

EDWARD HARRIS (DURHAM)

## THE RULE OF LAW AND MILITARY ORGANISATION IN THE GREEK *POLIS*

A despotic government is best for war,  
and popular government the best for peace.

J. H. Newman (1891) 326

One of the greatest fears of the Greek *polis* (city-state) was the threat of tyranny.<sup>1</sup> As early as the Archaic period, the Spartans had a reputation for avoiding tyranny (Hdt. 5.92.2) and overthrew several tyrannical regimes. The Athenians endured several periods of tyranny under the Peisistratids in the late sixth century (Hdt. 1.59-64; [Arist.] *Ath. Pol.* 14-19). After the Peisistratids were driven out, they set up statues of the tyrannicides Harmodius and Aristogeiton and granted exceptional honors to their descendants.<sup>2</sup> They also enacted several measures against tyranny. According to the Aristotelian *Constitution of the Athenians* (22.3) ostracism was originally created to stop those aiming at tyranny. After the fall of the Thirty Tyrants, the Athenians passed a decree of Demophantus declaring that anyone who killed a tyrant was to be ritually pure (i.e. innocent of wrongdoing) (Andoc. 1.95; Dem. 20.159; Lyc. *Leocr.* 124-26).<sup>3</sup> In 337/6 the politician Eucrates passed a law with similar provisions.<sup>4</sup> The law about *eisangelia* provided for prosecution and stiff penalties for those who made an attempt to overthrow the democracy or succeeded in doing so (Hyp. *Eux.* 7-8). Sparta and Athens were not the only *poleis* opposed to tyranny. In the fourth century the Thebans as leaders of the Boeotian Confederacy

---

<sup>1</sup> Several people have given me help and encouragement in writing this essay. Fred Naiden was the first to draw my attention to the importance of military organization in Greek warfare, a topic neglected in many recent works on the topic (e.g. Hanson [1989], van Wees [2004]). He read several drafts and offered suggestions for improvements. Pierre Fröhlich, Selene Psoma, and Peter Rhodes offered valuable advice and helped with bibliography. I would also like to thank Gerhard Thür for inviting me to *Symposion 2009* and to Eva Cantarella and Joseph Mélèze-Modrzejewski for their encouragement. References to ancient sources use the abbreviations found in Liddell-Scott-Jones.

<sup>2</sup> For the statues see Brunnsaker (1971). For the honors to the descendants of the tyrannicides see Taylor (1991) 1-12.

<sup>3</sup> The document inserted into the text of Andocides 1.96-98 is a later forgery and the information contained in it unreliable. See Harris and Canevaro (forthcoming).

<sup>4</sup> For a text of Eucrates' law based on autopsy see Schwenk (1985) 33-46.

waged several campaigns to liberate Thessaly from the tyrant Alexander (Plu. *Pel.* 26-33). Laws against tyranny were also enacted at Eretria, Ilion and Abdera.<sup>5</sup>

There were many paths to tyranny, but the most frequent one was through military command.<sup>6</sup> Several tyrants started their careers as generals and used success in battle as a means to seizing power. Peisistratus served as Athenian general in the war against Megara and captured Nisaea (Hdt. 1.59.4; [Arist.] *Ath. Pol.* 14.1). He seized power for the third time around 546/5 when he led an army of his supporters from Eretria to Marathon and won a victory over his opponents at Pallene (Hdt.1.61.2-63.2; [Arist.] *Ath. Pol.* 15.2-3).<sup>7</sup> Before him, Solon gained prestige by conquering the island of Salamis. Although he decided to become a lawgiver and entrust the administration of his laws to the community, Solon says that he could have become a tyrant (Plu. *Sol.* 8.1-2; 14.5-15.1 [= fr. 33 West]). When Pausanias commanded the Greek forces against Cyprus and Byzantium in 478, he was accused of attempting to become a tyrant. Although he was acquitted of the charges brought against him, the Spartans did not renew his appointment as commander and sent Dorcis and other commanders in his place (Th. 1.95). Dionysius of Syracuse set himself up as tyrant after being elected general with supreme power (*strategos autokrator*) (D. S. 13.91.3-96.4). Jason of Pherai was appointed *tagos* of Thessaly and gained control over large forces of mercenaries, yet after he was killed, his assassins were honored as tyrannicides by many Greek *poleis*, who thought that he was about to use his military position to set up a tyranny (X. *HG* 6.4.28-32). His brother Polyphron took over his position and was also accused of tyranny by Alexander, who killed him for this reason (X. *HG* 6.4.33-35). When Euphron of Sicyon was elected general, appointed his son Adeas commander of the mercenaries, and started to win the loyalty of the troops by distributing money, Xenophon charged him with acting like a tyrant by exiling his opponents and confiscating their property (X. *HG* 7.1.46).<sup>8</sup> After Alcibiades was elected general to lead the Athenian expedition against Syracuse, he too was suspected of aiming at tyranny (Th. 6.15; 53, 60-61). It is no coincidence that in Sophocles' *Antigone* Creon, who is called a

