

#### IV. The Boeotian Confederacy and Fifth-Century Oligarchic Theory

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The government of the Boeotian Confederacy of the period 447–386 B.C. is relatively well known and has been adequately described by historians, but these have failed to make sufficient use of the institutions in their broader interpretation of Greek history.<sup>1</sup> Few of those who have described the government have even stated in so many words the obvious truth that it was a representative government.<sup>2</sup> No one at all, apparently, has noted that, for understanding Greek thought and institutions of the fifth century before Christ, the oligarchy of Boeotia is nearly as important as the democracy of Athens. Yet this seems to be the case. The two states were in such close contact that they can almost be regarded as two phases or parts of the same culture. This seems to have been true particularly of the democratic and oligarchic parties and movements. In fact, many Boeotians preferred the democracy of Athens to their own government as many Athenians preferred an oligarchy of the Boeotian type to democracy. This is made amply clear by the intrigues and propaganda of the time of the Peloponnesian War. At that time the moderate oligarchs favored a form of government in which active citizenship depended on a property qualification, but in their propaganda they called for government by the ablest and best and undoubtedly referred to the government they favored as aristocracy.

The constitution of the Boeotian Confederacy cannot be discussed in detail here,<sup>3</sup> but it may be well to recall the chief features and to emphasize that for the study of oligarchy the constitutions of the cities within the Confederacy are fully as important as the federal government. Our information, of course, is derived chiefly

<sup>1</sup> This paper is part of a lecture delivered at the Sorbonne on April 28 and at the University of London on May 10, 1955.

<sup>2</sup> See, however, R. J. Bonner, *CP* 5 (1910) 410; H. Bengtson, *Griechische Geschichte* (Munich 1950) 197.

<sup>3</sup> For a recent account see Larsen, *Representative Government in Greek and Roman History* (Berkeley 1955) 31–40.

from the eleventh chapter of the *Hellenica Oxyrhynchia*. Active citizenship was based on a property qualification, the active citizens, apparently, being less than one-half of the adult males of the citizen body. In each city all the active citizens were enrolled in four *boulai*, each of which took its turn in acting as a probouleutic body. The federal government was a representative government with representation approximately in proportion to population or, rather, to the number of active citizens. The chief organs of government were the board of eleven Boeotarchs and the federal *boulê* consisting of 660 members. Also the latter body was subdivided into four divisions. This artificial quadripartite division in both the local and federal governments is enough to demonstrate that the entire system was not a product of mere growth and development but the conscious creation of constitution makers obsessed by theories.

In connection with theory it is necessary to begin with certain technical points, and first of all the question whether it is correct to classify the Boeotian government as oligarchic. From our point of view it undoubtedly is correct, but is it correct from the point of view of the ancient Greeks themselves? Did they classify it as an oligarchy or as a moderate democracy? Those who approach the question with too good a knowledge of Aristotle's *Politics* may be somewhat at a loss. Aristotle seems to have been a little hesitant and inconsistent in his classification of constitutions with a small property qualification for active citizenship, and to call them democratic in one passage and oligarchic in another (cf. *Pol.* 1292B.25–34 with 1293A.12 and 1279B.17). But we are less interested in the judgment of theorists, even of Aristotle, than in the point of view of the voters and politicians. Moreover, we are less interested in the fourth century than in the fifth, the century of the adoption of the Boeotian constitution. For this period Thucydides (5.31.6; cf. 4.76.2) gives us the answer when he speaks of the Boeotians as governed oligarchically. That this is correct becomes obvious when it is observed that the Boeotian democrats of the time formed an opposition ready to revolt and coöperate with the Athenians. If the usual conjecture is correct that the active citizenship was based on the hoplite census, then the constitution was approximately that of Aristotle's favorite *politeia*, with which he connects the hoplite census (1265B.28; 1279B.2). Thus we know that this type of constitution was considered an oligarchy by the Greeks of the fifth

century.<sup>4</sup> From their point of view only states in which there was no property qualification for active citizenship were democratic. In other words, the only true democracy was that which Aristotle considered extreme democracy.

