

Plutarch, Charinus, and the Megarian Decree

Philip A. Stadter

DESPITE MANY misgivings, scholars for years generally accepted the view of the Megarian decree framed at the end of the last century, that this decree closing the harbors of the empire and the market of Attica to the Megarians was passed only shortly before the conference at Sparta at which the Megarians protested it (Thuc. 1.67.4) and that the decree was a more or less open act of imperialism against Sparta and its allies.¹ The decree of Charinus declaring an enmity without truce against the Megarians and calling for biennial invasions of the Megarid, which is mentioned by Plutarch (*Per.* 30.3), if accepted at all, was seen as a relatively unimportant and emotional act occurring immediately before the war broke out in spring 431.

In the last twenty years, however, serious questions have been raised. Peter Brunt has argued that the date of the Megarian decree could be as early as 439. Robert Connor has asserted that the Charinus decree must be moved to a new context in the 350's. Geoffrey de Ste. Croix, after a thorough review of the evidence, concluded that the Megarian decree of Thucydides was a purely religious matter and had little or no effect on the Megarians. Finally, Charles Fornara has reinterpreted the chronological sequence in Plutarch's narrative so that the "reasonable and courteous decree" of Pericles precedes rather than follows the Megarian decree.² Though much influenced

¹ Cf. e.g. G. Busolt, *Griechische Geschichte*² III (Gotha 1904) 810–14; K. J. Beloch, *Griechische Geschichte*² II.1 (Leipzig/Berlin 1927) 292f; A. W. Gomme, *Historical Commentary on Thucydides* I (Oxford 1945) 226f, 447–50; K. Voelkl, "Das megarische Psephisma," *RhM* 54 (1951) 330–36; D. Kagan, *The Outbreak of the Peloponnesian War* (Ithaca 1969) 257–62; R. Meiggs, *The Athenian Empire* (Oxford 1972) 202f, 430f.

² P. A. Brunt, "The Megarian Decree," *AJP* 72 (1951) 269–82; W. R. Connor, "Charinus' Megarian Decree," *AJP* 83 (1962) 225–46; G. E. M. de Ste. Croix, *The Origins of the Peloponnesian War* (Ithaca 1972) 225–89, 381–93; C. Fornara, "Plutarch and the Megarian Decree," *YCS* 24 (1975) 213–28. In response, G. L. Cawkwell, "Anthemocritus and the Megarians and the Decree of Charinus," *REG* 82 (1969) 327–35 (against Connor); P. Gauthier, "Les ports de l'empire et l'agora athénienne: à propos du 'décret Megarien,'" *Historia* 24 (1975) 498–503 (against de Ste. Croix); E. Will, *RevPhil* 49 (1975) 93–100 (reviewing de Ste. Croix).

by all these arguments, I wish to take a rather different course, proposing first of all that Plutarch identified the Charinus decree with the Megarian decree, then considering the possibility that Plutarch's opinion is correct and exploring what the implications of the identification would be.³ First it is necessary to examine Plutarch's narrative in the *Pericles*, especially chapter 30.

I

The chapters of Plutarch's *Pericles* devoted to the Peloponnesian War (29–35) are founded upon Thucydides' narrative, which provides their underlying structure. Supplementary material from other sources is inserted into the Thucydidean frame (see Table 1). The debt to Thucydides is not always obvious, since Plutarch omitted great blocks of material that he found irrelevant to his purpose, but is revealed by shared facts and by verbal reminiscences. The insertions from other sources are usually easily recognizable, coming at 29.2 on Cimon's family (from Stesimbrotus); all of 30–32, treating Pericles' motives; 33.5–8, which supplements Thucydides' account of Pericles' effort to restrain the Athenians; and 35.2, the anecdote of the eclipse. Plutarch's own thinking and evaluation of Pericles color the whole.⁴

The first four chapters of this section (29–33) treat Pericles' responsibility for the war. In 29 Plutarch rapidly summarizes Thucydides, down to the Peloponnesians' demand that Athens rescind the Megarian decree and their statement that if it were repealed, there would be no war (*cf.* Thuc. 1.139.2). Still following Thucydides, he reports that Pericles flatly refused and instead urged the Athenians to hold firm at all costs (Thuc. 1.140–44, *cf.* 1.127.3). This action, according to Plutarch, meant that "he alone was responsible for the war."⁵ In 30.1 Plutarch supplements Thucydides with the anecdote of Polyalkes' witticism ("turn the decree to the wall") and Pericles' firm

³ L. Holzapfel, *Untersuchungen über die Darstellung der griechischen Geschichte bei Ephoros* (Leipzig 1879) 176–86, argued this hypothesis as well, but combined it with other elements which made it unacceptable.

⁴ On Plutarch's sources see especially E. Meinhardt, *Perikles bei Plutarch* (Frankfurt am Main 1957); also F. J. Frost, "Some Documents in Plutarch's *Lives*," *CI Med* 22 (1961) 182–94; P. A. Stadter, "Thucydidean Orators in Plutarch," in *The Speeches in Thucydides* (Chapel Hill 1973) 109–23.

⁵ The alternative translation, "he alone was held responsible for the war," is equally possible, but less suitable in this context. For ἔσχε αἰτίαν 'was responsible' *cf.* Plut. *Alc.* 16.7, τοὺς Μηλίους ἠβηδὸν ἀποσφαγῆναι τὴν πλείστην αἰτίαν ἔσχε, τῷ ψηφίσματι συνειπῶν; *Cor.* 24.1, 35.8; *Brut.* 20.2.