<sup>5</sup> Law against tyranny at Eretria: Knoepfler (2001) and (2002). Law against tyranny at Ilion: *OGIS* 218 (= *IK* [Ilion] 25). Law at Abdera: Loukoupoulou, Parisaki, Psoma, and Zournatzi (2005) E.2 (Abdera). The public curses at Teos call down destruction on an Aesymnetes, an office that Aristotle (*Pol.* 1285a31) called an elective tyranny: Meiggs and Lewis (1969) no. 30B, lines 4, 8-9. On the office of *aisymnetes* see Faraguna (2005).

<sup>6</sup> Cf. Fröhlich (2008) 431: "il est probable que la plupart des cités faisaient peser un contrôle étroit sur les magistrats militaires, pour des raisons évidentes: ils étaient les meilleurs candidats à une carrière de tyran." See also Boëldieu-Trevet (2007) 60: "Dans les cités grecques de l'époque classique on redoutait le commandement exercé par un seul. On l'y assimilait d'ailleurs fréquemment à la tyrannie."

<sup>7</sup> For the chronology of the period see Rhodes (1981) 191-99.

<sup>8</sup> Though later murdered partly on the grounds that he was a tyrant, Euphron was honored by the people of Sicyon who considered him their benefactor (X. *HG* 7.3.1-12). On Xenophon's account see Lewis (2004).

tyrant by Ismene (60), Antigone (506), Teiresias (1056), and the messenger (1169), holds the office of general (7-8) and lays great stress on the military virtues of discipline and obedience (668-76).<sup>9</sup>

To prevent generals from becoming tyrants, the Greek *poleis* used the same kinds of methods they adopted to prevent other officials from seizing absolute power: 1) putting armies under the command of a board of generals, 2) annual rotation in office,<sup>10</sup> 3) making generals accountable by requiring them to submit to *euthynai*.<sup>11</sup> By applying the same rules to the military sphere as were in effect in the civil sphere, however, the Greek *poleis* often inhibited the ability of generals to wage war successfully. This paper will show that each of these methods created problems for efficient military operations. Dividing command among several individuals might lead to disagreements about strategy and tactics; annual rotation in office might prevent a talented general from continuing as commander; and requiring that generals submit to *euthynai* might expose them to unfair attacks by opportunistic politicians. The ideal of the rule of law and the fear of tyranny might therefore often be at odds with the necessities of military organization.

The problem with appointing a board of two or more generals to lead an army was that divisions of opinion might arise among them, which might threaten unity and discipline. The Spartans learned this lesson in 508 BCE when the two kings Cleomenes and Demaratus led an army of Spartans and their allies to impose Isagoras as tyrant of Athens (Hdt. 5.74-76). Up to this point, it was normal for both kings to go out on expeditions. This aim of this custom was obviously to prevent either king from gaining too much influence over the army and using this as a

---

<sup>9</sup> For Creon as a tyrant see also D. 19.247 and in general Harris (2006) 41-80. Note also that when Hermocrates tries to warn the Syracusans about the Athenian invasion of Sicily (Th. 6.33-34), Athenagoras accuses him of trying to get elected illegally and setting up a tyranny or an oligarchy (Th. 6.38). The suspicions aroused by Athenagoras may have been responsible for Hermocrates' exile several years later (X. *HG* 1.1.27, 3.13).

<sup>10</sup> An inscription from Teos dated to the third century BCE contains regulations about a garrison commander, which limit his term of office to only four months and forbid reappointment for five years. See *SEG* 26:1306, lines 9-10, 15-16, 21, 28 with Robert and Robert (1976) 197-98 with note 176: "il est clair que ce qui a joué pour ces stratèges, comme pour le phourarque de Téos, c'est un motif politique de sécurité de la démocratie . . ." I would like to thank Selene Psoma for giving me this reference. Generals at Erythrai were also limited to a four-month term: see *IErythrai* 24 (277/75), lines 3-4, 24-25; 29 (c. 275), lines 3, 16-17.

<sup>11</sup> For these and other methods of preventing tyranny in the Archaic period see Harris (2006) 14-25. For *euthynai* of officials in the Greek *poleis* see Fröhlich (2004). For the *euthynai* of generals at Athens, see Fröhlich (2000). Cf. Fröhlich (2008) 40: generals "se soumettent aux memes règles de fonctionnement que les autres magistrates: leur charge est limitée dans le temps, collégiale, soumise à un contrôle, et non cumulable avec une autre." Hansen (1991) 226 believes that boards of officials are a democratic feature but see Harris (2006) 21-2, 25-8.

stepping-stone to tyranny.<sup>12</sup> When the Spartans and their allies reached Eleusis and were about to attack the Athenians who had come to oppose them, the Corinthians changed their minds “because they thought they were acting unjustly” and withdrew (Hdt. 5.75). The reason why they objected is provided later in the narrative by the Corinthian representative Sosicles: they thought it wrong to overthrow a legitimate government and set up a tyranny. Demaratus sided with the Corinthians and set himself against Cleomenes. When the allies learned that the two kings disagreed and that the Corinthians had departed, they too left their positions and withdrew, forcing Cleomenes to retreat. This event caused the Spartans to pass a law making it illegal for the two kings to accompany the army and requiring that one remain behind in Sparta.

