

# Reelection to the Ephorate?

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ANY CONSTITUTIONAL LIMITATION on reelection to a collegiate magistracy is bound to affect the character both of the magistracy itself and of the political system to which it belongs. According to Aristotle it was a principle of democracy that no one might hold the same office more than once, apart from offices involving military responsibilities and a few others.<sup>1</sup> This principle is seen to have been strictly observed in the fully developed Athenian democracy.<sup>2</sup> In the forms of oligarchy in which magistracies were elective, there seems normally to have been no restriction on reelection, though in some instances a further term of office was permitted only after an interval of some years.<sup>3</sup> The question whether at Sparta anyone who served as ephor was eligible to serve again, in the following year or after an interval, is strangely obscure. Its obscurity is not attributable to the notorious Spartan secretiveness, of which Thucydides complains (5.68.2): the Spartans could hardly have concealed the names of their ephors and do not appear to have tried to do so. Explicit evidence on this point seems to be lacking, and the principles relating to democracy and oligarchy do not suggest an answer, since the Spartan constitution was a mixture containing elements of both.<sup>4</sup> In a somewhat confused passage of the *Politics* Aristotle describes the ephorate both as democratic and as tyrannical (2.1270b 8–28). The question of eligibility for reelection, though clearly important to anyone seeking to establish how Sparta was governed, has been ignored in almost all the multitudinous surveys of Spartan institutions produced in the last fifty years. Two recent works contain brief statements that no one might hold the ephorate

<sup>1</sup> *Pol.* 6.1317b 23–25, cf. G. Busolt, *Griechische Staatskunde* I (Munich 1920) 314, 419–20.

<sup>2</sup> *Arist. Ath. Pol.* 62.3, cf. the heliastic oath *ap. Dem.* 24.150 (which may or may not be authentic).

<sup>3</sup> See, for example, archaic inscriptions from two Cretan cities, Drerus (Meiggs and Lewis, *GHI* no.2) and Gortyn (quoted *ibid.*). An inscription from Erythrae dating probably from the first half of the fifth century, published by B. Haussoulier, *RevPhil* 54 (1928) 191–99, imposes a similar restriction.

<sup>4</sup> *Arist. Pol.* 4.1294b 14–35, cf. 2.1265b 33–1266a 1.

twice, but in neither case is any relevant evidence cited or any supporting argument added.<sup>5</sup> Accordingly the problem may be thought to merit some further consideration.

More than half a century ago U. Kahrstedt made a reasoned but, in my opinion, largely unconvincing attempt to deal with the question.<sup>6</sup> He cites a passage of Plutarch (*Agis* 16.3) as evidence that there was apparently a veto on tenure of the ephorate for two consecutive terms. The passage implies, as he points out, that a declaration by Agesilaus, uncle of Agis IV, that he intended to continue in office as ephor for a further term was a striking novelty. Kahrstedt acknowledges that the implication of this passage hardly amounts to conclusive proof, and indeed it does not. The circumstances were abnormal because Sparta was at the time torn by revolutionary upheavals, and the position of Agesilaus was exceptional for another reason. He was one of the ephors appointed to replace an entire board dismissed by the two kings (*ibid.* 12.2–4), so that he cannot have served initially for a full year. His record of unscrupulous self-advancement suggests that he may have claimed for this reason to be entitled to continue in office.

Kahrstedt proceeds to argue that in one case belonging to the fifth century there is conclusive evidence of reelection to the ephorate after an interval of some years. The case is that of Endius, who is known from Thucydides (8.6.3) to have served as ephor in 413/2 and is generally believed to be named in two interpolated passages of Xenophon, *Hellenica* (2.3.1 and 10) as eponymous ephor for 404/3. In the former of these two passages the reading of some manuscripts is *Εὐδίου*, of others *Εὐδίκου*, while in the latter passage almost all the manuscripts read *Εὐδικος*.<sup>7</sup> The name Endius, which has no manuscript authority, is an emendation by Dindorf following Schneider. This emendation, which has been very widely accepted by editors and historians,<sup>8</sup> may be thought to be supported by a fragment of

<sup>5</sup> A. H. M. Jones, *Sparta* (Oxford 1967) 26; G. E. M. de Ste Croix, *Origins of the Peloponnesian War* (London 1972) 148. The question does not appear to be considered elsewhere in either work.