Table 1
The Thucydidean Frame of Plut. *Per.* 29–35

<i>Per.</i>	Thucydidean	Other accounts
29.1	Decision to aid Corcyra: ten ships with Lacedaemonius	
29.1–2		Pericles' hostility to Cimon's sons (Stesimbrotus) Attacks on Pericles
29.4–6	Conference at Sparta: complaints of Corinth, Megara, Aegina, Potidaea	
29.7	Embassies to Athens (Archidamus' moderation: cf. Thuc. 1.80–85, 2.12) Demand for repeal of Megarian decree	
29.8	Pericles refuses	
30.1		Polyalkes anecdote
30.2–3		"Reasonable decree" (Craterus?) Charinus decree (Craterus?)
30.4		Megarian version (Aristophanes and scholia, Ephorus)
31.1	Pericles' reasons: <i>phronema</i>	
31.1		Pericles' reasons: <i>authadeia</i>
31.2–32.6		Prosecutions of Phidias <i>et al.</i> (scholiasts? Ephorus? Craterus?)
33.1	The <i>agos</i> -embassy	
33.2		Reaction of <i>demos</i> to charge
33.3	Archidamus and Pericles' fields	
33.4	Invasion of Attica	
33.5–7		Pericles' apophthegm and the opposition to his policy
34.1–3	Events of 431	
34.4–5	The plague and its effects	
35.1	430: expedition prepared	
35.2		The eclipse and Pericles
35.3	Epidaurus campaign	
35.4	Rejection of Pericles by <i>demos</i>	

Table 2
Causal Chains in Plut. *Per.* 29–32

Thucydidean (<i>Per.</i> 29)	Athenian (30.2–3)	Megarian (30.4)	“Worst cause” (31–32)
Corcyraean request and Athenian support	Megarians work <i>orgas</i>	Aspasia’s harlots carried off	Phidias’ trial
			Other trials?
	“Reasonable decree”		
	Death of Anthemocritus	Pericles’ anger	
(Megarian decree)	Charinus decree	Megarian decree	(Megarian decree)
Conference at Sparta, including Megarian complaints against the decree			
Peloponnesian embassies			Pressure on Pericles
Pericles’ refusal to repeal	(Pericles’ refusal to repeal)	(Pericles’ refusal to repeal)	Pericles’ refusal to repeal

reply, which confirms Thucydides on Pericles’ opposition.⁶ Thucydides’ version, however, created a difficulty for Plutarch, because the vehemence of Pericles’ stand against repeal and for war did not fit the biographer’s understanding of his character, which he thought was marked by calmness and self-restraint under stress (*πραότης*, cf. *Per.* 5.1). He therefore presents explanations of Pericles’ position which go beyond Thucydides’ succinct account.⁷ Thucydides, of

⁶ See Fornara (*supra* n.2) 217.

⁷ For *πραότης* as Pericles’ chief virtue see *Per.* 2.5, and P. A. Stadter, “Plutarch’s Comparison of Pericles and Fabius Maximus,” *GRBS* 16 (1975) 77–85.

course, had reported that the Athenians had charged the Megarians with working the sacred *orgas*, the land sacred to the Eleusinian goddesses on the boundary with Megara.⁸ In addition, he gave Pericles a speech explaining his intransigence, stressing the necessity of standing up to the Spartans even on a minor matter such as the Megarian decree (1.140.2–41.1). Although Plutarch, as regularly with the speeches in Thucydides, does not consider this speech as direct evidence of Pericles' thinking, he does allude to it at 31.1 as a statement of one view of Pericles' motivation in not repealing the decree.⁹

But this apparently was not sufficient for Plutarch, and other explanations compete with Thucydides' view in his narrative. In 30.2–32.6 Plutarch reports three separate and alternative accounts of the events leading up to the Megarian decree and, by implication, three explanations for Pericles' firmness (see Table 2).¹⁰ The first and most interesting is based on two Athenian decrees concerning Megara which Plutarch knew from some source, perhaps Craterus (*Per.* 30.2–3). I shall return to this explanation shortly. The second, the Megarian story, blamed the origin of the decree, and hence Pericles' refusal to repeal it, on his anger over the theft of two of Aspasia's harlots by Megarian youths (30.4). The third, "the worst cause," avoided an explanation of the origin of the decree, but ascribed his refusal to repeal it to a desire to strengthen his political position after the trials aimed at Phidias and other of his friends (31–32). Although Plutarch does not make it explicit, the time spans implied in these accounts overlap. The Thucydidean sequence runs from the Corcyraean embassy to Athens (*ca* 433) to the conference at Sparta (summer 432) to the embassies of 432/1. By the time of the conference at Sparta, the Megarian decree was already in force, since it was one of the grounds for complaint (Thuc. 1.67.4, *Per.* 29.4). From Thucydides and Plutarch it is not clear whether the decree preceded or followed the Corcyraean embassy. The sequence of the 'Megarian' explanation (*Per.* 30.4) ends with the Megarian decree (as parodied by Aristophanes), and therefore chronologically precedes the Megarian complaint at Sparta. Plutarch ends the Megarian explanation with no clear conclusion: τὴν μὲν οὖν ἀρχὴν

⁸ On the *orgas*, which was again the subject of dispute in the mid-fourth century, see Connor (*supra* n.2) 235–37, Cawkwell (*supra* n.2) 328–32. It was perhaps on the Megarian side of the Kerata range, but the location is disputed: *cf.* J. Ober, *Fortress Attica* (*Mnemosyne* Suppl. 84 [1984]) Appendix.

⁹ Several words are taken directly from 1.140.4–5: see n.11 *infra*. For Plutarch's treatment of Thucydidean speeches see Stadter (*supra* n.4).

¹⁰ The argument that *Per.* 30.2–3 is a flashback to explain Pericles' refusal is fully set out by Fornara (*supra* n.2). The flashback is introduced by ὑπῆλθον, "there already existed."