This law appears to have remained in force during the fifth and fourth centuries BCE: during this period Spartan armies are always led by one commander, whether a king or some other officer such as Brasidas. In fact, whenever there is more than one military official mentioned in accounts of the Spartan army, one is the supreme commander, and the others are subordinate to him. For instance, Thucydides (5.8.4; 10.7) says that Brasidas and Clearidas each commanded separate contingents at the battle of Amphipolis, but it is clear that the latter took orders from the former (*e.g.* X. *HG* 4.3.21). Although the law removed the potential for dissension among army commanders, the original problem remained, that is, the threat of a successful general using the army to set up a tyranny. To keep watch on the kings during military campaigns, therefore, the Spartans sent out two Ephors along with each one (X. *Lac.* 13.5).<sup>13</sup> The Ephors had the power to arrest, fine or bring to trial any official they caught breaking the law (X. *Lac.* 8.3-4). They also exercised power over the Kings who swore to them that they would rule according to the established laws of the state. In return the Ephors swore to uphold the kingship provided they obeyed their oath (X. *Lac.* 15.7).<sup>14</sup> This clearly implies that they had the power to punish or arrest them if they broke the law.<sup>15</sup> This solution of the Spartans was similar to that adopted by the Soviet Union to prevent the military from challenging the supremacy of the Communist Party: Soviet generals were always accompanied by political commissars, who had the power to arrest them if they deviated from the party line.

The Spartans adopted a different rule for the commander of their fleet, a position created during the Peloponnesian War. In this case they applied the rule of rotation in office, allowed the commander to serve for a limited time and made re-

---

<sup>12</sup> For the dual kingship as a means of preventing tyranny see Pl. *Lg.* 691e-692b.

<sup>13</sup> For the role of the Ephors in preventing tyranny on the part of the kings see Pl. *Lg.* 691e-692b.

<sup>14</sup> Cf. Lipka (2002) 246: “The purpose of the oaths was to demonstrate subordination of the royal powers to the power of the Spartan *nomos*, and to protect oneself against tyranny on the part of the kings.”

<sup>15</sup> For the power of the Ephors to depose harmosts serving abroad see X. *HG* 3.2.6-7.

election illegal (X. *HG* 2.1.7; D. S. 13.100.8).<sup>16</sup> Although this prevented anyone from acquiring too much power in this position, it also made it impossible for a good general to continue in office. Spartan dedication to the rule of law (Hdt. 7.104) thus presented a potential obstacle to military victory. The problem is well illustrated by the career of Lysander during the last years of the Peloponnesian War. In 407/6 Lysander took over from Cratesippides, whose term of office was over (X. *HG* 1.5.1). The Spartans had enjoyed little success at sea up to this point; at the battle of Cyzicus in 410 they had lost their entire fleet (X. *HG* 1.1.16-18; D. S. 13.50). Lysander's first move was to convince the Persian Cyrus to provide the Spartans with pay for rowers so that they could man their ships and outbid the Athenians. The extra money enabled Lysander to win a major victory for the Athenian fleet at Notion in early 406, capturing many Athenian triremes (X. *HG* 1.5.10-14 [fifteen triremes lost]; D. S. 13.71.4 [twenty-two triremes captured]). But after a year in office, he was required to yield his command to his successor Callicratidas (X. *HG* 1.6.1-6; D. S. 13.76.2). According to Xenophon (*HG* 1.6.4) his authority was undermined by Lysander's friends who said that it was unwise to replace a successful general who knew his troops well with one who had no experience and was unknown to those under his command.<sup>17</sup> Callicratidas replied to these criticisms by insisting that the Spartans should follow the orders of the government which had appointed him navarch (*HG* 1.6.5). Despite some initial successes Callicratidas died early during the battle of Arginousai in late 406 at which the Spartan fleet lost over seventy ships (X. *HG* 1.6.26-34; D. S. 13.97-100).

Shortly afterwards, the people of Chios and other allies met at Ephesus and decided to request that the Spartans send Lysander to take over the allied fleet (X. *HG* 2.1.6). The Spartans decided not to overturn their law forbidding the same man to hold the office of navarch more than once. Despite compelling military reasons, they did not wish to abolish an important means of preventing tyranny. Instead they appointed Aracus as navarch and Lysander as his subordinate for the year 405/4 but in reality it was Lysander who gave the orders (X. *HG* 2.1.7). In this way the Spartans were able to take advantage of Lysander's military talent without sacrificing their commitment to the rule of law. It was a shrewd decision: Lysander's decisive victory at Aegopotamoi soon after his appointment led to the final defeat of Athens in the Peloponnesian War (X. *HG* 2.1.7-28; D. S. 13.105-6).

