

## NABIS — AEMULUS LYCURGI

Nabis, the last king of Sparta, was rather unfortunate during his reign, and has been so especially with posterity. Alive, he failed to restore to Sparta her place as a power in the Peloponnese or in Greece; after his death his reputation was systematically blackened by the historians, all of whom — at least those of whom something has been preserved — depend on Polybius for information and judgement.<sup>1</sup> Plutarch, who sympathized with the Lycurgan polity and the attempts to revivify it in the third century B.C., could have assumed a positive attitude to Nabis, one would think, but he did not, and this, as well as the unanimity of the tradition, leads to the conclusion that there did not exist any sympathetic account of his reign, unlike that of Cleomenes (and Agis) whose story was moulded by a gifted historian in the person of Phylarchus. This writer even succeeded in influencing Polybius, an author rather disinclined to view social revolutions with favour, to adopt a friendly attitude to Cleomenes the man at least and perhaps even to some of his reforms. No such historian took up Nabis' case, while Polybius painted his picture in uniformly dark colours, stooping even to atrocity-stories like that of the "Iron maiden". Perhaps only the Aetolians received comparable treatment in his work.<sup>2</sup>

It comes therefore rather as a surprise to find in the tradition a piece of reporting which appears to reproduce, briefly but without gross distortion, Nabis' ideas and aims.<sup>3</sup> Actually this is the only passage in which his ideas are recorded. Everywhere else only his deeds — or misdeeds — are reported

<sup>1</sup> Information on Nabis is found besides in Polybius (see n. 5 *infra*) and Livy (n. 3 *infra*, add 32.38; 35.35 ff. and some short notices) in Paus. 4 with some notes in 7,8; Iust. 31; D.S. 27; very little in Plu. Phil., Flam. Cf. J. Mundt, *Nabis, König von Sparta*, (Diss. Münster i. Westf. 1903), Shimron, *Late Sparta* (Arethusa Monographs 3, Buffalo 1972) ch. 4, also "Nabis of Sparta and the Helots", *CP* 61 (1966) 1 ff. There is general agreement on the dependence of all the ancients on Polybius.

<sup>2</sup> Plutarch obviously did not find a source favourable to Nabis; his *Philopoemen* is based on Polybius, with predictable results. For Polybius' attitude to Cleomenes the man see 5.35 ff., cf. my "Polybius and the Reforms of Cleomenes III", *Historia* 13 (1964) 147 ff., F.W. Walbank, "The Spartan Ancestral Constitution in Polybius" in *Ancient Society and Institutions* (Festschrift V. Ehrenberg, Oxford 1966), B. Shimron, Review of same, *RFIC* 97 (1969) 225 ff. For the atrocity-stories v. Pol. 13.6 ff., especially ch. 7, cf. Mundt (n. 1 *supra*) 24 f., Shimron 1972 (n. 1 *supra*) 84 f.

<sup>3</sup> Liv. 34.30–32, especially 31.11 f., 32.4 f.

and one is compelled to draw conclusions from these as to his ideology. It may therefore be worthwhile to examine this passage more closely than hitherto and to further thereby our understanding of Nabis and of the Spartan revolutionary period as a whole. We hope to show that seen from this angle too Nabis should be considered the successor of Cleomenes, acting in the changed circumstances of the Macedonian overlordship and facing the Roman intervention.

First we shall try to ascertain Livy's source for the whole episode; for the free invention by Livy or another writer either of the meeting between Nabis and Flaminius or of the speeches is unlikely. Certainly negotiations were going on (quite probably more than are recorded in our sources) and meetings were being held during 196/5 B.C., and therefore speeches for or against the opposing points of view were no doubt delivered, too.<sup>4</sup> It is a well established fact that Livy's main source for Greek history in the fourth decade was Polybius, occasionally supplemented by other sources, chiefly annalistic ones. Polybius dealt with Nabis extensively, as the fragments, scattered over several books, show.<sup>5</sup> It is probable that he reported the meeting and the speeches as well, as this incident was quite an important link in the chain of events that led to the total subservience of the Achaean League to Rome. The speeches will have been, in conformance with his usual method, in *oratio obliqua*, but even this is not certain and in any case unimportant for our purpose. It is far less likely that some annalist was sufficiently interested in Nabis to reproduce his argument, but had he he would not have freely invented, as he would scarcely have been interested enough in Greek social commotions, while the incident added little if anything to Rome's greater glory. Hence, he too would have had to use a probably Greek source. We shall therefore proceed on the assumption that the passage in Livy is based on a Greek source, and almost certainly on Polybius.