ὅπως ἔσχευ οὐ ῥάδιον γνῶναι (31.1). At this point he seems torn between the Megarian explanation for the Megarian decree, Aspasia and her whores, and the version of the two decrees. He then takes a new tack, citing three reasons which had been proposed as possible explanations for Pericles' stubbornness: (1) his greatmindedness, in that he recognized that the Spartans were testing the Athenians for weakness (this is the view of Thucydides, whose words at 1.140.5 are quoted);¹¹ (2) bullheadedness and rivalry with Sparta; (3) the "worst reason," to reestablish his influence in Athens in response to the attacks on his friends. The "worst reason" (31.2–32.6) once more goes back in time: Plutarch begins with the trial of Phidias, which most modern historians, following Philochorus, date to 438/7.¹² The other prosecutions took place "about this time" (32.1).¹³ As Plutarch tells it, after the Phidias affair Pericles "inflamed the war which already was coming and growing" (32.6). He does not specify whether Pericles inflamed the war by passing the Megarian decree or by refusing to rescind it, but certainly Plutarch intended the latter. The account of the worst case, then, spans the years 438/7–432/1. The whole supplement to Thucydides concerns the *aitiai*, not of the war—for Pericles alone was responsible for that (29.8)—but of Pericles' unwillingness to yield.

Let us now look more closely at the first alternative (*Per.* 30.2–3). Alluding to an apparent private cause for hostility only to set it aside,¹⁴ Plutarch sketches the following series of events of a public nature:

- (1) The Megarians had appropriated the sacred *orgas* of Demeter and Kore. This situation must have preceded the Megarian decree and the conference at Sparta.
- (2) In response Pericles drafted a decree that a herald be sent to Megara and Sparta to denounce the Megarians. The decree itself, which was preserved, gave its arguments for justice in a gentle and humane fashion.¹⁵

¹¹ *Per.* 31.1: ἀπισχυρίσασθαι φασιν αὐτόν, πείραν ἐνδόσεως τὸ πρόσταγμα καὶ τὴν συγχώρησιν ἐξομολόγησιν ἀσθενείας ἡγούμενον. Cf. Thuc. 1.140.4–5, esp. πείραν τῆς γνώμης, ξυγχωρήσαντες, ἀπισχυρισάμενοι.

¹² Cf. F. E. Adcock, *CAH* V (1926) 477–80; J. B. Bury and R. Meiggs, *History of Greece*⁴ (New York 1975) 257; Kagan (*supra* n.1) 194; F. Jacoby *ad FGrHist* 328F121; F. J. Frost, "Pericles and Dracontides," *JHS* 84 (1964) 69–72.

¹³ The argument is not affected whether in fact all these trials are historical, or some, such as those of Aspasia and Anaxagoras, simply represent extrapolations of allusions in comedy, as argued by K. J. Dover, "The Freedom of the Intellectual in Greek Society," *Talanta* 7 (1975) 25–54, esp. 27–31.

¹⁴ By this *ἰδία ἀπέχθεια* Plutarch probably meant the trouble with Aspasia's whores alleged by Aristophanes and the Megarians, cf. 30.4.

¹⁵ I cannot agree with the contrary interpretation by M. Sordi, "Il decreto di Pericle contro Megara, un decreto ragionevole e umano?" *Studi in onore di Ferrante Rittatore*

(3) However, the herald who was sent, Anthemocritus, apparently was killed by the Megarians (or, was thought to have been killed by the Megarians).¹⁶

(4) As a result Charinus moved a decree against the Megarians and honoring Anthemocritus.

From this sequence of events it is apparent that Plutarch must have thought that all the items 1–4 above, including the death of Anthemocritus and Charinus' decree, preceded Pericles' refusal to repeal the Megarian decree, since as Plutarch presents the matter, it was the public hostility generated by the use of the *orgas* and the death of Anthemocritus, and apparent in the harsh terms of Charinus' decree, which Pericles had used to justify his refusal to repeal the decree.¹⁷

But if this explanatory sequence ends with the Charinus decree, then Plutarch thought that the Charinus decree and the Megarian decree were identical. The purpose of 30.2–3 is to explain the origin of the Megarian decree—that is, the exclusion from agora and harbors of which the Megarians complained (29.4) and which the Spartans insisted be repealed (29.7). This explanation is not present unless the exclusion decree which was passed as a result of Anthemocritus' death (the Charinus decree) is identical with the exclusion decree called the Megarian decree. Otherwise, in these sen-

Vonwiller II (Como 1980) 507–11. Plutarch's words imply that he had seen a text of the decree, although it is possible that he is only repeating his source. Craterus' collection of decrees is the most likely, as for other decrees cited in the *Pericles* (cf. Meinhardt [*supra* n.4] 58).

¹⁶ Cawkwell (*supra* n.2) 334 suggests that Anthemocritus delivered his message of denunciation in spring 431, on the occasion of the normal announcement to Greek cities of the Eleusinian truce, but does not explain why the Athenians waited so long after the passage of the Megarian decree to do so. Naturally, on this theory, the Megarian decree and the Charinus decree are separate. It is possible that the "reasonable and courteous decree" and the mission of Anthemocritus were connected with the normal proclamation of truce, but they would have preceded the Megarian decree. The *spondophoroi* were chosen from the Eumolpids and Kerykes, and were not heralds. Cf. *Hesperia* 8 (1939) 5–12 no. 13 (Tod II 137), where a herald is sent to demand the release of two *spondophoroi*. Anthemocritus would have had the same duty, to claim justice after a violation of the common law of the Greeks. On *spondophoroi* see also L. Robert, *Hellenica* 11–12 (Paris 1960) 108–11.