The Athenians took a different approach to the problem. In 501/0 they created a board of ten generals elected one from each tribe (*Ath. Pol.* 22.2-3). This was clearly done to provide a counterweight to the office of Polemarch and to avoid the concentration of power in the hands of one general, which had helped Peisistratus to

<sup>16</sup> Initially the Spartans appear to have appointed navarchs for specific campaigns. shortly before Lysander's first appointment the term of office was fixed at one year. On this issue see Sealey (1976), Bommelaer (1981) 75-79, and Piérart (1995).

<sup>17</sup> Diodorus (13.76.4-79.7, 97.3-99.5) gives a more positive account of Callicratidas' performance.

gain power. Later the generals were elected from all the Athenians (*Ath. Pol.* 61.1). There is controversy about the date of the change, but it appears to have occurred before 441/40 when two generals from the same tribe are attested.<sup>18</sup> As with all other officials at Athens, the generals were elected for one year and accountable to the people through the procedure of *euthynai*.<sup>19</sup> Unlike the case with the Spartan navarchs, however, Athenian generals could be re-elected.<sup>20</sup>

In some cases the Athenians sent single generals to command expeditions, but in others a board of three or more generals was appointed. All ten generals appear to have accompanied the expedition to suppress the revolt of Samos (Th. 1.116.1), and eight were in command at the battle of Arginousai in 406 (X. *HG* 1.6.29; 7.1-2; D. S 13.101.5-102.1). One way to avoid division of opinion would have been to rotate command in the field on a periodic basis or to appoint a supreme commander. According to Herodotus (6.110. Cf. Plu. *Arist.* 5.2), both expedients were in practice at the battle of Marathon. On the one hand, the Polemarch appears to have held a position above the generals (cf. *Ath. Pol.* 22.2-3); on the other, operational command was rotated on a daily basis. But Herodotus was not a contemporary witness, and his account of the battle is vulnerable to criticism.<sup>21</sup>

It appears that when a board of generals was in command, decisions were made by consensus. The best evidence for this is found in Thucydides' account of the Sicilian Expedition (Th. 6.46.5-50.1. Cf. Plu. *Nic.* 14.3; *Alc.* 20.2-3). When the Athenian force arrived at Rhegion in Southern Italy, the generals Nicias, Alcibiades, and Lamachus conferred about what strategy to adopt. Nicias proposed moving against Selinous, their original objective, demand the money promised to them by the people of Eggesta, then return to Athens after forcing Selinous into submission. Alcibiades has a more ambitious plan first to win over Messana, then find other allies to join in an attack on Syracuse and Selinous. Lamachus had a more bold idea, which was to sail immediately against Syracuse before the city could finish preparations. Lamachus decided to yield and back Alcibiades' plan, which was followed by all three. When an individual general was operating with his own force

---

<sup>18</sup> See Androtion *FGrHist* 324 F 38 (Pericles and Glaucon, both from Akamantis, in a list of generals at Samos). Alternatively there may have been an intermediate stage when one general was elected for each tribe, but exceptions were possible. For discussion of the controversy with references to earlier treatments see Piérart (1974) and Hamel (1998) 85-86.

<sup>19</sup> Fröhlich (2000).

<sup>20</sup> The Athenians did not select generals by lot but elected them because they knew that the position required expertise – see [X.] *Ath.* 1.3.

<sup>21</sup> According to Diodorus (13.106.1-7) this system of daily rotation was used by the Athenians before the battle of Aegospotamoi, which may lend support to Herodotus' account of the battle of Marathon. In his account of Aegospotamoi, however, Xenophon (*HG* 2.1.27-32) does not mention daily rotation. See Hamel (1998) 94-5 with references to earlier treatments. Professor Rhodes points out that in the treaty between Athens and Sparta in 369 the two powers alternated command every five days (X. *HG* 7.1.1-14).

apart from the others, he could make tactical decisions. For instance, Demosthenes, who replaced Alcibiades after his recall, carried out an assault on the Syracusan counter-wall without apparently consulting his colleagues (Th. 7.43.1).

