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TEXT AND TRADITION: THE CASE OF LYKOURGOS

The Spartans were the worst governed people in Greece until Lykourgos, an influential (dokimos) man from Lakedaimon, acting on *Pythioi's* oracle, changed all the laws (metestese ta nomina panta) and introduced the new constitution, that the Spartans still possessed (nün katesteota kosmon) at the time when Herodotus¹ wrote about the Spartans in the *Kroisos-logos*. The first summary of the surviving tradition about Lykourgos is basically consistent with the opinions of the majority of the ancient authors, including Plutarch, who read everything that was available to him and summed up the tradition which held that the Spartan social and political system, education and life style were established by Lykourgos, and that they remained unchanged for centuries after him (except for the introduction of the ephorate²). Thus, the ancient tradition attributed to a single person the political and social development of centuries, which is not unusual.

In order to re-investigate the problem of Lykourgos – which has the diverse elements of the 9th and 6th centuries, it seems necessary to give a broad outline not only of the Herculean³ effort of Lykourgos, but of his life as reflected in the most important sources and of the interrelation of these sources as well. In what follows we would like to begin this work.

The fundamental question is not whether or when Lykourgos existed as a real person, or which aspects of the tradition can be accepted. First of all we will take a look at his biography on the basis of his laws, considering that the two constituents of the tradition, that is, the biography and the laws were not formed separately. The inconsistencies of the biography not only reflect the inconsistencies of the set of laws attributed to Lykourgos but help to understand them as well. The primary source is Plutarch's *Life of Lykourgos*, which is rich in detail. One of the most striking features of this

biography is its temporal distance from Lykourgos. According to Plutarch's calculations, Lykourgos⁴ lived five hundred years before king Agis II, which means that more or less a thousand years separate the author from the period he discusses, just like a contemporary historian from St. Stephen. Plutarch worked in libraries and he read an enormous number of books. In this biography he mentions more than two dozen authors by name. However, the distance in time, the different opinions he encountered in his sources and the disappearance of the independent state of Sparta provided considerable latitude for his imagination and moralizing character. In any case, what he wrote was not history but biography – as he explicitly pointed out in the introduction of the biography of Alexandros.⁵

The laws of Lykourgos can be divided into four groups on the basis of the objects to which they refer: (i) the system of the state and its functions (institutions and offices, etc.), (ii) the property of land (*claros*, inheritability) and other economic matters, (iii) the life style of Spartan citizens (education, *agoge*, etc); (iv) the army (logistics, tactics – even strategy). It should be noted that even the laws (or the situations as reflected in the laws) which belong to the same group cannot be attributed to a single legislative act. *Gerousia*, for example, which belongs to the first group and is undoubtedly an early institution was prior to *agoge* which was, according to the evidence of archeology and the poetry of Tyrtaeus and Alcman (that is, according to early and contemporary sources), a 6th century development (let alone the fact that some aspects of the institution of *agoge* were a Hellenistic fiction). How is the extant biographical information related to this?

Plutarch mentions at the beginning of Lykourgos' biography⁶ that everything about Lykourgos is rather unclear, and the most controversial question is when he lived. Plutarch, too, quotes different opinions. Although Plutarch regards it as an instance of nonsense, he mentions that Xenophon stated in "Lakedaimonion politeia" that Lykourgos lived at the time of the "Heracleidae", that is, the period of the Dorian invasion and at the time of the return of the "Heracleidae."⁷

This is a very early dating – as early as it can be – but it is noteworthy in some respects. On the one hand, Xenophon is a source that reflects the way the Lakedaimons looked upon their history. On the other hand, this idea is an outcome of the effort for some kind of consistency, which is definitely one of the formative features of the tradition: if it was Lykourgos who created all the rules controlling the life of the state and the community from the siring of children through *Gerousia* to logistic problems, then his

