

The *Rhetra* of Epitadeus: A Platonist's Fiction

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IN THE *Lives* of Agis and Cleomenes¹ Plutarch is generally thought to follow Phylarchus,² who in Book 15 of his *Ἱστορίαι* dealt with this period of Spartan history.³ At the beginning of the *Life of Agis*, Plutarch blames the greed of the Spartan nobility, reluctant to give up their customary privileges, for the hatred Agis and Cleomenes encountered (ch. 2); their efforts at reform are seen against the background of a description of when and how greed entered Sparta and corrupted the values and social conditions of her population (ch. 5).

For historians *Agis* 5 is an important text on the social changes that Sparta experienced during the fourth century. There seems, however, to be an element of skepticism about its historical value in Africa's statement (64) that "Phylarchos' description of Spartan corruption

¹ Text: K. Ziegler, *Plutarchi vitae parallelae* III.1 *Agis et Cleomenes* (Leipzig 1971); R. Flacelière and E. Chambry, *Plutarque, Vies XI: Agis-Cléomène-Les Gracques* (Paris 1976).

² Mentioned at *Agis* 9.3 (*FGrHist* 81 F32). For Phylarchus as Plutarch's source see E. Bux, "Zwei sozialistische Novellen bei Plutarch," *Klio* 19 (1925) 426; V. Ehrenberg, *RE* 3A.2 (1929) 1428 s.v. "Sparta": "Einzigste Quelle . . . ist der vor allem auf Phylarchos zurückgehende Plutarch"; Jacoby *ad FGrHist* 81 (p.134), "hauptquelle"; F. OLLIER, *Le mirage Spartiate*² II (Paris 1973 [hereafter 'Ollier']) 88; *cf.* 84 n.2 for *Plut. Agis* 5; P. Cloché, "Remarques sur les règnes d'Agis IV et de Cléomène III," *REG* 56 (1943) 53 n.1, 55; J. Kroymann, *RE* Suppl. 8 (1956) 484, *cf.* 485.27ff; E. GABBA, "Studi su Filarco. Le biografie plutarchee di Agide e di Cleomene," *Athenaeum* 35 (1957 ['Gabba']) 3–55, 193–239; T. W. Africa, *Phylarchus and the Spartan Revolution* (=University of California Publications in History 68 [1961: 'Africa']) 63; A. FUKS, "The Spartan Citizen-body in Mid-third Century B.C. and Its Enlargement Proposed by Agis IV," *Athenaeum* 40 (1962: 'Fuks') 244–63, and "Non-Phylarchean Tradition of the Programme of Agis IV," *CQ* N.S. 12 (1962) 118: "It is generally held that Plutarch's authority in his *Vita Agidis* was Phylarchos and that, consequently, our knowledge of Agis' programme derives solely from the Phylarchean, pro-Spartan, and generally unreliable tradition" (these articles have been reprinted in A. Fuks, *Social Conflict in Ancient Greece* [Jerusalem/Leiden 1984]); P. OLIVA, *Sparta and Her Social Problems* (Amsterdam 1971 ['Oliva']) 189, 211, 213, 220; J. CHRISTIEN, "La loi d'Epitadeus: un aspect de l'histoire économique et sociale à Sparte," *Rev.hist. de droit français et étranger* 52 (1974 ['Christien']) 201, 220; F. W. Walbank, *A Historical Commentary on Polybius* I (Oxford 1957) 728 on *Agis* 5.2 ("probably from Phylarchus"); Flacelière-Chambry (*supra* n.1) 9.

³ *Cf.* Gabba 222 n.1.

. . . was consistent with his constant moralizing about *τροπή*,” and Gabba (227) saw correctly that Phylarchus’ description does not have the character of originality: “La descrizione filarchea della decadenza spartana non ha veramente carattere di originalità e si affianca, anzi, ad analoghe descrizioni, nelle quali tutte il motivo della *τροπή* entrava come canone di interpretazione storica.”⁴ But I would like to go beyond the Hellenistic historiography that Gabba understood as the background for Phylarchus’ description: I believe that the account of Spartan history, including the rôle of the ephor Epitadeus, in Plut. *Agis* 5 is made up on Platonic lines.⁵

In the past such scholars as Ollier (90 n.1) and Africa have pointed out the Socratic elements in Plutarch’s description of the last days of Agis,⁶ particularly in the account of the mock trial before the ephors⁷ and in Agis’ last words to a servant (*Agis* 19f). More Socratic traits could be added to these.⁸ It is unlikely that the questions and answers in the secret mock trial of Agis and the conversations before his death were recorded by a historian who had questioned eyewitnesses about these events. This is obviously the fiction of an author using Socrates as his inspiration.

The influence of Phylarchus, a representative of the so-called tragic

⁴ See 444 *infra* with n.17.

⁵ Differently Ollier 91: “Toute sa narration possède un couleur stoïcienne très accusée.”

⁶ With reference to *Agis* 20.1 (*παῦσαι με . . . κλαίων*) Africa comments (43) that “the sentiment suggests that of Socrates,” citing Pl. *Ap.* 30b and the weeping friends of Socrates at *Phd.* 117c–e. Africa infers from the quotation of the anecdote at *Mor.* 216d that Plutarch took it over from Phylarchus.

⁷ The mock trial is probably an invention for the sake of showing Agis’ character: cf. for similar inventions in such circumstances Bux (*supra* n.2: 424): “Besonders die Geschichte des Todes ist durch reine Erfindung gewaltig ausgeschmückt”; Phylarchus’ invention of the pathetic circumstances of Aristomachus’ death is mentioned by Polybius at 2.59. When Agis is shown a way out of the charge, he declines, accuses the ephors of deceit, and replies that he did everything of his own accord; he is told that he will regret his straightforwardness. Asked whether he regretted anything, Agis replied that he could not regret the best proposals he had made even if he were to suffer the worst. It was then that they sentenced him to death (19). 20.1 (*οὕτως παρὰ νόμῳ καὶ ἀδίκῳ ἀπολλύμενος κρείττων εἰμὶ τῶν ἀναιρούντων*) recalls *Ap.* 30d (*ἀδίκῳ ἐπιχειρῶν ἀποκτινύναι*). Socrates maintains at length that it is not death he fears (30d) and that he prefers to suffer injustice rather than to commit it. In the *Gorgias* he takes pains to prove that the man who acts in an unjust way is not superior to or happier than the just man, even if he has to suffer the utmost.