The opposition of one colleague might however prevent a consensus from emerging and inhibit decision-making. Later in the campaign against Syracuse, Demosthenes argued that it was best to withdraw and not waste any more money on the siege, which was not going well (Th. 7.47). Nicias was more optimistic about continuing the siege but was also worried that if they returned to Athens, speakers in the Assembly would accuse them of committing treason and receiving bribes (7.48). This was not an unreasonable fear: the three generals who were sent to Sicily in 427 were punished upon their return to Athens in 424 after failing to gain their objectives (4.65). Demosthenes then proposed marching to Thapsos or Catana and raiding the territory of their enemies from there, and Eurymedon sided with him. Despite the majority against him, Nicias was able to delay the army's departure (7.49). Shortly after Gylippos returned with reinforcements for Syracuse, making the Athenian position even more precarious. Eurymedon and Demosthenes finally gave orders to break camp, but an eclipse of the moon occurred, and Nicias insisted that there be no more discussion for twenty-seven days (Th. 7.50). One general was able to prevent the decisive action of the other two that might have saved the army from total destruction. The command structure of three generals, dictated by political factors, had a fatal impact on military operations.

It is worth noting that Thucydides explicitly notes the drawbacks of a large board of generals who are subject to strict political control. After the Syracusans were defeated by the Athenians in front of their city in 415, Hermocrates advised them to institute a series of reforms (Th. 6.72.4-73.1). One was to reduce the number of generals from fifteen to three. Hermocrates argued that the large number of generals and the division of authority (*polyarchia*) had done much harm and was inefficient. It would be better to have fewer generals who were more experienced and could run the army more efficiently. He also recommended that they be given full powers (*autokratōras*) and be allowed to make their own decisions. This implies that previously the generals were required to follow specific orders from the Council and Assembly. This way they would find it easier to keep their plans secret.<sup>22</sup>

The problem of a division of opinion among a board of generals recurred during the Social War when Chares, Timotheus, and Iphicrates were in command of the Athenian fleet at Embata. Chares wanted to attack the opposing fleet of Chians and other rebellious allies, but Timotheus and Iphicrates, who were experienced

---

<sup>22</sup> Note that one of the advantages of monarchy mentioned by Darius in the Constitutional Debate in Herodotus (3.82.2) is that deliberations against the enemy can be carried on in secret.



commanders, argued that it was too risky to engage the enemy.<sup>23</sup> According to Nepos (*Timotheus* 3.4), Chares ordered the other two to follow and advanced with his own force. After his defeat, he charged Timotheus and Iphicrates with treason and succeeded in convicting the former. Had one of the generals been superior to the other two, the defeat might have been avoided. The disagreement about military tactics then ended up in the courts before judges influenced by political considerations, which resulted in the unjust conviction of Timotheus (Isocr. *Antidosis* 129).

The most notorious case of a dispute in the fleet becoming a political issue was the trial of the generals after Arginousai. After the Athenian victory over the Spartan fleet the generals commanded Theramenes and Thrasybulus, who were trierarchs, and some of the taxiarchs to pick up men stranded on disabled ships. When a storm intervened, they were unable to carry out their orders, and many of the shipwrecked men were drowned (X. *HG* 1.6.35).<sup>24</sup> On their return to Athens, a politician Timocrates proposed that the generals be placed in prison and tried in the Assembly. Theramenes joined in the attack and charged them with failing to pick up the bodies (X. *HG* 1.7.3-4). The generals then defended themselves by reporting that the task of recovering the shipwrecked sailors was given to Theramenes and Thrasybulus (X. *HG* 1.7.5-7). The two trierarchs were obviously worried that the people's rage might fall on them so they allegedly disguised some relatives of those who were lost in the storm to dress in mourning at the Apatouria and to attend the Assembly so as to prejudice opinion against the generals (X. *HG* 1.7.8-9). Callixenus then passed an illegal motion to have the generals tried *en masse* in the Assembly, which led to the greatest miscarriage of justice in Athenian history (X. *HG* 1.7.9-35).

The incident illustrates another problem created by the democracy for military discipline. The trierarchs were subordinate to the generals, but they were allowed to appeal directly to the Council and Assembly over the heads of the generals. The issue of recovering the sailors was a military matter, which should have been dealt with by the generals and the trierarchs without interference from the Assembly. Once the matter reached the Council, however, opportunistic politicians gained control of the debate and helped to set the trierarchs against the generals. This led to the exile or execution of eight generals and deprived the Athenians of the military talent they needed to carry on the war against Sparta. They paid the price next year when the incompetent generals elected to replace them were outmanoeuvred by Lysander and lost the entire Athenian fleet.

---

<sup>23</sup> For the sources see Polyaeus 3.9.29; D. S. 16.21-3-4 (mistakenly placing the battle in the Hellespont); Nepos *Timotheus* 3; *Iphicrates* 3.3; Isocrates *Antidosis* 129; Dinarchus *Demosthenes* 14.

<sup>24</sup> Diodorus (13.100.1-3) reports that there was a division of opinion whether to pick up the bodies of dead sailors or to pursue the enemy. But Xenophon's account makes it clear that the trierarchs were ordered to rescue sailors who were still alive.