¹⁷ Fornara (*supra* n.2) 220 hesitates to accept the implications of his own analysis and suggests that the Charinus decree is only a footnote to the death of Anthemocritus, which is the true end of the explanatory sequence. But both the careful description given of the Charinus decree and the syntactic subordination of the herald's death to the decree (ἐπεὶ . . . ἀποθανεῖν ἔδοξε) indicate the opposite. Fornara was of course influenced by the common argument that the Charinus decree could only have been passed after the war began. But here we are dealing with what Plutarch wrote, not what happened.

tences (30.2–3) Plutarch never tells us how or under what circumstances the Megarian decree was passed, or its relation to the death of Anthemocritus. But to Plutarch the death of Anthemocritus explains the Megarian decree, as is clear from the parallel account he attributes to the Megarians, in which Anthemocritus' murder (which the Megarians denied) was replaced as the cause of trouble by the theft of Aspasia's whores. The death of the herald led to the decree of Charinus, while the carrying off of the women led in Aristophanes to what is usually called the Megarian decree (*Ach.* 526–34). The two stories are variant explanations for the decree that started the war, which must be taken to be the same in each case. This understanding of the passage seems necessary, unless we believe that Plutarch is hopelessly confused, not in his chronology or his facts, but in his own explanation. To put it more strongly, if Plutarch did not think that the two decrees were identical, he wrote nonsense.¹⁸

In fact we have other confirmation that he assumed their identity. In his *Advice to Statesmen* he cites with approval Pericles' practice of using others to accomplish his political goals, and lists examples, including, "(Pericles) carried the decree against the Megarians through Charinus" (812D).¹⁹ The decree against the Megarians, without further qualification, must mean the famous decree, which Plutarch here explicitly states was passed by Pericles working through Charinus. Charinus' decree also appears in the scholion to *Peace* 246: "Charinus proposed the decree against them [the Megarians] to please Pericles, so that the Megarians should not go either upon the land or the harbors of Athens."²⁰ Here the proposer of the decree excluding Megarians from the harbors is identified as Charinus, and again, as in the *Advice to Statesmen*, Pericles works behind the scenes. Other scholia also seem to refer to the exclusion from the land of Attica

¹⁸ Nevertheless, Plutarch's account would have been easier to follow if he had specifically identified Charinus' decree with that referred to at 29.4, following Thucydides, or repeated the language of Thucydides in 30.3. Was he hesitant to correct Thucydides explicitly on the basis of documentary evidence? With lesser writers he had no such qualms.

¹⁹ Although the positive indications are not precise (both works date between A.D. 96 and 116: cf. C. P. Jones, *JHS* 56 [1966] 70–72), the *Advice to Statesmen* seems to have been written about the same time as the *Pericles* and contains many references to Pericles as a model statesman. Our doubts about the historicity of the other examples cited at 812D (especially Ephialtes' subordination to Pericles in 462) do not change the fact that Plutarch accepted the equation.

²⁰ *Χαρίνου* is the convincing emendation of *χάριν του*, suggested by Wilamowitz and Holzapfel, though not mentioned in Holwerda's edition: Holzapfel (*supra* n.3) 183f; Wilamowitz, *Hermes* 14 (1879) 319 n.2.

associated with the Charinus decree, rather than to a Megarian decree which excluded from the agora and harbors only.²¹

In 1962 W. R. Connor noted that Plutarch seemed to identify the two decrees, a position which was in fact commonly accepted in the nineteenth century, as is apparent in Grote's history or Sintenis' school commentary.²² It is worth looking more precisely at the causes and provisions of the two decrees as they are preserved in our sources to see whether Plutarch's opinion contradicts our other evidence.

II

There was undoubtedly tension between Megara and Athens before the Megarian decree. After the collapse of the Megarian-Athenian alliance in 446, the killing of Athenian troops in the Megarid, and the mortal risk of the Peloponnesian invasion, the situation could hardly be peaceful. It may even be that at this period there was no regular treaty between the two cities, so that Megarian traders were not protected by law in Athens: this seems to be the situation suggested by Aristophanes *Ach.* 515–22, and perhaps alluded to by Thucydides 1.42.2.²³ A new situation developed, however, as both Thucydides and Plutarch report, because of Megarian violation of the *orgas*. In Thucydides this is coupled with another grievance, the harboring of runaway slaves.²⁴ Plutarch notes that in addition to appropriating the sacred *orgas*, the Megarians were accused of killing the herald Anthemocritus, sent specifically to call upon them to stop. The harboring of slaves would be natural if no treaty defining reciprocal obligations existed between the two states; the accusation of abuse of the *orgas* is a new element, although the condition that is charged may have existed for some time. The alleged murder of

²¹ Cf. de Ste. Croix (*supra* n.2) 392f, referring to schol. *Peace* 609 and *Ach.* 527 and *Suda* s.v. "Aspasia." He sees them, however, as mistaken conflation of two separate decrees.

²² Connor (*supra* n.2) 227; G. Grote, *History of Greece*² VI (New York 1899) 76f; C. Sintenis, *Plutarchi Pericles* (Leipzig 1835) 209. Holzapfel (*supra* n.3) argued the case most thoroughly, but then drew erroneous conclusions.

²³ The interpretation of both passages is disputed: see the summary in de Ste. Croix (*supra* n.2) 383–86.

²⁴ "The Athenians cited Megarian working of the holy land and the undefined land, and their reception of runaway slaves" (1.139.2). We cannot establish whether the undefined land and the *orgas* are identical. The undefined land may well be other land on the border; but in the fourth century at least part of the *orgas* seems to have been unmarked, cf. Cawkwell (*supra* n.2) 329–31.

