XXX.—*On the Agrarian Laws of Lycurgus, and one of Mr Grote's Canons of Historical Criticism.* By Professor BLACKIE.

(Read 4th January 1864.)

The History of Greece, by Mr GROTE, perhaps the most notable production of modern English scholarship, is characterised, amongst many great virtues, by what has always appeared to me, in a historian, a great fault—a tendency to undervalue traditional authority, and to over-rate the importance of conjectural ingenuity, in the reconstruction of the past. One of the most remarkable instances of this tendency which has fallen specially under my view, is his treatment of LYCURGUS and his legislation, as it occurs near the end of his second volume. The fallacies which seem to me to lie in this treatment, it is the object of this paper shortly to set forth.

Mr GROTE's views with respect to the Spartan laws and customs are sufficiently indicated by his general proposition, vol. ii. p. 515, that "LYCURGUS, or the individual to whom this system was owing, whoever he was, is the founder of a war-like brotherhood, rather than the lawgiver of a political community;" and by his special assertion (p. 524) that "the idea of LYCURGUS as an equal partitioner of lands, belongs to the century of AGIS IV. and CLEOMENES;" that is, to the middle, and towards the end of the third century before Christ, and is to be regarded altogether as a political fiction, not as a historical fact.

Now, by what method of inquiry does the learned gentleman arrive at this conclusion? His statement of his method, on the first blush, seems remarkably fair and reasonable. On examining the witnesses for this alleged historical fact, he has discovered that all the weighty authorities who live nearest to the event are silent on the subject, or even directly contradict the current modern belief, which can in fact be traced to only two of the most recent and least reliable authorities. The canon implied in this method of historical criticism is no doubt, taken broadly, perfectly just. But all such canons, in their application, are liable to be seriously modified by various considerations. In the first place, with respect to the fact here disputed, we must bear in mind that anything like authentic cotemporary evidence is altogether out of the question; and so far as nearness to the time in which the alleged fact took place is concerned, ARISTOTLE is a witness not a whit more reliable than POLYBIUS. According to the lowest calculation, that of THUCYDIDES (i. 18), LYCURGUS flourished 400 years before the end of the Peloponesian war, that is about 800 years B.C.; and if, as the historian asserts, the Lycurgean laws remained in force during this period, their character at the

time of their original institution, as contrasted with any changes which, in the declension of Spartan influence, they afterwards suffered, could no more be known as an existing fact by ARISTOTLE than by POLYBIUS, who lived nearly 200 years later. There was no such destruction of books and documents in the period intervening between these two great political writers, as to put the one in a more favourable position with regard to written testimony than the other; nay, so far as parchment documents were concerned, from the accumulated stores of the Alexandrian Library, POLYBIUS had, in all likelihood, much more ample means of information at hand than ARISTOTLE. POLYBIUS, therefore, who* along with PLUTARCH, in his Life of LYCURGUS, is the principal direct and positive authority for the Agrarian laws, as a part of the Spartan constitution, is, so far as the lapse of time is concerned, a witness by no means to be postponed even to the Stagyrte. As little in respect of any other virtue of a historical authority can any such inferiority be maintained. There is, indeed, no historical author among the ancients, after THUCYDIDES, whose political sagacity and penetration is more generally acknowledged; and the book in which his remarks on the Spartan constitution occur is expressly directed to the comparison of different forms of civil polity; besides, as a native of Megalopolis in Arcadia, and living in the age immediately succeeding the great Agrarian movements of AGIS and CLEOMENES, he had the most ample means of being locally well informed as to the characteristic points of the Spartan constitution. As to PLUTARCH,† though I may not deny that his account of the Spartan institutions is tinged strongly with rose colour, yet I can by no means share in the light temper of those who habitually talk of the wise old Cheronæan as an amiable, indeed, but superficial and ignorant writer. I think it plain, on the contrary, that his writings everywhere bear the stamp of good sense, of just discrimination, of honest research, and various reading. His point of view, if not always leading to a perfectly just appreciation of his object, was the point of view of the ancient world generally; and on no occasion, so far as my reading goes, can he be suspected of having lightly committed himself to a serious historical assertion. But whatever may be the particular weak points of this most agreeable and most popular, and now most undeservedly neglected writer, we must bear in mind, that, in reference to such a matter of old historical belief as the Spartan constitution, what he does give us, is not to be regarded as his opinion merely, but as the condensed and concentrated result of all the historical testimony that had come through his hands; and as he constantly quotes

* Τῆς μὲν δὴ Λακεδαιμονίων πολιτείας ἴδιον εἶναι φασι, πρῶτον μὲν τὰ περὶ τὰς ἐγγαίους κτήσεις, ὧν οὐδενὶ μέτεστι πλεῖον, ἀλλὰ πάντας τοὺς πολίτας ἴσον ἔχειν δεῖ τῆς πολιτικῆς χώρας.—vi. 45.