The Boeotian Confederacy also used boards of generals but appear to have avoided the problems encountered by the Athenians. In the fifth century BCE there were eleven Boeotarchs who commanded the army.<sup>25</sup> When the Athenians were retreating from Boeotia and camped at Delium, the Boeotarchs Pagondas and Arianthides were in favor of making an attack, but the other nine were opposed. Thucydides (4.91) states that Pagondas had a superior position (*hegemonies*), but it is not clear what this means. He may have held a superior position to the others on this campaign, or command may have alternated among the Boeotarchs as Herodotus (6.110) reports that it did for the Athenian generals at Marathon. Whatever Pagondas' position, it appears that the decision to attack was taken collectively because Pagondas had to persuade the army.<sup>26</sup> When the Confederacy was refounded after the liberation of Thebes in 379, seven Boeotarchs were appointed as the main officials with political and military powers. They exercised a probouleutic function in the federal assembly and led the army.<sup>27</sup> All the Boeotarchs were in command before the battle of Leuctra, and the decision to attack appears to have been collective (X. *HG* 6.4.12), but Epaminondas was in the position of general and had overall control (D. S. 15.52.1; Plu. *Pel.* 23.1). When the Boeotian army invaded the Peloponnese in 369, the other Boeotarchs willingly allowed Epaminondas and Pelopidas to hold supreme command (D. S. 15.62.4). It is difficult to tell whether the Boeotarchs followed their orders because of their prestige or the two men held a superior position.<sup>28</sup> Whatever the explanation, the Boeotians were able to create a unified command that avoided the disadvantages inherent in a board of generals.

To keep generals accountable, the Thebans required that they serve for only one year, then return home to present their accounts and stand for re-election. The term of office began and ended in Boukatios, the first month of the year in the winter, (Plu. *Pel.* 24.2; 25.1) so that generals would not have to interrupt the campaigning season.<sup>29</sup> According to Nepos (*Epaminondas* 7), the penalty for breaking the law was death. The law did not pose any difficulties as long as campaigns did not last into the winter, but in late 370 it became a potential obstacle for the general Epaminondas. In 371 the Thebans defeated the Spartans at Leuctra and drove the Spartans out of Boeotia. The next year the Spartan king Agesilaus went to raid the territory of Mantinea and to disrupt the new Arcadian league, which threatened Spartan hegemony in the Peloponnese. The Thebans decided to join the Eleians and

---

<sup>25</sup> For the Boeotian Constitution in the fifth century BCE see *Hell. Oxy.* XI.2-4 (Chambers) with Bruce (1967) 157-64.

<sup>26</sup> Cf. Hornblower (1996) 290.

<sup>27</sup> For an analysis of the office of Boeotarch see Buckler (1980) 24-31. For references to more recent treatments see Fröhlich (2008) 426 with note 19.

<sup>28</sup> For the debate see Fröhlich (2008) 427.

<sup>29</sup> For the place of Boukatios in the Boeotian calendar see Roesch (1982) 32-3. Cf. Trümper (1997) 244-45.

Argives in sending troops to protect the Arcadians late in 370 (X. *HG* 6.5.22). The aim of the expedition was clearly defensive but when the Theban army joined their allies, the Theban generals Epaminondas and Pelopidas quickly realized that there was an unprecedented opportunity to invade Spartan territory and liberate Messenia (X. *HG* 6.5.22-25). To prolong the campaign, however, would force them to break the law requiring them to return to Thebes after his term of office expired (Plu. *Pel.* 24). The two generals decided to remain in the Peloponnese and led the allied army on a campaign that saved the Arcadian League, captured Sellasia, brought about the revolt of Skiritis and Karyai and liberated Messenia.<sup>30</sup>

On his return to Thebes in the spring of 369 both Epaminondas and Pelopidas were brought to trial for violating the law by adding four months to their term of office. The story of their trial was famous in antiquity: Plutarch alone recounts it four times in the *Moralia* (194A-C, 540D-E, 799E-F, and 817F) and once in his life of Pelopidas (25).<sup>31</sup> Both men were acquitted, but one should not get the impression that the Thebans did not take their violation of the law seriously. According to Plutarch (*Pelopidas* 25.4. Cf. 28.1) the politician Menecleidas saw to it that Epaminondas was not re-elected as Boeotarch sometime later (probably in 368), which may reflect popular suspicions about his ambitions.<sup>32</sup> The next time Epaminondas led an army into the Peloponnese, the Thebans placed a time limit on the expedition (X. *HG* 7.5.18).<sup>33</sup> His earlier violation of the law had created a dangerous precedent, which the Thebans did not wish to see repeated.

To prevent the rise of tyranny and to preserve freedom, the Greek *poleis* attempted to decentralize power and place strict limits on the powers of officials. But an effective army requires a unified command structure and a hierarchical organization with subordinates following the orders of leaders without challenge.<sup>34</sup> Demosthenes realized very well the advantages of a centralized military and political structure when he described Philip's position was "general, master, and treasurer" who had absolute control over everything, both open and secret deliberations, and could always accompany the army without returning home to present accounts of stand for election (Dem. 1.4-5).<sup>35</sup> By contrast, democracy with its complex rules and

---

<sup>30</sup> On this campaign see Buckler (1980) 70-90.