Anthemocritus is not separate in Plutarch, but an intermediate step between the accusation concerning the *orgas* and the Charinus decree. For both authors, then, the chief cause of the two decrees is the same, the violation of the *orgas*.²⁵

The provisions of the two decrees are also similar in function, although not in precise terms. Those reported by Thucydides are simple and precise, though their exact interpretation remains a matter of controversy. The Megarians complained at Sparta that they were excluded from the harbors in the Athenian empire and from the Athenian agora; these terms are repeated in the Spartan demand for repeal.²⁶ The decree is an exclusionary decree: the operative verb is *εἴργεσθαι*. The decree applied broadly, not only to Attica but to the empire.

Plutarch lists the provisions of the Charinus decree as follows:

- (1) There was to be hostility toward the Megarians, without truce or herald;²⁷
- (2) any Megarian who set foot in Attica was to be punished with death;
- (3) the generals were to swear at their yearly oath of office that they would invade Megara twice each year;
- (4) a public burial was to be given Anthemocritus at the Thriasian gate.

In addition, Plutarch mentions (30.1) as a law (*nomos*) a disposition which probably was a provision of the decree,

- (5) it was forbidden to take down the tablet on which the decree was written.

These provisions, besides honoring Anthemocritus with a public tomb,²⁸ establish formally a state of enmity with Megara, which will

²⁵ In Ar. *Ach.* 528–34 the cause of the decree is the theft of Aspasia's whores, perhaps a comic version of Thucydides' reference to runaway slaves. There is no reason to take Aristophanes seriously here, although the Megarians quoted by Plutarch (*Per.* 30.4) found it useful to do so.

²⁶ 1.67.4, *δηλοῦντες . . . μάλιστα δὲ λιμένων τε εἴργεσθαι τῶν ἐν τῇ Ἀθηναίων ἀρχῇ καὶ τῆς Ἀττικῆς ἀγορᾶς*; 1.139.1, *ἐν ᾧ εἴρητο αὐτοὺς μὴ χρῆσθαι τοῖς λιμέσι τοῖς ἐν τῇ Ἀθηναίων ἀρχῇ μηδὲ τῇ Ἀττικῇ ἀγορᾷ*.

²⁷ The expression *ἄσπονδος καὶ ἀκήρυκτος πόλεμος* occurs two other times in Plutarch, *Arist.* 1.5 and *Mor.* 1095F, indicating an implacable hostility or opposition; the phrase was already found in Aeschin. 2.80 and Dem. 18.262. The words may be a Plutarchean expansion of those of the decree. For *ἄσπονδος* cf. also *Comp. Alc. Cor.* 2.7; *Tim.* 30.4; *Crass.* 18.1, 30.2; *Mor.* 244B. See also 365f *infra*.

²⁸ This monument was in fact built, and cited as a landmark by Isaeus (*Harp. s.v.* "Anthemocritus"). Despite Connor's doubts (*supra* n.2: 243–46) such a monument at this time is not unlikely for a public burial: see R. Stupperich, *Stattsbegraebnis und Privatgrabmal im klassischen Athen* (Diss.Münster 1977), esp. 200 and n.4. Stupperich

be expressed in two ways: twice-yearly invasions of Megara and exclusion of Megarians from Attic soil on pain of death. Like Thucydides' Megarian decree, the Charinus decree is an exclusionary decree. Although Plutarch's words put more stress on the penalty than on the exclusion, the purpose of the decree is not to kill Megarians, but to keep them from Attica.

Such exclusion from its territory was a natural reaction by the polis against violators of traditional norms. Internally, the polis employed death or banishment as a means of protecting its integrity. Two crimes for which the death penalty was fixed were treason and *hierosylia*,²⁹ but it was commonly voted for *asebeia* as well, with the rationale that it preserved the city as a whole from sharing in the pollution of the *asebes*.³⁰ Death and banishment could be alternatives: the death penalty could be evaded by fleeing the city, as Crito advises Socrates (Pl. *Cri.* 45); on the other hand, permanent exile, *ἀειφυγία*, carried the risk of death if the offender were found in Attica.³¹ In certain cases, exclusion could be partial, as when Andocides fell victim to the decree of Isotimides, excluding all those admitting to crimes of impiety from agora and temples.³² Even this partial exclusion was restrictive enough that Andocides found it preferable to go into exile rather than remain in Attica.

Charinus' motion to exclude Megarians from Attica on pain of death is not completely anomalous or unusually harsh. It falls within the normal rights of a polis to protect itself from the presence of undesirables. The sanction imposed was no stronger than those Athens imposed on its own citizens by decree or judicial decision. Foreigners had little or no claim in a polis, unless protected by treaty

thinks the *ἀνδροίας* must have been a relief stele: compare that of Eupheros, dated to 430: *AthMitt* 79 (1964) 93–95, 99–104. For classical Athenian tombs in general, see D. C. Kurtz and J. Boardman, *Greek Burial Customs* (London 1971) 91–141.

²⁹ See A. R. W. Harrison, *The Law of Athens* II (Oxford 1971) 59, and D. M. MacDowell, *The Law of Classical Athens* (London 1978) 149, 176.

³⁰ Cf. [Lys.] 6.2: the gods will punish the citizens if they do not punish the *asebes*. The opening of the *Oedipus Tyrannus* is a well-known example of a city suffering for the pollution of one of its citizens. But sacrilege even more than murder could cause harm to the health and prosperity of a community, cf. R. Parker, *Miasma* (Oxford 1983) 272–74. The death penalty could also be used as a deterrent, as it was in 431 to prevent spending from the gold reserve (Thuc. 2.24.1). Cf. Creon's proclamation (Soph. *Ant.* 35f) and Diodotus' questioning of the deterrent effect of punishments, even death (Thuc. 3.45), which no doubt reflects contemporary discussion of the issue.