† Δεύτερον δὲ τῶν Λυκούργου πολιτευμάτων καὶ νεανικώτατον ὁ τῆς γῆς ἀναδασμός ἐστι. Δεινὴς γὰρ οὗσης ἀνωμαλίας καὶ πολλῶν ἀκτημόνων καὶ ἀπόρων ἐπιφερομένων τῇ πόλει, τοῦ δὲ πλούτου παντάπασι εἰς ὀλίγους συρρηγνύμενος, ὕβριν καὶ φθόνον καὶ κακουργίαν καὶ τρυφὴν καὶ τὰ τούτων ἐτι πρεσβύτερα καὶ μείζω νοσήματα πολιτείας, πλοῦτον καὶ πενίαν, ἐξελαύνων, συνέπεισε τὴν χώραν ἅπασαν εἰς μέσον θέντας ἐξ ἀρχῆς ἀναδάσασθαι καὶ ζῆν μετ' ἀλλήλων ἅπαντας ὁμαλεῖς καὶ ἰσοκλήρους τοῖς βίοις γενομένους.—Vit. Lyc. viii.

ARISTOTLE, it is not to be doubted, that in composing two such important Lives as those of LYCURGUS and SOLON, he had before him that very book of *πολιτείας*, or political constitutions, in which the Spartan polity was fully discussed, but of which now, unfortunately, only a very few fragments remain. So far, therefore, as direct positive evidence is concerned, I consider that we have in POLYBIUS and PLUTARCH, two independent witnesses of as good faith and authority as can be adduced for any historical fact of similar antiquity. And let it be remembered, that the fact here in question is not a small incidental matter, or a piece of personal gossip, which might easily have been ignored altogether, and with equal ease have been blown into existence out of nothing; it is a grand central fact with regard to the social condition of a people who played, in ancient Hellenic life, a part equally prominent and peculiar, and which, if true at all, must have been as well known to the ancient Greeks, as the aristocratic refinement of the Episcopal, and the democratic plainness of the Presbyterian Church are to modern Christendom. On the basis of these two authorities alone, therefore—one of which, by the way, the Edinburgh Reviewer of Mr GROTE'S work, with a characteristic itch for sceptical novelties, most superficially ignores (Edinr. Review, vol. lxxxiv. p. 371,)—on the testimonies of POLYBIUS and PLUTARCH alone, I see no reason why we should hesitate to receive the famous Agrarian laws of LYCURGUS as one of the most reliable traditions of the ancient world. Of course, I do not mean to say, that, while accepting this general fact on the testimony of two such writers, I mean to adopt along with it all the dressings and trappings with which it has been tricked out in the course of time. Every one conversant with historical evidence knows that the fact is true in a hundred cases—witness the story of Macbeth,—where the decorations of the fact are fabulous. I build, therefore, as little as Mr GROTE on the details of these Agrarian laws as given in the Life of LYCURGUS; but while willingly with him tearing away the ornate frippery, and striking off the painted gauds that envelope the old sacred image, I deny his right to conclude that the piece of fine old carved wood which lies beneath the dress is a mere fiction and a phantom. But let us now consider those more ancient witnesses, in deference to whom only, as he would have it appear, this distinguished writer has thrown the valuable testimony of PLUTARCH and POLYBIUS aside. Of these, the most formidable, indeed the only important one, is ARISTOTLE, who, in the second book of his master-work (chap. ix., Bekker) on Political Science, has described some points of the Spartan polity with considerable detail, and among others, in alluding to this very matter of the distribution of landed property, not only does not confirm what the other two authorities say about the equal *ἀναδασμός* of the lands, to them so striking and essential a fact—but actually asserts the direct contrary; among other views of the Spartan polity, enumerating as one of the chief, the diminution of small proprietors, and the accumulation of immense landed properties in the hands of a few persons, especially women. This is no doubt