<sup>31</sup> There are also versions in Aelian (*Varia Historica* 13.42), Pausanias (9.14.5-7), Cornelius Nepos (*Epaminondas* 7.3-8.5), and Appian (*Syr.* 41.212-18). For discussion of the relationships among the various versions see Buckler (1978).

<sup>32</sup> For discussion of Theban politics in this period see Buckler (1980) 142-45. For Menecleidas' charge of treason against Epaminondas see D. S. 15.72.1-2.

<sup>33</sup> For this explanation of the time-limit see Schaefer (1858) 7-9. For other explanations see Underhill (1900) 305.

<sup>34</sup> The importance of maintaining equality among all citizens in the Greek *polis* may have inhibited the development of a professional officer corps, which received special training, titles and privileges. On the birth of the officer corps in Classical Macedonia see Naiden (2007).

<sup>35</sup> On this passage see Burckhardt (1996) 213-14.

procedures designed to maintain the rule of law caused the Athenians to miss one opportunity after another. Discussions of policy in the Assembly only delayed the army (Dem. 4.36-37). Demosthenes was not hostile to democracy and did not hold elitist attitudes.<sup>36</sup> As a responsible politician, he was attempting to instruct the Assembly about the weaknesses of the *polis* when faced with a military threat.<sup>37</sup> The way to overcome these weaknesses was to act quickly and decisively and to manage public finances effectively by not draining the Stratiotic Fund.<sup>38</sup>

Modern democracies attempt to resolve the conflict between the constraints of the rule of law and the imperatives of military efficiency by making a strong distinction between the civilian and military spheres. Different rules operate in the army and navy from those applied in civilian life. Politicians are elected by popular vote, whereas military officers are promoted by professional criteria based on training, experience, and ability. Military offenses are also tried in separate courts staffed by military personnel, not by regular tribunals. Such a separation of military and civil did not exist in the Greek *poleis*. Generals were elected in the same way as political officials and could speak in the Assembly on matters of public policy just like other citizens. In some *poleis* they might enroll citizens, collect money due to the state, preside over meetings of the Assembly, or register property.<sup>39</sup> They were also tried for misconduct in the same courts as other politicians.<sup>40</sup> An attempt to separate the military from politics was not a step that the Greek *poleis* were prepared to take.<sup>41</sup>

## BIBLIOGRAPHY

- Boëldieu-Trevet, J. (2007). *Commandeur dans le monde grec au V<sup>e</sup> siècle avant notre ère*. Franche-Comté.
- Bommelaer, J.-F. (1981). *Lysandre de Sparta: Histoire et traditions*. Athens and Paris.

<sup>36</sup> Pace Burke (2002). For Demosthenes' democratic views see Harris (2006) 134-39 and (2008) 8-9, 20.

<sup>37</sup> Demosthenes was not the only writer to understand how monarchies were better suited to waging war than *poleis* in which commanders were tied down by laws and institutions: see Isocrates *Letter to Philip* 1.2-7.

<sup>38</sup> For Demosthenes' proposals see Harris (2006) 121-35.

<sup>39</sup> For the political role of generals see Fröhlich (2008) 431-40.

<sup>40</sup> The only partial exception to this rule may have been trials on the public charge of cowardice (*graphe deilias*). Some have argued that these cases were heard by a court manned exclusively by soldiers, but this view has not gone without challenge. For the debate see Whitehead (2008) and Rhodes (2008).

<sup>41</sup> Hamel (1995) claims that there was an increasing separation of military and political authority in fourth-century Athens, but see Fröhlich (2008) 49-54.