The chief difference between oligarchy of the Boeotian type and democracy is that in an oligarchy a considerable number of those who under a democracy were active citizens were excluded from voting and holding office. Were these disfranchised people regarded as citizens or not? By speaking of active citizens I have implied that there were other citizens who were not active, in other words, that the disfranchised citizens, those without enough property to be active citizens, were still regarded as citizens. It now remains to be seen whether this is correct. Again it is the view of the average Greek which concerns us, and again any doubt we may have is likely to stem from Aristotle, who had a tendency to identify citizenship with the right to hold office. This is too well known to require proof. To go into the subject further and to try to discover why he adopted this point of view does not concern us. It is clear that in oligarchies in which there was a property qualification for voting and holding office there were many who could acquire these rights merely by acquiring property. Such men undoubtedly possessed the civil rights of citizens, the right to own land, the right of intermarriage with citizens, and the right to sue in the courts as citizens. For Boeotia the author of the *Hellenica Oxyrhynchia* indicates that these were regarded as citizens. He states that in the cities not all citizens (*politai*) but only those with a certain amount of property were permitted to be members of the four councils. Thus also those Boeotians who lacked the vote were citizens. Similarly, the constitutional inscription from Cyrene from the last quarter of the fourth century (*SEG* 9.1) shows that at Cyrene the active citizens constituted a group, the *politeuma*, within the larger body of citizens, the *politai*. It also shows that assessors checked the property of citizens at least in part to determine who qualified as active citizens.

On what theory was the rule of the few justified? And what watchword or argument was used to make this rule attractive to the masses? In the fifth century it is clear that there must have been a group of moderate oligarchs who sought to make conservative reforms acceptable to the voters. They succeeded at least in 413

<sup>4</sup> It probably commonly was still so designated in the fourth century. Aristotle himself spoke of government by hoplites as a form of oligarchy (*Pol.* 1321A.12).

when they induced the voters to elect ten *probouloi*. In connection with the civil strife at Corcyra Thucydides (3.82.8) gives the watchwords of the two opposing parties throughout Greek states. That of the democrats, to quote the translation of C. F. Smith, was "political equality for the masses under the law"; that of the oligarchs, "temperate aristocracy." The watchword of the democrats seems to have been rendered adequately, but not that of the oligarchs. One can hardly imagine that in a political campaign in which the purpose was to stem the rising tide of democracy the leaders chose to shout for rule by temperate or moderate aristocracy, at least not if we think of aristocracy as referring to a hereditary upper class. It must rather have meant rule by the best or ablest men. This certainly must be what *aristokratia* often means in Aristotle, for instance, when he speaks of election by vote as aristocratic (1273B.40). It is even clearer when he describes as aristocratic the people (*plêthos*) which is capable of being ruled by men of outstanding political leadership (1288A.9). In the passage cited from Thucydides, *σώφρων* must have its older meaning, "of sound mind, discreet, wise." Thus what the oligarchs pretended to offer was rule by the ablest and best. They were opposing the democrats who claimed an equal share in the government for all citizens and argued that the collective government of the masses was better than that of the experts. In opposition the oligarchs denied the superiority of the judgment of the masses and asked the citizens instead to entrust the government to the ablest and the best. That this was their argument seems indicated by some of Aristotle's remarks about extreme democracy. Democracy gave active citizenship to all free men (1290A.40, cf. 1292B.35), and the *dêmos* claimed that because its members were equal in their freedom, they were equal in all respects (*ἀπλῶς*) (1301A.30). Democracy gave equal rights to the rich and the poor (1291B.30), and the result was that the poor were more powerful than the rich (1317A.40-B.10). Again, democracy sought the interest of the poor (1279B.8). These statements imply that democracy was criticized for being government in the interest of one class and for giving excessive power to the masses. That this controversy goes back to the fifth century is indicated not only by the attack of pseudo-Xenophon on democracy but also by the speech of Athenagoras of Syracuse as reported by Thucydides. This contains a rebuttal of the claim that democracy was the rule of a class. Athenagoras, after criticizing oligarchic leaders for not wishing to be on

terms of equality with the many (6.38.5), maintains that *dêmos* is the name of the whole people, *oligarchia* of a part. The rich are the best guardians of property, the wise the best councillors, and the many are best able to listen to arguments and to make decisions. Under a democracy all these elements are equal (6.39.1). Thus democracy pleads for equal rights for all, oligarchy for special consideration for excellence.<sup>5</sup> The watchword of the oligarchs had