³¹ See Harrison (*supra* n.29) 185f.

³² Andoc. 3.8, 71; cf. [Lys.] 6.9, 24. Plato advocated exclusion from legal rights and from sacred places, agora, harbors, or other public gatherings for some accused men (*Leg.* 871A–E).

privileges. The citizens of a city which had been declared impious might have no protection.³³

The violation of the *orgas*, the chief accusation against the Megarians, was a serious act of impiety. The Athenians attributed the bizarre death of Cleomenes I of Sparta, who cut himself to pieces in a fit of madness, to his having devastated the precinct of the goddesses (Hdt. 6.75.3). More comparable is the dispute with Megara over this land in 352–349 B.C., when the Athenians sent an army under the general Ephialtes to reestablish the boundary stones and to drive the Megarians from the land. Furthermore, they set up an elaborate procedure to ask the oracle at Delphi what should be done with the land. That they were willing to take military action against Megara at a time when they wanted neither to gain political control nor to provoke Megara is an indication of the importance of the *orgas* to them.³⁴ The laws protecting sacred land could be quite precise, even pedantic, as we learn from a number of inscriptions regulating the cutting and gathering of wood in sanctuaries.³⁵ The Athenians' reverence for the Eleusinian goddesses is apparent throughout the fifth century, and they were intolerant of any impiety toward them.³⁶ The Megarian violation of the *orgas* may have been going on for some time, but once brought to the attention of the *ecclesia* it naturally inspired the heated feelings which led to the Charinus decree.

³³ Cf. G. Busolt and H. Swoboda, *Griechische Staatskunde* II (Munich 1926) 1243: aliens were "grundsätzlich rechtlos und rechtsunfähig," although Bravo (n.55 *infra*) would temper such a formulation. On the special rules for foreigners see Harrison (*supra* n.29) 24 and MacDowell (*supra* n.29) 75f; on treaties regulating contacts and privileges see P. Gauthier, *Symbola: les étrangers et la justice dans les cités grecques* (Nancy 1972).

³⁴ On this dispute see Connor (*supra* n.2) 35ff and Cawkwell (*supra* n.2) 328–32. On sacrilegious treatment of sacred land see Parker (*supra* n.30) 160–67. Accusations of cultivating the sacred plain of Cirrha provided the *casus belli* for both the Third and the Fourth Sacred War, although political motives manifestly lay behind them: cf. Diod. 16.23.3, 28.4, with H. W. Parke and D. E. Wormell, *The Delphic Oracle* I (Oxford 1956) 222, 236; George Cawkwell, *Philip of Macedon* (London 1978) 62–66.

³⁵ For examples see B. Jordan and J. Perlman, "On the Protection of Sacred Groves," *Studies Presented to Sterling Dow* (GRBM 10 [1984]) 153–59. Cf. also Lampon's rules for the Pelargikon (*IG* I³ 78.54–59 [Meiggs/Lewis 73]) and Thuc. 3.70.4.

³⁶ Note e.g. the building of the great new *telesterion* at Eleusis, the laws on *aparchai* for the goddesses, the condemnation of Diagoras of Melos for attacking the cult, the violent reaction against Alcibiades and other prominent Athenians for parodying the Mysteries, and the joy in 408 when Alcibiades restored the yearly procession to Eleusis. The Athenians identified their own interests with those of the goddesses: cf. *IG* I³ 78.45f, "whoever does not wrong the Athenians, the polis of the Athenians, or the two goddesses." Even several centuries later, two Acarnanians who though not initiates were inadvertently present at the Mysteries were executed by the Athenians, provoking the intervention of Philip V and the ravaging of Attica: Liv. 31.14.6–10.

These sentiments could only have been exacerbated by the death of Anthemocritus. A herald's person traditionally was inviolable: when Sparta permitted the murder of Darius' heralds, it violated the common practice of civilized peoples, and invited the wrath of Talthybius, the patron of heralds. Despite the provocative words and threatening gestures of the Argive herald, the Athenian chorus in Euripides' *Heraclidae* warns their king not to touch him: "By the gods, do not dare to touch a herald!" The Megarians' disregard of this fundamental custom would have confirmed the Athenians in their righteous enmity.³⁷

In the Megarian decree as reported by Thucydides, the exclusionary terms seem both more limited and more general than those of the Charinus decree. On the one hand, only specific locations are mentioned (harbors and agora); on the other, the harbors of all the Athenian empire are included.³⁸ What does this mean in terms of the law? The agora and harbors were two normal places of public assembly, where the community naturally gathered as a body about its business. Plato would have the accused murderer of a kinsman excluded from these and other special areas so as to have no part in the life of the community until his case was resolved; if found guilty, he was to be subject to death or permanent exile.³⁹ Exclusion from agora and harbors, that is, is a partial version of the complete exclusion which is usually demanded. *atimia* and banishment naturally involved exclusion from the normal prerogatives of a citizen, including participation in sacred rites, gathering with his fellow citizens in the agora, and doing business at the harbor. Specific Athenian laws could set penalties of exclusion from certain areas, as Isotimides' decree did. In other cases, certain groups might be excluded from *ta nomima* or from temples.⁴⁰ In dealing with non-citizens, such as the Megarians,

³⁷ There is little evidence on the penalties for violation of the herald's immunity, apparently because it occurred seldom. The case of Anthemocritus became famous: cf. [Dem.] 12.4, Paus. 1.36.3. This recent incident may have inspired Herodotus to see the Athenian execution of captured Spartan envoys in 430 as just punishment for the killing of Darius' heralds (Hdt. 7.137, Thuc. 2.67) and influenced Euripides *Her.* 267–73 as well. Cf. L. M. Wéry, "La meurtre des hérauts de Darius en 491 et l'inviolabilité du héraut," *AntCl* 35 (1966) 468–86, and Parker (*supra* n.30) 188. Of the violation of the immunity of the Eleusinian *spondophoroi* (*supra* n.16): *παρὰ τοὺς νόμους τ[οὺς κοιν]οὺς τῶν Ἑλλήνων*, Tod II 137.13f.