⁸ Another argument from the same passage (*Ap.* 30c8) is quoted at *Mor.* 475d–e; cf. T. Baumeister, “‘Anytos und Meletos können mich zwar töten, schaden jedoch können sie mir nicht.’ Platon, Apologie des Sokrates 30c/d bei Plutarch, Epiktet, Justin Martyr und Clemens Alexandrinus,” in *Platonismus und Christentum, Festschrift H. Dörrie*, edd. H. Blume and F. Mann (Münster 1983) 58–63. If Africa (*supra* n.6) is right in tracing this to Phylarchus, the description of the death of famous men in Socratic terms is much older than Baumeister believes.

school of historiography,⁹ is clear. The series of events is presented as in tragedy,¹⁰ with *peripeteia* and catastrophe; the interest in elaborating on Agis' last days and the description of how he was executed along with his mother and grandmother are quite in character with the characterization of Phylarchus' technique by Polybius: *πρὸ ὀφθαλμῶν τιθέναι τὰ δεινὰ* (2.56). In order to describe the catastrophe the author had to use his imagination; he drew on the Socratic tradition.

There is, however, an earlier passage in the *Life of Agis* that Plutarch—or his source—seems to have written not with Socrates but with Plato's *Republic* in mind. The similarity between the following passages from Plutarch and Plato is most striking; no one seems to have observed that the final sentence in *Agis* 5¹¹

ὁ δ' ἄλλος ὄχλος ἄπορος καὶ ἄτιμος ἐν τῇ πόλει παρεκάθητο, τοὺς μὲν ἔξωθεν πολέμους ἀργῶς καὶ ἀπροθύμως ἀμυνόμενος, αἰεὶ δέ τινα καιρὸν ἐπιτηρῶν μεταβολῆς καὶ μεταστάσεως τῶν παρόντων

is a close paraphrase of *Resp.* 8.555D–E:

κάθηνται δὴ οἶμαι οὗτοι ἐν τῇ πόλει κεκεντρωμένοι τε καὶ ἐξωπλισμένοι, οἱ μὲν ὀφείλοντες χρέα, οἱ δὲ ἄτιμοι γεγονότες, οἱ δὲ ἀμφοτέρα, μισοῦντές τε καὶ ἐπιβουλεύοντες τοῖς κτησαμένοις τὰ αὐτῶν καὶ τοῖς ἄλλοις, νεωτερισμοῦ ἐρῶντες.

Not only do we have common motives, but we find them expressed in all but the same order:

Plato	Plutarch
κάθηνται ἐν τῇ πόλει	ἐν τῇ πόλει παρεκάθητο
ὀφείλοντες χρέα/ἄτιμοι	ἄπορος καὶ ἄτιμος
νεωτερισμοῦ ἐρῶντες	καιρὸν ἐπιτηρῶν μεταβολῆς καὶ μεταστάσεως τῶν παρόντων ¹²

The idea of sitting (*κάθηνται*) was appropriate in the Platonic metaphor of the drones which Plutarch might have wanted to express by *ἀργῶς*.¹³ A parallel to Plato's *μισοῦντες καὶ ἐπιβουλεύοντες* (expressed in *δυσμενείας πρὸς τοὺς ἔχοντας* at *Agis* 5.6.1) appears in the description at 417B2 of the conditions envisaged if the guardians of the ideal

⁹ Cf. Plut. *Them.* 32.4 (F76).

¹⁰ Cf. Gabba 220.

¹¹ For an interpretation of this sentence with regard to the number of Spartan citizens, see Fuks 244f with n.4. Cf. Oliva 211f against older opinions (e.g. those of M. Cary, *CQ* 20 [1926] 186 n.8; Ollier 84), anticipated by Bux (*supra* n.2) 414.

¹² Plutarch even follows his model in adding this remark with a participial construction.

¹³ Cf. *Resp.* 556C2 *ἀργούς*. For a different explanation, ignoring the Platonic motif, see Fuks 257.

state were to have private property: again we find *μισοῦντες . . . ἐπιβουλεύοντες*, then *πλείω καὶ μᾶλλον δεδιότες τοὺς ἔνδον ἢ τοὺς ἔξωθεν πολεμίους*. Was this in Plutarch's—or his source's—mind when he contrasted *τοὺς μὲν ἔξωθεν πολέμους*¹⁴ *ἀργῶς καὶ ἀπροθύμως ἀμυνόμενος*? When Plato used the term *ἄτιμοι*, he was already thinking of the loss of citizenship as a consequence of poverty: the declining number of citizens was the problem of Sparta in the fourth century, and it is the theme used by Plutarch as well.¹⁵

One might think that Plutarch—or his source—simply selected a few lines from Plato in order to embellish his account with a Platonic passage that appealed to him and suited the context. But the passage Plutarch or his source chose as his model in describing Sparta's transition from one state of affairs to an inferior one is not just any description of any subject. Rather, it is derived from the Platonic account of constitutional changes—specifically, the breakdown and overthrow of an oligarchy as the result of the accumulation of property by a few. Plutarch or his source referred to a context in which the deterioration of political conditions was discussed at length, a topic similar to that in *Agis* 5.¹⁶ According to Plato (552A) the change of constitution is the result of the newly-adopted practice of allowing a man to dispose freely of his own property; this corresponds to the *Rhetra* of Epitadeus in Plutarch. Plato also associated the social discontent of those who lost property (555C2, 556A4) with the greed of politically influential groups and explained the overthrow of the constitution against this background; and the effect of the use of money in Sparta (*τρυφή καὶ μαλακία*, *Agis* 3.1 and 10.5) is similar to that described by Plato (556B8 *τρυφῶντας*, C1 *μαλακούς*).¹⁷ The concentration of wealth in the hands of a few leads to the impoverishment of others

¹⁴ Instead of *ἔξωθεν πολέμους* I suggest reading *ἔξωθεν πολεμίους*, as at *Resp.* 417B4 (*cf. Leg.* 628B9; and *πολεμίους ἀμύνειν*, *Phdr.* 260B1). For a confusion in the MSS. in the opposite direction, reading *πολεμίω* instead of *πολέμων*, *cf. Thuc.* 5.102.

¹⁵ For an explanation of *ἄτιμοι* in the Spartan context, see Fuks 256ff.