a very startling assertion to a reader coming fresh from the somewhat Utopian descriptions of Spartan simplicity, equality, and fraternity, in the kindly pages of old PLUTARCH. But this is not the only startling assertion about Spartan things and Spartan persons that presents itself in the same important chapter; for, whereas STRABO informs us (x. p. 449) that there was a common proverb current in Greece, "A horse from Thessaly, a woman from Sparta, and a man from the banks of the fair flowing Arethusa," whereby the best article of the several kinds was expressed, the Stagyræite, on the other hand, here allows the famous Spartan mothers no characteristic qualities, but three of the worst,—great luxury, unbounded extravagance, and, what no Athenian could tolerate for a moment, even in conception, an unwomanly mastery over their husbands. These strong statements, coming from a man generally so calm and cool and judicially impartial, naturally suggest to the thoughtful student that the great father of Encyclopædic science is betrayed for a moment into a little fit of amiable human weakness, and is speaking, not as a philosopher altogether, but partly also as an Athenian. But more than this. What ARISTOTLE here says with such decision was no doubt strictly true,—for it is not for us to pretend to find him nodding as to a matter of fact,—but it is not the whole truth. We can only explain his strong, one-sided, and, as it appears to the reader, extremely prejudiced language, by supposing, what is no doubt the fact, that he is speaking only of the Spartans of his day, not of the days of LEONIDAS or of LYCURGUS, and is no more to be considered as giving a general portraiture of Sparta and the Spartans, than a THACKERAY of the time of TACITUS would have had his sketches of Roman life under the Emperors taken for the living counterfeits of the CATOS, the SCIPIOS, and the FABII of the Punic wars. And this view of the matter will appear the only natural and just one, so soon as the reader has taken up the position and attitude of the great author of the Politics, in this second book, as distinctly enunciated in the very first sentence of this section of the work.* The intention of the work, the author declares, is to ascertain tentatively, and by approximation at least, the best polity, or, as we would phrase it, the ideal commonwealth; but as it might appear impertinent to attempt this if the best form of government had already been realised, the philosopher thinks it only reasonable that he should preface the exposition of his ideal plan by showing that the most bepraised commonwealths already existing, so far from being perfect models, are bristling with glaring defects, which a passing glance may readily discover. ARISTOTLE, therefore, by the very conception of this book, has put himself into the not very philosophical position of a systematic fault-

* Ἐπεὶ δὲ προαιρέμεθα θεωρεῖσθαι περὶ τῆς κοινωνίας τῆς πολιτικῆς, ἢ κρατίστη πασῶν τοῖς δυναμένοις ζῆν ὅτι μάλιστα κατ' εὐχὴν, δεῖ καὶ τὰς ἄλλας ἐπισκέψασθαι πολιτείας, αἷς τε χρεῶνται τινες τῶν πόλεων τῶν εὐνομεῖσθαι λεγομένων, καὶ εἴ τινες ἕτεροι τυγχάνουσιν ὑπὸ πινῶν εἰρημέναι καὶ δοκῆσαι καλῶς ἔχειν, ἵνα τό τ' ὁρθῶς ἔχον ὁφθῇ καὶ τὸ χρησίμου, εἴτι δὲ τὸ ζητεῖν τι παρ' αὐτὰς ἕτερον μὴ δοκῇ πάντως εἶναι σοφίζεσθαι βελομένων, ἀλλὰ διὰ το μὴ καλῶς ἔχειν ταύτας τὰς νῦν ὑπαρχέσας, διὰ τῆτο ταύτην δοκῶμεν ἐπιβαλέσθαι τὴν μέθοδον.—Pol. ii. init.

finder; his scheme in this introductory chapter does not in any wise require that he should give a perfect account of the rise and growth, and complete development of the Spartan commonwealth, but only that he should show how, in the result, it has found itself very far removed from the model commonwealth, which XENOPHON, PLATO, and other anti-Athenian laudators upheld it to be. "By their fruits ye shall know them." If the harvest has brought forth rotten apples, the spring may have been genial,—we are not careful to inquire about that; but there must have been something wrong somewhere, either in the seed or in the summer. And not only does the philosopher content himself with indicating what time has shown to be rotten in the Spartan constitution, but he incidentally drops a remark, which receives its full significance only on the supposition of an original state of things altogether different from that which he is criticising. For, while discussing the point of the undue accumulation of landed property in his time, he blames the legislator for forbidding or discouraging the sale of lands by the hereditary holder, while at the same time, he allowed them freely to pass from family to family by testamentary conveyance—a liberty by which his prohibition was rendered in a great measure nugatory. Now, this remark plainly implies the existence, in ancient times, of a state of things in which every Spartan citizen, like the old Hebrew yeoman, had his own ancestral allotment of a certain moderate size—for there is no need of supposing mathematical equality—which, through the operation of an ill-regulated law of succession, as ARISTOTLE thought, had in the course of time produced the monstrous accumulation of property in a few hands which he considers so pernicious.