<sup>6</sup> *Griechisches Staatsrecht* I (Göttingen 1922) 162.

<sup>7</sup> *Εκδικος*, the reading of V, doubtless owes its origin, as editors point out, to *Hell.* 4.8.20 (where the Spartan *nauarchos* of 391 has this name).

<sup>8</sup> G. E. Underhill, *Xenophon, Hellenica* I, II (Oxford 1888) *ad* 2.3.1, is exceptional among editors in rejecting the emendation. Kahrstedt, *loc.cit.* (*supra* n.6), evidently feels some uneasiness about it, though convinced that Endius held office twice. Doubts are expressed by B. Niese, *RE* 5 (1905) 2553, and P. A. Brunt, *Phoenix* 19 (1965) 278. Some scholars do not

Androtion (*FGrHist* 324 F 44), in which the name of one of three Spartan envoys sent to Athens in 408/7 to negotiate an exchange of prisoners appears as *Εὐδικος* or \**Ενδικος* and has been emended by Usener to \**Ενδιος*. In this instance the emendation is perhaps more firmly based, because Endius had served on two previous embassies to Athens<sup>9</sup> and might well, if available, have been chosen to serve again on this occasion.<sup>10</sup> It is, however, undeniable that Eudicus is a well-attested, if not very common, name. It was borne by a Perioecus serving in the Spartan cavalry (*Xen. Hell.* 5.4.39), by a Thessalian leader accused of betraying his country to Philip (*Dem.* 18.48), by a character in Plato, *Hippias Minor* (363A, cf. *Hipp.Maj.* 286B) and by a number of others.<sup>11</sup> There is no cogent reason for doubting that the eponymous ephor for 404/3 was a man called Eudicus, who, like so many of his predecessors in the list preserved in the *Hellenica* (2.3.10), could lay claim to little other distinction,<sup>12</sup> though he may conceivably have been a member of the embassy sent to Athens in 408/7.

There is, on the other hand, a serious objection to the widely accepted belief that the eponymous ephor for 404/3 was the far better known Endius. Because ephors took office at the beginning of the Spartan year in the early autumn,<sup>13</sup> those serving in 404/3 were presumably elected in the summer or even spring of 404 when Lysander was at the height of his power and the challenge to his

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seem to have noticed that the name Endius does not appear in any manuscript in either of the interpolated passages. Recently R. B. Kebric, *Mnemosyne* 29 (1976) 77 with n.22, has suggested that any ban on reelection could be avoided by the adoption of some subterfuge.

<sup>9</sup> *Thuc.* 5.44.3; *Diod.* 13.52.2–53.1.

<sup>10</sup> The drastic emendations of this corrupt fragment proposed by Usener are regarded with some scepticism by V. Ehrenberg, *RE* 15 (1931) 329. Usener himself, *Kleine Schriften* I (Leipzig 1912, repr. Osnabrück 1965) 208–09, has doubts whether there is adequate reason for recognising the name Endius among those of the envoys. On the other hand, F. Jacoby, *FGrHist* IIIb Suppl. 1.152–53 (who includes only the reading *Εὐδικος* in his *apparatus criticus*) accepts the emendations of Usener *in toto*.

<sup>11</sup> The following list of persons named Eudicus who lived before the end of the fourth century is by no means exhaustive: Meiggs and Lewis, *GHI* 85.38; Tod, *GHI* 200.146; *SEG* 24.151.2 (all from Athens); *SEG* 18.379 (from Thasos); *SEG* 25.698 (from Ambracia); Dittenberger, *Syll.*<sup>3</sup> 169.68 (from Iasus). More Athenians are listed by J. Kirchner, *Prosopographia Attica* (Berlin 1901) 354. The name Eudius is attested but is very uncommon, cf. *IG* I<sup>2</sup> 964.97 (from Athens).

<sup>12</sup> As is noted by de Ste Croix, *op.cit.* (*supra* n.5) 148, hardly any of the eponymous ephors in this list seem to have been prominent men.