¹⁶ According to Plutarch the Spartans ruined their best constitution: *ἀπώλεσαν τὴν ἀρίστην κατάστασιν*. At *Resp.* 550D10, because of the amount of gold they collected, *ἀπόλλυσι τὴν τοιαύτην πολιτείαν*; *cf. 555B9*, C4f, E3ff. Both reports are literary fictions based on a fraudulent Delphic oracle (*cf. H. T. Wade-Gery, Essays in Greek History* [Oxford 1958] 61 n.1, 68f): *ἡ φιλοχρηματία Σπάρταν ὀλεῖ, ἄλλο δὲ οὐδὲν* (Diod. 7.14.5); see *infra* n.58.

¹⁷ For *τρυφή* in Phylarchus and Hellenistic historiography see Gabba 227 with n.1. I believe he understands it too narrowly as “motivo prettamente ellenistico.” My colleague Prof. W. M. Calder III draws my attention to Aristippus' *Περὶ παλαιῆς τρυφῆς*, where Plato is involved because Aristippus included the spurious erotic epigrams of Plato. For Aristippus see Wilamowitz, *Antigonos von Karystos* (=PhilolUnters 4 [Berlin 1891]) 48–53.

in Plutarch, as in *Resp.* 552B2.¹⁸ Clearly Plutarch's account of the history of Sparta follows the model of Plato's political philosophy: parallels exist in Plato for every idea expressed in chapter 5 of the *Life of Agis*.¹⁹

Plutarch's chapter is well known to historians because it affords information on Spartan legislation not found anywhere else. According to *Agis* 5, the corruption of the old Spartan austerity that had begun after the Peloponnesian War increased when the ephor Epitadeus²⁰ proposed a *rhetra* doing away with the Lycurgan order that had required the passing of the *kleros* from father to son. Epitadeus' bill allowed the property to be given or bequeathed to anyone at all. According to Plutarch it was this law that led to the concentration of property in the hands of a few and the impoverishment of the multitude. It has been called "a landmark in the economic and social history of Sparta."²¹

In footnotes Eduard Meyer²² expressed doubts about Plutarch's report. Historians since Meyer have either shared his scepticism—they are definitely the minority²³—or accepted Plutarch and continue to treat Epitadeus as a historical figure,²⁴ as do Oliva,²⁵ Christien,²⁶

¹⁸ D. ASHERI, "Sulla legge di Epitadeo," *Athenaeum* 39 (1961: hereafter 'Asheri') 49 n.12, has already referred to this passage to explain *Agis* 5 as a typical description of oligarchy. See *infra* 452 with n.51.

¹⁹ E.g. wealth leads to ἀνελευθερία: 422A1.

²⁰ See B. Niese, *RE* 6 (1909) 217 s.v. "Epitadeus"; A. J. Toynbee, "The Growth of Sparta," *JHS* 33 (1913) 272–75, and *Some Problems of Greek History* (London 1969) 337–43; Cary (*supra* n.11) 186f; Asheri 45–68; H. MICHELL, *Sparta* (Cambridge 1952: hereafter 'Michell') 215–19; Oliva 188–93; Christien; D. M. MACDOWELL, *Spartan Law* (Edinburgh 1986: 'MacDowell') 99–110.

²¹ Oliva 192.

²² "Die lykurgische Verfassung," *RhM* 41 (1886) 589 n.1; *Forschungen zur alten Geschichte* I (1892) 258 n.3; *Geschichte des Altertums*³ IV (1939) 438 n.5.

²³ For this view see Niese (*supra* n.20) 218: "das Motiv macht ganz den Eindruck einer Dichtung." Cf. below 453 with n.55.

²⁴ Fuks 251, "There is no valid reason for rejecting the authenticity of the 'Rhetra of Epitadeus.'"

²⁵ 188–92. I fail to grasp his logic. After refuting Toynbee, Cary, Bury, and Potter, he concludes that "we must thus accept as a historical fact the reform which Plutarch attributes to Epitadeus" (190).

²⁶ 197–221; see 199 n.4 for the modern historians who accept the authenticity of Plutarch's version "sans la discuter"; cf. 203. One could add G. L. Huxley, *Early Sparta* (London 1962) 121 n.283: "The Rhetra of Epitadeus (Plutarch's *Agis* 5) is certainly also an enactment." Cf. Wade-Gery (*supra* n.16) 64f; J. K. Davies, *CAH*² VII.1 (1984) 269. Christien herself sees Epitadeus' law against the background of a debtors' crisis in Sparta (215, 218, 221), forcing owners of property to transfer it to others as a *donatio mortis causa* (216ff). This theory was anticipated by Asheri (52) and Fuks (255); *contra*, P. Cartledge, *Sparta and Lakonia* (London 1979) 318.

and recently MacDowell (99–110). Others suggested a compromise: the story is a fiction, but the core is historically true.²⁷

Epitadeus' law has been associated in the most imaginative ways with diverse political or social problems: as an inducement for mercenaries who had enriched themselves abroad to return home and buy *kleroi* in the Eurotas valley;²⁸ or as an inducement, not for returning mercenaries, but for those who wanted to leave Sparta for foreign service and wished to sell their *kleroi*.²⁹ Michell (218) considered Cary's thesis "an attractive and highly plausible explanation," but admitted that "it is, of course, entirely conjectural and cannot be substantiated by any evidence whatever." He further noted that it "would be a very unwise thing to sell the land and leave the wife with the money to spend" and suggested that the bill applied to young Spartans enlisting as mercenaries and still unmarried or without family.³⁰ The bill that was to transform Spartan society thus presented a solution to the problems of Spartan mercenaries, not for those returning from service but for those leaving the country—and not for all of them, but for those who were unmarried. In opposition to these suggestions Fuks declared that "hypothetical goings out and comings back of Spartans serving abroad as mercenaries do not explain the *rhetra* of Epitadeus" (251 n.29). Other scholars have interpreted Epitadeus' bill as a cure for the debtors' crisis,³¹ as a measure to find Spartan heirs for the 9,000 lots,³² or as a remedy for the dwindling population.³³ But as Michell points out, these are largely conjectural and cannot be substantiated by any evidence whatever.