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activity must have coincided with the original settlement. But all this can be reversed: Lykourgos is somehow connected to the "original settlement", therefore the comprehensive system of the state is intimately connected with him⁸. Since the event of the Dorian migration is in itself debated,⁹ its role in the evolution of the *polis* cannot be satisfactorily ascertained. But it is quite certain that the "original settlement" was not the same as the "foundation of the state." (In addition to the information provided by archeology and the sources we can think of Thucydides' *archailogia* in which power and the state institutions are linked to *synoikismos*, and the settlements surrounded by wall, that is, they are not associated with settling down but with urban structures). We also know, mainly from Strabo,¹⁰ Apollodorus and Pausanias that so far as the Dorians are concerned, tradition considered the "original settlement" to be the same as the "foundation of the state." The story about the division of the Peloponnesian peninsula seems to reflect this. This was also the definite opinion of Hellanikos, who – practically alone in ancient times – denied that the Spartan constitution was created by Lykourgos. He attributes this to Prokles and Eurysthenes. ("Hellanikos men un Eurysthenes kai Proklea phesi diataxai ten politeian."¹¹) So it is not the existence of Lykourgos that Hellanikos denies; he uses the same logic, and he comes to the same conclusion as Xenophon, except he does not link Lykourgos, only his constitution, with the "original settlement." In antiquity there were only a few people who doubted Lykourgos' role as *the* legislator, but Hellanikos was not the only one. Timaios offers an ingenious solution.¹² He presumes that there were two Lykourgoses – not at the same time – in Sparta and the acts of both were bestowed on one of them.¹³

His figure is also connected to certain kings, as their relative and guardian. Herodotus – Plutarch does not mention him – connects Lykourgos with the Agiadai Leobotas, Plutarch himself with the Eyoportidai Kharilaos.¹⁴ Pausanias, after mentioning Herodotus' view, dates the legislation back to the time of Agesilaos' kingdom¹⁵ (the two things do not rule out each other).

Within the history of Sparta, it is logical that Lykourgos is dated with the help of the king-list.¹⁶ But connecting him to somebody or something beyond the history of Sparta in a period – using the simile of Plutarch's Greek biographies – between Theseus and Solon¹⁷ is very difficult. There are very few points of reference. In our opinion the insufficiency of the data about that period is the reason why several authors quoted by Plutarch make Lykourgos a contemporary of Iphitos and Homer. We can find

another opinion (not quoted by Plutarch) in Aristotle's *Politics*,¹⁸ which looks upon the period of Lykourgos in another conceptual framework. And this is very typical of Greek biographical writing. Lykourgos was, along with Zaleukos the disciple of the Cretan Thales who was, in turn, a friend of Onomakritos. However, Aristotle regards this statement as invalid because it ignores chronology (*askeptoteron*).

After reviewing these guesses about chronology, it is worth discussing how the tradition related him to kings: (i) we cannot know which royal family he comes from (Herodotus puts him into the other one than Plutarch); (ii) it is doubtful whether he comes from a royal family at all (not every source mentions his royal descent); (iii) the father of the founder of the *eunomia*¹⁹ is called Eunomos, his grandfather is Prytanis, his brother who made his exit to Hades early is called Polydektes (i.e. accomodating many – an euphemistic name of Hades). These show that the insertion of Lykourgos into king-lists is a late and imperfect attempt. The following passage from Plutarch²⁰ confirms this claim: "...ton d' hysteron basileon ta men apekhtanomenon to biazesthai tus pollus, ta de pros kharin e di' astheneian hypopheromenon, anomia kai ataxia kateskhe ten sparten epi polyn khronon." ("The subsequent kings were hated because of their violence against the crowd, but on the other hand they were scorned when they acted weak and in favour of the crowd; therefore unlawfulness and chaos dominated Sparta for a long time.")