- Burke, E. M. (2002). "The Early Political Speeches of Demosthenes: Elite Bias in the Response to Economic Crisis," *CA* 21: 165-93.
- Bruce, I. A. F. (1967). *An Historical Commentary on the Hellenica Oxyrhynchia*. Cambridge.
- Brunnsåker, S. (1971). *The Tyrant-Slayers of Kritios and Nesiotes: A Critical Study of the Sources and Restorations*. Stockholm.
- Buckler, J. (1978). "Plutarch on the Trials of Pelopidas and Epameinondas (369 B.C.)," *CP* 73: 36-42.
- Buckler, J. (1980). *The Theban Hegemony, 371-362 BC*. Cambridge MA.
- Burckhardt, A. (1996). *Bürger und Soldaten: Aspekte der politischen und militärischen Rolle athenischer Bürger im Kriegswesen des 4. Jahrhunderts v. Chr.* Stuttgart.
- Faraguna, M. (2005). "La figura dell'aisymnetes tra realtà e teoria politica," in Wallace and Gagarin (2005): 321-38.
- Fröhlich, P. (2000). "Remarques sur la reddition des comptes des stratèges athéniens," *Dike* 3: 81-111.
- Fröhlich, P. (2004). *Les cités grecques et le contrôle des magistrats*. Geneva.
- Fröhlich, P. (2008). "Les magistrats militaires des cités grecques au IV<sup>e</sup> siècle A. C." *REA* 110: 39-55, 423-41.
- Hamel, D. (1995). "Stratēgoi on the Bema: The Separation of Political and Military Authority in Fourth-Century Athens," *AHB* 9: 25-39.
- Hamel, D. (1998). *Athenian Generals: Military Authority in the Classical Period*. (= *Mnemosyne* Suppl. 182). Leiden.
- Hansen, M. H. (1991). *The Athenian Democracy in the Age of Demosthenes*. Oxford.
- Hanson, V. D. (1989). *The Western Way of War: Infantry Battle in Classical Greece*. London.
- Harris, E. M. (2006). *Democracy and the Rule of Law in Classical Athens: Essays on Law, Society, and Politics*. Cambridge and New York.
- Harris, E. M. (2008). *Demosthenes, Speeches 20-22*. Austin TX.
- Harris, E. M. and M. Canevaro (forthcoming). "The Documents in Andocides' *On the Mysteries*."
- Harris, E. M. and G. Thür (2008). *Symposion 2007: Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte*, Vienna.
- Hornblower, S. (1996). *A Commentary on Thucydides*. Volume II. Oxford.
- Knoepfler, D. (2001). "Loi d'Érétrie contre la tyrannie et l'oligarchie (première partie)," *BCH* 125: 195-238.
- Knoepfler, D. (2002). "Loi d'Érétrie contre la tyrannie et l'oligarchie (deuxième partie)," *BCH* 126: 149-204.
- Lewis, S. (2004). "Xenophon's Account of Euphron of Sicyon," *JHS* 124: 65-74.
- Lipka, M. (2002). *Xenophon's Spartan Constitution. Introduction. Text. Commentary*. Berlin and New York.

- Loukopoulou, L. D., M. G. Parisaki, S. Psoma, and A. Zournatzi (2005). *Inscriptiones Antiquae Partis Thraciae Quae ad Ora Maris Aegaei Sita Est*. Athens.
- Naiden, F. S. (2007). "The Invention of the Officer Corps," *Journal of the Historical Society*. 35-60.
- Newman, J. H. (1891). *Discussions and Arguments on Various Subjects*. London.
- Piérart, M. (1974). "À propos de l'élection des stratèges athéniens," *BCH* 98: 125-46.
- Piérart, M. (1995). "Chios entre Athènes et Sparte. La contribution des exilés de Chios à l'effort de guerre lacédémonienne pendant la guerre du Péloponnèse. *IG V 1, 1 + (SEG XXXIX 370\*)*," *BCH* 119: 253-82.
- Rhodes, P. J. (1981). *A Commentary on the Aristotelian Athenaion Politeia*. Oxford.
- Rhodes, P. J. (2008). "Response to David Whitehead" in Harris and Thür (2008): 37-40.
- Richer, N. (1998). *Les éphores: Études sur l'histoire et sur l'image de Sparte (VIII<sup>e</sup>-III<sup>e</sup> siècles avant J-C)*. Paris.
- Robert, L. and J. Robert (1976). "Une inscription grecque de Téos en Ionie. L'union de Téos et de Kyrbissos," *Journal des Savants*: 154-235.
- Roesch, P. (1982). *Études Béotiennes*. Paris.
- Schaefer, A. (1858). *Demosthenes und seine Zeit*. III.2: *Beilagen*. Leipzig.
- Schwenk, C. (1985). *Athens in the Age of Alexander the Great: The Dated Laws and Decrees of the Lykourgan Era, 338-322 B.C.* Chicago.
- Sealey, R. (1976). "Die spartanische Navarchie," *Klio* 58: 335-58.
- Taylor, M. W. (1991). *The Tyrant Slayers: The Heroic Image in Fifth Century B. C Athenian Art and Politics*. 2nd ed. Salem NH.
- Trümpy, M. (1997). *Untersuchungen zu den altgriechischen Monatsnamen und Monatsfolge*. 2nd ed. Heidelberg.
- Underhill, G. E. (1900). *A Commentary with Introduction and Appendix on the Hellenica of Xenophon*. Oxford.
- van Wees, H. (2004). *Greek Warfare: Myths and Realities*. London.
- Wallace, R. W. and M. Gagarin (2005). *Symposion 2001: Akten der Gesellschaft für griechische und hellenistische Rechtsgeschichte*, Vienna.
- Whitehead, D. (2008). "Athenian Juries in Military *Graphai*" in Harris and Thür (2008): 23-36.