³⁸ From Ar. *Ach.* 533f it is certain that the decree itself actually contained the word *agora*. Aristophanes here mimics a drinking song of Timocreon (*PMG* 731), whose text is quoted by the scholiast: Aristophanes has added *μητ' ἐν ἀγορᾷ*. I presume from Thucydides that the harbors as well were explicitly mentioned.

³⁹ *Leg.* 871A–E, noted by de Ste. Croix (*supra* n.2) 282. On the religious aspect of exclusion from the agora see Parker (*supra* n.30) 19.

⁴⁰ Cf. Gauthier (*supra* n.2) 501; Antiph. 6.36, Dem. 24.105, *Ath.Pol.* 57.4, and Philonides fr.5 K. (*παναγείας γενεάν, πορνοτελώναι, Μεγαρείς, δειλοί, πατραλοΐαι*).

exclusion meant, not expelling one previously a member of the community, but refusing to admit one unsuitable for association. But insofar as exclusion was established as a penalty, it would necessarily include exclusion from agora and harbors.

Thucydides gives the terms of the Megarian decree only through the complaints of the Megarians and the demands of the Spartans. It is natural that the Megarians would concentrate on agora and harbors, since these were of direct interest to them: they could survive without visiting Athenian temples, and were not interested in public assemblies.⁴¹ The exclusion from the harbors of the empire reported by Thucydides does not contradict Plutarch's account of the Charinus decree, but adds precision. Athens' sway over her *arche* permitted her to extend permissions and sanctions throughout the empire. The Erythrae decree provided that if someone kills an Erythraean and is condemned to exile, he is exiled from all the Athenian alliance (*IG I*³ 14.29–32). The Athenians declared Arthmius of Zeleia and his family *atimos* and *polemios* for the Athenian people and for the allies.⁴² When the Athenians honored Lyco of Achaëa, they gave him permission to sail and to import goods wherever the Athenians ruled, except for a certain gulf (*IG I*³ 174). In establishing the Second Athenian Confederacy, they included a clause punishing with *atimia* and death or exile from Attica and the territories of the allies anyone who moved a decree contrary to the present one.⁴³ Extension of an Athenian exclusion to allied states was a normal effect of Athens' hegemony. Thucydides, always concerned with naval power, highlights the control which Athens was able to exercise over others, thanks to her undisputed domination of the Aegean. The power that Sparta feared permitted the Athenians to extend a religious sanction to the allied states.

We have then two accounts: one describes a decree moved by Charinus which excluded Megarians from Attic soil on pain of death, the other a decree which excluded Megarians from the Athenian agora and the harbors of the empire. Both were made in response to Megarian violations of the sacred *orgas*. The two are so similar in effect that it is reasonable to follow Plutarch's lead and conclude that the

⁴¹ The extremely restrictive interpretation of *agora* given by de Ste. Croix (*supra* n.2) 267–84 (only the legally delimited central market area in Athens) is challenged by Gauthier (*supra* n.2) 502f.

⁴² Dem. 9.42, 19.271; Gomme (*supra* n.1) 336. G. Glotz, *La solidarité de la famille dans le droit criminel en Grèce* (Paris 1904) 490, gives this as an example of collective banishment even of non-citizens.

⁴³ *IG II*² 43.51–63; Tod II 123; J. Cargill, *The Second Athenian League* (Berkeley/Los Angeles/London 1981) 16–26.

two simply report different features of the same decree. The Megarian decree which can be reconstructed from the two accounts provided a general exclusion from Attica and the Athenian empire on pain of death, with particular reference to the Athenian agora and the harbors of the empire.⁴⁴ In addition, it contained clauses declaring enmity with Megara, requiring the generals to swear to invade Megara twice a year, and ordering the public burial of Anthemocritus.

III

The objections to the conclusion just drawn, the identification of Thucydides' Megarian decree and Plutarch's Charinus decree, have been so firmly stated that recent scholars have rejected it without hesitation. "Today . . . it seems obvious that Charinus' decree is not the same as the exclusion decree. Their proposers, purposes, and provisions are totally different." "Nearly a century ago Holzapfel tried to maintain that the decree of Charinus was identical with the exclusion decree, but this impossible theory has been thoroughly refuted."⁴⁵ There are five standard objections, concerning (1) the *akeruktos echthra*, (2) the status of the Megarians in the *Acharnians*, (3) the movers of the decrees, (4) the invasions of Megara ordered by the Charinus decree, and (5) Thucydides' silence. On examination they are not so strong as they seem.

First we must recognize that the *akeruktos echthra* of the Charinus decree has nothing to do with the decision no longer to communicate except through heralds, mentioned by Thucydides (2.1). Thucydides uses as one indication of the beginning of a state of war the fact that previously Athenians and Peloponnesians had traveled in each other's territory without heralds, but now had contact only via heralds (1.146, 2.1). The *akeruktos echthra* declared by the Charinus decree was different: in this condition the hostility is such that one refuses to send heralds, exactly because a herald has just been killed. A similar incident is reported by Xenophon (*An.* 3.3.5), in which the killing of

⁴⁴ This reconstruction seems also to fit the scholia which have been thought to confuse the two decrees: schol. *Ar. Pax* 246 (μητέ γῆς μητέ λιμένων Ἀττικῶν ἐπιβαίνειν τοὺς Μεγαρέας) and 609 (combination of land and harbors), as well as the general statement "not to receive them" (ἀπαγορεύειν δέξεσθαι αὐτοὺς εἰς τὰς Ἀθήνας) in *Suda* s.v. "Aspasia" and schol. *Ach.* 527. It also explains better the total exclusion from land and sea in *Ach.* 533f.