The period referred to by the expression "long time" when the various kings ruled differently, and when – as a consequence – unlawfulness dominated Sparta, was the time of Prytanis, or, at most, the time of Prytanis' and Eunomos' reign. It should be pointed out in defence of Plutarch that he is not a historian who merely takes over the opinions of others. Plutarch has a style of his own (it is another question whether we like it or not), and what is even more important he has a conception. He develops up his theme in a way that emphasizes the role of Lykourgos: before presenting his hero he describes the civil-war-like conditions (a couple lines after the passage quoted above, Lykourgos' father is stabbed in the back with a kitchen knife – *mageiriké kopidi*²¹), and the inaptitude of the kings in order to stress both the necessity and magnificance of Lykourgos' measures. What the kings were not capable of, Lykourgos – adorned with *aisymnetes* characteristics – managed to perform. The description of a kingdom that is either overbearing or weak, and consequently of low prestige, prepares the first and most important (proton

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kai megiston²²) move of Lykourgos, which is the establishment of the *Gerousia*, which balances the state between *tyrannis* and *okhlokratia* (Plutarch calls it *demokratia*).

After these passages (the second caput ends with the inglorious death of Eunomos) there is hardly any mention of kings: the early death of Polydektes and the birth of Kharilaos²³ are only illustrations of Lykourgos' nobleness. In addition, these are biographical data that answer the question that certainly²⁴ emerged already in antiquity, that is, why Lykourgos himself was not a king. Kharilaos later (fifth caput) reappears: he is frightened by the act of Lykourgos and by his armed friends and flees into a shrine. He gives up asylum only when he is reassured by the oath of Lykourgos. There are only a couple of kings mentioned later (Polydoros and Theopompos²⁵). They lived 130 years after Lykourgos, and they are the kings who continued his work. Accordingly, the fact that Lykourgos is not organically connected to the kings of his age is again confirmed. It is especially important that the king reigning parallel with Kharilaos does not surface.²⁶ Where was the other king when Lykourgos had to leave the country? Where was the other king when Kharilaos, even if mistakenly, believed that he had to hide in a shrine? And where were the kings when Lykourgos created the laws which affected them greatly?

The oath itself is an interesting element of the tradition. It is a good example of how the data available to the historians, primarily to Plutarch, are used again and again in new combinations with new meanings. In this scene Lykourgos appears in the narrative as an *ephor*, a representative of the people, who guarantees the power of kings in return for their pledge to observe the constitution.

The story of his journey is probably the most easily explicable part of the tradition. Almost everybody (Herodotus, Pausanias, Strabo, etc.) mentions it, which does not mean that the journey is beyond doubt: it follows from the nature of tradition. The Cretan journey seeks an answer to what is implied by the identical part of the Spartan and Cretan constitutions. This is obvious from the fact that a number of historians (Herodotus and Pausanias, for example) ask the question: is it Crete or Delphoi where the laws originate from? Plutarch – who did not only collect the pieces to be found in the tradition but also tried to unite them in a consistent whole giving up as little of them as possible for the sake of the overall impression – solves the problem with ease: a field trip to Creta (and to Ionia), but it is Apollon of Delphoi who gives the encouragement,

confirmation and the specific (?) instructions. And as for his other journeys: who did not go to Egypt, Asia Minor, or, from the 3rd century on, even to India in the Greek biographies?

The motives like the journeys, the lost eye, the consistency can be found in the biographies of other lawmakers. They are almost indispensable elements, *topoi*²⁷ of the descriptions of lawmakers. They are neither simple platitudes, nor merely interpolations. They are based either on the faint recollection of facts or on essential similarities already recognized in antiquity. It is significant in this respect that the tradition of Lykourgos contains features which make him similar to not only Solon and Zaleukos but Minos and, which is even more important, Theseus.

The following seems to be important in the implementation of Lykourgos' laws: it was, on the one hand, rather violent, which is obvious from the fifth caput (30 armed men on the *agora*, which certainly comes from Aristotle;²⁸ and Kharilaos' flight) and from the 11th caput (here it is Lykourgos who flees into a shrine, and he sacrifices one of his eyes for the good cause²⁹). At the very end of the comparison with Numa³⁰, it is explicitly stated that Numa, in contrast with Lykourgos, did not use force and arms in order to win the citizens (*méth' hoplón...méte bias*). On the other hand, it is important that the period preceding Lykourgos is described as dark (not only in Plutarch, but in Herodotus as well) – and that the general opinion held that Lykourgos radically changed the whole political and social system.

