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The Chronology of the Elean War

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ἐν τῇ σορῶ νυνὶ λαχὼν τὸ γράμμα σοῦ δικάζειν,
 σὺ δ' οὐ βαδίζεις, ὁ δὲ Χάρων τὸ σύμβολον
 δίδωσιν,

Dr. Sandys takes τὸ γράμμα as equivalent to τὸ πινάκιον. It surely rather stands for the letter, *L, M, N* etc., which a juror obtained by drawing an acorn (5) and which by a previous sortition (1) had been assigned to a certain court, τὸ βατραχιῶν, τὸ φονικῶν, etc.

The sentence νενέμνται γὰρ κατὰ φυλὰς δέκα μέρη οἱ δικασταὶ παραπλησίως ἴσοι [ἴσα] ἐν ἐκάστῳ τῷ γράμματι, ch. 63, is more obscure and presents a more arguable question. I cannot myself by any permissible strain force it to yield the scheme above described if the words ἐν ἐκάστῳ τῷ γράμματι refer, as Dr. Sandys interprets, to the divisions *A, B, C*, etc. I rather suppose that they refer to the sections, *L, M, N* etc. Then κατὰ φυλὰς is equivalent to ἐν ἐκάστῃ τῇ φυλῇ, and the ten μέρη are the ten divisions, *A, B, C*, etc.; or, to distinguish tribal divisions from state divisions, call them *a, b, c*, etc.

The sections *L, M, N*, etc. might be very unequal; and, consequently, a tribe's division, *a*, in one section, *L*, might be very unequal to the same tribe's division, *a*, in another section, *M*; but would generally (παραπλησίως) be equal to its other divisions, *b, c, d*, etc., within the same section *L* (ἐν ἐκάστῳ τῷ γράμματι).

The chance, however, that presided over the cube and acorn-drawing must often have produced an inequality in the number of jurors contributed by the different divisions, *a, b, c*, &c., of the same tribe to a single section: and this disparity would now and then exceed the limits of approximate equality (παραπλησίως ἴσα), unless that term is used with considerable latitude. These

tribal disparities would, however, compensate one another, and the state divisions, *A, B, C*, &c., would be represented in each section with approximately equal strength. This favours Reinach's suggestion, to omit κατὰ φυλὰς as an interpolation. A somewhat similar expression, ch. 21, διένειμε δὲ καὶ τὴν χώραν κατὰ δήμους τριάκοντα μέρη, gives no assistance. There the words κατὰ δήμους present a difficulty which perhaps should be removed by reading καὶ τοὺς δήμους.

A similar use of the phrase κατὰ φυλὰς may, however, be found in the beginning of ch. 63, τὰ δὲ δικαστήρια πληροῦσιν (better than κληροῦσιν) οἱ ἐννέα ἄρχοντες κατὰ φυλὰς. These words chiefly refer to operation 5, and mean that the courts received their complement of jurors in fractions (tenth parts) furnished by the archons from the tribal balloting-rooms. In other words, the sections were composed of contingents from every tribe.

The later passage, νενέμνται γὰρ κατὰ φυλὰς δέκα μέρη οἱ δικασταὶ παραπλησίως ἴσοι ἐν ἐκάστῳ τῷ γράμματι, may be translated: 'The jurors are brigaded, by a formation which pervades the tribes, in ten divisions, which furnish, roughly speaking, equal contingents to every court.' This may be decomposed into two propositions: the divisions are composed of contingents from every tribe, and the sections are composed of contingents from every division. It seems, then, unnecessary to adopt Reinach's proposal to omit the words κατὰ φυλὰς.

Dr. Sandys, ch. 63, note 1, interprets the words, τοὺς δὲ δικαστὰς κληροῦσι, ch. 59, as referring to the permanent enrolment in the divisions *A, B, C*, &c. I suppose they rather refer to the daily sortition for the sections, *L, M, N*, &c.

E. POSTE.

THE CHRONOLOGY OF THE ELEAN WAR.

A COMPLETE solution of all the difficulties involved in this problem, which has occupied the attention of commentators and historians for more than a century, is almost out of the question: we have to content ourselves with weighing one set of probabilities against the other.

The problem is twofold. (1) Did the Elean war last two years or three? (2)

Did the war take place before or after the XCV Olympiad (400 B.C.)? For Grote's common-sense remark (ix. 49) that, had the war been going on at the time of the Olympic festival, the fact would hardly have been left unnoticed by all the ancient authorities, effectually disposes of Clinton's chronology (i.e. 401—399 B.C.).