The evidence of the great Encyclopædic philosopher being thus placed, as it is hoped, in perfect harmony with the testimonies of PLUTARCH and POLYBIUS, the other witnesses, on whom the English historian founds his sceptical views, may be shortly dismissed. Their weight in the present question in fact amounts to nothing more than this, that certain authors, who might have been expected to allude to the Agrarian laws of Sparta, say nothing about them. But this sort of evidence, or rather want of evidence, in the case of writers who are not writing formal treatises on the Spartan polity, proves nothing. A modern writer, for instance, might say many true things of the social state of modern France, and yet not once allude to the very important matter of the compulsory division of landed property in that country after the demise of the holder. Not a few things in ancient writers about ancient matters are not mentioned, simply because they were so well known as not to require to be spoken about. A striking proof of this occurs, I think, in the Panathenaic oration of ISOCRATES, which contains a detailed comparison of Sparta and Athens, but where the Agrarian laws are alluded to only incidentally in a single clause, which Mr GROTE has somewhat strangely overlooked; nay, rather he quotes a passage from the oration which, next to the evidence of ARISTOTLE, seems to make most in favour of his sceptical

position. For, towards the close of the discourse (p. 287) the orator makes one of the advocates of Spartan usages say, "that whereas every one of the other states of Greece had been disturbed by frequent aristocratic and democratic revolutions, in Sparta alone no one could point out either mutinies or massacres, or unjust banishments, or confiscations of property, or violations of women, or abolition of debts, or change in the form of the constitution, or Agrarian laws (*γῆς ἀναδασμούς*), or any of the incurable diseases to which bodies politic are subject." True; but this means only what we have already heard from THUCYDIDES, that the constitution, as settled by LYCURGUS, had remained stable in its great supports—a remarkable phenomenon in ancient Greece—for four hundred years, undisturbed by violent changes and sudden revolutions in the ownership of property; but that the Spartan land, at the great Dorian immigration, was originally divided into equal lots, is incidentally asserted by the orator in a previous part of his discourse, p. 270 (*τῆς χώρας ἥς προσῆκεν ἴσον ἔχειν ἕκαστον*), with which passage the more vague language of PLATO in the laws (III. 684 D.) is perfectly consistent.

The silence of XENOPHON on the subject of the Spartan Agrarian laws might appear, at first sight, more difficult to account for. In a special treatise, such as the little book *περὶ Λακεδαιμονίων πολιτείας* unquestionably is, a characteristic feature of national life so prominently mentioned by PLUTARCH and POLYBIUS, might naturally have been expected to find a place. But when the extremely slight and flimsy character of this treatise is considered, and when the special fact is also borne in mind, that, though professing to give some idea not only of the Spartan education, but of the Spartan political constitution, the existence of the *ἐκκλησία* or congregation of the Commons, is not even mentioned; and when we consider farther, that the inequality of land in Lacedæmon, so glaring to the eye of ARISTOTLE, must already, in the days of XENOPHON, have become so great as to render the Lycurgean legislation on this point a matter more of historical learning than of present social significance, we must hold the silence of this writer on this particular point to be a matter of the smallest moment, certainly not of sufficient weight to countervail the positive and distinct testimony of such a grave and judicious writer as POLYBIUS.