We only need to touch upon the Delphic oracles and the *Great Rhetra* to the extent that when Plutarch sums up what he has read, he cannot answer the question whether Lykourgos received his laws in Delphoi or he just had them confirmed there. In the 5th caput it does not even come out clearly what he did first when he arrived home: in particular, it is not clear whether he started changing the laws immediately (*euthüs epekheirei ta paronta kinein kai methistanai ten politeian*), or went to Delphoi for an oracle. Xenophon, on whom Plutarch relies in everything except military matters, speaks of confirmation in Lak. Politeia, 8th caput. Herodotus³¹ does not answer the question whether Apollon gave a constitution to Lykourgos (*hoi men de tines legusi ... ten Pythien ... , hos d' autoi Lakedaimonioi legusi ... , ek Kretes*). What he does is give two different opinions. The hexametrical oracle of Pythioi³² on the divine nature of Lykourgos, the last line of which is quoted by Plutarch does not mention the laws, but can be easily seen as their confirmation. Despite the *Great Rhetra*,

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which is cited by Plutarch as the oracle of Apollon, the confirmation seems more likely,³³ because Plutarch claims³⁴ Lykourgos went (for the second time) to Delphi after he created the constitution in order to have his laws confirmed by the god. The opinion³⁵ which associates this oracle with the erection of the shrine of Lykourgos also seems acceptable.

Like Kodros, he sacrifices his life for his state, but in contrast with the Athenian king, it is not an oracle that guides him but the same logic which made Solon take an extended journey. The kind of death he chooses, that is, starvation to death, is illustrative of the well-known Spartan discipline. After his death – nearly all the authors mention this – a shrine was erected to him. The almost absurd form of suicide suggests again the uncertainty of the genuineness of the tradition. However, by questioning the reality of the story, we will not understand how Plutarch and his sources could take it for a fact, and how it became an integral part of the tradition. Although it does not solve the problem, it probably puts it into the right context if we relate this to what the sources say about the kings' additional food rations and about the shortage³⁶ of food in general. In a world in which the kings and the newly elected *gerons* had rich meals as the recognition of their position, and in which young boys had to steal food to complement their diet, and in which communal and public catering was established as a means of controlling the wealthy, it might have seemed a reasonable idea that starvation to death serves interests of the state³⁷.

There are still two minor points to be made. Both were recorded by Plutarch. The first concerns Lykourgos' *rhetras*,³⁸ the second his letters.³⁹ Plutarch calls three minor regulations *rhetra*, and he does not include the *Great Rhetra* in these (he does not even compare them with it). This does not only point to the difficulties with the name of the *Great Rhetra*,⁴⁰ but is also remarkable from the point of view that it preserves a name, along with the other three examples, that may have been a term of the archaic, preliterate period. The examples seem to confirm this in that they are separated from the rest of the regulations attributed to Lykourgos, and in that they are associated regardless of their content.

Plutarch does not really believe in the letters, probably because of the *rhetra* which forbids written laws. It should be added that they are not laws, not even regulations, but exhortative aphorisms.

It is rather characteristic that Plutarch is uncertain about literacy in the period of Lykourgos. If we accept Plutarch's and the majority of the ancient historians' early dating of Lykourgos, then the lack of literacy needs no

explanation. The fact that Plutarch still looks upon it as something to be explained shows how little the Greeks knew about the recentness of their written literature. At the same time the question of written laws reflects another problem which arises from the comparison of Lykourgos and other Greek lawgivers. In most cases the tradition speaks of some form of written laws.⁴¹ Thus the *rhetra* which forbids putting the laws in writing may have explained the difference between Lykourgos and Zaleukos or Drakon for the later Greek historians, while it can offer us circumstantial evidence for the relative earliness of Lykourgos (and the state organization associated with him).