If I am correct in my explanation of *Agis 5*, there is little need for further speculation. As far as I am aware, no one has yet recognized that Plutarch's account of Spartan conditions before the time of Agis, including the changes brought about by Epitadeus, is an adaptation of the passage we quoted from *Republic 8*. I suggest, in view of this connection, that not only the dispute about the historicity of Epita-

²⁷ G. Busolt, *Griechische Staatskunde* II (Munich 1926) 636 n.1, maintains that the story has the character of an "ätiologische Anekdote . . . keinesweges ausgemacht, dass das Gesetz überhaupt . . . eine blosse Erfindung ist." Cf. Christien 201.

²⁸ Toynbee, "Growth" (*supra* n.20) 272f.

²⁹ Cary (*supra* n.20) 186f.

³⁰ Michell did not take into consideration the possibility that married Spartan mercenaries might sell their land and take the money with them but leave their wives at home. If one begins speculating, one should consider all the possibilities.

³¹ Asheri 47ff and Christien; cf. *supra* n.26.

³² MacDowell 99, cf. 110.

³³ Toynbee, *Problems* (*supra* n.20) 337–43; Michell 219. Plutarch presents the factors in the reverse order: the decline of the citizen body is the consequence of the bill!

deus but also the composition of Sparta's history by Plutarch or his source can be seen in a new light. My thesis is that the account in *Agis* 5 is a mere fiction in a Platonic spirit and is therefore historically useless.

Before proceeding further, I should review some of the arguments brought forward concerning Epitadeus. The only other source for Sparta's inheritance laws is a passage in Aristotle *Pol.* 2.9 (1290a19ff): "Their lawgiver, while he quite rightly made it disgraceful to buy and sell land in one's possession, left it open to anyone to transfer it to other ownership by gift or bequest. . . ." "He left it open" (ἐδῶκε, a21) refers to the lawgiver. Many historians have identified Epitadeus with this figure,³⁴ but Epitadeus does not appear in Aristotle at all; the lawgiver last mentioned was Lycurgus (a7), whom Aristotle presumably held responsible for the regulations allowing the transfer of property by gift or bequest.³⁵ Aristotle generally diagnoses the flaws in the Spartan system as innate,³⁶ tracing contemporary difficulties to the original lawgiver. He attributes to Lycurgus flaws in the original constitution that had become obvious only in more recent times, whether as a result of the defeat at Leuctra (1270a31ff) or in the context of other fourth-century events (1269b37, 1271a41–b6).³⁷ He

³⁴ Cf. Christien 199ff, esp. 201 with n.7, where F. de Coulanges is quoted for this connection. Cf. Oliva 191 and n.3.

³⁵ Cf. W. G. Forrest, *A History of Sparta 950–192 B.C.* (London 1968) 137. For Lycurgus as the lawgiver see Toynbee, *Problems* (supra n.20) 337.

³⁶ One should see this against the background of the fourth-century attitude toward Sparta, whose decline comes as a shock to some—something with which they could not come to grips. In his *Constitution of the Spartans* Xenophon eulogizes the Spartan education and constitution, tracing them to Lycurgus' foresight, and replies in the negative to a fictitious question whether the Lycurgan order is still in force. But in chapter 15 he adds another element of the Lycurgan constitution, obviously unable to incorporate recent developments with the traditional eulogies in a conclusive and comprehensive view. Ephorus, on the other hand, has a definite idea about Sparta, praising Lycurgan Sparta and attributing all contemporary problems to recent developments: cf. E. N. Tigerstedt, *The Legend of Sparta in Classical Antiquity* I (Stockholm 1965) 222.

³⁷ Aristotle fr.538 attributes even the institution of the *krypteia* to Lycurgus. It is true that at *Pol.* 1313a26ff Theopompus is said to have inaugurated the ephorate (cf. Asheri 46 n.3 and the much less definite expression at *Pol.* 1270b19, εἴτε διὰ τὸν νομοθέτην εἴτε διὰ τὴν ῥύχην), but this reference to an early lawgiver other than Lycurgus does not support the idea that Aristotle was thinking of *fourth-century* legislation. Asheri, referring to 1266b16f and 1319a10, correctly noted that the prohibition on buying or selling land, as it existed in Sparta (1270a19f), is an old practice, but he distinguishes this from a more recent innovation, attributed to Epitadeus, of disposing of one's property by will or donation. Yet at 1270a19 *both* stipulations are ascribed to the *same* lawgiver (there is no change of subject), and no distinction is made between earlier and more recent developments. Further, Epitadeus, who merely proposed a bill that was passed by the Spartans, could hardly be regarded as a νομοθέτης in the

treats the Spartan constitution as a whole, the political character of which he wants to assess. The question “who is to be blamed for the mistakes” is expressly discarded (1270a9f). A historical dimension comes in at 1269b39, where he points out that the incontinence of Spartan women must be explained from circumstances in Sparta’s earliest history, not from recent developments. Aristotle speaks of *τροφή* (b23), but this is not contrasted with an earlier period when Sparta enjoyed sound conditions, but is traced back to her very beginnings. The idea of decadence and corruption prominent in *Agis* 3 and 5 (*cf. supra* n.17) and discussed there with regard to *τροφή* and greed is lacking in Aristotle.

For this reason we do not learn about a change in Sparta’s laws in Aristotle’s account as we do in Plutarch’s version.³⁸ Aristotle does not suggest that the social problems in Sparta are merely the result of recent developments, such as fourth-century legislation. The socio-political climate of high tension, as well, described at *Agis* 5 was still unknown to Aristotle who, on the contrary, praises the stability of the Spartan system, making only one exception, the Helots (1269a34–b12). Piper³⁹ comes closer to the truth when she states that by Aristotle’s time the regulation of Epitadeus’ bill “was so commonly practised that he (*i.e.* Aristotle) thought it part of Lycurgus’ law.” At least Piper credits this law not to Epitadeus but to Lycurgus, which is more in line with Aristotle’s views on Sparta. But this assumption forces Piper to assume that Aristotle was historically incorrect in crediting the law to the ancient Lycurgus rather than to a contemporary Spartan lawgiver. However, I have serious doubts that Aristotle, who wrote these chapters on Sparta and Crete (based on some source

same sense that Lycurgus was. Aristotle presupposes such a lawgiver: the change from *διὰ τῶν νόμων* (1270a19) to *ἐποίησεν, ἔδωκε* (a20f) can only be understood because the lawgiver (Lycurgus) had been mentioned before (a4, a7f). In *Lac.Pol.* (fr.611.12), Aristotle distinguishes between the moral ban on the sale of land (*αἰσχρὸν νερόμισται*) and the prohibition (*οὐδὲ ἔξεστι*) of the sale of the *ἀρχαία μοῖρα*. He seems to be better informed when writing the *Lac.Pol.*: *cf.* A. Andrewes, “The Government of Classical Sparta,” in *Ancient Society and Institutions, Studies . . . Ehrenberg* (Oxford 1966) 18 n.10. The two accounts do not necessarily contradict each other: *cf.* Cartledge (*supra* n.26) 166. The brief fragment from *Lac.Pol.* does not reveal that this prohibition had been repealed at some stage.

³⁸ MacDowell’s statement (105) that in Aristotle we find “the implication” that the *rhētra* of Epitadeus was proposed “a generation or two before Leuktra” contradicts his remark at 104 that *Pol.* 1270a19–21 “says absolutely nothing about the date or origin of the law.” Moreover, it does not follow from this statement that “there is nothing in Aristotle which contradicts Plutarch’s statement that the law was one proposed by Epitadeus, *making a change* in the Lykourgan system” (*italics mine*): rather, the idea of change is foreign to him.

³⁹ “Wealthy Spartan Women,” *CB* 56 (1979) 6.

material, probably local chronicles),⁴⁰ in my opinion not long after 350, would not have heard of Epitadeus if he had really existed. It is methodologically unsound to attribute evidence that does not fit into one's hypothesis to the ignorance of the author. Without begging the question, it is more appropriate to suggest that the terms of the law ascribed to Epitadeus in Plutarch were already known to Aristotle, but neither as recent legislation nor as a bill that superseded an older one.

Further, a passage in Plato's *Laws* outlining the code of private law for his colony has also been overlooked. Plato comments critically on the existing state of the law of inheritance because lawgivers *of old* (οἱ πάλαι νομοθετοῦντες) were too weak to withstand those who wished to make bequests (922E1–923A). This is what Epitadeus is thought to have done as late as the fourth century; but according to Plato, in a much earlier testimony, it is an old practice. Is Plato referring to Sparta? Can we make use of his remark for the reconstruction of Sparta's history? One fact is beyond any doubt: Plato was not referring to Athenian lawgivers, because Solon had complied with these demands.⁴¹ I think that in this passage Plato was referring to Sparta,⁴² which he had in mind generally in the *Laws* and particularly here, because the indulgence of the old lawgivers towards the wishes of their subjects has a close parallel in Aristotle's account (1270a6) of Lycurgus' weakness regarding the Spartan women, who therefore control the country (1269b31–34) just as they control the wealth. The statements of Plato and Aristotle support one another.

Put simply the problem is this: we have two conflicting traditions for Sparta's decline in the fourth century. The one, an account by fourth-century sources, attributes the decline of the Spartan system either to its inherent flaws or, if the sources held the system in high esteem, to the fact that it fell into disuse; the other, namely Plutarch, cites a new piece of legislation as the cause of the decline. Reflections on chronology seem to make Plutarch's version highly unlikely.

Aristotle links the uneven distribution of land with the dwindling

⁴⁰ See Wilamowitz, *Aristoteles und Athen* (1893) I 305, II 17. In my forthcoming commentary on Aristotle's *Politics* 1–3 (Berliner Akademie Verlag), I have dealt with Aristotle's sources in *Pol.* 2.9 and the date of this chapter.

⁴¹ Cf. Dem. 20.102: νόμον ἐξεῖναι δοῦναι τὰ ἑαυτοῦ ᾧ ἂν τις βούληται ἐὰν μὴ παῖδες ᾧσι γνήσιοι; for more references see Asheri 52 n.19 and *Historia* 12 (1963) 7 with n.30. The Solonian law was abolished under the rule of the oligarchs in 404 (*Ath. Pol.* 35.2), making final the testators' decision to give to whom they wished, but this reform was nullified by the democratic restoration (Asheri, *Historia* 11). Other innovations contradicting Solon's law were *de facto* practices, not laws (*Historia* 10f).

⁴² Cf. Michell 215.

number of citizens in Sparta, the consequences of which became evident with Sparta's defeat at Leuctra in 371: because of a lack of manpower Sparta was unable to recover from this blow (1270a15–39). The drastic decrease of citizens, which Plutarch describes as the result of Epitadeus' bill, was a well-known fact even in the fourth century and was associated with events in the 370's in such a way that the loss of Sparta's power could be traced back to these conditions. Christien, who follows this line of argument, regards Leuctra as the *terminus ante quem* for Epitadeus' bill; she therefore pleads for *ca* 400 B.C. as its date.⁴³ On the other hand, according to Plutarch there are three developmental steps in Sparta's decline: (1) the introduction of silver and gold as a consequence of her victory in the Peloponnesian War, and the development of a general climate of greed, which was checked for some time by keeping the original number of households;⁴⁴ (2) Epitadeus' bill; (3) the social situation resulting from this bill, *i.e.*, the concentration of property in the hands of a few and the dramatic increase in the number of the poor, who lost their citizenship. One might expect that all this took some time; in particular the redistribution of wealth by means of bequest until two-fifths of the land belonged to women (a situation that held in Aristotle's time) could not have taken place in a few years. This seems incompatible with the conclusions previously reached. Christien (208) admits that according to the letter of Plutarch's text one should set a date for Epitadeus' legislation differing from hers by fifty years. Yet a later date is accepted by a number of scholars.⁴⁵

The contradictions between these irreconcilable views suggest that any attempt to form a coherent picture of events described by Plutarch must be futile. Plutarch gives us a hodgepodge of commonplaces of Spartan history, which he relates to Epitadeus' bill but which, if taken at face value, we cannot place into the framework of our knowledge of Spartan history without serious difficulties. Christien

⁴³ Christien 197, 208f, 218, 221; *cf.* 203 with n.12 against a date after 371, the same date assumed by Fuks 251. *Cf.* A. M. Woodward, *OCD*² (1970) 400 *s.v.* "Epitadeus"; Oliva 189f ("shortly after the end of the Peloponnesian War").

⁴⁴ This makes it unlikely that Epitadeus had already introduced the bill *ca* 400. MacDowell 104f rightly points out that it would produce "a tight timetable" if one were to compress the events described in *Agis* 5 between 404 and 371. He therefore suggests an earlier date (n.48 *infra*).