<sup>13</sup> Busolt and H. Swoboda, *op.cit.* (*supra* n.1) II (1926) 686 with n.5.

authority had not yet developed. The same ephors were in office when he contrived to have himself sent to Athens as harmost and his brother as *nauarchos* to crush the democratic faction at the Piraeus (Xen. *Hell.* 2.4.28), and they must have approved these measures. They were almost certainly still in office when King Pausanias embarked upon his plan to reverse the repressive policy of Lysander. The king had to use persuasion to obtain the authority of the board, by a majority of three to two, to call out a levy of Spartan and allied troops for service at Athens under his command (*ibid.* 29–30).<sup>14</sup> The chronology of this period is uncertain, but it is difficult to understand why persuasion should have been needed if the ephors for 403/2 had already assumed office, since the entire board voted for his acquittal when he was brought to trial (Paus. 3.5.2). In these circumstances it is highly unlikely that Endius, the friend of Alcibiades, with his long-standing record of cordial relations with Athens, can have held office as eponymous ephor, and thus acted as chairman of the board, in 404/3.<sup>15</sup>

If the foregoing objections to the arguments of Kahrstedt are acceptable,<sup>16</sup> there appears to be no record either of any restriction

<sup>14</sup> C. D. Hamilton, *AJP* 91 (1970) 308–09, rightly infers “that Lysander still had strong support at home, which is reasonable, since this same board of ephors had sent him in command to Attica.”

<sup>15</sup> H. Schaefer, *RE* 18 (1949) 2579, apparently assuming the emendation of Dindorf to be indisputable, maintains that Endius was elected because he was a specialist on relations with Athens, always working for peace on reasonable terms, and also that the board of 404/3 was hostile to Lysander. The reason suggested for the election of Endius is not cogent: the Spartans, though resisting the demands of their allies for the extinction of the Athenians, had insisted on imposing severe terms (Xen. *Hell.* 2.2.19–20) and are not likely to have been in an indulgent mood so soon afterwards. Even less acceptable is the conclusion that the ephors of 404/3 were hostile to Lysander, since it is irreconcilable with the evidence of Xenophon, mentioned above, that Pausanias had to persuade them to sanction his mission to Athens and won their consent only by a narrow majority (*cf.* Diod. 14.13.1 on the introduction of decarchies *κατὰ τὴν τῶν ἐφόρων γνώμην*). Schaefer attempts (*loc.cit.*) to support his view about this board by referring to a story that Lysander publicly castigated the un-Spartan obesity of Naucleidas (Agatharch. *FGrHist* 86 F 11, *cf.* Aelian, *VH* 14.7), who was one of the two ephors sent with Pausanias to Athens in 403 and there favoured the policy of Pausanias rather than that of Lysander (Xen. *Hell.* 2.4.36). This story does not necessarily establish that Naucleidas had always been an opponent of Lysander. A more likely explanation suggested by P. Poralla, *Prosopographie der Lakedaemonier* (Breslau 1913, repr. Rome 1966) 95, and by de Ste Croix, *op.cit.* (*supra* n.5) 138, is that Naucleidas incurred the enmity of Lysander by his support of Pausanias while serving as ephor in 404/3.

<sup>16</sup> His general conclusion, based on these arguments, is that steps were taken to ensure that the same man should not serve twice as eponymous ephor (only), not because of any

on reelection to the ephorate or of any instance in which anyone is known to have held the office twice. The problem might, therefore, be thought to be insoluble. Yet some light may be thrown upon it first by glancing at the place of the ephorate in the machinery of Spartan government and then by considering how far tenure of the office could be used by ambitious Spartiates to further their careers and to provide themselves with opportunities for exercising personal leadership, as tenure of the *strategia* was used by ambitious Athenians. This investigation will, I hope, show that everything points to the existence of a total ban on reelection, whether statutory or based on traditional practice.

The collective powers exercised by a board of ephors during its year of office are known to have covered a very wide range—religious, judicial, financial, political and, save that no ephor commanded armed forces on active service, military. The evidence for the existence of these powers has been assembled in modern accounts of Spartan institutions,<sup>17</sup> and many scholars have inferred from it that the ephorate dominated the state.<sup>18</sup> Some, however, have concluded, largely because the names of very few ephors have been preserved, that in practice their influence was limited and, especially in foreign policy, was not comparable with that of the kings, who held office for life.<sup>19</sup> The fairest test, in attempting to determine which of these conflicting views is the more convincing, is perhaps to examine briefly the part played by the ephors as reported in a single work not primarily concerned with their activities or with the machinery of government, namely the *Hellenica* of Xenophon.