So much for the authorities, or what theologians call the external evidence. As to internal probabilities and presumptions, however our modern British ideas may incline us to look with a certain suspicion on all accounts of social equality in the tenure of land, it is quite certain, not only that the ancients generally held a land-tenure essential to citizenship, but that a certain equality in this respect was looked on as the sign of a healthy condition of the body politic. The whole history of Agrarian laws amongst the Romans was only a violent exposition of one of the oldest principles of ancient citizenship, that the land which had been acquired by the exertions of common brothers in arms, should be possessed by the co-ordinate ownership of equal citizens. But in the case of the Spartans it

seems to me further, that their position as a small band of privileged nobles—for the proper Spartans were in fact a body of nobles, with exclusive privileges, as set against the great mass of the population—this difficult and slippery position, I say, rendered it in the highest degree perilous that any divisions should arise within the principal body; and such dissensions would naturally arise in those days, and in a country where landed property was the only valuable property, if the small section of the country originally occupied by the invaders had been absorbed by a few of the more powerful families, while the great mass was left with small allotments, which, by the action of well-known social laws, would have a tendency constantly to diminish. It is to dissensions of this kind, I conceive, that both PLUTARCH (chap. 2) and ISOCRATES (p. 270) allude, when they talk of the period of disorder and confusion which prevailed in Sparta before the final settlement of the constitution by LYCURGUS; and we may justly conceive the mission of that legislator to have consisted in adjusting this matter by an Agrarian law, as SOLON effected a similar compromise between the claims of debtor and creditor two hundred years later in Athens, or as Baron STEIN, after the battle of Jena (in 1808), under the pressure of a great national calamity, deprived the Prussian nobility of a great part of their landed property, and created a race of independent peasants from the appropriation. Of course, I do not mean to say to what extent the principle of absolute equality in the possession of the national acres might have been systematically carried out by the great Lacedæmonian lawgiver. Of that we can know nothing. All we can say is, that in accordance with the general spirit of ancient citizenship, and as a measure absolutely necessary for the security of a small body of nobles so situated, he would insist that every citizen, *quâ* citizen, should have his sufficient allotment; and as in those early times, before the conquest of Messene, the amount of really valuable land in Lacedæmon was not large, it seems impossible that any very large properties could have been allotted; and thus the very necessity of the case would dictate a practical equality, which historians, writing in times of monstrously accumulated wealth, might easily work up into a sort of mathematical marvel, to a British critical intellect in the nineteenth century after Christ altogether incredible.

These are the views to which, after much consideration, I have arrived on this interesting subject; and I feel a strong conviction that they are the views, which with the sound practical intellect of the British people, constitutionally averse to all conjectural novelties, however brilliant, will ultimately prevail. In the meantime, I shall not be surprised if the authority of Mr GROTE's name in matters where he is a safe guide, shall lead the majority astray for a season in matters where he is most unreliable. Generally, with regard to his whole method of estimating the contents of early historical tradition, I consider him to be unsound. As concerns the special matter of the Agrarian laws, I shall conclude here by protesting against the new canon of historical criticism, which he enunciates formally while

discussing the matter (vol. ii. p. 532). His words are as follows:—"It appears to me that the difficulties connected with this matter are best obviated by adopting a different canon of historical interpretation. We cannot accept as real the Lycurgean land-division described in the life of the lawgiver; but treating the account as a fiction, two modes of proceeding are open to us. We may either consider the fiction, as it now stands, to be the exaggeration and distortion of some small fact, and then try to guess without any assistance what that small fact was; or we may regard it as a fiction from first to last—the expression of some large idea and sentiment, so powerful in its action on men's minds at a given time, as to induce them to make a place for it among the realities of the past. Now the latter supposition, as applied to the times of AGIS IV., best meets the case before us." In regard to this new canon, I object, in the first place, to the language which states that as altogether a guess, which is merely the acceptance of a well-attested fact, the details of which only are a matter of exaggeration and conjecture. The only guess in the present case which touches the nucleus of a fact, is Mr GROTE's, who, following the evil example of the Germans, has here smuggled into the sober pages of history an ingenious but altogether baseless conjecture, for the solid foundation of old authority. In the next place, I would lay it down as one of the most important principles to be borne in mind in the interpretation of all tradition, written or unwritten, to use the emphatic language of Professor DUNCKER, that "historic fantasies are not wont to arise without historic realities;" and the bare fact that AGIS and CLEOMENES in the third century before Christ based their famous but unfortunate schemes of reform in Sparta on alleged Agrarian laws of LYCURGUS made five hundred years before, is to me a strong proof that such laws did once actually exist. A reforming king, who, as a last resource, rouses the social conscience of a nation against the usurpation of an aristocracy, or a bureaucracy, must appeal, not to a pious dream or a brilliant imagination, but to a living record imprinted from generation to generation in the fleshly tables of the popular heart. Only by the touch of what is living can a living virtue be imparted to the dead.