As to (1) E. Curtius (*Gr. Gesch.* Bk. v.

note 70) follows Diodorus and limits the war to two years, regarding Grote's view, which spreads it over three years, to be erroneous. Pausanias (iii. 8. 3—5), who is evidently following Xenophon, speaks of three years—*τῷ δὲ ἐφεξῆς ἔτει... τριτῷ δὲ ἔτει τοῦ πολέμου*. Did he then misinterpret Xenophon, who being a contemporary authority is manifestly of the chiefest importance? If we examine the passage in the *Hellenica* (iii. 2, 21—30), there can hardly be a doubt that he did not. According to Xenophon, Agis' first campaign was cut short by the occurrence of an earthquake. But *περιόντι τῷ ἐναντιῷ* the ephors again declared war against the Eleans. Now the phrase *περιόντι τῷ ἐναντιῷ* can only mean, 'when the year was drawing to a close' (cf. Classen's note to Thuc. i. 31 *περιόντι τῷ θέρει*); and as Xenophon, like Thucydides, always begins his year about our April, the close of his year must be February or March. On this interpretation, what follows immediately becomes intelligible. The Spartans, we are told, summoned contingents from their allies, who all, even including the Athenians, obeyed the summons, except the Boeotians and Corinthians. Then Agis at the head of this army entered Elis through Aulon, whereupon the Lepreates and others revolted from the Eleans. The Spartan king sacrificed at Olympia without opposition, and next proceeded to plunder the country: so rich was the booty that many Achaeans and Arcadians volunteered to join him. As he approached the city itself, internal dissensions broke out; notwithstanding this, Agis after waiting a while inactive retired, leaving a garrison at Epitalium. All this must have occupied a considerable time, namely, all the spring and the best part of the summer of the second year's campaign, so that we are not surprised to learn (§ 30) that this garrison continued to ravage the country *τὸ λοιπὸν θέρος καὶ τὸν ἐπὶ ὅντα χειμῶνα*. At last *τοῦ ἐπὶ ὅντος θέρους* (i.e. in the third year) the Eleans, to avoid further suffering, consented to accept the terms imposed by Sparta. Evidently therefore Xenophon represents the events as extending over three years, and Diodorus is wrong in limiting them to two years.

The second question is much more difficult. Grote and Curtius both follow the chronology of Diodorus (xiv. 17 and 34), who places the beginning of the war in the archonship of Mico (July 402—July 401) and the end in the archonship of Xenaenetus (Exaenetus) (July 401—June 400). Cur-

tius, repeating Grote (ix. 49) with additions of his own, gives two reasons for his view: (α) that this date agrees best with the chronology of the life of Phaedo, the friend of Socrates, (β) that it is in almost exact harmony with the chronology of the two Spartan kings, Agis and Agesilaus.

The first argument, it will soon appear, is not a very strong one. *Φαίδων* 'Hλείος, Diogenes Laertius informs us (ii. 9), *τῶν εἰπατριδῶν συνεάλω τῇ πατρίδι*. Curtius,¹ following Preller, maintains that Phaedo, who was, as we know from Plato, present at Socrates' death in the month of Thargelion (c. May) 399 B.C., must have been taken captive in a war with Elis a year or two before that date. But no other war with Elis, at all suitable in point of time, is known to history, except the one recorded in Xenophon and Diodorus; therefore the three years of the Elean war must have been 402—400. Could we trust Diogenes, this argument would of course be irrefragable. But not only is Diogenes a very poor authority in matters of history, but another version of the story appears in Suidas (s.v. *Φαίδων*), who states that Phaedo was captured *ὑπὸ Ἰνδῶν* and sold to Athens. The reading *Ἰνδῶν* is manifestly wrong, but no satisfactory conjecture has yet been proposed to replace it. On the whole therefore, if this statement of Diogenes stood alone, not very much weight could be given to it. Plato at any rate knows nothing about the slavery of Phaedo.