The paragraphs referring to Nabis' ideology in the two speeches are quite short and may be quoted in full. Nabis states (34.31.11):

Ceterum nomen tyranni et facta me premunt, quod servos ad libertatem voco, quod in agros inopem plebem deduco . . . (14) Quod ad multitudinem servis liberandis auctam et egentibus divisum agrum attinet . . . (16) . . . sed illud (scil. dico), me more atque instituto maiorum fecisse. (17) Nolite ad vestras leges atque instituta exigere ea quae Lacedaemone fiunt. Nihil comparare singula necesse est. Vos a censu equitem, a censu peditem legitis et paucos excellere opibus, plebem subiectam esse illis vultis: (18) noster legum lator non in paucorum manu rem publicam esse voluit, quem vos senatum

<sup>4</sup> See e.g. Philip V and Flaminius in 198, Liv. 32.10; the same Pol. 18.1 f.; Lycortas and App. Claudius Liv., 39.36 ff.

<sup>5</sup> 13.6-8, 16.13 and the excerpts of Livy show that Nabis appeared frequently in his work.

appellatis, nec excellere unum aut alterum ordinem in civitate, sed per aequationem fortunae ac dignitatis fore credidit ut multi essent qui arma pro patria ferrent.

To this Flamininus replies as follows (34.32.4):

Nobis vero . . . liberantibus omnem Graeciam Lacedaemon quoque vindicanda in antiquam libertatem erat atque in leges suas, quarum modo tamquam aemulus Lycurgi mentionem fecisti. . . (9) Servorum ad libertatem vocatorum et egentibus hominibus agri divisi crimina tibi obici dicebas, non quidem ipsa mediocria . . .

Nabis admitted liberating slaves (most probably helots are meant but others may have been included) and distributing land amongst them; this, he claims, was done according to the ancestral constitution in order to increase the number of those able to carry arms, while no class should be eminent in the polity; all this was to be achieved by the equalisation of possessions and *dignitas*. It will easily be seen that factually this description agrees with what is known of Nabis' arrangements from other sources, especially from Polybius, the more appalling charges being omitted.<sup>6</sup>

But the case is quite different with Nabis' ideological claims. He justifies his arrangements by *more atque instituto maiorum* and asserts that the Spartan *legum lator* opposed the rule of the few and that he called for equality; he, Nabis, only carried out his precepts.

Now this is a rather extraordinary claim to make in view of what is known of the polity instituted by the Spartan *legum lator*, whom everybody would understand to have been Lycurgus. The vexed question of the time of the *eunomia* and the precise manner of its emergence apart, its aim appears to be certain: the preservation of the rule and the preeminence of the Spartiate class which was rather narrow compared to the other classes in Laconia (and Messenia). This rule was based on the system of *klaroi* which originally may have been equal, but absolute equality of landed possessions is quite uncertain, while there were certainly some Spartans who possessed much movable property.<sup>7</sup> But even if not every detail of the above is considered certain by all scholars, there can be no doubt as to one main point: the *eunomia* was never intended to liberate slaves — of whatever description — and to distribute land amongst them (and thus to make them citizens, implied by the reference to the increase of the number of soldiers in Nabis' words); its task was the permanent subjection of the helots. Likewise it was not intended to enlarge the citizenbody: no whole-sale enfranchisement of non-citizens is recorded before Cleomenes III; liberated helots became *neodamodeis*, who,

<sup>6</sup> See Shimron 1972 (n. 1 supra) ch. 4 for a detailed account.

<sup>7</sup> Cf. e.g. W.G. Forrest, *A History of Sparta* (London 1968) 50 ff., Michell, *Sparta* (Cambridge 1952) 35 f., CAH 3.558 f. (Wade-Gery).

whatever their exact status, were not *homoioi*. Finally, while all Spartiates enjoyed certain political rights, some were privileged — the kings and the *gerontes* (taken from a few families) obviously had a larger part in decision making, made manifest by the famous “rider” to the *rhetra*, whatever its precise meaning may have been.<sup>8</sup>

But if the above is true, it is inconceivable how anybody with even a smattering of information on the “Lycurgan” polity could be expected to believe that Nabis’ economic and social settlement, let alone his “tyranny” (he does not claim “Lycurgan” authority for the manner of his rule, at least), was justified by the will of *noster legum lator*.<sup>9</sup> If proof of what an educated Greek or Roman considered as true about the Lycurgan constitution is necessary, it can be found in a related passage of Livy. In 184 B.C., only eleven years after the meeting between Nabis and Flamininus, Polybius’ father, as *strategus*, had to defend certain actions of the Achaean League against the accusations of the Roman commissioner Appius Claudius.<sup>10</sup> He says (39.37.1),

At enim illa vestra sunt, Achaei, quod leges disciplinamque vetustissimam Lycurgi sustulistis, quod muros diruistis. Quae utraque ab iisdem obici qui possunt, cum muri Lacedaemonis non ab Lycurgo, sed paucos ante annos ad dissolvendam Lycurgi disciplinam extructi sint?

After dwelling on this alleged purpose of the walls he continues,

(6) quod ad leges ademptas attinet, ego antiquas Lacedaemoniis (v.l. -nis) leges tyrannos ademisse arbitrator; nos non suas iis ademisse, quas non habebant, sed nostras leges dedisse . . .

Without going into details Lycortas denies the Lycurgan affinity of the legislation of the tyrants with special emphasis on Nabis, who either built or completed the walls of Sparta. Undoubtedly that was the Achaean opinion in

<sup>8</sup> As to the status of the *neodamodeis* Xen. *Hell.* 6.1.14 is probably decisive: they are opposed to a *dynamis* and their commander will be a private person; obviously they are inferior soldiers and not fully trained; this implies a non-citizen status. For the *rhetra* v. Plu. *Lyc.* 6; the literature on this question is very extensive. As to the equality of the Spartiates, I do not fully grasp Forrest’s argumentation *op. cit.* (n. 7 supra) 51: even if Lycurgus’ reforms increased the area of equality at their introduction, some basic inequality remained and became more strongly felt in time; later on, of course, new sources of inequality appeared.

<sup>9</sup> Other measures of Nabis, such as the distribution of the wives of the exiles to the newly enfranchised helots, are disregarded here, as Livy, or his source, does the same.

<sup>10</sup> Liv. 39.36.6 ff. The situation is very similar to that of 195 and nobody will doubt the Polybian provenience of Lycortas’ speech or of the whole account. It illustrates the reality of such speeches which do not accord with modern concepts of diplomacy. A real analogy may be the general assembly of the United Nations or the public conferences on disarmament. On Polybius’ speeches see F.W. Walbank, *Historical Commentary on Polybius I* (Oxford 1957) 13 f.; G.A. Lehmann, *Untersuchungen zur historischen Glaubwürdigkeit des Polybios* (Münster 1967) 278 and n. 280 with literature. On the Polybian provenience of Lycortas’ speech see M. Holleaux, *Études d’épigraphie et d’histoire grecques* 5 (Paris 1952) 130 f.

195, too, and if the "Philhellene" Flamininus needed instruction, he would have been informed accordingly.<sup>11</sup>

Modern research has unquestioningly assumed that Nabis by the *legum lator* means Lycurgus, but it has been overlooked that he himself refrains from mentioning the name and that it is Flamininus who refers to it. It may be useful to analyse the Roman's reply. He rather surprisingly called Nabis *aemulus Lycurgi*, Lycurgus' rival or imitator, and even added that he, Flamininus, was obliged to restore to Sparta her laws which Nabis had only mentioned, but—one concludes—did not apply; even more is implied: the phrase *aemulus Lycurgi* is intelligible only on the assumption that Nabis had entered into competition with the ancient lawgiver, imitating him precisely in the field of legislation by enacting new laws and by establishing a new polity (which Nabis' state certainly was compared with the Lycurgan one).<sup>12</sup> It follows that Flamininus, at least, does not say that Nabis restored Lycurgus' laws, and that he rejects implicitly his claim to be acting in the spirit of the hallowed lawgiver.

On the other hand, if we compare Nabis' institutions with those of another Spartan lawgiver, namely Cleomenes III, we shall find very many affinities. Cleomenes dispossessed the about one hundred rich land-owners, distributed land equally among the citizens, possibly initiated a program of complete equality of movable property, enlarged the citizen-body by the enfranchisement of suitable *perioeci* and foreigners, and even emancipated some helots, although this last was not part of his original program, but rather a means of providing money and soldiers. He did more, but we refer only to those arrangements which we know were imitated by Nabis. The one real innovation of the latter was the wholesale liberation of helots, but even he did not abolish the *heloteia*. All his other measures were moulded upon Cleomenes' pattern, applied to the changed circumstances<sup>13</sup>. If, then, Nabis intended to hint at Cleomenes as *noster legum lator*, he would have been quite justified from the point of view of recent Spartan history.

Did he? Could he do it and be understood by his particular audience, let alone have his implications accepted? A firm reply can most probably not

<sup>11</sup> The question who really built the walls is irrelevant to our theme. See e.g. Bölte, RE 2. R. Bd. 6 (1929) s.v. Sparta, col. 1355. On Flamininus the "Philhellene" see E. Badian, *Titus Quinctius Flamininus (Philhellenism and Realpolitik)* (Taft Semple lectures, 2nd series, Cincinnati 1970).

<sup>12</sup> Cleomenes, too, was taunted with trying to imitate Lycurgus (Plu. *Cleom.* 18.2), but he really did so, cf. my "The Spartan Polity after the Defeat of Cleomenes III" *CQ* N.S. 14 (1964) 232 ff.; Shimron 1972 (n. 1 supra) ch. 2. For the non-Lycurgan abolition of debts he was compared to Solon.

<sup>13</sup> See Plu. *Cleom.* 10–11; for the program of full equality cf. A. Fuks, "Agis, Cleomenes and Equality", *CPh* 57 (1962) 161 ff.; for Nabis and the helots see my article in *CPh* 61 (1961, n. 1 supra). We disregard foreign policy.

be given with the available evidence — a rhetorically shaped excerpt from a presumably fuller source — but some points may be made. Polybius could get a reliable report of the meeting from Aristaenus or from other Achaeans present, perhaps even from his father. A completely fictitious speech is unlikely in Polybius' work, and even if it were so, this would only emphasize the problem: for Polybius knew the Lycurgan constitution very well,<sup>14</sup> and he detested Nabis and all he stood for, and so we would be compelled to ask why he should invent arguments like those in Nabis' speech. For this reason, too, as well as because of his methods, the speech's substratum must be a real one or at least real arguments of Nabis' propaganda which were known to his Achaean contemporaries, as is shown by Lycortas' speech. However strongly this propaganda would stress the Lycurgan origin of the new polity, an observant politician or historian (Polybius was both, and almost a contemporary, growing up during the aftermath of Nabis' revolution) would soon become aware of the deep-seated differences between the alleged paternity and its offspring. There is no lack of modern analogies.

If so, it appears that this point in the speech was deliberately kept vague: the Roman commander, known or reputed to have a knowledge of Greek civilization, would perhaps accept it at its face value, while the Spartans, being Nabis' partisans, would know its implications and the other Greeks would unavoidably understand them. As a matter of fact Flamininus, too, understood them very well and said so. Actually nobody even only superficially conversant with the "Spartan mirage" would be taken in by Nabis' ambiguity, but this was the only way open to him for justifying his rule, at least over Sparta; nothing could vindicate his rule in Argos except the — probably false — claim that he had been invited by the Argives.<sup>15</sup>

What was Nabis' purpose? Perhaps this is a question not to be asked in the twentieth century, when propaganda has become an art based on science, however distorted. Ancient propaganda did not know public opinion polls or subliminal advertising and the like, but it was nevertheless quite developed. Nabis could not really hope to defeat the Romans (with their Achaean allies) or to hold out against them indefinitely in Sparta. His only chance — if indeed

<sup>14</sup> 6.10, 48–50; unless Polybius is regarded a mere compiler, his theoretical parts are relevant to his narrative. Cf. P. Pédech, *La méthode historique de Polybe* (Paris 1964) 7. If the two speeches were wholly fictitious, our assertion would be obvious. The passage in that case would express the writer's opinions, shown by the different attitudes put into the mouths of the speakers. Otherwise it would be impossible to explain why the author should have suppressed the name of Lycurgus in Nabis' speech. But, as argued above, a wholly fictitious speech in Polybius is unlikely.

<sup>15</sup> F. Ollier, *Le mirage Spartiate* (Paris 1943). For Nabis and Argos v. Liv. 32.48.4 ff. It should be added to the argument in the text, that for Nabis Cleomenes' reforms were the law of the land and constituted the Lycurgan polity.

it was one — would be to persuade Flaminius by linking his own polity with the “Lycurgan” one. But he would have to speak subtly in order neither to alienate his followers nor to rouse the suspicions of the Romans. For the latter social revolution was unmentionable, but Lycurgus’ laws were hallowed and admired. It is not impossible that the comparison between them and the Roman constitution had occurred to some Roman before Polybius. If Nabis could sway Flaminius by an appeal to Lycurgus — necessarily only implied — this, together with the Roman’s aversion to wholly destroying Sparta as a factor in the Peloponnese, might help him to survive; Nabis would, of course, know something of the relations between Flaminius and the Achaeans and of the former’s political and personal motivation, at least as much as moderns believe they know, but obviously he could not mention these things in public. It is quite possible that some such considerations moved Nabis in his attempt at the meeting with Flaminius. When the latter replied as he did, Nabis knew that he had failed and accepted the Roman conditions after a night’s reflection<sup>16</sup>.

If our basic assumption that Livy has preserved the essentials of the speeches by Nabis and Flaminius is accepted, then, in view of the glaring contradictions between Nabis’ claims and the “Lycurgan” facts, the proposed interpretation — although necessarily conjectural in parts — appears to be plausible and to agree with the evidence.

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<sup>16</sup> Liv. 34.33.3. For Flaminius’ motives cf. A. Aymard, *Les premiers rapports de Rome et de la Confédération Achaienne* (Bordeaux 1938) 240 f.; E. Badian, *Foreign Clientelae* (Oxford 1958) 81 f.; R.M. Errington, *Philopoemen* (Oxford 1969) 87 ff. and elsewhere; Shimron (1972 n. 1 supra) 92 and n. 34.