In addition, it draws our attention to the fact that it is not only us who lack any authentic documents from the archaic and classical periods of Lakadaimon, but neither the historians of the 4th century B.C., nor later historians could see such documents. Inscriptions that can be appreciated from the viewpoint of the state survived from the 5th (!) century (either in their original form, or as interpreted by the historians), but they document the relationships of Sparta with other city states, that is, they are documents of the foreign policy.⁴²

We have seen that the law which forbids written laws (and a written constitution) is logically associated, by the tradition, with Lykourgos (with the 9-8th century). Other periods (the 7-6th centuries, for example) could also be considered on the basis of other Greek lawmakers, primarily Drakon. In this case the genuineness of this ("minor") *rhetra* can be accepted. If we consider the profound changes that were initiated, or at least catalyzed by literacy in state bureaucracy, the pre-emption of the move that threatened to subvert the state and endanger the privileges of the gerons, ephoroses and kings, that is, the guardians of the law, (where the word "guardian" means both "keeper" and "controller") is easy to understand.

This survey has not covered every detail. And what has been covered should be analysed more thoroughly, but we did not aim to solve the question of Lykourgos, only to explore its potential.

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Notes

1. Her. I 65.
2. Nota bene Herodotus and Xenophon associates his institution with the great lawgiver. Their logic will be analysed later .
3. While Herakles, touring the entire *oikumene*, triumphed over space, Lykourgos, making laws from the 9th century to the 6th, conquered time.
4. Plut. Lyk. 29.8,30.1, Numa 26.(4.) 8.
5. "Because it is not historical works but biographies that I write, and it is not the most outstanding deeds which reveal virtue or sin but often something of little consequence, a phrase or witty remark sheds more light on the character of a man than the greatest battles." Plut. Alex. 1. 2-3.
6. Plut. Lyk. 1. 1. The basis of the quotations and the analysis is Plutarchi Vitae Parallelae, Leipzig (Teubner) 1973, Vol. III. Fasc. 2., and its apparatus criticus.
7. Plut.Lyk. 1.5.
8. We do not touch upon the question why the image of an unchanging society was so important to Spartans. This seems to be easy to explain. See Tigerstedt's superb analysis of the image of Sparta and its functioning.
9. Cf.: Beloch, K. J.: Griechische Geschichte. 1-4. Berlin, 1912-1927. 76. the first determinant doubt. See also the summary of the different opinions and the achievements of the archeology in Cartledge, P. Sparta and Lakonia. London, 1979. 75-101.
10. Strabo VIII. 5. 5. C. 366.
11. *ibid.*
12. Plut. Lyk. 1. 4.
13. Thucydides (I. 18. 1) can be mentioned among those who deny the role of Lykourgos. He gives the precise date of the birth of the Spartan politeia ..., but does not mention its creator. It seems that he accepts the stable character of the institutions, but does not accept the role of Lykourgos.
14. We do not deal with the possibilities arising from the dating of the king-lists. See Victor Parker "Some Dates in early Spartan History" *Klio*, 75, 1993. 45-60. The dates he offers seem reasonable. For us, who approach the "time" of Lykourgos (and that of the *Great Rhetra*) from an entirely different perspective, the dates are acceptable, except the dating of the *Great Rhetra* itself. The significance of the study is that it is an example of the "careful research" of Pausanias, and mainly of Plutarch. See also: Lazenby J. F.: *The Spartan army*. Warminster, 1985. 63-65.
15. Pausanias III. 2. 3-4.