Although Xenophon wrote a *Constitution of the Lacedaemonians*, he was not by any means an authority on political institutions. He served, however, with the Spartan armed forces, probably for at least a dozen years, and his close contacts with leading Spartans during that period were doubtless maintained to a limited extent when he was living in retirement at Scillus,<sup>20</sup> where he wrote most of his works. constitutional considerations but only to avoid confusion in the calendar. I have tried to show that this conclusion has no firm foundation.

<sup>17</sup> Cf. Kahrstedt, *op.cit.* (*supra* n.6) 237–46; Busolt and Swoboda, *op.cit.* (*supra* n.1) II 683–90; H. Michell, *Sparta* (Cambridge 1952) 118–31; Jones, *op.cit.* (*supra* n.5) 26–30.

<sup>18</sup> For example W. Jaeger, *Paideia*, transl. G. Highet, I (Oxford 1939) 79; V. Ehrenberg, *The Greek State* (Oxford 1960) 67.

<sup>19</sup> Cf. the works of E. Cavaignac and A. Solari cited by Michell, *op.cit.* (*supra* n.17) 131; de Ste Croix, *op.cit.* (*supra* n.5) 148–49.

<sup>20</sup> J. K. Anderson, *Xenophon* (London 1974) 170.

The *Hellenica* thus reflects the operation of the Spartan military and political system with which his personal experiences had made him thoroughly familiar. On this subject his notorious prejudices were not likely to impair the accuracy of his picture, though his devotion to Agesilaus might perhaps lead him to underrate the importance of the ephors. He is the acknowledged expert on Spartan political life in his own times,<sup>21</sup> unique in being almost a Spartan historian.

Although he mentions only one ephor by name in the *Hellenica*,<sup>22</sup> he refers to the ephors collectively in at least forty passages, mostly reporting action taken by them. His familiarity with Spartan routine is illustrated by his use of the phrase *φρουρὰν φαίνειν* to denote the mobilisation of the army. This phrase, evidently an official term, occurs eight times with the ephors as the subject, and it is not used by any other author.<sup>23</sup> Their diplomatic function is attested by the rôle of successive boards in the negotiations leading to the surrender of Athens in 404 (2.2.13, 17–19) and to the termination of the Athenian civil war in the following year (2.4.29, 35–36, 38). Their judicial powers are seen in operation when they conducted the enquiry into the conspiracy of Cinadon (3.3.4–11) and when they recalled Sphodrias and brought a capital charge against him (5.4.24). They abolished the decarchies established by Lysander (3.4.2). They kept on a tight rein Spartan generals in command of armies overseas: they issued orders to Thibron in 399 and to Dercylidas two years later to invade Caria, when neither seems to have contemplated moving his forces in that direction (3.1.7 and 2.12). Shortly before the issue of this order to Dercylidas the ephors sent a sharply worded message to the troops known as the Cyreans, now in Spartan service, whose commanding officer, almost certainly Xenophon himself, defended his men in a respectful and ingratiating reply (3.2.6–7). This episode provides

<sup>21</sup> A. Andrewes in A. W. Gomme, Andrewes and K. J. Dover, *A Historical Commentary on Thucydides* IV (Oxford 1970) 117; de Ste Croix, *op.cit.* (*supra* n.5) 151; G. L. Cawkwell, *CQ* 26 (1976) 63. It is my opinion, which I hope to develop elsewhere, that Thucydides, who seldom refers to the ephors, had only occasional access to sources which revealed the Spartan political system in operation.

<sup>22</sup> Namely Naucleidas (see *supra* n.15). The passages in the first two books naming eponymous ephors for chronological purposes are all believed to be interpolated.