But, Curtius goes on to say, this same date harmonizes with the length of the reigns of Agis and Agesilaus. As far as Agis is concerned, however, this assertion appears on a close examination of the passages in the ancient authorities to rest on a very slender foundation. It is true that in xii. 35 Diodorus tells us that Agis reigned for 27 years, and that we know from Thucydides (iii. 89) that he came to the throne in the winter 427—426, so that he must according to these dates have died in 399 B.C. It is true too that Plutarch (v. *Ages.* 40) sets the reign of Agesilaus, his successor, at 41 years, which would make the date of the latter's death to be 358—a date which agrees very well with the date (viz. 359) given in Manetho's list for the accession of Ochus, king of Persia, against whom the aged king of Sparta had been serving in Egypt, when he met his death on his return march before he could reach Cyrene. Surely, however, even if the risk of basing history upon isolated numerals be left out

¹ Cf. Preller, *Rhein. Mus.* iv.

of account, such a combination is purely arbitrary; and if we put together Diodorus' own statements about these kings, we find ourselves involved in hopeless contradictions. For in xii. 35 he makes Agis ascend the throne in 434—433, and even if we regard the appearance of Agis' name in xv. 82, where it ought to be that of Agesilaus, as a mere slip of the pen, we hear of Agis in his narrative as late as the year 405—404 (cf. xiii. 104 and 107)—dates which give him a reign of at least 29 years, or if we are to suppose him to have lived till 399—for Diodorus nowhere speaks of his death or of the accession of Agesilaus—of 34 years. Curtius, however, asserts that Diodorus' 27 years is an excerpt from some good authority. But if Curtius admits, as he does, that the war came to an end in the spring of 400 B.C., then, since it is plain from Xen. *Hell.* iii. 3, 1 that Agis died immediately after the conclusion of the war, and we know from Thuc. that he came to the throne in 426, he can only have reigned 26 years. Again Diodorus xv. 93 puts Agesilaus' death under the year 362—361—a date which gives him at most only a reign of 38 years, supposing that he came to the throne in 399. In short Curtius' whole scheme rests upon a series of more or less arbitrary conjectures.

The alternative system is that proposed by Sievers, and followed by Breitenbach and A. Holm. It depends on the statement of Xenophon (*Hell.* iii. 2, 21)—who, it must always be remembered, was himself contemporary with the events—that *τούτων ...πραττομένων ἐν τῇ Ἀσίᾳ ὑπὸ Δερκυλίδᾳ* at the same time the Elean war took place in Greece. Now, by reckoning back from Xenophon's *Anab.* vii. 6. 1, and from the eclipse of Aug. 14, 394,¹ it appears that Dercylidas took the command in Asia in

¹ *Hell.* iv. 3, 13.

the autumn of 399 and that Agesilaus succeeded him in the spring or summer of 396. At the time of Cinadon's conspiracy, which is related by Xen. immediately before the king's expedition to Asia,² Agesilaus had not yet been a year upon the throne. Supposing then that his predecessor Agis died in the spring of 397, the conspiracy may very well have taken place in the winter months of 397—396, and would give an additional reason³ for the ephors being willing to send Agesilaus abroad at the head of 2000 Neodamodes or enfranchised Helots. If then Agis died in the spring of 397, his first expedition against Elis must have taken place in 399, the year after the Olympic festival, and 398 must have been the year of his second and principal invasion. Thus this system of chronology is simple, self-consistent and dependent upon contemporary evidence. The only arguments against it are the date in Diodorus, who just about this period⁴ is perhaps more than usually inaccurate, and Diogenes Laertius' story about Phaedo, the origin of which cannot be traced, and which, first appearing as it does in the notoriously inaccurate pages of this writer of the second century of our era, cannot weigh against the statement of the contemporary author Xenophon. The arguments drawn from the length of the reigns of Agis and Agesilaus are, as it has above been shown, in themselves worthless. On the whole therefore it seems that the more probable date for the Elean war is 399—397 B.C.

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² *Hell.* iii. 3, 4.

³ Cf. Brasidas' expedition to Thrace, Thuc. iv. 80.

⁴ Thus Diodorus makes the rule of the Thirty at Athens extend from 404 to 401 instead of 8 months only, which was the real time. Again he puts the outbreak of the Elean war before the downfall of the Thirty. Finally he speaks of Pausanias and not Agis as commander of the army invading Elis.

THE REPEAL OF THE LEX AELIA FUFIA.

CICERO tells us in many passages that Clodius repealed the Lex Aelia Fufia, but speaks of this repeal in language so vague, and in some cases of such obvious exaggeration, especially in the speeches *pro Sestio* (15, 33) and *in Vatinius* (7, 18), as to raise the question whether we have not here a rhetorical over-statement rather than a record of historical fact. Clearly the first

question that one would wish to determine in an investigation of this law of Clodius is what were the provisions of the Lex Aelia and Lex Fufia, which were two distinct laws, as appears from many passages of Cicero (*in Pis.* 9; *de prov. cons.* 19, 46; *in Vat.* 7, 18). It is hopeless, however, to try to reconstruct in detail the sections of these laws that dealt with the auspices, the