16. As far as we know, Lykourgos was not associated with the ephor-lists, but this does not necessarily mean that his activities took place before 754. Rather, this is an argument for the lateness of the list, therefore also an argument against its applicability to early times.
17. Between Theseus and Solon. The former can be precisely dated with respect to Troy, which was the fundamental point of reference in Greek chronology, and he had an illustrious place in mythical remembrance, while the latter was handed over to the following generation in poems and laws. Plutarch commented upon this topic in the first chapters of the biography of Theseus. It is here that we find one part of Plutarch's ars poetica as historian, the other part is in the introduction of the biography of *Demosthenes*. Thus, to use the works of geographers as an analogy, Theseus is beyond the boundaries of history, while Lykourgos is still inside.
18. Aristotle Politics. 1274 a.
19. We do not suggest that Eunomos' name was invented with respect to that of Lykourgos. It may point to the time of *eunomia*, and it may have been Lykourgos who was invented (these are only examples), or simply they needed additional names in order to harmonize the two king-lists, etc. (it is also possible that the mother gave this name to her child, without considering subsequent historians.)
20. Plut. Lyk. 2. 5.
21. Plut. Lyk. 2. 6.
22. Plut. Lyk. 5. 10.
23. Plut. Lyk. 3. 1. and 3. 6.
24. How else could we interpret the following sentence of the biography of Solon: "ekeinos (i.e. Lykourgos) ... bebasileukos ... polla" (Plut. Solon 16. 2.) ?
25. Plut. Lyk. 7. 2.
26. To be more precise, Archelaos is mentioned – entirely out of context – once (5.9). It should be noted that his name seems to be an anagram of his fellow ruler (symbasileuonta). Plutarch quotes a phrase of Kharilaos to shed light on his character, but this *bon mot* can be found elsewhere in his biographies, which makes it quite certain that it has no relevance for the story of Lykourgos. The plural form of the word "king" can be found twice (5. 1–2.) but in a way that is too general to reflect anything else beside the fact that Plutarch was aware of the duality of kings.
27. Cf.: Szegedy-Maszák, A.: Legends of the Greek Lawgivers. GRBS 19, 1978, 205.; Link, S.: Die Gesetzgebung in epizephyrischen Lokroi. Klio, 74, 1992, 11–24.
28. Cf.: Plut. Lyk. 5. 12.
29. Here, the story of Plutarch is contradictory. Two versions are interwoven. In one of them, he flees into a shrine to escape the stones thrown at him, in the

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other, although he loses one of his eyes, eventually he manages to control the situation. However, the passage is important for the interpretation of the name of a shrine and its connection to Lykourgos.

30. Plut. Num. 26. (4.) 15.
31. Her. I. 65.
32. *ibid*
33. We cannot determine what actually happened in the temple of the Pythioi. This is how the tradition recorded the events.
34. Plut. Lyk. 29. 1–5.
35. See: Andrewes, A.: *The Greek Tyrants*. London, 1956, 76.
36. Cf.: Herodotus VI. 57. Plut. Lyk. 10., 17., 26. Xenophon 2., 15. One of the poems of the seventh century poet, Alkman, is also typical (D 49.): (I hand the three-legged bowl to you,/ into which much food will go...)
37. Plut. Lyk. 29. 7.
38. Plut. Lyk. 13.
39. Plut. Lyk. 19. and 29. 6.
40. See Busolt, G.: *Griechische Staatskunde*. München, 1920–26. I. 43.
41. As a counterpoint to the facts preserved by tradition, it is worth taking a look at the oldest extant Greek inscription, the constitution of Dreros (ML 2). The few lines describe the period of service (one year) of the kosmos, who was the chief leader of the polis and also stipulates that a ten year break is needed to reelection. (Nota bene: Dreros is a Cretan town) On the topic see: Ehrenberg, V.: *An Early Source of Polis-Constitution*. *Class. Quart.* 37, 1943, 14–18.
42. IG V 1,1 is a good – and perhaps best-known – example. A more complete text is in Loomis, W. T. *The Spartan War Fund*. IG V 1,1 and a New Fragment. Stuttgart, 1992. An example of the inscriptions that survived in the text of the historians could be Thukydides 5,23. The alliance of Athens and Sparta in 421 B.C.

