whether all of Sparta's allies will do her bidding. Corinth clearly felt that some would not, and with justice: despite the Corinthian canvass, not all the allies even came to the meeting, and the vote, although a foregone conclusion, was not unanimous, that is, some of Sparta's allies indicated their reluctance to fight, despite their treaty obligations.³⁴

³⁴ Vote and absence of some from the congress, Thuc. 1.125.1 with *HCT* I 420.

The purpose of the Corinthian speech before the congress of the Peloponnesian League was to shore up Sparta's alliance, to convince Sparta's allies to contribute wholeheartedly to the war. With it, Thucydides confirms the picture of relations on the eve of the war between Sparta—supreme in principle but limited by her actual power to coerce or cajole—and her allies—subject in principle on matters of peace and war, but in practice often free, and very much inclined, to act as they will—implied by the pre-war agreement between Sparta and her allies. In that agreement the mutual wariness of the co-combatants against Athens expressed itself in provisions that were intended to safeguard the interests of all members of the League against the sectional interests of some. A majority of the allies would make peace with Athens, but not unless the peace guaranteed the return of all possessions lost during the war. Sparta and her allies went to war grimly aware of the diversity of interests in their alliance, and aware of the pressure that a great war was likely to put upon it.

The Peloponnesian League had no 'constitution'. Its legal basis was nothing more than a series of bilateral treaties obliging the allies "to have the same friends and enemies as the Spartans and follow the Spartans wheresoever they may lead." Meetings of the League, and votes at those meetings, were manifestations of the realities of power rather than constitutional nicety. And at the outset of the Peloponnesian War, that reality was a League whose members, as Thucydides has Pericles express it (1.141.6f),

each strive to accomplish their own ends, so that often nothing is accomplished. Some are vehement to take vengeance upon a foe, others to spend as little as possible. They assemble slowly and attend but briefly to common interests; mostly they attend to their own. Each thinks that no harm will come of his neglect, that someone or other will see to things for him, so that, because they all maintain the same view separately, no one notices the common enterprise falling apart.³⁵

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