<sup>5</sup> The definition of *aristokratia* as the rule of the best and ablest may throw light on the meaning of the statement in Thuc. 2.37.1 that at Athens, though the government is called a democracy, men are advanced in public affairs according to reputation and merit rather than station in life. The meaning is simply that democracy too makes use of the best men and in that sense is an aristocracy. It is, however, added emphatically that poverty is no bar to advancement. This implies that democracy, in opposition to what might be called oligarchic aristocracy, chooses the best exclusively on the basis of merit and not on the basis of position and property. On this passage of the Funeral Oration see Larsen in M. R. Konvitz and A. E. Murphy (editors), *Essays in Political Theory Presented to George H. Sabine* (Ithaca 1948) 13 f.; J. H. Oliver, "Praise of Periclean Athens as a Mixed Constitution," *RhM* 98 (1955) 37-40 (in note 1 on p. 38 for 1256 6 read 1265 b; other typographical errors in the notes are less troublesome). Oliver argues that Thucydides praises the Athenian constitution as a mixed constitution. Certainly the passage implies that the name does not tell the whole story about the constitution, but this does not mean that it is not a democracy. Nor is this implied in the claim that it is aristocratic in the sense of making use of men of merit. It merely means that in this respect democracy is fully as good as any form of government — actually even better than aristocracy proper, for it does not allow poverty to stand in the way of advancement. No one, of course, will believe — and Oliver himself does not — that Pericles in an important speech delivered in 431 would imply that the government of Athens was not a democracy. It is equally hard to believe that Thucydides was a sufficiently poor historian to misrepresent Pericles on so important a point. In spite of Oliver's objections, I persist in believing that also Pericles, like Athenagoras, is represented as countering the pejorative sense in which *dêmokratia* was used by the opponents of democracy. C. F. Smith believes that in the watchwords of the two parties given in Thuc. 3.82.8 the words "democracy" and "oligarchy" are avoided as objectionable (*LCL* vol. 2, p. 147, note 2). Undoubtedly oligarchs preferred to talk about aristocracy. So also in Hdt. 3.81, where Megabyzus is said to have defended oligarchy but in his speech is made to advocate government by the best. Finally a word on methodology. It is interesting to learn what such later authors as Xenophon and Aelius Aristides had to say, but this can furnish no indication concerning the meaning of Thucydides.

Aeschines, *In Ctes.* 6, cited by Oliver on p. 39, has been misinterpreted. Aeschines does not say that of the names, "aristocracy" and "oligarchy," "one uses either word according to the view one takes of the character of the men in control." In this passage — and also in *In Tim.* 4 — he remarks instead that tyrannies and oligarchies are administered according to the characters of the rulers; democracies, according to laws. This interesting statement may throw some light on political controversies and the consequent changes in the meanings of words. As Vlastos has shown in his valuable article, "*Isonomia*," *AJP* 74 (1953) 337-66 at 357, the same view is expressed by Demosthenes. This shows that it is not merely a question of the point of view of an individual but of the political thought of the period. The charge made against oligarchy certainly originated with its opponents, while the claim that democracy was the only government

been essentially the same from about the time of the Persian War. In the *Second Pythian* (86–88), addressed to Hieron of Syracuse, Pindar refers to oligarchy as the rule of the wise (*sophoi*).<sup>6</sup>

But if the oligarchs advocated rule by the best, how were the best to be determined? Apparently by the possession of property. The theory was that the best were to rule, but for practical purposes the best and the men of property were regarded as identical. Hence the confusion between aristocracy and oligarchy and the possession of wealth seen in certain passages of Aristotle's *Politics*. Thus, in one passage his favorite *politeia* is described as assigning offices to the wealthy on the basis of merit (1288A.14). Is not this a clear indication that merit and wealth are confused? Similarly, in another passage, it is explained that when there is no profit to be made out of holding office it is possible to combine democracy and aristocracy, that is, it is possible to have no property qualifications for active citizenship and yet have the offices filled by notables. This is because the poor will not wish to hold office but will prefer to tend to their private business, while the rich will be able to serve (1308B.38–1309A.9). Again it is taken for granted that the rich are qualified to rule. Thus, so far as property qualifications are concerned, Boeotia was a normal oligarchy.

The same is true of the combining of election of magistrates with the principle of rotation of office among all active citizens. In this respect oligarchy, of course, followed in the footsteps of the despised democracy, which chose most magistrates by lot but picked a few key magistrates by vote. It might have seemed logical for democracy to have chosen all magistrates by lot, and for oligarchy to have chosen all by vote. Oligarchy claimed to be the rule of the ablest, and the ballot would seem the natural instrument for choos-

functioning according to law is part of the process which made *dēmokratia* the name for all respectable republican governments.

<sup>6</sup> In the same passage, while he speaks of tyranny as a respectable form of government, he refers to democracy as rule by the turbulent mass. I owe the reference to L. Whibley, *Greek Oligarchies* (London 1896) 1 and note 2. Whibley is interested primarily in the early example of the classification of governments as monarchy, oligarchy, and democracy and in Pindar's "preference for the government of the few." Historically it is even more important that at Pindar's time tyranny was one of the respectable forms of government and evidently was ranked by Pindar himself well above rule by the masses. Of course, when writing for tyrants, he could not condemn tyranny, but his use of the term in such poems (cf. *Pyth.* 3.85) shows that the word had no offensive connotation and that it was not necessary to substitute some more innocuous term such as monarchy. In *Pyth.* 11.53 tyranny connotes primarily excessive riches.

ing the ablest of all to serve as heads of the state. Therefore we find Aristotle describing *hairesis*, election by vote, as aristocratic (1273B.40) or oligarchic (1294B.9). In Boeotia, in spite of lack of direct evidence, we can be sure that the Boeotarchs were elected by vote and reasonably certain that the 660 federal councillors were chosen in the same way. The opposite principle, that of rotation, finds its clearest expression in the so-called constitution of Draco (Arist. *Ath. pol.* 4). In this there was a group of magistrates elected by vote, but the four hundred and one councillors and the rest of the magistrates were to be chosen by lot, and no one could hold office twice before all had had a turn. This, of course, is fifth-century theory.<sup>7</sup> It is, as it were, democracy within oligarchy. All good men of property are to take their turn in office. The same principle finds expression in the rotation of the four *boulai* in the constitution for the future connected with the revolution of the Four Hundred (*Ath. pol.* 30), the constitution which many believe to be that of the Five Thousand, and in the curious clause in the same constitution to the effect that the officials elected by vote were to be chosen from among the members of the *boulê*. This rule, which, for instance, would prevent anyone from serving as general more than once in four years, has been alleged as a reason for refusing to believe that the constitution in question ever was taken into use.<sup>8</sup> The argument is hardly valid. An equally strange law is reported from Thurii, namely, a law specifically forbidding anyone to serve as general more than once in five years.<sup>9</sup> Oligarchies, it seems, at times were more suspicious of strong men than democracies. In Boeotia the principle of rotation was applied in the four councils of the cities. Lack of evidence prevents us from knowing how much farther it may have been applied, but the one piece of evidence we have is of the greatest importance. The quadripartite division of the citizen bodies of the cities and likewise of the federal *boulê* shows,

<sup>7</sup> This holds good for the theory even if, as A. Fuks (*The Ancestral Constitution* [London 1953] Chap. iv) argues, the description of the constitution originated in the fourth century.

<sup>8</sup> C. Hignett, *A History of the Athenian Constitution* (Oxford 1952) 378, but see Larsen (above, note 3) 197, note 30.

<sup>9</sup> This is reported by Aristotle (*Pol.* 1307B.6) in connection with the story of a *stasis* used to illustrate the manner in which a change from aristocracy, that is, good oligarchy, can be brought about by beginning with a minor reform which arouses no suspicion. Some ambitious young men succeeded in having the law in question abrogated, and from this small beginning were able to establish a narrow oligarchy or gang domination (*dynasteia*).

as already stated, that the constitution must be the conscious work of someone with a theory and plan of government. The presence of a similar system at Athens shows that the theory and plan were not confined to Boeotia but were part of a more extensive oligarchic movement. The Athenian constitution in question was described by Wilamowitz (*Aristoteles und Athen* 2.116) as "ein schlechthin lebensunfähiges ding," but that was written before the *Hellenica Oxyrhynchia* was published. Now, when this same peculiar arrangement is found also in Boeotia, the conclusion that there was a close relationship is unavoidable, but the approximately sixty years the Boeotian constitution lasted show that it was not entirely "lebensunfähig."

The close connection between Boeotian and Athenian oligarchs is shown also by some of the events of the period and particularly by certain strange happenings at Thespieae during the years 424 to 414 B.C. At the Battle of Delium in 424 the Thespians suffered exceptionally heavy losses. They had been stationed on the left wing (Thuc. 4.93.4). When this wing was defeated, the troops on both sides fled, but the Thespians stood their ground and many were cut down in hand-to-hand combat (Thuc. 4.96.3). This may give the impression that almost their entire force of hoplites was destroyed but, though the losses were heavy, that was hardly the case. Since the Thespians were expected to furnish approximately two-elevenths of the federal army, and, since the Boeotian hoplites at Delium numbered 7,000 at most, their contingent may well have numbered 1,100–1,300. Thucydides (4.101.2) gives the Boeotian losses in the battle as a little less than 500 not counting light-armed troops and baggage carriers. Since the description of the battle implies that the largest number of dead was among the Thespians, these may well have lost a third of the hoplites they had sent. Nevertheless, the Thespians were the next year accused by the Thebans of Atticism and had their walls dismantled (Thuc. 4.133.1). After this it is no longer surprising to learn that, when a democratic revolt nine years later failed, those of the democrats who escaped fled to Athens (Thuc. 6.95.2). What is surprising is that the Thespians, a year after they had suffered heavy losses in battle against the Athenians, could be accused and found guilty on the charge of Atticism. What makes it even more surprising is that in the same year the Athenians had suffered a disastrous defeat and a humiliating political setback at the hands of the Boeotians. Obviously there was at Thespieae a



strong pro-Athenian sentiment which had survived even the Battle of Delium.

The explanation of this situation is to be found in the standing opposition between oligarchs and democrats. Members of both parties seem often to have placed loyalty to a political program and social ideals above loyalty to their state. In Boeotia the oligarchs supported the existing government while democrats looked to Athens. It is, of course, natural to suspect Theban aggrandizement, and Thucydides actually states that the Thebans had "always" desired to act against Thespieae. When they did act, it was easy to do so because the Thespians had lost the flower of their manhood at Delium. Some antagonism between the two cities undoubtedly existed. They went different ways at the time of the invasion of Xerxes. Thespieae sent a larger contingent to Thermopylae than Thebes, and the Thespians are said to have remained behind with Leonidas of their own free will (Hdt. 7.202 and 222). In spite of heavy losses, they took part in the Plataea campaign next year on the side of the Greeks and won the official recognition of being entered on the serpent column (Tod, no. 19). These events may have created ill feeling between the loyal Thespians and the Medizing Thebans, but there is no reason why this should have produced strained relations between the two cities inside the Boeotian Confederacy as reconstituted a generation later. Moreover, there does not seem to be any evidence that the Thespians took sides with the Athenians or played traitors to Boeotia in the warfare in the middle of the fifth century. Yet a glance at the situation in 424 suggests that the losses at Delium weakened the anti-Athenian element at Thespieae and thereby strengthened the hands of the pro-Athenian party. This, in turn, made action against the city more desirable from the point of view of the Boeotian oligarchs. We are told that the Athenian generals Hippocrates and Demosthenes had been approached by Boeotians who wished to establish democracy of the Athenian type. The little port of Siphae in the territory of Thespieae and the city of Chaeronea were to be seized with the aid of traitors, while the Athenians were to occupy and fortify Delium. Even if the occupation of these three places did not bring immediate success, it was hoped that the coöperation of the Athenians with the rebels would ultimately produce the desired results (Thuc. 4.76). The plotters thus relied on the effect of the sudden seizure of three strategic posts on the frontier and on the co-

operation of Boeotian democrats with the Athenians rather than on a major military action. This must mean that there were strong democratic groups in Boeotia, and that the members of these factions consisted largely, if not exclusively, of the disfranchised lower classes, while the active citizens, who supplied the hoplites and cavalry in the army, were oligarchs and supported the existing government.

From the point of view of the democratic plotters, the year 424 was a complete failure. If there was any redeeming feature, it must have been — strange as it may sound — the heavy losses of the Thespians at Delium. This must have reduced greatly the number of the oligarchs who controlled the government of the city. With this reduction of the number of active citizens the Thebans and other Boeotians feared, or pretended to fear, that the democratic masses might rise, seize power at Thespieae, and call upon the Athenians for aid. Therefore it was considered necessary to demolish the walls so that the federal or Theban authorities could act quickly and easily against any eventual rebels. The events of 414 suggest that the fear was not entirely unfounded. The *dêmos* — undoubtedly the disfranchised lower classes — rose against their magistrates but were put down with the help of Thebes. Some of the rebels were arrested while others fled to Athens (Thuc. 6.95.2).

The developments discussed above indicate that the oligarchs who controlled the Boeotian Confederacy were faced by a strong democratic opposition. Many of the members of this opposition were prepared to coöperate with Athens against their own government. This is what they tried to do in 424 and what the Thespians tried again in 414. Some of the leaders may have belonged to the enfranchised upper classes, but the mass of the democratic opposition must have consisted of the disfranchised lower classes. The report of Thucydides (4.93.3) that there were over 10,000 light-armed Boeotians at Delium as compared with 7,000 hoplites, 500 peltasts, and 1,000 horsemen suggests that the disfranchised citizens outnumbered the active citizens. Strange to say, the description of the troops at Delium gives the impression that the light-armed troops of oligarchic Boeotia were better organized and armed than those of democratic Athens. Apparently the authorities in providing for this took a calculated risk. In order to improve the military efficiency of the state, they allowed the lower classes to participate even at the risk of making them more dangerous to the established

order. Normally the upper classes must have felt themselves fully able to keep the lower classes in their place. However, when the ranks of the hoplites were depleted, as happened to the Thespians in 424, the danger to the supremacy of the oligarchs must have been greatly increased. How closely balanced the opposing forces were and how great the tension could be, is indicated by the plot of 424. How great and persistent the democratic opposition was is further indicated by the fact that the failure of these plots does not seem to have put a stop to its activities.

To conclude, the events discussed suggest that Boeotia in the fifth century B.C. was fully as much a battle ground between oligarchy and democracy as Athens. In the latter city the democrats were on the whole victorious; in Boeotia, the oligarchs. The events of 424, 423, and 414 further show that the democratic faction in Boeotia was in close touch with Athens. Similarly, the oligarchic faction in Athens must have been in close touch with Boeotia. Therefore, it should be no surprise to find the oligarchs of Athens importing planks for their platform from Boeotia. Probably it is better to say that the democratic and oligarchic parties of the time, if we can call them parties, were not limited by the boundaries of states but coöperated across boundaries. Thus theorists and planners in one state may well have influenced developments in other states. Yet, no matter who the planners were, the most successful Greek oligarchic constitution of the fifth century known to us was that of the Boeotian Confederacy.