⁴⁵ Connor (*supra* n.2) 227, who reviews the arguments against identity; de Ste. Croix (*supra* n.2) 247.

a herald leads to an *akeruktos polemos*. The Charinus decree refers specifically to Megara, Thucydides 2.1 to relations with the Peloponnesians in general.⁴⁶ In defining the beginning of hostilities, Thucydides does not choose to note the special situation of Megara with regard to Athens.

Aristophanes' account in *Acharnians* of the reception of the Megarians is more troublesome. At 719ff Dikaiopolis opens his market to all: Peloponnesians, Megarians, Boeotians. The latter two are of course the only allies of Sparta who share a boundary with Attica and thus can easily cross over the border to trade. Representatives of each country do so, first the Megarian with his pigs, then the Boeotian with his eels. A sycophant threatens to denounce the Megarian as an enemy and his goods as *polemia*.⁴⁷ But the Megarian is not, as we might expect from the Charinus decree, called 'accursed' or 'impious', or immediately led off to a magistrate for summary judgment and execution. On the contrary, his treatment seems equal to that of the Boeotian (cf. 911f). In 425 B.C., then, a comic poet could present Megarians as one of the enemy, without reference to the sanctions of the Charinus decree. Yet puzzling as this information is, it tells us nothing about the provisions of the Charinus decree or about its relation to, or identity with, the Megarian decree. Rather it indicates that the Charinus decree did not have effect at this time, or at least was not so much in the public mind that the poet needed to make particular reference to it. Even if the Charinus decree were different from and moved after the Megarian decree, as is usually thought, the provisions of the two decrees would reinforce one another, and Megarians would be doubly excluded from the agora. For this reason Kagan suggests that the Charinus decree was moved but never passed.⁴⁸ It is most unlikely, however, that a decree that failed to pass the *ecclesia* would ever have entered the historical record. Rather, the situation seems to have changed in the intervening years. Most probably the Athenians had repealed the decree at some point, e.g. when they treated for peace with Sparta during the plague (Thuc. 2.59.2). Alternatively, they may have grown less concerned with it, perhaps because the Megarians had surrendered the *orgas* to Athenian force, thus removing the cause of the religious sanction and permitting the shift to the simple status of enemy. Certainly we do

⁴⁶ J. L. Myres, "*Akeruktos polemos* (Herodotus v.81)," *CR* 57 (1943) 66f, is not helpful here, since he does not distinguish between cases where an offense to heralds was involved and where the question is simply one of announcing through a herald.

⁴⁷ 819f, τὰ χοιρίδια τοίνυν ἐγὼ φανῶ ταδὶ πολέμμα καὶ σέ.

⁴⁸ Kagan (*supra* n.1) 261.

not hear again of the Athenian claim on the *orgas*, and the Athenians, contrary to an *akeruktos echthra*, treat regularly with the Megarians (*cf.* Thuc. 4.66–74, 424 B.C.). We do not know enough to explain the change in the Megarians' position, but the example of the condemnation and later recall of Alcibiades suggests that we can ascribe it to a change in the political climate at Athens.

The proposer of the Megarian decree is commonly thought to be Pericles, but our only early source is Aristophanes, who in *Acharnians* and *Peace* presents Pericles the Olympian writing laws like drinking songs, or lighting the spark of the Megarian decree. His words are then repeated and made more explicit in the scholia.⁴⁹ Thucydides is silent on the matter. Philochorus mentioned the decree, but probably not the mover.⁵⁰ How reliable is Aristophanes in naming Pericles? He is not a historian, describing the facts precisely, but a writer of comedy. His explanations need have no more truth than Dicaeopolis' thirty-year truce or Trygaeus' dung-beetle, but like them should be simple and grounded in reality.⁵¹ Plutarch, on the other hand, is consciously supplementing Thucydides' account with documentary material, a decree which would have contained the name of the proposer. Aristophanes focused attention on the great man behind the proposal, the man who would have spoken forcefully in its support, as later he spoke against its repeal. The poet would not have seen any purpose in recalling six or ten years later the name of the henchman of Pericles who actually proposed the decree. Plutarch's knowledge of the actual mover is a result of antiquarian research which preserved the text of the decree, or a summary, to his own day.⁵²

The fourth objection seems the most serious: could the Athenians have voted to invade Megara twice a year even before the war began,

⁴⁹ *Ach.* 532, *Pax* 609; schol. *Ach.* 532, *Pax* 605, 609; *Suda* s.v. "Aspasia" derives from a scholion to *Ach.* 532.

⁵⁰ Quoted in schol. *Pax* 605 (*FGrHist* 328F121). Apart from other difficulties with the text, the sentence *οἱ γὰρ Ἀθηναῖοι κτλ.* is taken most naturally as the words of the scholiast, based on Aristophanes' text. The scholiast is interested in establishing the date of the decree, not the author. Diodorus (12.39.4) is also silent on the author; he says his source on the causes of the war was Ephorus (12.41.1).

⁵¹ *Cf.* de Ste. Croix (*supra* n.2) 232–36.

⁵² Given the nature of our sources, it is hard to document instances in which the drafters of decrees were not the moving force behind the policy. But one thinks of Dracontides, who under pressure from Lysander moved the establishment of the Thirty (*Ath.Pol.* 34.3). