

## CROOKED SPEECH: THE GENESIS OF THE SPARTAN RHETRA

THIS paper argues for a new interpretation of the rider to the Spartan rhetra. The rider's obscure terms should not be pressed for specific institutional correlates, for its language draws upon the imagery of the exposure of deformed children. The primitive nature of the thought behind the rider suggests that it may actually be an older document than the main text of the rhetra, and such a hypothesis helps to resolve some difficulties concerning the rhetra itself and early Spartan history.<sup>1</sup>

### RHETRA AND RIDER

Plutarch quotes and discusses the ('great') rhetra,<sup>2</sup> Sparta's archaic constitutional document, supposedly bestowed by Delphi on Lycurgus, in *Lycurgus* 6;<sup>3</sup> it is universally held that Plutarch's source for the rhetra and his commentary upon it was the Aristotelian *Constitution of the Spartans* ('Aristotle' is cited on the exegesis of Babyca and Cnacion at 6.2, and referred to many times in the *Life*):<sup>4</sup>

Διδὸς Σουλανίου καὶ Ἀθανᾶς Σουλανίας ἱερὸν ἰδρυσάμενον, φυλάς φυλάξαντα καὶ ὠβάς ὠβάξαντα, τριάκοντα γερουσίαν σὺν ἀρχαγέταις καταστήσαντα, ὥρας ἐξ ὥρας ἀπελλάζειν μεταξὺ Βαβύκας τε καὶ Κνακίωνος, οὕτως εἰσφέρειν τε καὶ ἀφίστασθαι. δάμω δὲ τὴν κυρίαν ἡμεν καὶ κράτος.<sup>5</sup>

<sup>1</sup> P.A. Cartledge, *PRAI* lxxx C (1980) 91 notes that the rhetra has been the subject of more scholarship than any other text of comparable length in Greek history. My citations of scholarly views must therefore be selective, and the reader is referred for remoter doxography to: J.H. Oliver, *Demokratia* (Baltimore 1960) 19 n.18; E.N. Tigerstedt, *The legend of Sparta in classical antiquity* i (Lund 1965) 51-61, 350-64, n.b. 351 n.344; P. Oliva, *Sparta and her social problems* (Prague 1971) 71-102; J. Ducat, *REG* xcvi (1983) 202-4.

<sup>2</sup> For the term *rhetra* cf. H.T. Wade-Gery, *Essays in Greek history* (Oxford 1958) 62-5.

<sup>3</sup> So Plut. *loc. cit.*; Tyrtaeus *fr.* 4 West (fr. 3ab Diehl), which Plutarch quotes, also says the rhetra was bestowed by Delphi, though not on Lycurgus; Wade-Gery (n. 2) 55-6 thinks that it was from this fragment of Tyrtaeus that Aristotle and Plutarch got the idea that the rhetra was an oracle; but for Plutarch the word *rhetra* itself meant a god's pronouncement (*Lyc.* 13.11; cf. W. Den Boer, *Laconian studies* [Amsterdam 1954] 159); also, at *De Pythiae oraculis* 403e he says that oracular *rhetrai* were given to Lycurgus in prose.

So too Herodotus i 65 tells that some said that the Pythia dictated his laws to Lycurgus, though the Spartans themselves claimed that he brought them from Crete; Xenophon *Lac. Pol.* 8.5 says he had the laws he had already drawn up sanctioned after the fact by the oracle. Cf. Tigerstedt (n.1) i 60, 353 n.356, 363 n.433.

The rhetra is considered to have been an oracle in origin by, e.g., G. Busolt and H. Swoboda, *Griechische Staatskunde* i<sup>3</sup> (Munich 1926) 43; N.G.L. Hammond, *JHS* lxx (1950) 58; G.L. Huxley, *Early Sparta* (London 1962) 121 n. 283; W.G.G. Forrest, *Phoenix* xvii (1963) 179; cf. Oliva (n. 1) 71-2; Cartledge (n. 1) 100.

Wade-Gery (n. 2) 37, 62 denies that the rhetra was in origin an oracle; L.H. Jeffrey, *Historia* x (1961) 147, J. Fontenrose, *The Delphic Oracle* (Berkeley 1978) 271, E. Lévy, *Ktèma* ii (1977) 88-9 and Cartledge (n. 1) and *Agesilaos* (London 1987) 103, 111 think the rhetra a genuine document of the first half of the seventh century dressed up in the guise of a Delphic oracle.

It is unclear from what point the rhetra was written down: Plutarch says that the kings 'wrote in' the rider (παρενέγραψαν, on the meaning of which cf. Lévy *op. cit.* 100-1). Plutarch elsewhere denies that Sparta had any written laws (*Lyc.* 13.1; *Mor.* 227b), despite his own research 'in the Laconian records' (*Ages.* 19.10). Little can be concluded from the fact that Plutarch uses ῥήτρον γράφειν to mean 'propose a law' at Sparta at *Agis* 5.3 and 9.1 since γράφειν need not be read literally here, nor from the fact that the Athenian Lycurgus had a Spartan law read out in court (*Leoc.* 129). Cf. D.M. MacDowell, *Spartan law* (Edinburgh 1986) 3-5.

For Jeffrey *op. cit.* 145-6 the fact that the rhetra was a prose document in itself implies that its origin was written and not verbal. Nonetheless she finds verse elements in it: ὥρας ἐξ ὥρας, and the 'riggerole' of the *hapax legomena* φυλάζειν [?], ὠβάζειν, ἀπελλάζειν.

<sup>4</sup> However, given Plutarch's claim to have done research in the Laconian records (*Ages.* 19.10), MacDowell (n. 3) 10 thinks it possible that he got the text of the rhetra directly from there, though he still has to concede that Plutarch turned to Aristotle for his exegesis. Hammond (n. 3) 55-7 discusses the likely circumstances of the *Lac.Pol.*'s production.

<sup>5</sup> The MSS are in broad agreement about the text of the rhetra, and I make significant departure from them in only two places in the version I quote (which is the text as usually emended before Wade-Gery; cf. Wade-Gery [n. 2] 38; it is still the text of Tigerstedt [n. 1] 352 nn.347-8, except that he reads Wade-Gery's tempting τούτως [=

I offer a partly interpretative translation:

[I order you,] having founded a temple of Zeus Syllanios and Athene Syllania,<sup>6</sup> having tribed/preserved<sup>7</sup> the tribes and obeyed the obes, having established 30 as a council of elders together with the leaders/kings,<sup>8</sup> from time to time<sup>9</sup> to celebrate Apollo/hold assemblies<sup>10</sup> between Babyca and Cnacion,<sup>11</sup> thus to bring in and to set aside.<sup>12</sup> Ultimate authority and power is to be the people's.

Plutarch quotes the 'rider' separately, and he claims that it was added subsequently by the Spartan kings Theopompus and Polydorus because the people had distorted and perverted proposals by removal and addition (τῶν πολλῶν ἀφαιρέσει καὶ προσθήσει τὰς γνώμας διαστρεφόντων καὶ παραβιαζομένων):

Αἰ δὲ σκολιᾶν ὁ δᾶμος ἔροιτο, τοὺς πρεσβυγενέας καὶ ἀρχαγέτας ἀποστατήρας ἦμεν.

[I order that] if the people speaks crookedly, the elders and leaders/kings be setters aside.<sup>13</sup>

Attic τούτους] where I think the MSS' οὕτως is preferable). Firstly, and uncontroversially, I read with virtually all scholars ἰδρυσάμενον for the MSS' -ος. Secondly, there is great difficulty over the interpretation of the final phrase: all MSS alike read γαμῶδανγοριανημην καὶ κράτος (with one trivial variation in Z, -ιμην). K.M.T. Chrimes, *Ancient Sparta* (Manchester 1949) 479-82, building on A. von Blumenthal, *Hermes* lxxvii (1942) 211-3, makes an excellent case for reading this, with minimal editing, as γ-/δ-αμῶδαν γορίαν ἦμην (= Attic δημότων κυρίαν εἶναι), and I think this may well be correct. At any rate, something akin to this or Tigerstedt's reading is invited by Plutarch's gloss, ἐπικρίναι κύριος ἦν ὁ δῆμος. Wade-Gery's δάμω δ' ἀνταγορίαν ἦμεν καὶ κράτος has proved popular ([n. 2] 41); cf. Den Boer (n. 3) 176-80; F. Kiechle, *Lakonien und Sparta* (Berlin 1963) 152, 155; Oliva (n. 1) 96, except that he prefers δαμῶ. Two conjectures (in which I have no confidence) deserve quoting for their thematic relevance to this paper: γαιάδαν ἰθείαν ἴεμεν κακ κρατός, A.G. Tsopanakis, *La rhète de Lycurge* (Salonika 1954) 39; Φόρσιαν (= ὄρθιαν, sc. φωνῆν) ἴεμεν κακ κρατός, F.R. Adrados, *Emerita* xxii (1954) 271-77.

MSS variants and other editorial conjectures are discussed in Ziegler's apparatus, and at Hammond (n. 3) 44; Tsopanakis *op. cit.* 8-14, 33; Oliver (n. 1) 20; Tigerstedt (n. 1) 352 nn.347-8; Oliva (n. 1) 72-4.

<sup>6</sup> See appendix for discussion of the meaning of this epithet. The Pythia sometimes prefaced responses with instructions to found temples; Jeffrey (n. 3) 146; H.W. Parke and D.E.W. Wormell, *The Delphic oracle* i (Oxford 1956) 322.

<sup>7</sup> Should φυλάξαντα here be related to φύλασσω, 'keep safe,' or a verb derived from φύλη (φυλάζω?) as ὠβάξαντα is derived from ὠβά, presumably to mean 're-organise the tribes'? The paraphrases of Plutarch and Aelius Aristides *Panath.* 192 read the phrase as 'dividing up the tribes' (διελών, κατανείμοι). Perhaps the ambiguity and wordplay, beloved of the Delphic oracle, were intentional: φύλασσω will have been chosen for its fortunate ambivalence in context, and ὠβάξαντα will then have been calqued upon φυλάξαντα as if it were built on φύλη (however the differing quantities of the υ in φύλη and φύλασσω may rule out the possibility that the oracle exploited the ambiguity in a hexameter text). Discussion of the context and possible implications of this phrase can be found at Wade-Gery (n. 2) 71-80; Chrimes (n. 5) 480; Jeffrey (n. 3) 146 (with observations on Laconian verbal forms in -δδω for -ζω); Den Boer (n. 3) 170-1; Tigerstedt (n. 1) 358 n.403, 360 n.408; Oliver (n. 1) 21; Kiechle (n. 5) 150-1; Oliva (n. 1) 78-87; Levy (n. 3) 91-4; K.-W. Welwei, *Gymnasium* lxxxvi (1979) 178-96. Possibly the language was chosen as a propagandist trick: similarly the oligarchs at Athens in 411 claimed that their revolution was really a return to the original form of the constitution—Solon's; cf. A. Fuks, *The ancestral constitution* (London 1953) esp. 9-10, 66-7, 107-10.

<sup>8</sup> See below on the rider for this term.

<sup>9</sup> This may have in effect meant at every full moon, which appears from Schol. Thuc. i 67 to be when the assembly met; cf. Wade-Gery (n. 2) 46; Oliva (n. 1) 92.

<sup>10</sup> For the meaning of ἀπελλάζειν, see Wade-Gery (n. 2) 44-7; Chrimes (n. 5) 487-8; Oliva (n. 1) 91; W. Burkert, *RhM* cxviii (1975) 1-21; Levy (n. 3) 95-6, who interestingly notes that ἀπέλλα can mean animal folds, and finds it significant that *Karneios* (κάρνος, ram) was Apollo's major epithet at Sparta.

<sup>11</sup> See Appendix for these places.

<sup>12</sup> The difficult ἀφίστασθαι is discussed below in conjunction with the rider's ἀποστατήρας.

<sup>13</sup> Plutarch's explanation of the rider makes sense when seen in the context of Theognis 805-10, where straightness is especially important for those dealing with oracles (as Plutarch believes the main text of the rhetra to have been):

There does indeed seem to be a contradiction between the last line of the rhetra, which affirms the ultimate authority of the people, and the rider, which affirms the ultimate authority of the king and elders.<sup>14</sup> There is then, *prima facie*, a good case for believing, with Aristotle and Plutarch, that the two parts of the rhetra had separate origins.<sup>15</sup> However, most modern scholars believe that the rider was originally part of the rhetra and only subsequently separated off.<sup>16</sup>

The rider is referred to in a difficult fragment of Tyrtaeus' *Eunomia*, fr. 4 West (a conflation of 3a and b Diehl):

Φοίβου ἀκούσαντες Πυθωνόθεν οἴκαδ' ἔνεικαν  
μαντείας τε θεοῦ καὶ τελεέντ' ἔπεα.  
ἄρχειν μὲν βουλῆς θεοτιμήτους βασιλῆας,  
οἷσι μέλει Σπάρτης ἡμερέεσσα πόλις,  
πρεσβυγενέας<sup>17</sup> τε γέροντας, ἔπειτα δὲ δημότας ἀνδρας  
εὐθείαις ῥήτραις<sup>18</sup> ἀνταπαμειβομένους,  
μυθεῖσθαί τε τὰ καλὰ καὶ ἔρδειν πάντα δίκαια,  
μηδὲ τι βουλευεῖν τῆιδε πόλει <σκολιόν>.<sup>19</sup>  
δήμου δὲ πλήθει νίκην καὶ κάρτος ἔπεσθαι·  
Φοῖβος γὰρ περὶ τῶν ᾧδ' ἀνέφηνε πόλει.

Having listened to Phoebus they brought home from Pytho oracles of the god and sure predictions. The divinely honoured kings, whose care is Sparta's lovely city, and the aged elders were to initiate counsel. And then the men of the people, responding with straight utterances, were to say fine things and do all things justly, and not counsel anything <crooked> for this city. Victory and power were to follow the mass of the people. Such was the revelation that Phoebus made to the city about these things.

Most terms in the rider have been the subject of scholarly controversy. I therefore offer five partly technical notes justifying the above translation of it; they may be passed over if the reader already accepts the translation.

τόρνον καὶ στάθμης καὶ γνώμονος ἀνδρα θεωρὸν  
εὐθύτερον χρῆ <ε>μεν, Κύρνε, φυλασσόμενον,  
ᾧτινὶ κεν Πυθῶνι θεοῦ χρήσασ' ἰέρεια  
ὀμφῆν σημήνηι πίνος ἐξ ἀδύτου.  
οὔτε τι γὰρ προσθεῖς οὐδέν κ' ἔτι φάρμακον εὐροις,  
οὔδ' ἀφελῶν πρὸς θεῶν ἀμπλακίην προφύγοις.

A man on a sacred embassy, to whomever the priestess of the god at Pytho prophesies and makes utterance from the rich shrine, must be sure to be straighter than a plumb-line and a ruler and a set-square, Cymus. For you could find no cure afterwards if you were to add something, nor could you escape from your sin before the gods if you had taken something away.

Just as Plutarch explains the rider's bar on crooked speech by saying that the *damos* was twisting motions by addition and subtraction (ἀφαιρέσει καὶ προσθέσει τὰς γνώμας διαστρεφόντων καὶ παραβιάζομένων), so too Theognis contrasts the process of addition and subtraction with straight behaviour.

*Cf.* on this passage of Theognis Wade-Gery (n. 2) 56 n. 1; B.A. Van Groningen, *Theognis. Le premier livre* (Amsterdam 1966) 311; Nagy in G. Nagy and T.J. Figueira, eds., *Theognis of Megara: Poetry and the Polis* (Baltimore 1985) 36-41, and *cf.* also Theognis 543-4 and 945-8. Nagy adduces Solon fr. 5 West, where he associates his *dike* with his refusal to take away from either of the two sides (ἀφελῶν).

<sup>14</sup> Lévy's argument ([n. 3] 102) that the rider actually represents a 'democratic' evolution of the main text of the rhetra, on the grounds that it recognises the people's right of initiative, is implausible.

<sup>15</sup> *Cf.* Forrest (n. 3) 159 on Aristotle's thinking here.

<sup>16</sup> Wade-Gery (n. 2) 37, 39; Oliva (n. 1) 98; A.H.M. Jones, *Sparta* (Oxford 1967) 31; Cartledge (n. 1) 99. However Tigerstedt (n. 1) i 55-1 insists that the two parts of the rhetra are contradictory, and that they cannot be interpreted otherwise than in the way Aristotle and Plutarch interpret it; Chrimes (n. 5) 415-8 etc. also insists that the rider has a separate origin.

<sup>17</sup> πρεσβυγενεῖς δὲ, V (-έας Bergk): πρεσβύτας τε, Plut.

<sup>18</sup> εὐθείην ῥήτραις, V, accepted by Tsopanakis (n. 5) 79, on the model of σκολιόν in the rider; εὐθείων ῥήτραις, Hammond (n. 3) 48.

<sup>19</sup> Bach's supplement is universally accepted. For εὐθύς and σκολιός as a corresponding pair, *cf.* *Skolion* 9.

1. Σκολιάν is a feminine accusative adjective,<sup>20</sup> used almost adverbially: cf. Aristophanes *Birds* 1 ὀρθὴν κελεύεις and Aristophanes *Thesm.* 382 μακρῶν ἔοικε λέξειν (where LSJ s.v. μακρός II.2 suggest ‘sc. ῥῆσιν’).<sup>21</sup> In view of these parallels it seems wrong to supply with σκολιάν any very significant word. However Chrimes constructed a strong argument that the word to be supplied was δίκην, which clearly would modify the meaning of the phrase significantly; she cites a large number of instances in Homer, Hesiod and other archaic poets in which δίκη is qualified by σκολιός or a similar word relating to the metaphor of crookedness or straightness.<sup>22</sup> Chrimes is certainly right about the prevalence of the judicial significance of crookedness/straightness metaphors in archaic literature, but it is nonetheless very difficult to understand the rider as implying ‘popular approval of verdicts in criminal trials.’<sup>23</sup>

Tsopanakis thinks that the metaphor means ‘unclear’ or ‘ambivalent,’<sup>24</sup> but something of the order of ‘wrong,’ ‘deceitful’ or ‘not in accordance with the wishes of the gerousia’ seems more likely (Suda appositely glosses σκολιός: ὁ πανοῦργος), and such is the belief of most scholars.<sup>25</sup> We shall return to the exact significance of the word below.

2. Ἔροιτο. The reading of the MSS. is now generally accepted as correct, and it is accepted to mean ‘speak.’ Tyrtaeus’ εὐθείαις ῥήτραις and (if correct) βουλεύειν... <σκολιόν> certainly support this understanding (Plutarch’s paraphrase does not really help in the interpretation of this individual word). In the past both the form and meaning of the word have been held under suspicion since a word of this precise form is not elsewhere attested with the precise meaning ‘speak,’ and many emendations have therefore been proposed.<sup>26</sup> The problem was that the word seemed to be related in (presumed) meaning to the future ἐρέω ‘will speak’ (to which the Homeric εἶρω supplies a present), but was closest in form to an optative from the vestigially attested ἔρομαι, ‘ask’ (the aorist ἠρόμην and the epic present ἐρέω are familiar).<sup>27</sup> However, ἔροιτο can in fact be a (strong aorist?) optative regularly formed on root I of the

<sup>20</sup> Von Blumenthal’s conjecture ([n. 5] 213) that it is a Doric genitive feminine plural (σκολιῶν sc. ῥητρῶν, comparing Tyrtaeus’ εὐθείαις ῥήτραις) is only acceptable if we derive ἔροιτο from ἔραμαι (‘if the people should hanker after crooked *rhetrai*’). This wild suggestion has found no support.

<sup>21</sup> Cf. also the adverbially employed accusatives of feminine nouns, μάτην and ἀρχήν (cf. P. Chantraine, *Morphologie historique du grec* [Paris 1973] 120). Other suggestions for the word to be supplied with σκολιάν, if any is needed, include ῥήτρων (von Blumenthal [n. 5]; Wade-Gery [n. 2] 40), which is perhaps invited by Tyrtaeus’ εὐθείαις ῥήτραις; ὁδόν (Hammond [n. 3] 48, comparing Pindar *Pyth.* 2.156). Den Boer (n. 3) 176-80 implausibly reads σκολιάν as predicative with a noun, such as ῥήτρων, to be supplied, to pick up the proposal implied by εἰσφέρειν; he thus has the clause mean: ‘if the people declare the proposal to be wrong.’

<sup>22</sup> Chrimes (n. 5) 416-18, 478. Chrimes thinks the meaning of the phrase is ‘if the people should get a crooked judgement given to it [sc. by the kings].’ She cites, e.g., Hom. *Il.* xvi 387, σκολιάς... θέμιστας; Hesiod *Works* 221, σκολιῆς... δίκης; Solon *fr.* 4 West 32-6, δίκας σκολιάς. Note also that ἀδικα is one of the words chosen by Hesychius to gloss σκολιά; cf. Kiechle (n. 5) 163.

<sup>23</sup> However n.b. Tyrtaeus *fr.* 3a.7 δίκαια, and cf. Tyrtaeus *fr.* 3ab.6 ἀνταπομειβομένουσ with *Il.* xviii 506 ἀμοιβηδὶς δὲ δικάζον.

<sup>24</sup> Tsopanakis (n. 5) 55-6. He adduces a line from an oracle given to Homer in the pseudo-Plutarchean life: δυσξύνετον σκολιοῖσι λόγοις εἰρημένον ὕμνον (*A.P.* xiv 66).

<sup>25</sup> Oliva (n. 1) 99-100; W.G.G. Forrest, *History of Sparta* (London 1968) 49 presses the word too hard for an institutional correlate in translating it “‘distorted’”, by amendment or counter-proposal from the floor ... after the gerousia has presented a formal motion’; Wade-Gery (n. 2) 39 too, who understands it as ‘[met with] excessive amendment,’ seems to have wandered rather far from the metaphor. Oliver (n. 1) 35 explains the term as meaning ‘in anything but the straight (i.e. traditional) word or command,’ which is less objectionable.

<sup>26</sup> See Oliva (n. 1) 99 and Tigerstedt (n. 1) 352 n.350 for views. Suggested alternatives have included ἔλοιτο (Sintenis, Rudolph); αἶροιτο (Reiske, Ziegler, Flaceliere); αἰρέοιτο (Wilamowitz); ἐρέοιτο (von Blumenthal); εἶροιτο (Wade-Gery). Ἔροιτο is accepted by Chrimes (n. 5) 482; Den Boer (n. 3) 181; Tsopanakis (n. 5) 53n2; Kiechle (n. 5) 164n1; Huxley (n. 3) 44; Hammond (n. 3) 45n21, Oliver (n. 1) 34.

<sup>27</sup> Von Blumenthal’s attempt to relate the word to ἔραμαι, ‘desire’, has received no support.

‘speak’ root, deriving from *\*werE-o-i-to*, just as the future form ἐρέω derives from *\*werE-s-o* and the Homeric present εἶρω derives from *\*werE-i-o*.<sup>28</sup> That the precise form is not elsewhere attested should not perturb us, for unique forms are frequent in pre-classical Greek, as Wade-Gery notes, and in any case we have very few early archaic Laconian texts.<sup>29</sup> (The ‘ask’ root, ἐρF-, which came to resemble the ‘speak’ root, derives from a root version III *\*Erw-*, with the epic ἐρέω deriving from the corresponding root version II *\*Erew-*; cf. ἐρευ-νάω.)<sup>30</sup>

3. Πρεσβυγενέας. This word, associated with ἀρχαγέτας, appears *in context* to refer vaguely to the τριάκοντα γερουσίαν σὺν ἀρχαγέταις, the council of elders and kings, of the main rhetra. It is reflected in Tyrtaeus’ πρεσβυγενέας or πρεσβύτας.

4. Ἀρχαγέτας. This, the least controversial term in the rider, is glossed with *basileis*, ‘kings,’ by Plutarch, and all scholars accept that this is what the word means here<sup>31</sup> (we shall consider its exact nuances below). Again, *in context*, it appears to pick up the same word in the main text of the rhetra. The term is less directly reflected by Tyrtaeus’ βασιλῆας.

5. Ἀποστατήρας. This is by far the most disputed term in the entire rhetra. I shall lay out my interpretation of it dogmatically:

Firstly, we must accept that any understanding of the term must be tied to the understanding of its cognate in the main text of the rhetra, ἀφίστασθαι, which, *in context*, it appears to pick up.<sup>32</sup>

Secondly, we must accept that in the main text ἀφίστασθαι forms a close (but probably disjunctive) pair with εἰσφέρειν, to which it is linked by τε καὶ.<sup>33</sup> This may be implied by Aristotle’s account of the Carthaginian constitution, which seems to have been partly inspired by his understanding of the Spartan: τοῦ μὲν γὰρ τὰ μὲν προσάγειν τὰ δὲ μὴ προσάγειν πρὸς τὸν δῆμον οἱ βασιλεῖς κύριοι μετὰ τῶν γερόντων, ‘the kings, together with the elders, have the power both of introducing and refusing to introduce motions to the people’ (*Pol.* 1273a5-8).<sup>34</sup>

<sup>28</sup> Wade-Gery (n. 2) 50 (cf. Kiechle [n. 5] 164) well makes the point (without comparative philology) that the word should be related to this general root. For the etymology of ἐρέω etc. cf. P. Chantraine, *Dictionnaire étymologique de la langue grecque* (Paris 1968-77) s.v. 2 εἶρω; H. Frisk, *Griechisches etymologisches Wörterbuch* (Heidelberg 1960-72) s.v. 2 εἶρω. Ἐρέω derives from root version I (*\*werE*), whereas εἶρηκα, εἶρημα, ἐρρήθην, ῥητός, ῥητήρ, ῥῆμα, ῥῆσις, ῥήτρα etc. derive from root version II (*\*wreE*). I know of no Greek words thought to be built on root version III, *\*wrE* (Ionic εἰρέθην etc., which could theoretically be built on it, seems to be a Greek innovation).

<sup>29</sup> (n. 2) 50.

<sup>30</sup> Cf. Chantraine (n. 28) s.v. 1 ἐρέω; Frisk (n. 28) s.v. εἶρωμα. For the root, cf. R.S.P. Beekes, *The development of the Proto-Indo-European laryngeals in Greek* (Paris and The Hague 1969) s.v. ἐρευνάω and M. Peters, *Untersuchungen zur Vertretung der indogermanischen Laryngale im Griechischen* (Vienna 1980) 244, who compare Old Icel. *raun*, ‘attemp’, ‘examination’, <*\*rouna*. Root version I, from which no attested Greek forms are thought to be drawn, is *\*Eerw*.

The extent to which the roots of ‘speak’ and ‘ask’ became assimilated in Greek can be seen from a perusal of *LSJ* s.v.v. εἶρω (B), εἶρω (C), ἐρέω (A), ἐρέω (B) and ἐρωμα.

<sup>31</sup> Thus Oliver (n. 1) 22; Jeffrey (n. 3) 144-5; Kiechle (n. 5) 158-9; Oliva (n. 1) 90; Lévy (n. 3) 94-5.

<sup>32</sup> Plutarch glosses ἀποστατήρας ἡμῶν by ἀφίστασθαι; that the meanings of these two phrases must be the same, at some level, is recognised by Wade-Gery (n. 2) 39-40; Oliver (n. 1) 35; D. Butler, *Historia* xi (1962) 391. However Tsopanakis (n. 5) 37-52 gives the two words entirely different meanings, understanding ἀποστατήρας ἡμῶν as ‘be separators of the people’ (for precise calculation of votes) and ἀφίστασθαι as ‘accept’.

<sup>33</sup> Wade-Gery (n. 2) 48-9 cites Aesch. *PV* 927 τὸ τ’ ἀρχεῖν καὶ τὸ δουλεύειν as an example of the disjunctive use of τε... καὶ.

<sup>34</sup> Cf. Wade-Gery (n. 2) 49; Hammond (n. 3) 46; Butler (n. 32) 387-9.

Therefore ἀφίστασθαι ought, like εἰσφέρειν, to be transitive,<sup>35</sup> and have the same implicit subject and object;<sup>36</sup> it well suits ἀποστατήρ to have a transitive significance, as it has a distinctive agent suffix in -τήρ.<sup>37</sup> The words therefore denote some kind of setting aside. (However many scholars have argued that ἀφίστασθαι and ἀποστατήρας have an intransitive significance.)<sup>38</sup>

The ‘subject’ of ἀποστατήρας in the rider is kings and gerousia, and there is no good reason not to treat this as the putative subject of both εἰσφέρειν and ἀφίστασθαι in the main text too. If we accept in the main text the οὕτως of the MSS, the grammatical subject of εἰσφέρειν and ἀφίστασθαι (and indeed ἀπελλάζειν) ought strictly to be the singular male indicated by ἰδρυσάμενον etc., but this makes no sense now that we have clearly moved on from the prescriptions for the initial establishment of the constitution to the prescriptions for its routine operation.<sup>39</sup> We have to assume that an unexpressed subject has supplanted the last expressed one, and this is most easily supplied from τριάκοντα γερούσιαν σὺν ἀρχαγέταις. If we were to accept Wade-Gery’s emendation of οὕτως to τούτως (= Attic τούτους),<sup>40</sup> we would after all find this subject formally expressed. However the acceptance of this emendation, and with it the implicit rule that all the rhetra’s verbs have their subjects expressed, would compel us to read the initial singular male in ἰδρυσάμενον as the subject of ἀπελλάζειν, which it no more suits than it does ἀφίστασθαι or εἰσφέρειν. It is better to assume that no subjects are expressed and that the subject to be supplied to ἀπελλάζειν is the *damos*,<sup>41</sup> and the subject to be supplied to ἀφίστασθαι and εἰσφέρειν is the *gerousia* and *archagetai*.

The implied ‘object’ of both ἀφίστασθαι and εἰσφέρειν is some sort of speech. It is the speech of the protasis of the rider that forms the most natural object of the setting aside in its apodosis. So too in the main text, most scholars are agreed that the object of εἰσφέρειν is a proposal of some sort;<sup>42</sup> a proposal of some sort should consequently be the object of ἀφίστασθαι too. If the two words do indeed form a disjunctive pair, then just as εἰσφέρειν means ‘to bring in a motion,’ ἀφίστασθαι ought to mean something akin to ‘take a motion out’; I agree with Butler that ‘the natural meaning is somehow to *unmake* a law’ (Butler’s

<sup>35</sup> It is taken as such by V. Ehrenberg, *Hermes* lxxviii (1933) 297-8 and Oliver (n. 1) 23, 35, but their interpretation of the meaning of the term as ‘to make final decisions’ is wild.

<sup>36</sup> Hammond (n. 3) 44 n.11 requires that εἰσφέρειν and ἀφίστασθαι have the same subject.

<sup>37</sup> Cf. E. Benveniste, *Noms d’agent et noms d’action en indo-européen* (Paris 1948) 34-44; Chrimes (n. 5) 483 n.4 argues strongly that ἀποστατήρ must be transitive and mean ‘one who sets aside’; pace Den Boer (n. 3) 182 n.1.

<sup>38</sup> Thus Wade-Gery (n. 2) 48-50; Hammond (n. 3) 44 n.11; Den Boer (n. 3) 154-5, 164-5; Butler (n. 32) 391, 395; Kiechle (n. 5) 152-3; Forrest (n. 25) 47-8; Lévy (n. 3) 96-7; Cartledge (n. 1) 99 and (n. 3) 125. Oliva (n. 1) 93 actually takes ἀφίστασθαι as passive (cf. Hammond’s ‘passive in meaning’), but this is surely impossible to reconcile with the agent suffix of ἀποστατήρ.

Wade-Gery translates the word ‘to decline to take a path,’ this partly because of the analogy of Aristotle on the Carthaginian constitution (τὸ δὲ μὴ προσάγειν, quoted above). He cites what he regards as the closest parallel usage, Thuc. iv 118.9, οὐδενὸς γὰρ ἀποστήσονται ὅσα ἂν δίκαια λέγητε, where ἀποστήσονται clearly is used intransitively (though it is used transitively elsewhere). Hammond’s objections to Wade-Gery’s argument are not compelling. But in any case this may be a perverse Thucydidean syntactical innovation. And indeed, the grammar of the rhetra may be a law unto itself (witness ἐροίτο).

Despite Wade-Gery’s intransitive reading of the ἀφίστασθαι and ἀποστατήρας, our understandings of the overall meanings of the respective phrases are not very far apart.