<sup>23</sup> *Lac.Pol.* 11.2 shows that it was the responsibility of the ephors to announce how many age groups were to be called up. A. Andrewes in *Ancient Society and Institutions*, ed. E. Badian (Oxford 1966) 11, who gives full references for the term *φρουρὰν φαίνειν*, convincingly suggests that in passages of the *Hellenica* where the Spartans are stated to have called out the army, Xenophon means that the ephors took this action.

striking testimony that he regarded the ephors with considerable awe: even hired soldiers serving in a distant theatre of war would, he felt, be wise to keep on the right side of them. Plenty of other passages attest the authority enjoyed by various boards of ephors. Anaxibius, a leading Spartan of whom Xenophon disapproved, secures appointment as harmost in the Hellespont by winning their support (4.8.32–33); Agesilaus obtains their consent before initiating preparations for attacking Thebes (5.1.33); they issue the equivalent of an ultimatum to the Phliasians (5.2.9); they receive envoys from Acanthus and Apollonia and introduce them to an assembly of Spartans and allies (5.2.11); though grieved by the news of the disaster at Leuctra, they order the continuation of a festival which is in progress and forbid bereaved women to make any outward display of sorrow (6.4.16).

This selection of references to the ephors in the *Hellenica* lends strong support to the view that each board during its tenure of office exercised very great authority, at home and abroad, and did not merely act as an executive to implement the decisions of the assembly or *gerousia*. Because this authority was exercised collectively, a majority vote being decisive in cases of disagreement (Xen. *Hell.* 2.3.34), it is not surprising that the names of so few ephors have been preserved by the literary sources. As has already been noted, Xenophon names only one in the *Hellenica*. The names of far more Athenian *stratego*i have survived, but the reason in most instances is that the sources mention them not as members of a board but as commanders of armed forces on active service, a function which was not among those performed by the ephors. The only important factor restricting the powers of each board seems to have been that it held office for a single year and that its members were answerable for action taken during this period to the next board, which might not only reverse their policy but even bring proceedings against them.<sup>24</sup>

A magistracy conferring as much power as was vested in the ephorate might be expected to have been keenly sought after by men of ambition. Even in the military sphere, to which Sparta attached so much importance, the ephors controlled the strategy of Spartan

<sup>24</sup> Plut. *Agis* 12.1, cf. Arist. *Rhet.* 3.1419a 31 and *Pol.* 2.1271a 6–8 (neither passage from Aristotle seems to me to supply altogether satisfactory evidence on this point). The fact that ephors were accountable to their successors might be held to preclude the possibility that an entire, or almost entire, board might be reelected.

campaigns to a considerable extent, as has been noted above, and whenever either of the kings led an expedition beyond the frontier, two ephors accompanied and advised him. It is true that every Spartiate elected to the ephorate had four colleagues who might out-vote him on any issue, but on every board some members must have been more influential than others despite their nominal equality.<sup>25</sup> Some boards may well have been dominated by a single outstanding personality, as was liable to occur on larger boards such as those of the Athenian *stratego*i or the Boeotarchs. Some Spartiates seem to have used the ephorate as a rung on the ladder leading to other appointments: Aracus, eponymous ephor in 409/8, was nominally *nauarchos* in 405/4 because Lysander could not legally hold this office for a second term, and in 398 he was sent on a mission to Asia.<sup>26</sup> Similarly Diphridas, ephor in 395/4 (Plut. *Ages.* 17.1), held a military command in Asia in 391 (Xen. *Hell.* 4.8.21–22).<sup>27</sup> Conversely, however, Antalcidas, when he served as ephor in 370/69 (Plut. *Ages.* 32.1), had long ago established a reputation as the leading Spartan diplomat in negotiations with Persia and had also held the *nauarchia* (Xen. *Hell.* 5.1.6). The forthright and resourceful ephor Sthenelaidas, who successfully opposed the cautious policy of Archidamus in the Spartan assembly in 432 (Thuc. 1.85.3–87.3) is not known to have occupied any other position of authority.<sup>28</sup>

Thus, while a number of prominent Spartiates held the ephorate at some stage in their careers, it clearly did not constitute the principal foundation upon which anyone aspiring to make his mark in public life would naturally endeavour to build up his personal influence. The ephorate may be thought to be not strictly comparable

<sup>25</sup> Arist. *Pol.* 2.1270b 8–11, 28–30, declares that men elected to the ephorate tended to be very poor and ordinary.