⁴⁵ Thus for different reasons Toynbee, "Growth" (*supra* n.20) 272 n.100 ("about 357") and *Problems* 342f; Cary (*supra* n.11) 186f; W. H. Porter, *Hermathena* 24 (1935) 9–13 (but see against his views Fuks 251 n.29; Oliva 190). Michell 217, on the basis of our sources that reveal no changes in Sparta before 371 B.C. (see 451 *infra*), uses this evidence as an argument for assuming 371 as the *terminus post quem* for Epitadeus' bill.

(220) does not give sufficient credit to her argument that the law of Epitadeus was not a necessary cause of the decline in the number of Spartan citizens, for this process actually began in the fifth century.⁴⁶ The conclusion would then be that there was no law given by Epitadeus at a time to be inferred from Plutarch and with the consequences he ascribes to it. “Epitadeus, if he existed, does not belong to the fourth century or, if he does, did not create the trouble.”⁴⁷ MacDowell actually proposes a date sometime in the last third of the fifth century.⁴⁸

One should keep in mind that Plutarch’s description of the consequences of Epitadeus’ bill—namely, concentration of wealth, loss of citizenship, and social tension between rich and poor—was already part of Plato’s picture. It seems out of the question that Plato was actually referring exclusively to historical events in Sparta, *i.e.*, that the events he described could have taken place between 404 (the *terminus post quem* according to Plutarch) and the date of composition of the passage in the *Republic*. Whatever this date (probably *ca* 370), it is simply impossible to assume that money was first introduced into Sparta after 404, creating a new system of values among the population, and that sometime later⁴⁹ Epitadeus’ bill resulted in a redistribution of property on so large a scale as to create a revolutionary climate among the dispossessed, all within thirty years. This later consequence too is contradicted by Polybius (4.81.12–14), who claims that the Spartans had enjoyed the best form of government until the battle of Leuctra, and that only thereafter did the decline and the subsequent internal strife begin.⁵⁰ And if these developments took place after the *Republic* was written, it is unlikely that Sparta’s history

⁴⁶ She proves this at 203ff. Cf. G. E. M. de Ste. Croix, *The Origins of the Peloponnesian War* (Ithaca 1972) 331.

⁴⁷ Forrest (*supra* n.35) 137; cf. de Ste. Croix (*supra* n.46) 148 n.157, 332; Cartledge (*supra* n.26) 167f quotes this remark with approval.

⁴⁸ MacDowell 104f; he is reluctant to dismiss the identification of Epitadeus with the Spartan general Epitadas, who died at Sphacteria in 425. This undermines the entire logic of Plutarch’s account, according to which Sparta’s decadence began with her victory over Athens (a commonplace in Isocrates *Or.* 8), leaving only Epitadeus and connecting him with the only similar name known to us. This seems to be a rather desperate solution. At Isoc. 8.95 the ruin of Sparta is the result of her empire (ἀρχή); Christien 201f rightly rejects Fustel de Coulanges’s use of Isocrates to confirm the historicity of Epitadeus’ bill.

⁴⁹ In Plutarch the decline was restrained by maintaining the original number of households (*Agis* 5.1).

⁵⁰ The exception is of course the conspiracy led by Cinadon in 398 (*Xen. Hell.* 3.3.4f). Although Aristotle knew of this (*Pol.* 1306b34), it did not affect his judgment about Sparta’s internal stability, which confirms Polybius’ statement cited above.

followed exactly the pattern outlined earlier by Plato, and that Plato was the prophetic genius who predicted Spartan history.

There is yet another reason why one should not assume that in *Republic* 8 Plato was alluding to already-existing Spartan legislation liberalizing regulation of the transfer of property: it is unlikely that Plato was referring to the Spartan constitution at all. The passages forming Plutarch's model do not come from that part of *Republic* 8 dealing with the Spartan or Cretan constitution (544c) but from the section describing the oligarchy in a state of transition to democracy, a stage that Sparta had not reached by the beginning of the fourth century. This seems to have been a common pattern in oligarchies,⁵¹ and one can therefore reject the notion that Plutarch's report must be accepted because in following Plato he is reproducing contemporary material on Sparta.

It is hard to imagine that the account in *Republic* 8 presents a correct picture of Spartan history. But so much concerning Epitadeus depends on Plato because of his close correspondence with Plutarch. One cannot label as fiction Plato's description of the transition from oligarchy to democracy in the development of constitutions and at the same time maintain that Plutarch's almost identical account is good Spartan history. Yet another problem in Plutarch might be solved by drawing a comparison with Plato. The logic of *Agis* 5 is difficult to understand: how could the Spartans out of *greed* support and adopt Epitadeus' proposal allowing them to donate or bequeath their property to whomever they wished? Epitadeus' bill might open up a way for certain families to accumulate wealth, but it could not make men rich by withholding an inheritance from those who were legally entitled to it, as Plutarch puts it. It is the others who would have become rich. With regard to these, A. H. M. Jones remarked correctly, "It is difficult to believe that many Spartiates disinherited their sons in favour of wealthy friends."⁵² Michell must have felt similarly: "The suggestion that the law of Epitadeus permitted only the disposal of the *kleros* by will and not by sale during the lifetime of the holder seems difficult to sustain"; he understands the law as making stipulations for sale⁵³ —in effect improving on the bill in order to secure for it a place

⁵¹ Cf. the evidence cited by Asheri (*supra* n.41: 4, where the reference to Arist. *Pol.* 1307a2 should read a27); cf. *supra* n.18.

⁵² *Sparta* (Oxford 1968) 136; he does not express any doubts about this bill at 22, 42.

⁵³ Michell 216. Cf. Ehrenberg (*supra* n.2) 1402 on the law of Epitadeus, "das den Spartiaten freie Verfügung über ihre Güter gab"; also 1420.42ff. This is how Plato describes the new possibilities under oligarchy (552A7); cf. Christien 201 n.6.

in history. I arrive at different conclusions in view of Plutarch's Platonic model.