<sup>39</sup> Cf. Oliver (n. 1) 23; Oliva (n. 1) 96-97.

<sup>40</sup> Wade-Gery (n. 2) 38.

<sup>41</sup> As Wade-Gery (n. 2) 43-4 himself accepts.

<sup>42</sup> E.g. Chrimes (n. 5) 483-4; Den Boer (n. 3) 164. Εἰσφέρειν is a regular term in Attic for the proposal of a motion (e.g. Aristotle *Pol.* 1273b); cf. Hammond (n. 3) 43.

italics).<sup>43</sup>

The most serious problem for this understanding of the word is the fact that it contradicts Plutarch's exegesis: Plutarch thinks that ἀφίστασθαι is transitive, but takes as its object the *damos*. He thinks therefore that it is the job of the kings and elders to dissolve the assembly (διαλύειν τὸν δῆμον) when it speaks crookedly.<sup>44</sup> Wade-Gery concludes that Plutarch simply got it wrong.<sup>45</sup> Tsopanakis suspects, after an analysis of Plutarch's glosses on the difficult terms of the rhetra, that he is vague here because he didn't feel he knew what ἀφίστασθαι meant.<sup>46</sup>

Some modern scholars have wrongly attempted to press highly sophisticated constitutional procedures from this relatively simple word. An extreme example is afforded by Tsopanakis, who argued that ἀποστατήρας ἦμεν denotes the exact counting of votes in the Apella, with σκολιάν being taken to mean that the wishes of the people as a whole were unclear: 'mais si l'acclamation du peuple est difficile à interpreter (à discerner), que les gerontes et les rois séparent le peuple.'<sup>47</sup>

#### APOTHESIS, 'EXPOSURE'

The primary significance of the rider can be seen when it is compared to Plutarch's subsequent description of the custom according to which Spartan elders scrutinise newborn children for deformity and expose them where appropriate (*Lycurgus* 16).

Τὸ δὲ γεννηθὲν οὐκ ἦν κύριος ὁ γεννήσας τρέφειν, ἀλλ' ἔφερε λαβὼν εἰς τόπον τινὰ λέσχην καλούμενον ἐν οἷ καθήμενοι τῶν φυλετῶν οἱ πρεσβύτατοι καταμαθόντες τὸ παιδάριον, εἰ μὲν εὐπαγὲς εἴη καὶ ῥωμαλέον, τρέφειν ἐκέλευον, κλήρον αὐτῷ τῶν ἐνακισχιλίων προσνείμαντες. εἰ δ' ἄγεννὲς καὶ ἄμορφον, ἀπέπεμπον εἰς τὰς λεγόμενας Ἀποθέτας. παρὰ τὸ Ταύγετον βαραθρῶδη τόπον, ὡς οὐτ' αὐτῷ ζῆν ἄμεινον οὕτῃ τῇ πόλει τὸ μὴ καλῶς εὐθὺς ἐξ ἀρχῆς πρὸς εὐεξίαν καὶ ῥώμην πεφυκός.

A father did not have authority to rear his child, but he would take it and bring it to a place called a 'meeting-place,' sitting in which the eldest of the tribesmen would scrutinise the baby, and if it was well-made and strong, they would bid him rear it, allotting to it a plot from the 9,000. But if it was feeble and misshapen, they would send it away to the so-called 'Putting-asides,' a crevasse-like place beside Taygetus, on the ground that it was better neither for itself nor the city that a child not soundly born for health and strength should live.<sup>48</sup>

For reasons that will become clear, I think that Plutarch is here drawing in part upon an archaic set of formal precepts for the statements that address the process of scrutiny and rejection itself.<sup>49</sup>

The concentration of correspondences between this set of rules and the rhetra's rider are

<sup>43</sup> (n. 32) 390.

<sup>44</sup> Wade-Gery (n. 2) 48 points out that ἀφίσταναι means 'remove from office' at Xen. *Hell.* vii 1.45. Plutarch's understanding is basically accepted by Hammond (n. 3) 43-4 with n. 11; Butler (n. 32) Oliva (n. 1) 94-6, 100.

<sup>45</sup> (n. 2) 49.

<sup>46</sup> (n. 5) 11.

<sup>47</sup> Tsopanakis (n. 5) 40-52; cf. Tigerstedt (n. 1) i 355 n.376; Oliva (n. 1) 95.

<sup>48</sup> For exegesis of this passage, cf. M. Delcourt, *Stérilités mystérieuses et naissances maléfiques dans l'antiquité classique* (Liège and Paris 1938) 36-41; P. Roussel, *REA* xlv (1943) 5-17; MacDowell (n. 3) 52-4. A *lesche* appears to have been a sort of clubhouse, being both an official meeting-place and a place of recreation; cf. Plut. *Lyc.* 25.2-3; Paus. iii 15.8; cf. MacDowell (n. 3) 53.

<sup>49</sup> Plutarch appears to attribute the 'law' on exposure to Lycurgus since he includes it in his life, and his account of it follows on from his general point in c. 15 that Lycurgus did not consider that children belonged privately to their fathers.

remarkable: the demos' speech is to be scrutinised by elders, as is the new-born child; if the speech is misshapen, it is to be set aside, just as the misshapen baby is to be sent away to the 'Putting-asides.'

1. τοὺς πρεσβυγενέας, 'elders': τῶν φυλετῶν οἱ πρεσβύτατοι, 'the eldest of the tribesmen'. In both cases the scrutiny is undertaken by elders. How far did these two groups of elders actually overlap? Chrimes believed that τῶν φυλετῶν οἱ πρεσβύτατοι actually did denote the gerousia.<sup>50</sup> This entails reading τῶν φυλετῶν as referring to the tribesmen of all three Spartan (Dorian) tribes, Hylleis, Dymanes and Pamphyloi,<sup>51</sup> since clearly all three would have been represented on the gerousia (whether by formal prescription or not).<sup>52</sup> However τῶν φυλετῶν would more naturally refer solely to the tribesmen of the child's prospective tribe (its father's tribe). In this case the baby-scrutinising elders cannot have been identical to the gerousia; they may however have been those elder members of the tribe that made up the tribe's gerousial contingent, or the tribe's gerousial contingent may have been included among the baby-scrutineers.<sup>53</sup> However, it is sufficient for my argument that there be only a parallelism of thought here.

2. σκολιάν, 'crooked': ἀγεννῆς καὶ ἄμορφον, 'feeble and misshapen.' The 'ideal' kind of deformity for which children were exposed in ancient Greece seems to have been crookedness of the leg, which in practice must usually have meant a clubbed foot. We will discuss the thinking behind this below. The words σκολιός, σκέλος, 'leg' and σκελλός, 'of crooked leg' are all cognate. The root seems originally to have meant 'crooked,' in view of the Latin *scelus*, 'crime,' the exact formal equivalent of σκέλος. The root was presumably first applied to the leg in Greek because it crooks at the knee.<sup>54</sup> However there is much in the observation of Tsopanakis that σκολιός often bears a sense beyond that of merely 'crooked' and approaching rather 'twisted' or 'contorted'.<sup>55</sup>

Σκολιός and the foot are associated in the name for a metrical foot, otherwise known as the amphibrach, σκολιὸς πούς.<sup>56</sup> Two Hesychian glosses should be noted. Firstly, σκολιός and the clubbed foot are associated in Hesychius' gloss on μύσκλοι: σκολιοί. καὶ οἱ πυθμένες τῶν ξηρῶν σύκων, 'crooked, and the bases of dried figs.' Amigues explains that a fig shrivelled on the tree bears an uncanny resemblance to a clubbed foot.<sup>57</sup> Secondly, the first word Hesychius selects to gloss σκολιά is σκαμβά, which equally means 'crooked,' but

<sup>50</sup> (n. 5) 421 and 424.

<sup>51</sup> Cf. Tyrtaeus *fr.* 19 West.

<sup>52</sup> Oliva (n. 1) 89, 99 believes that the gerousia was in fact originally made up of 'tribal elders'. If the gerousia was thirty strong without the kings at some point before the rhetra, then perhaps its members were taken ten from each of the three tribes. For the conditions of election/appointment to the gerousia after the rhetra, cf. MacDowell (n. 3) 126-7; G.E.M. De Ste. Croix, *The origins of the Peloponnesian War* (London 1972) 353-4.

<sup>53</sup> MacDowell (n. 3) 53 thinks that the 'elders of the tribesmen' were simply tribesmen over sixty, no doubt because Plut. *Lyc.* 26.1 says that members of the gerousia had to be over sixty.

<sup>54</sup> See Chantraine (n. 28) and Frisk (n. 28) s.v. σκέλος for the relationships between these words.

<sup>55</sup> (n. 5) 54-5.

<sup>56</sup> The name is found at Caesius Bassus *Gr.Lat.* vi 307.17; cf. Suda s.v. σκόλιον. Diomedes *Gr.Lat.* i 479.8ff. derives the name from σκόλια, drinking songs, but the connection between the two is not obvious and is rejected by W. Aly, *RE* s.v. σκολιὸς πούς. Aly draws attention to some compound foot names built on σκολιός: σπονδειοσκόλιος, σκολιοχόρειος (*Anon. Berol.* at Studemund *Anecdota var.* i 294ff.); *discolius* (Atilius p.2687); *hegemoscilius* (Diomedes p.478).

<sup>57</sup> *Apud* O. Masson, *RPh* lxiii (1989) 65-6.



specifically denotes bow-leggedness.<sup>58</sup> (Space forbids treatment here of the σκόλιον, the ‘crooked song.’)

3. ἀποστατήρας, ‘setters aside’: ἀποπέμπειν εἰς τὰς... Ἀπόθετας, ‘send away to the Putting-asides’. The verbs ἴστημι and τίθημι are in general close in meaning: here they are drawn even closer together by their common prefix ἀπο-. *Apothesis*, like *ekthesis*, is a regular word for exposure.<sup>59</sup> Possibly ἀποστατήρ is in origin the Spartan term for one who exposes a child.

It appears then that the rider draws on the imagery and indeed to some extent the practice of the scrutiny of children as described in Plutarch’s description. This immediately casts doubt on the validity of the attempt to find specific institutional correlates for the rider’s terms. But the recognition of this imagery does, however, help us to understand the sort of thinking that generated the rider, as we shall see in the next section.

The scrutiny and exposure of newborn children is also used as a metaphor for the assessment and rejection of a verbal argument in Plato *Theaetetus* 160e, where Socrates invokes the imagery of the Athenian *amphidromia*: the newborn argument is run round by its parents and/or ‘midwife’ Socrates as they judge whether it is worthy of rearing, or just ἀνεμιαῖον τε καὶ ψεύδος, ‘a wind-egg and a lie,’ and should be exposed (ἀποτιθέναι).<sup>60</sup>

#### THE DEFORMED NEONATE (*TERAS*) AND ITS EXPOSURE

The thinking surrounding *terata*, the evil deformed newborn, and their exposure was brilliantly expounded by Marie Delcourt.<sup>61</sup> When the gods are angry with a community (perhaps because of the sin of one man within it), they send upon it a sterility which affects crops, animals and women. This is most explicitly described by Hesiod in an important passage to which we will return:

But they who give straight judgements [δίκας... ἰθείας] to strangers and to men of the land, and go not aside from what is just [μὴ τι παρεκβαίνουσι δικαίου], their city flourishes, and the people prosper in it: Peace, the nurse of children [κουροτρόφος], is abroad in their land. Neither famine [λιμός] nor disaster ever haunt men who do straight justice [ἰθυδικησι], but light-hearted they tend the fields which are all their care. The earth bears them victual in plenty, and on the mountains the oak bears acorns upon the top and bees in the midst. Their woolly sheep are laden with fleeces; their women bear children like their parents [ἔοικότα τέκνα γονεῦσι: i.e. not *terata*, as can be seen by comparison with the two oaths quoted below]. They flourish continually with good things, and do not travel on ships, for the grain-giving earth bears them fruit.

But for those who practice violence and cruel deeds far-seeing Zeus, the son of Cronos, ordains a punishment. Often even a whole city suffers for a bad man who sins and devises presumptuous deeds, and the son of Cronos lays great trouble upon the people, famine and plague together [λιμόν ὁμοῦ καὶ λοιμόν], so that the men perish away, and the women do not bear children, and their houses become few, through the contriving of Olympian Zeus. And again, at another time, the son of Cronos either destroys their wide army, or their walls, or else makes an end of their ships on the sea.

You princes, mark well this judgement you also; for the deathless gods are near among men and mark all those who oppress their fellows with crooked judgements [σκολήτισι δικησιν], and reckon not the anger of the gods.

Hesiod *Works* 225-51 (trans. Evelyn-White, adapted).

<sup>58</sup> Cf. *LSJ* s.v.; Hesych. s.v. σκολιά: σκαμβά, οὐκ ὀρθά, ἄδικα, δυσχερῆ, ἐπικαμπῆ, ἄνισα, δύσκολα; cf. Kiechle (n. 5) 163.

<sup>59</sup> Cf. e.g. Plato *Theaet.* 161a; Aristotle *Pol.* 1335b19; see Roussel (n. 48) 7-10, who rightly argues against the idea of Delcourt (n. 48) 36 that *apothesis* denoted state-exposure, whereas *ekthesis* denoted private, parental exposure.

<sup>60</sup> On this passage and the institution of *amphidromia*, cf. R. Hamilton, *GRBS* xxv (1984) 243-51; and J.-P. Vernant, *Myth and thought among the Greeks* (London 1983) 153-7.

<sup>61</sup> Delcourt (n. 48) *passim*, esp. 9-26; R. Bloch, *Prodiges dans l’antiquité classique* (Paris 1963) 15-27; W. Den Boer, *Private morality in Greece and Rome* (Leiden 1979) ch.6-7; cf. J.-P. Vernant and P. Vidal-Naquet, *Myth and tragedy in ancient Greece* (New York 1988) 113-4.

Only the evil deformed, *terata*, are born during *loimos*.<sup>62</sup>

[After the crime of the Lemnian women:] Neither did the earth bear fruit, nor did women or flocks produce offspring in the same way as before.

Herodotus vi 139.

[Solonian oath of the Amphictyons:] Let the earth not bear fruit, nor let women bear children that resemble their parents [τέκνα τίκτειν γονεῦσιν εἰκότα], but *terata*, nor let cattle produce natural [κατὰ φύσιν] offspring.

Aeschines iii 111.

[Oath of the Athenians before Plataea:] May the women bear children like their parents [εἰκότα γονεῦσιν], but if [we do] not [abide by our oath], may they bear *terata*.

L. Robert, *Études épigraphiques et philologiques* (Paris 1938) 307.

Aristotle similarly equates those who ‘do not resemble their parents’ with *terata*:

καὶ γὰρ ὁ μὴ εἰκότως τοῖς γονεῦσιν ἤδη τρόπον τινὰ τέρας ἐστίν. παρεκβέβηκε γὰρ ἡ φύσις ἐν τούτοις ἐκ τοῦ γένους τρόπον τινά.

*Gen.An.* 767b6.<sup>63</sup>

He that does not resemble his parents is in some way a *teras*. For in these their nature has in some way deviated from their stock.

*Terata* in particular ‘deviate from nature’ by being twisted of leg or foot, and therefore lame:

[Unjust men:] On their cattle plague feeds, on their tilth feeds frost, and the old men cut their hair in mourning over their sons, and their wives either are smitten and die in childbirth, or if they escape, bear births whereof none stands on upright ankle [τίκτουσιν τῶν οὐδὲν ἐπὶ σφυρὸν ὀρθὸν ἀνέστη]. But on whomsoever thou lookest smiling and gracious, for them the tilth bears the corn-ear abundantly, and abundantly prospers the four-footed breed, and abundant waxes their prosperity: neither do they go to the tomb, save when they carry thither the aged. Nor does faction [διχοστασίη] wound their race, faction which ravages even well-established houses...

Callimachus *Hymn* 3.124-34 (trans. Mair)

The deformed of foot are doubtless taken to be especially symbolic of *loimos* because of the condition of *oedema pauperum* or ‘kwashiorkor’, arising from malnutrition, described by Hesiod: λεπτῆι δὲ παχὺν πόδα χειρὶ πιέζεις, ‘you squeeze your fat foot with an emaciated hand.’<sup>64</sup> These *terata*, the manifestations of *loimos*, themselves bring death to the community, and must therefore (as the Spartan custom of Plutarch *Lycurgus* 16 requires) be exposed: in the context of Sophocles’ vivid description of *loimos* in *OT*, νηλέα δὲ γένεθλα πρὸς πέδωι

<sup>62</sup> This, I would argue, is the prime context of *terata*, though I do not deny that they may be born at any time, as tokens of divine anger.

<sup>63</sup> Cf. John Lydus *De Ostentis* ad init.: τέρατα: τὰ ἐπὶ τῆς γῆς ὡς παρὰ φύσιν φαινόμενα, ‘*terata* are those things which appear unnaturally on the earth.’

<sup>64</sup> *Works* 497 (cf. West 1978 ad loc.). Cf. also *Shield* 265-6 λιμῶι καταπεπτηυῖα/ γουνοπαχῆς, ‘shrunk with hunger, swollen-kneed.’ Proclus comments on the passage (*fr.* 69 S): ‘they say that those who are starving swell up in the feet, but that the rest of the body becomes emaciated, and there is/was one Ephesian law that forbade a father to expose his children until his/their feet swelled up through hunger. Also sitting down and idleness produces swelling of the feet.’ Aristotle *Problems* 859b1 asks διὰ τί κιβδηλιῶντες καὶ οἱ ὑπὸ λιμοῦ πονοῦντες τοὺς πόδας οἰδοῦσιν; ‘why do the feet of the jaundiced and those suffering from starvation swell up?’; Hesychius s.v. παχύποδα: τὸν ὑπὸ λιμοῦ καὶ φιλαργυρίας [recte ποδάγρας? φιλαργίας?] οἰδήσαντα, ‘fat-foot: the man who has swollen up because of hunger and the love of money [recte: gout? love of idleness?]’; Virgil *Catal.* 13.40 *pedes inedia turgidos*, ‘feet swollen through starvation’; Ovid *Met.* viii 807-8 (of Fames) *auxerat articulos macies. genuumque tumebat/ orbis, et immodico prodibant tubere tali*, ‘her scrawniness had swollen her joints, and the sphere of her knees protruded, and her ankles projected with an enormous ballooning.’ Cf. Delcourt (n. 48) 28-49. The condition is illustrated by G.M.A. Richter, *Catalogue of Greek and Roman antiquities in the Dumbarton Oaks collection* (Cambridge, Mass., 1956) no.17 (‘Perdix’).

θανατοφόρα κείται ἀνοίτικτως, ‘death-bringing children lie on the ground, unpitied.’<sup>65</sup> Plato recommends: τὰ δὲ [ἐκγονα] τῶν χειρόνων, καὶ ἕαν τι τῶν ἑτέρων ἀνάπηρον γίγνηται, ἐν ἀπορρήτῳ τε καὶ ἀδήλωι κατακρύψουσιν ὡς πρέπει, ‘they will hide away the children of the inferiors, and any child of the others that is deformed, in an unspoken and secret place, as is fitting.’<sup>66</sup> Aristotle recommends: περὶ δὲ ἀποθέσεως καὶ τροφῆς τῶν γυνομένων ἔστω νόμος μηδὲν πεπηρωμένον τρέφειν, ‘on the subject of the exposure or rearing of children, let there be a law that one may not rear any crippled child.’<sup>67</sup>

This set of beliefs is enshrined in the legend of Oedipus: he is in origin an evil baby, born in a sterility, of which his ‘swollen foot’ (Οἰδί-πους) is the embodiment,<sup>68</sup> he is accordingly exposed, but on his survival and eventual return to the community of Thebes, he brings back the *loimos*, and must again be expelled.<sup>69</sup>

These beliefs provide a context for the understanding of the rider: ‘crooked speech’ is viewed on the model of a crooked child, a *teras*. If it is not cast out from the community, it will bring disaster, a *loimos* or its equivalent, upon it. New ideas have to be expressed in the vocabulary of older ones.

A parallel case for the expression of new ideas in terms of the vocabulary of older ones might be made for certain aspects of the main text of the rhetra. Jeffrey importantly pointed out that it evokes an oracular prescription for the foundation of a divine cult or colony:<sup>70</sup> *archagetas* normally means founder of a cult or colony, and the prescription to build temples certainly conforms to the former, and the prescription to organise tribes to the latter. She concluded from this that the rhetra was an archaic fraud, purporting to be an oracle given to the founders of Sparta, Eurysthenes and Procles. This is a radical step to take. It seems easier to suppose that the main text of the rhetra, as itself also a fairly primitive document of constitutional prescription, draws upon the vocabulary (in the broad sense and the narrow) of the nearest familiar institution—in this case the founding of a city or cult.

The connection of crooked speech of a sort with an ensuing *loimos* is made clearly in the Hesiod *Works* passage quoted at the beginning of this section. The world of plenty and fertility is associated with straight judgements and men who do not deviate from what is just: ‘they who give straight judgements ... and go not aside from what is just ... Neither famine nor disaster ever haunt men who do straight justice’ (225-31; *n.b.* the use of the word ‘go aside from,’ παρεκβαίνω, seems itself here significantly evocative of *terata*, in view of its use in Aristotle’s reference to *terata*, quoted above). The world of *loimos* is correspondingly associated with crooked judgements: ‘the gods... mark all those who oppress their fellows with crooked

<sup>65</sup> 179-80; *cf.* generally 25-30 and 167-80; *cf.* John Lydus *De Ostentis ad init.*, quoted above: ἐπὶ τῆς γῆς, ‘on the earth.’

<sup>66</sup> *Rep.* 460c.

<sup>67</sup> *Pol.* 1335b. The association between the *teras* and *ekthesis* is recalled in Euripides’ phraseology at *Hipp.* 1214: κῶμ’ ἐξέθηκε τὰ ῥον, ἄγχιον τέρας.

<sup>68</sup> The more familiar versions of the Oedipus myth have re-rationalised the swelling of the foot, and attribute it to the fact that his feet were wired together at the time of exposure (even so, the link between the swollenness of the foot and the exposure of the baby is preserved): thus Soph. *OT* 718, Eur. *Phoen.* 26-7 (with schol.), Hyg. *Fab.* 66, Apollod. *Bib.* iii 5.7. Other accounts rationalise the swelling differently, as the effect of the swaddling clothes: Nic.Dam. *FGH* 90 fr. 8, schol. Eur. *Phoen.* *loc. cit.*

<sup>69</sup> Sophocles *OT passim*. For Oedipus’ birth in sterility (as often with tyrants, a localised one affecting only his parents), *cf.* Eur. *Phoen.* 13; *cf.* Delcourt (n. 48) 95, 110ff., and her *Oedipe ou la légende du conquérant* (Liège and Paris 1944) *passim*, esp. 1, 14, 20-1, 24-7; Vernant and Vidal-Naquet (n. 61) 124; M.H. Jameson, in M.A. Del Chiaro, ed., *Corinthiaca* (Columbia MO 1986) 3-5; Bremmer *apud* J. Bremmer, ed., *Interpretations of Greek mythology* (London 1987) 43-4.

<sup>70</sup> Jeffrey (n. 3) 144-7.

judgements, and reckon not the anger of the gods' (250-1).

Plato's rules for the exposure of children (*Rep.* 460c, quoted above) interestingly require that the babies be hidden away ἐν ἀπορρήτῳ τε καὶ ἀδήλω, 'in an unspoken and secret place.' It seems particularly appropriate that the demos' crooked speech should be treated like a deformed baby if the place of exposure was itself conceived of as a place outside speech.

#### TERAS, PHARMAKOS AND CROOKED SPEAKERS

The evil deformed child who must be exposed to avert *loimos* finds his adult equivalent in the *pharmakos*, the degraded and often deformed individual who is expelled as a 'scapegoat' from a community, typically with stones, likewise to avert *limos* and *loimos*. Tzetzes introduces Hipponax's lines referring to the Colophonian scapegoat as follows:

ὁ φάρμακος τὸ κάθαρμα τοιοῦτον ἦν τὸ πάλαι.  
 ἄν συμφορὰ κατέλαβε πόλιν θεομηνίαι,  
 εἴτ' οὖν λιμὸς εἴτε λοιμὸς εἴτε καὶ βλάβος ἄλλο,  
 τὸν πάντων ἀμορφότερον ἦγον ὡς πρὸς θυσίαν  
 εἰς καθαρμὸν καὶ φάρμακον πόλεως τῆς νοσοῦσης.

*Chil.* 5.728-32; cf. Hipponax *fr.* 5-11 West.

The scapegoat was the following sort of purification in ancient times. If a disaster overtook the city because of divine wrath, whether it be hunger or pestilence or another blight, they would lead the ugliest man of all as to a sacrifice, to be a purification and cure for the sick city.

Scapegoats were often deformed, and in particular lame:

... λιμοῦ συμβάντος παρ' Ἑλλησιν ἢ τινοσ ἄλλου τῶν ἀπευκτῶν, λαμβάνοντες τὸν ἀηδέστατον καὶ παρὰ τῆς φύσεως ἐπιβεβουλευμένον πηρὸν, χωλὸν, τοὺς τοιοῦτους, τοῦτον ἔθνον εἰς ἀπαλλαγὴν τοῦ ἐνοχλοῦντος δεινοῦ.

Schol. Aeschylus *Septem* 680-1.

... when a famine or something else of the things which are deprecated occurred among the Greeks, they would take the man who was most odious and a cripple, a victim of nature, a lame man, people of that sort, and they would sacrifice him to be rid of the evil that was troubling them.

At Athens and elsewhere the scapegoat's expulsion occurred during the fertility festival of Thargelia or in time of *loimos* or *limos*,<sup>71</sup> and again at Athens *pharmakoi* were λίαν ἀγεννεῖς καὶ πένητας καὶ ἀχρήστους, 'excessively feeble and poor and useless.'<sup>72</sup> It is as a *pharmakos* that the adult Oedipus, having been exposed as a *teras*-child and having returned to Thebes and brought back his pollution, is expelled a second time.<sup>73</sup>

<sup>71</sup> Thargelia at Athens: Harpoc. and Suda s.v. φάρμακος; L. Deubner, *Attische Feste*<sup>2</sup> (Berlin 1932) 179-88.

Time of drought or famine at Athens: schol. Aristoph. *Knights* 1136; Suda s.v. κάθαρμα; at Chaeronea the scapegoat represented a personification of Βούλιμος as he was expelled (Plut. *Mor.* 693f.).

Time of plague: Phot. *Bibl.* 534a, for Athens; Petronius *fr.* 1 (Serv. ad *Aen.* iii 57), for Massilia; Lactantius on Statius *Thebaid* xv 793. Also, Apollonius of Tyana presided over the stoning to death of a beggar during an Ephesian plague (Philostratus *Vit.Ap.* iv 10).

Cf. R.C.T. Parker, *Miasma* (Oxford 1983) 24-5 on the occasions of *pharmakeia*.

<sup>72</sup> Schol. Aristoph. *Knights* 1136.

<sup>73</sup> For *ekthesis* as a category of *pharmakeia*, see G. Glotz, *L'ordalie dans la Grèce primitive* (Paris 1904); Delcourt (n. 48) 50-66, (n. 69) 29-35; Vernant and Vidal-Naquet (n. 61) 127-8, 433 n.87; P. Brulé, *La fille d'Athènes* (Paris 1987) 124-39, esp. 132. For *pharmakeia* in general, see J. Bremmer, *HSCP* lxxxvii (1983) 299-320; W. Burkert, *Greek Religion* (Oxford 1985) 82-4, and his *Structure and history in Greek mythology and ritual* (Berkeley 1979) 59-77, 168-76; Vernant and Vidal-Naquet (n. 61) 128-35; S. Versnel, *Studi storico-religiosi* i (1977) 37-43; Parker (n. 71) 24-6, 226, 257-71.

Two representations of *pharmakoi* in traditional literature are of particular interest here: Aesop in his *Vitae* and Homer's Thersites.

Aesop was stoned to death by the Delphians for the same crime as the eponymous Pharmakos, theft of a *phiale* from a temple.<sup>74</sup> Both the *Vitae* describe the deformity and marginality that qualify him to be scapegoat: he is, amongst other things, a Phrygian slave, bad-looking, exceedingly decrepit, pot-bellied, pointy-headed, snub-nosed, swarthy, stunted, lame (βλαισός), weasel-armed, pole-necked, hunchbacked and crooked (στρεβλός). *Vita* G actually describes him as a *teras* and a purification (κάθαρμα),<sup>75</sup> and a portentous error (προσημαίνον ἁμάρτημα).<sup>76</sup> It is clear that the representation of Aesop in this fashion is much older than the *Vitae* (in the form that we possess them), as a fifth century vase depicts an ugly man with a grossly distended head and a crutch sitting talking to an anthropomorphically mannered fox.<sup>77</sup> This is surely Aesop in conversation with his favourite animal.<sup>78</sup> (Indeed the particular deformity of the distended head may be enshrined in his name: 'uneven face' (ἄϊσος, ὤψ). *Vita* G adds, πρὸς δὲ τούτοις ἐλάττωμα μείζον εἶχε τῆς ἀμορφίας τὴν ἀφωνίαν. ἦν δὲ καὶ νωδὸς καὶ οὐδὲν ἠδύνατο λαλεῖν, 'In addition to these things he had, as a greater impediment than his deformity, an inability to speak. He was toothless and could not talk. '; *Vita* W, πρὸς δὲ τούτοις ἦν βραδύγλωσσος καὶ βομβόφωνος φαῦλος, 'In addition to these things he was slow of tongue and a booming-voiced wretch.'<sup>79</sup>

Although we may today regard Aesop's fables as charming and harmless moral tales, archaic and classical literature shows them being employed in ridiculing and abusive contexts. Aesop is clearly abusive and ridiculing when he features as a character in his own tales,<sup>80</sup> and he is portrayed as such in the *Vitae*, particularly towards the Delphians.<sup>81</sup> Archilochus' Aesopic allusions are all made in the course of abuse and vilification.<sup>82</sup> In Aristophanes Aesop's wisdom is that of the abusive buffoon, in particular Philocleon in the *Wasps*.<sup>83</sup> Perry characterises the legendary Aesop, and the authorial persona that underlies the tales, as 'champion of the common man's wisdom,'<sup>84</sup> and Parker well describes him as 'the inventor

<sup>74</sup> PSI 1094, reprinted at R. Pfeiffer, *Callimachus* i (Oxford 1949-53) 1949 p.165. Note that Aesop has a stone thrown at him also in fable 497 Perry. For many aspects of Aesop as *pharmakos*, see A. Wiechers, *Aesop in Delphi* (Meisenheim am Glan 1961) 31-42; cf. Parker (n. 71) 260; F.R. Adrados, *QUCC* xxx (1979) 93-112.

<sup>75</sup> C.29.

<sup>76</sup> C.1; cf. Wiechers (n. 74) 31-2.

<sup>77</sup> Cf. Wiechers (n. 74) 32, with illustration.

<sup>78</sup> This etymology (ἄϊσο-ὤπ-ος) is relatively easy; although ἄνισος is the commoner form, ἄϊσος is attested at Pindar *Isth.* 7.43; from here a trivial diphthongisation gets us to αἴσο-. Nonetheless, a rather more difficult etymology, deriving the name from ἄϊσο-πούς, 'uneven foot,' is also tempting, in view of the significance of lameness and deformity of the leg above all in the cases we have been considering, the lameness in any case explicitly attributed to Aesop by the *Vitae*, and the fact that Aesop's equal and opposite slave in *Vita* W 2 bears the name Agathopous, 'good foot.' But whatever the actual etymology of the name, it would seem that the Greeks read these two interpretations into it, and that is significant in itself.

<sup>79</sup> *Vitae* G and W 1 Perry.

<sup>80</sup> E.g. 8, 423, 510, 537, 541, 545 Perry.

<sup>81</sup> G and W 125-6, 142 Perry; cf. also *POxy* 1800, ἐπέσκωψεν; G. Nagy, *The best of the Achaeans* (Baltimore 1979) 282-3, 288.

<sup>82</sup> Thus 23, 201, 172-181, 185, 187 West and *PCol* 7511 (*SLG* 478). The last two also employ sexual ridicule, like Thersites (below). Cf., importantly, on these fragments, A.P. Burnett, *Three archaic poets* (London 1983) 60-5, 75-6, 93.

<sup>83</sup> Lines 1401-5 (432 Perry), 1427-32 (428 Perry), 1435-40 (438 Perry); cf. *Birds* 471-5 (447 Perry).

<sup>84</sup> B.E. Perry, *Babrius and Phaedrus* (Cambridge MA 1965) xlv. Cf. Phaedrus' introduction: *quod risum movet, et quod prudenti vitam consilio monet*, 'it arouses laughter, and guides life with good counsel' (lines 3-4).

of the literary genre through which the weak could tactfully but firmly admonish the mighty.<sup>85</sup>

Thersites (*Il.* ii 211-393) is another ridiculing abuser, and he too, appearing in the context of the *loimos* that Apollo sent upon the Greeks at Troy, has all the characteristics of a scapegoat: ‘the most disgusting man to go to Troy, stammering [if this is the meaning of *φολκός*],<sup>86</sup> lame, hunchbacked, pointy-headed and virtually bald’ (216-9). His punishment by Odysseus, a blow with a rod (his sceptre, 265) is one entirely appropriate to a *pharmakos*.<sup>87</sup> Also, Odysseus anticipates his expulsion: ἀφήσω/ πεπλήγων ἀγορήθεν ἀεικέσσι πληγήισιν (263-4).<sup>88</sup> Thersites too is a champion of the common man against aristocratic arrogance and privilege.

It is clear that the misshapen forms of Aesop and Thersites are embodiments of their abusive, ridiculing speech. Their limbs are twisted, their enunciation of speech is twisted,<sup>89</sup> and so, metaphorically, are the contents of their speech. It is surely then a Thersites that the rider envisages in its anticipation of the *demos*’ crooked speech, a misshapen, disgusting champion of the *demos* that will abuse and ridicule the *aristoi*.

One of the many paradoxes about historical and mythical *pharmakoi* is that, despite being chosen from individuals who were marginal to the community, they had to represent the community as a whole, as they carried away its pollution. It is to be expected then that such figures as Aesop and Thersites should be spokesmen of the *demos*, itself more typical of the community as a whole than the aristocratic elite. Also, a popular source of *pharmakoi*, alongside the ugly, were the beggarly. Although the beggarly were marginal, they were nonetheless rather closer in hierarchy to the common people than to the aristocracy, so it is again understandable that these scapegoat figures should speak for them.

Herodas was later to consider twisted limbs fit for one who gives bad advice: in his first mime, the decrepit bawd Gyllis tries to persuade Metriche to be unfaithful to Mandris. Metriche is angry and tells Gyllis that she would not have let off with a mere scolding any other woman that said such things: χωλήν δ’ αἰδεῖν χῶλ’ ἄν ἐξεπαίδευσσα, ‘I’d have taught her to sing her lame song in a lame condition’ (71). (There is also a joking reference to the poem’s choliambic metre.) Gyllis’ words are perhaps unintentionally insulting.

The rider is not the only example of the imagery of *ekthesis* and *pharmakeia* in the development of ‘rational’ constitutions by the Greek states. Athenian ostracism has also been seen as a rationalising development of *pharmakeia*.<sup>90</sup>

<sup>85</sup> Parker (n. 71) 261.

<sup>86</sup> The meaning of *φολκός* is rather obscure, though ‘stammering’ is the most favoured interpretation. Frisk (n. 28) s.v. relates the word to *φαλός*, ‘stammering, deaf, stupid.’ Thersites’ association with Aesop in so many other ways renders this sort of interpretation very probable. Chantraine (n. 28) s.v. less plausibly argues for a derivation from *ἐφέλκεσθαι*, i.e., ‘dragging the foot’; but it is difficult to account for the loss of the initial *ἐ-* here; Chantraine suggests aphaeresis; he is followed by G.S. Kirk, *A commentary on the Iliad* i (Cambridge 1985) *ad loc.*

<sup>87</sup> For the beating of *pharmakoi* with rods, cf. Hipponax *fr.* 5-11 West, where the Colophonian scapegoat was beaten with rods of fig and squills; cf. Bremmer (n. 73) 308-12.

<sup>88</sup> For Thersites as *pharmakos*, see Nagy (n. 81) 259-64, 279-82; W.G. Thalmann, *TAPA* cxviii (1988) 17-22; Parker (n. 71) 260-1.

<sup>89</sup> Stammering is seen by Vernant and Vidal-Naquet (n. 61) 209 as a ‘limping with the tongue.’ Cf. also M. Detienne and J.-P. Vernant, *Cunning intelligence in Greek culture and society* (Hassocks 1977) c.9. Another stuttering *pharmakos* is Battus (Herodotus iv 155-6, 161). Herodotus tells that he was ‘dry-voiced’ (*ἰσχνόφωνος*), and his name itself also means ‘stutterer’ (Hesychius and *Et. Mag.* s.v.; cf. βατταρίζω); although Herodotus himself explains the name differently, he significantly tells that Battus was a descendant of Εὐφημος ‘Fair-speaker’; interestingly, Battus’ namesake great-great-grandson, Battus III of Cyrene, was to be lame. Battus was sent off with a colony, owing to a great sterility on Thera. When he returned with his boats, he was driven away with missiles. Cf. Burkert *Greek religion* (n. 73) 84 for colonists as *pharmakoi*.

<sup>90</sup> See Vernant and Vidal-Naquet (n.61) 133-6, 326-7; Burkert *Greek religion* (n. 73) 83; Parker (n. 71) 269-71.

## WHAT DID THE ELDERS FEAR IN CROOKED SPEECH?

Perhaps tyranny: a number of archaic narratives of tyranny or references to it represent the tyrant as the result of a mysterious and evil pregnancy of the sort to produce a *teras*. Thus the oracles that foreshadow the birth of Cypselus focus on his mother's sinister pregnancy:

Λάβδα κύει, τέξει δ' ὀλοοίτροχον...

αἰετὸς ἐν πέτρησι κύει, τέξει δὲ λέοντα

Herodotus v 92β.<sup>91</sup>

Labda is pregnant, and she will bear a rolling stone...

An eagle in the rocks is pregnant, and she will bear a lion.

Cypselus is then a *teras* as a child that will not resemble its parents, and he is indeed to be a crooked tyrant: not only is his mother, Labda, lame in name and body (as is widely recognised),<sup>92</sup> but the name of Cypselus too also denotes lameness: Aristotle tells us of a bird, a kind of sandpiper, called a κύψελος, which is also known as ἄπους, 'footless.'<sup>93</sup>

Theognis forecasts the birth of a terrible tyrant:

Κύρνε, κύει πόλις ἦδε, δέδοικα δὲ μὴ τέκηι ἄνδρα  
ὕβριστήν, χαλεπῆς ἡγεμόνα στάσιος.

Theognis 1081-2.

Cyrnus, this city is pregnant, and I fear lest she bear an arrogant man, a leader of harsh strife.

The same hexameter occurs elsewhere, coupled with a different and paradoxical pentameter:

Κύρνε, κύει πόλις ἦδε, δέδοικα δὲ μὴ τέκηι ἄνδρα  
εὐθυντήρα κακῆς ὕβριος ἡμετέρης.

Theognis 39-40.

Cyrnus, this city is pregnant, and I fear lest she bear a man who will be a straightener of our arrogance.

Here the roles of tyrants and aristocrats are paradoxically reversed: it is the tyrant, normally crooked, who here straightens out crooked aristocrats.<sup>94</sup>

In the hexameter lines quoted we appear to have the traces of a formula. Both Theognis and one of Herodotus' oracles use κύει in a pregnant (!), sinister sense at the same point in the line. Both of Herodotus' oracles follow κύει with τέξει δέ, and Theognis follows with δέδοικα δὲ μὴ τέκηι.

Delphi predicted the Orthagorid tyranny to the Sicyonians by referring specifically to the circumstances of Orthagoras' birth (he was the son of a *mageiros*).<sup>95</sup>

<sup>91</sup> Herodotus narrates the circumstances of the birth of Cypselus in some detail: it is 'wrong' because he is not born of a Bacchiad father.

<sup>92</sup> Herodotus v 92β tells that she was χωλή; *Et.Mag.* p.199 s.v. βλαισός explains the 'Labda' indicated her lameness as it denoted that her feet were splayed in the shape of the letter. Cf. Vernant and Vidal-Naquet (n. 61) 218-9; Jameson (n. 69) 9. B.K. Lambrinouidakis, *Merotraphes* (Athens 1971) 223-5 believes that Labda should be considered to be pregnant with Cypselus in her foot (n.b. Λάβδα κύει); this is one part of a massive thesis in which he draws out the fertilising effects of the wounding and binding of the leg in Greek myth.

<sup>93</sup> Aristotle *HA* 618a31. See G. Roux, *REA* lxxv (1963) 279-89 for bird imagery in Herodotus' narrative of Cypselus (cf. the eagle of the oracle). However Herodotus himself derives the name of Cypselus from the beehive, κυψέλη, in which the baby was concealed (again, cf. Roux on this item), and I do not wish to deny the importance of this association: the name is polysemic. The name of Labda's father, Amphion, i.e. ἀμφι-των, 'going on both feet' is also significant.

<sup>94</sup> Cf. Okin and Nagy *apud* Nagy (n. 13) 17, 50.

<sup>95</sup> Diod. viii 24; *FGH* 105 fr.2.19-21 (= *POxy* XI.1365).

Pisistratus' father Hippocrates was exhorted by Chilon of Sparta, when sacrificial vessels boiled over without fire (τέρας ἐγένετο μέγα, 'a great portent occurred') not to bring into his home a childmaking wife (γυναικὰ τεκνοποιόν), or if he already had a wife, to send her away (ἐκπέμπειν), or if he already had a son, to disown him. But the advice was ignored, and Pisistratus the tyrant born.<sup>96</sup>

Similarly Sparta's most tyrannical king, Cleomenes I, was born under sinister circumstances: Anaxandridas could not beget a child on the wife he loved, and, refusing to divorce her, was compelled by ephors and gerousia to marry a second wife, behaving οὐδαμὰ Σπαρτητικὰ, 'in no Spartan fashion.' The second wife became immediately pregnant, and then soon after so did the first. But it was the firstborn, the one that should never have been born, the mad Cleomenes, that was to become tyrannical king of Sparta.<sup>97</sup>

#### LAME KINGSHIP

The eschewing of twistedness recurred in another Spartan 'constitutional' oracle, one which bade the Spartans beware of 'lame kingship':

φράζεο δὴ Σπάρτη, καίπερ μεγάλαυχος εἴουσα,  
μὴ σέθεν ἀρτίποδος βλάστη χολῆ βασιλεία.  
δηρὸν γὰρ μόχθοι σε κατασχίσουσιν ἀελπτοὶ  
φθισίβροτον τ' ἐπὶ κύμα κυλινδομένου πολέμοιο.<sup>98</sup>

Take care, Sparta, although you are boastful, lest you, though sound of foot, have a lame kingship grow up. For unexpected toils will grip you all too long, and in addition a mortal-destroying wave of rolling war.

Diodorus relates the oracle to c. 475, when it is an ancient oracle (ἀρχαία μαντεία) now applied to Spartan anxiety about the Delian League, and taken to mean that Sparta should not rely on land forces alone, but build up a navy too.<sup>99</sup> Also, Xenophon tells that it was produced by the oraclemonger Diopieithes to undermine the claim of the lame Agesilaus to succeed Agis in 400; Lysander however persuaded the Spartans that the lameness here was to be read as a metaphor for his rival Leotychidas' bastardy.<sup>100</sup> The sources agree that the oracle was Delphic in origin.<sup>101</sup>

#### RIDER AND RHETRA

Let us return to the rider. It was argued above that the fact that the rider draws upon the imagery of an external institution suggests that it is a text of (literally) primitive constitutional discourse. It does in fact seem more primitive than the main text of the rhetra, which, for all

<sup>96</sup> Hdt. i 59.

<sup>97</sup> Hdt. v 39-42, vi 75; cf. A. Griffiths, *apud* A. Powell, ed., *Classical Sparta: the techniques behind her success* (London 1989) 51-7 for the 'formulaic momentum' of Herodotus' narratives of Cleomenes.

<sup>98</sup> Plutarch *Mor.* 399bc, *Ages.* 3 (reading νοῦσοι for μόχθοι), *Lys.* 22 and Pausanias iii 8.9; Fontenrose (n. 3) p.322 Q163; Parke and Wormell (n. 6) ii 112.

<sup>99</sup> Diod. xi 50.4.

<sup>100</sup> Xen. *Hell.* iii 3.1-4. For lameness as a metaphor for bastardy, cf. Plato *Rep.* 535ff., where *gnesios* souls are born to philosophy, whereas *nothos* ones are crippled and lame (this is again part of the Socratic discourse of midwifery). Some terms for 'legitimate' correspondingly draw on the imagery of straightness, e.g. ἰθαγενής (*Od.* xiv 203 etc.) and γεγονότα ὀρθῶς (*Isaeus* vii 16).

<sup>101</sup> Pausanias says the oracle was Delphic, as does Justin vi 2.5. Plutarch quotes it in *De Pythiae Oraculis* (*Mor.* 399bc) without attributing it to a different oracle. Xenophon likewise says the oracle was Apolline, and suggests that Diopieithes pulled it from a collection. Cf. Fontenrose (n. 3) 148-50.



its crudeness and obscurities, belongs, for the most part, to a literal world of constitutional prescription. This leads me to the supposition that the rider was in origin not a rider to the rhetra at all, but was, in all its brevity, a self-contained constitutional document or perhaps better 'adage.' The rider itself then presupposes a society in which power is shared in some form between people, elders and kings, and allows the elders and kings to overrule the people.<sup>102</sup>

The main text of the rhetra was perhaps then an amplification of the original succinct and mysterious text, and it may, among other things, have sought to shift the balance of power in favour of the people (I shall continue to use the terms 'main text' and 'rider' in their traditional senses, even though I am effectively arguing that the 'rider' is in some senses the real main text, and the 'main text' a kind of rider). Presumably the δέ of the rider was inserted when the amplification was tacked onto the front.<sup>103</sup>

Evidence that the main text is secondary to, or in some way derivative of, the rider, may be found in its language.

Firstly, the rhetra's ἀφίστασθαι is a difficult term on which there is little scholarly agreement (as we have seen), and on most scholars' interpretations of the institutions prescribed by the rhetra, it seems an awkwardly used word. We can account for the term however if we accept that it originated (in the form of ἀποστατήρας) in the rider, where its primary reference was to the metaphor of exposure, and suppose that it was then borrowed, rather less appropriately, to denote literally but obscurely some developed institution in the amplification of the rider. Ἀφίστασθαι will therefore in context merely repeat from the original rider the gerousia's right to throw out proposals (complementing its right to make them, εἰσφέρειν).

Secondly, Oliva notes that the term for 'elders' used by the rider (and Tyrtæus), πρεσβυγενέας, appears to be an older one than that used by the main text, τριάκοντα γερουσίαν.<sup>104</sup> Again, it seems easier to believe that the main text is amplifying with a quite specific phrase a vaguer and more old-fashioned term in the rider. If the rider were merely referring elliptically to what a preceding main text had already specifically defined, why did it not use γερουσίαν or τοὺς τριάκοντα? Furthermore, the subject of ἀφίστασθαι (and εἰσφέρειν) is not directly expressed in the main text, but has to be supplied out of the preceding phrase. It only becomes clear that the gerousia including the kings are to be the subjects of the setting aside when we get to the rider. Again then it seems that the main text was composed by a man who already had the rider's text as a given.

Thirdly, Cartledge, who accepts main text and rider as a unity, notes that in the main text the kings 'appear in the document merely as members of the Gerousia, not in their own right. This clearly marks a retreat from the Homeric situation [*sc.* when kings, council of elders and *damos* formed a "Homeric trinity" in which the kings exercised sovereignty].' It is a problem however for Cartledge that 'In the so-called "Rider" ... they do seem to appear independently, but indeed in close conjunction with and indeed after the *Gerousia*.'<sup>105</sup> If my inversion of rider and rhetra is accepted, Cartledge's difficulty is removed: the old 'rider' reflects a more or less 'Homeric' situation, slightly qualified perhaps, but the main text a later phase in which the kings have been shrunk down to glorified *gerontes*.

<sup>102</sup> Pace Hammond (n. 3) 49 who asserts: 'the rider only makes sense if it was attached to the Rhetra.'

<sup>103</sup> However, it could conceivably have been an inceptive δέ; cf. J.D. Denniston, *The Greek particles*<sup>2</sup> (Oxford 1952) 72.

<sup>104</sup> (n. 1) 89, 98-9. He believes that the term here has the meaning of 'tribal elders,' and reflects an original state of affairs in which the gerousia was a tribal institution and its members represented individual *gene* or phratries.

<sup>105</sup> Cartledge (n. 3) 124; cf. A. Andrewes, *CQ* xxxii (1938) 97-8.

## CONCLUSION

The rider stems from a time before the development of an independent constitutional discourse. The constitutional process was conceptualised and prescribed metaphorically on the model of the ancient ritual for the scrutiny and exposure of babies, over which elders likewise presided. The incipient voice of the people, like its children, was examined for straightness or crookedness, and if crooked was cast aside. In time, as the people acquired greater influence, the relationship between it and the elders and kings was redefined in a more developed and specific form of discourse, which still perhaps based itself on the language of the rider, but could now be seen more as a constitutional discourse in its own right.

This hypothesis provides a much more simple and linear model for the development of the Spartan constitution, and the beginnings of the Greek invention of democracy:<sup>106</sup>

1. An 'original' situation of the 'Homeric trinity' of kings, gerousia and people, with kings enjoying sovereignty and final decision.
2. The rider. Kingly power is slightly reduced, with gerousia and kings jointly lording it over the people.
3. Main text. Ultimate authority now lies with assembly, with some qualification still from (2). The power of the kings is still further reduced, as they are subsumed in the gerousia.<sup>107</sup>

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## APPENDIX: SYLLANIOS

Scholars repeatedly express perplexity over the epithets attached to Zeus and Athena (found nowhere else) in the first line of the main text of the rhetra,<sup>108</sup> but it seems to me that the word allows an easy and appropriate etymology: \*συν-λαν-ιος. συν- is the familiar prefix, 'together'; λαν-ος is the attested Doric form of ληνος, which means anything which is hollowed out, such as a wine press or a coffin;<sup>109</sup> -ιος is a productive adjectival ending. The epithet therefore defines the gods in their aspect of protecting the hollow between Babyca and Cnacion, doubtless a natural theatre, like the Athenian Pnyx, where the people come together.<sup>110</sup> Zeus Syllanios and Athena Syllania are then the first 'democratic' gods of which we know. Alternatively, the epithet may just refer more generally to the vale of Lacedaimon, κοίλην Λακεδαίμονα, 'hollow Lacedaimon,' as Homer calls it (*Il.* ii 581), but in this case the συν- is more difficult to explain.

<sup>106</sup> For the possibility that Sparta was the first state to introduce *probouleusis* in Greece (an important element of Greek democracy) see A. Andrewes, *Probouleusis* (Oxford 1954).

<sup>107</sup> For the powers of the kings in the different parts of the rhetra *cf.* Cartledge (n. 3) 124.

<sup>108</sup> Views are listed at Tigerstedt (n. 1) i 354 n.373; Oliva (n. 1) 78-9; *cf.* also Forrest (n. 25) 41. There is no reason to dismiss the MSS reading: Cartledge (n. 1) 101 notes that none of the attempts to emend really convince.

L. Ziehen, *RE* s.v. Sparta E. Kulte, col. 1489 reads Ὑλλάνιος (from Hylleis), explaining Syllanios by diplography of the preceding genitival sigmas.

Chrimes (n. 5) 423, 484-5 attempts to connect the name with the Epidaurian Σελλάνιον (*SGDI* 3025) and ultimately Ἐλλάνιος; so too Oliver (n. 1) 14; *cf.* Oliva (n. 1) 77 for the impossibility of this.

Den Boer (n. 3) 162 offers Κυλλήνιος (*cf.* *Od.* ii 1).

Some have read Σκυλλάνιος (von Blumenthal [n. 5] 212 etc.; most recently MacDowell [n. 3] 4), on the basis of such things as Hesychius s.v. Σκυλλανίς, ἡ πολεμική; *cf.* Oliva (n. 1) 78.

<sup>109</sup> See *LSJ* and Chantraine (n. 28) s.v.

<sup>110</sup> Chrimes (n. 5) 477, 485-6 notes that the Spartans of Aristotle's time did not know to what places the names referred. Forrest (n. 25) 47 finds Plutarch's exegesis of the terms 'unhelpful.' I suspect that Babyca and Cnacion were not, as Plutarch says, a bridge and a river, but hills—or at least that one of them is a hill. Chrimes persuasively relates Cnacion to κνωκίας, 'wild goat,' to mean 'place of wild goats' (*cf.* ἀνδρών, ἰππών etc.). For Βάβυκας she reads Βαβυκᾶν, Doric genitive of βαβυκῶς, a pelican (*cf.* Hesychius s.v.), and correspondingly understands it as '(place of) pelicans.' In terms of Spartan geography, she argues that this must denote a place shut in by mountains (where wild goats roam) on three sides and the marsh, Helos, haunt of pelicans, on the fourth. She notes that Delphi often identifies places for colonisation by fauna (*cf.* Parke and Wormell (n.6) ii 60-1, 78 and F. Vian, *Les origines de Thèbes* [Paris 1963] 76-93 for the Delphic oracle and its 'animal guides'). I do not find the argument of I. Shatzman, *RFIC* xcvi (1968) 385-9 that the Spartan assembly had always met in the agora compelling.