<sup>26</sup> Xen. *Hell.* 2.3.10 (the interpolated ephor list); 2.1.7; 3.2.6,8 (the Aracus mentioned years later, 6.5.33, may be a different person). In this interpolated list the eponymous ephor for 431/0 is named Brasidas, whom almost all scholars identify with Brasidas son of Tellis, so much admired by Thucydides. This identification seems to me to be not easily reconcilable with the evidence on the career of the famous Brasidas, though admittedly the name is uncommon.

<sup>27</sup> Xenares, who as ephor in 421/0 initiated some clandestine negotiations in association with one of his colleagues (Thuc. 5.36–38), was killed while governor of Heraclea in the following year (*ibid.* 51.2). The latter appointment might be regarded as a promotion but might equally have been contrived by opponents who disapproved of his intrigues as ephor and wished to remove him from Sparta, cf. H. Schaefer, *RE* 9A (1967) 1435–36.

<sup>28</sup> A valuable collection of evidence about individuals known to have held the ephorate is assembled by de Ste Croix, *op.cit.* (*supra* n.5) 148.

with the Athenian *strategia*, since *strategoï* commanded armies and fleets—they were thus, in accordance with established principle, eligible for reelection even in a democracy—whereas the ephors did not. It is, however, significant that the *strategia* was the basis of most successful careers in Athenian public life in the second half of the fifth century and at the beginning of the fourth. As the evidence of the *Hellenica* shows, this difference between the ephorate and the *strategia* certainly did not arise because the ephors lacked authority while in office. They were indeed able to take the initiative more freely than the *strategoï* because they were in less danger of being denounced in the assembly for alleged usurpation of its prerogatives.<sup>29</sup> Nor can the difference be attributed entirely to a factor which may have made some contribution to it, namely that the Athenians were by temperament far more enterprising than the Spartans.<sup>30</sup>

The conclusion seems to be inescapable that the tenure of the ephorate, unlike that of the *strategia*, was restricted to a single term of office in the lifetime of any individual. Had there been no veto on reelection, it is almost inconceivable that influential Spartiates, even those with primarily military talents, would not have contrived, at times when they were not holding military commands, to have had themselves elected repeatedly to the ephorate and thus exercised the control of the state and its policy which was vested in that office. For example, when Lysander was embarking upon his revolutionary scheme for changing the dual kingship, which had hitherto been hereditary, and making it elective, he adopted the rather desperate expedients of trying to bribe the more celebrated oracles and memorising a speech, composed on his behalf by a rhetorician, for delivery to the assembly.<sup>31</sup> A more promising course of action, if it had been available, would surely have been to have used his influence, which, though fluctuating, was usually very great, to secure his own election to the ephorate whenever he had no military commitment, especially as the ephors had authority to exercise a considerable measure of control over the kings.

<sup>29</sup> Andrewes, *op.cit.* (*supra* n.23) 14. In addition to the powers reflected in the *Hellenica*, they had the right to commit a king to prison (Thuc. 1.131.2), so that the attempt by the regent Pausanias to abolish the ephorate (Arist. *Pol.* 5.1301b 19–21) is not surprising; and all magistrates were answerable to them (*ibid.* 2.1271a 6–7).

<sup>30</sup> This contrast is stressed, perhaps overstressed, by Thucydides (1.70; 8.96.5), though not specifically in regard to personal ambition.

<sup>31</sup> Diod. 14.13; Plut. *Lys.* 20.7–9, 24–26; Nepos, *Lys.* 3.

It is hardly surprising that no one should have been permitted to serve as ephor twice in view of the well-attested ban on reelection to the *nauarchia* (Xen. *Hell.* 2.1.7), which, though not a collegiate office, involved responsibility for conducting operations of war. Each ban was presumably designed, partly at least, to produce the same effect, namely that the power of the kings, which was restricted by the institution of both the ephorate and the *nauarchia*,<sup>32</sup> should not be reduced too much. Whether this objective was or was not desirable may be debatable, but both bans were certainly injurious to the continuity of Spartan policy and contributed to its fluctuations from year to year to which modern scholars have drawn attention.<sup>33</sup>

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<sup>32</sup> Arist. *Pol.* 2.1271a 38–41 refers with approval to criticisms of the *nauarchia* on the ground that it virtually established another kingship. These criticisms are not very intelligent: they overlook the fact that each *nauarchos* served for a single year, each king for life.

<sup>33</sup> Cf. Jones, *op.cit.* (*supra* n.5) 30.