In Plato the impoverishment of many and the accumulation of wealth in the hands of a few (552a4ff,⁵⁴ 555c) makes perfect sense because the law allowed selling and buying of one's property. The most likely explanation for Plutarch's version is that he or his source took over the description of these consequences—this we can prove beyond any doubt—but adapted the stipulation of the law, which entailed these consequences in Plato, to the conditions prevailing in Sparta. For the “buying” and “selling” he read in Plato he substituted “donation” and “bequest,” in the actual Spartan law as we know it from Aristotle. This change recommended itself because in Plato the introduction of permission to buy or sell one's property had already been made responsible for the decline of a similar constitution (*supra* 444). Plutarch's version is a conflation of a philosopher's fictitious account with a grain of historical truth. The two ingredients do not mix well. The historians who have tried to interpret Epitadeus' bill otherwise must have felt this, but they adopted the wrong remedy. Moreover, it is not so much the bill itself as the circumstances, the setting in time and the consequences attached to the bill, that they rely on. But these can be proved to be literary quotation, not historical fact. The law did exist, but the rôle attributed to it by Plutarch is derived from Plato's *Republic*.

There is, moreover, an element in Plutarch's version that is difficult to accept as a historical fact. Plutarch explains the decisive blow to Sparta's stability as originating in personal circumstances: a father's quarrel with his son, whom the father then wants to disinherit, leads to the new legislation. Personal motives may always be present in political decisions, but the elaboration of the story in this fashion has already been dismissed by Busolt as an aetiological fiction.⁵⁵ In Plato, as is well known, the account of constitutional change is used to illustrate the changes in the individual soul: the condition corresponding to the Spartan constitution in *Agis* 5 (the introduction of the love of money into an austere society) is described by Plato as the result of strife within a family (549c2ff), with son pitted against father in a quarrel instigated by a mother dissatisfied with her modest life.⁵⁶ I regard the narrative of the family dispute in Plutarch as a Platonic

⁵⁴ This passage has already been compared with *Agis* 5 by Asheri 49 n.12.

⁵⁵ Cf. *supra* n.27. MacDowell 109 cautiously accepts the personal reasons given by Plutarch.

⁵⁶ This motif also appears in *Agis* 7.

motif borrowed from the *Republic*.⁵⁷ It has its equivalent in the private setting in which Plato, in the passage from the *Laws* mentioned above, discusses the laws on inheritance: a man who becomes unreasonable and confused before his death insists on making his will as he wishes, to give his wealth *to whomever he wants*, to one person more, to another less, according to how each has treated him (922B–E). This is the precise background of the proposal of Epitadeus: a man wishes to dispose freely of his property because of hostilities with his son. When in the *Republic* and the *Laws* Plato deals with social issues, such as property and inheritance, he applies the technique of individualization, of tracing social developments back to the desires of individuals, which are then explained by the fictive case of one man. This is what Plutarch or his source borrowed from Plato.

Finally, we may consider Plutarch's characterization of the loss of the old and best constitution. Epitadeus is described as *ἀθραδής* and *χαλεπός*; when Plato wishes to characterize the type of person who resembles the Spartan constitution, he says that he is similar to Glaucon but in other respects of a different nature: *ἀθραδέστερον . . . δεῖ αὐτὸν . . . εἶναι* (548E3). The characters of those who correspond to the succeeding constitutions of oligarchy, democracy, and tyranny, described later, are far worse. In Plutarch's account Epitadeus proposes the bill in order to satisfy his *θυμός*, while those Spartans who accept it willingly and exploit it for their own interests are characterized by their *πλεονεξία*.⁵⁸ Not only do we have in Plutarch a correspondence with Plato in the contrast of two different qualities, we actually have the identical qualities found in the psychology that forms the basis of the theory of constitutions in *Republic* 8: below the *νοῦς* there is *θυμός*, followed by desire, which in its best form is related to money. This still has some positive aspects, for it presupposes hard work (553c3), self-control in saving (554E7ff), *etc.*; this is one reason why oligarchy based on wealth follows immediately after the Spartan-Cretan constitution, which represents the part of the soul characterized by the *θυμός* and its *arete*.⁵⁹

⁵⁷ The conflict of generations in *Agis* 6 between the young, who were prepared to compete with *Agis* *πρὸς ἀρετήν*, and the elders, who were already too corrupt (the moralizing view of Phylarchus: *cf.* Oliva 220), is, with reversed rôles, the contrast found at *Resp.* 550A: the father represents the *λόγος*, the son the desires. This difference is easy to explain: in Plato we have a permanent process of degeneration, in Plutarch the attempt of a young man, supported by other youths as yet uncorrupted, to reform the city by returning to the past.

⁵⁸ This is equivalent to *φιλοχρηματία*; the adjective *φιλοχρήματος* is used already in chapter 6: see *supra* n.16.

⁵⁹ *Resp.* 553A6, D8. Plutarch refers more than once to *Agis'* *φιλοτιμία*: *cf.* 6 and 7.

Among the Platonic elements in this chapter, the contrast of Epitadeus to the Spartan citizens is one of the most striking. The decline of values is the same as in the *Republic*. As in Plato (550E4ff, 555B9, *etc.*) the new *κατάστασις*, oligarchy, is introduced once these values have become the generally-accepted principles for running the state,⁶⁰ so in Plutarch the Spartans ruined their best *κατάστασις* once Epitadeus' law allowed them to dispose of their property as they wished. In *Republic* 8 every new stage of decline was characterized not only by a new mentality but by new laws as well.⁶¹ What according to Plato's *Laws* is an *old established practice* (see above 449) is in the *Republic* characteristic of a certain stage of deterioration in which it is introduced (*παραδέχεται*, 552A4); that is how Plutarch describes Spartan history.

To draw conclusions: Plutarch's description of the social conditions in Sparta prior to Agis is taken from a passage in the *Republic* where Plato described the typical deterioration of social conditions that results from the concentration of property in the hands of a few. I do not believe that Plato's account in *Republic* 8 gives an exact picture of Spartan history⁶² and therefore I cannot regard as accurate Plutarch's account in *Agis* 5, which resembles Plato's so closely not only in the wording of one paragraph, but in the whole pattern. For this reason I doubt that a law was ever introduced in fourth-century Sparta changing the rules for the transmission of property. Xenophon knew nothing of such a law (see *supra* n.36), for he explained the social situation in terms of the Spartans ceasing to obey the old laws. Nor did Aristotle know of this law. Plutarch or his source was interested in marking off clearly the periods of Spartan history and the different constitutions (including the old one, which Agis then tried to restore: *Agis* 4). His interest caused him to use as model a classical account of such a deterioration in constitutions, a model that already referred to the Spartan *πολιτεία* and a fictitious further decline: that in Plato's *Republic* 8.

Plutarch or his source needed a convenient account such as this to provide a background for a program that involved a return to the old

⁶⁰ *Resp.* 551A12, *cf.* B7 *κατάστασις*.

⁶¹ *Cf.* 550D11, the laws allow new ways for spending one's wealth; 551A12, laws regulate the constitution, admittance to the citizen-body; 552A4ff, the city adopts (*παραδέχεται*) the freedom to sell or buy, probably by passing a law to that effect. Negatively, *cf.* 555C2, 556A4: by law they do not prevent anyone from using his property as he wishes; one should understand, they no longer prevent by law, they give up the laws that prohibited this.

⁶² Differently J. Adam, *The Republic of Plato*² II (Oxford 1965) 219 *ad* 550D22 (but 552A7ff is not the Spartan law: see *supra* 452 with n.53).

Spartan values held before the decline.⁶³ If the law of inheritance and donation were described as Lycurgus' creation, as in Aristotle, then Agis would lose the legitimation for the reforms he tried to establish, namely, a return to the Lycurgan order—which, in the Aristotelian tradition, was full of shortcomings. In the framework of Agis' political ideology there was no other choice but to present his legislation as a result of fourth-century corruption requiring a cure;⁶⁴ the alternative to regarding this law as old would have been inconsistent with Agis' claim of restoring the old order. Whoever invented this account, following the Platonic model, clearly saw the dilemma with which the unwelcome effects of a law ascribed in the Aristotelian tradition to Lycurgus confronted the reformer Agis (or historiography sympathetic to this reformer) wishing to restore that old order.

But to whom do we owe this historical fiction? While it is common knowledge that Plutarch himself was quite familiar with Plato's works,⁶⁵ I should like to go beyond Plutarch to his source, Phylarchus.⁶⁶ The longest fragment, *FGrHist* 81F44,⁶⁷ contrasts the introduction of luxury under the Spartan kings Areus and Acrotatus, and a fanciful description of it, with the frugal lifestyle of Cleomenes, the Spartan king and reformer active several years after Agis' death.⁶⁸ This fragment makes it very likely that Phylarchus in the same way contrasted the introduction of inequality in the land distribution, as a *fairly recent development*, with Agis' reform, the program of which was equality.⁶⁹ This would agree perfectly with the way he represented the next Spartan reformer, Cleomenes.

⁶³ Cf. Ollier 115.

⁶⁴ Cf. Asheri 45; Niese (*supra* n.20) 217f.

⁶⁵ In treating "Plutarch's reading of Plato," A. Wardman, *Plutarch's Lives* (London 1974) 203–11, does not refer to the material presented here.

⁶⁶ An anonymous reader of this paper draws my attention to the fact that Plutarch refers more than once elsewhere to the Platonic context forming the model for Agis 5. *Mor.* 818C (ὡς φήσιν ὁ Πλάτων, κηφήνα τῇ πόλει κεκεντρωμένον ἐνεποίησαν) refers to the context in question, most likely to *Resp.* 552C–D or 564B (cf. C. Hubert, *Plutarchi Moralia* [Leipzig 1957] *ad loc.*). The subsequent passage on democracy at *Resp.* 557D is referred to at *Plut. Dion.* 53.12, and an echo of *Resp.* 558C can be found at *Mor.* 643B. The referee states, "Plutarch clearly knew this passage of the *Republic* well. It would not be surprising if he gave a Platonic interpretation to the decline of Sparta and the legislation of Epitadeus, as he gave Platonic interpretations in other lives, whether or not Phylarchus had already used this theme." This might be the case, although in the two quotations mentioned first Plato is a source not so much of political concepts as of elements of style, the drone metaphor and the "constitutional supermarket" (παντοπωλῖον) respectively.

⁶⁷ Plutarch made use of this text at *Cleom.* 13: cf. E. Bux (*supra* n.2) 427ff; Gabba 49 n.1, 222 with n.2.

⁶⁸ Cf. Gabba 228.

⁶⁹ A. Fuks, "Agis, Cleomenes, and Equality," *CP* 57 (1962) 161–66.

But Phylarchus has never been thought to have had an exact knowledge of Plato, although I have the strong impression that his description of the introduction of luxury into Sparta (F44) makes use of a similar Platonic model as well (*Resp.* 372E6ff). In any case, during the period of Spartan history described by Phylarchus, the Stoic Sphaerus of Borysthenes, pupil of Zeno and Cleanthes, was Cleomenes' teacher.⁷⁰ Could it have been Sphaerus who made Epitadeus a historical figure in order to account for a decline in Spartan history that Cleomenes, after Agis' ill-fated attempts, was to reverse, perhaps even advised by the philosopher himself?⁷¹ These are merely speculations, but they are based on evidence: we know that Sphaerus not only wrote three books on the Spartan constitution (*SVF* I 630)⁷² but also three books *Περὶ Λυκούργου καὶ Σωκράτους* (620).⁷³ This could explain the prominence of Socratic themes in the *Life of Agis*, who wanted to return to Lycurgus' constitution. We also know that Sphaerus (629) wrote on the number of members of the *gerousia* under Lycurgus and differed from Aristotle on the original number of the *gerontes*. Throughout this paper we have been dealing with an aspect of Spartan history on which Aristotle differed from the Phylarchan-Plutarchan tradition. A view of Spartan history by a philosopher⁷⁴ with a keen interest in Sparta's past, probably witnessing the reform in Sparta at the end of the third century, would explain such a fiction on Platonic lines.⁷⁵

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⁷⁰ Plut. *Cleom.* 2.2. I do not follow those scholars (e.g. Ollier 93, 103ff; Cloché [*supra* n.2] 54 n.1, 56; Flacelière/Chambry [*supra* n.1] 3, cf. 13) who make even Agis a pupil of Sphaerus; cf. Oliva 216 with n.5, 217f.

⁷¹ Gabba 54 n.3 is skeptical.

⁷² Cf. Ollier 104f.

⁷³ Cf. Ollier 109f. Many of Ollier's views are speculative; cf. Gabba 52f.

⁷⁴ On Phylarchus' use of Sphaerus' writings see Ollier 106; Gabba 53–55 is cautious about this but assumes that Phylarchus tried to bring Agis' and Cleomenes' reforms into line with Stoicism (201, 227f).

⁷⁵ It is my belief that Platonism had an influence on rewriting or inventing history that is generally overlooked. I shall discuss this theory in another context.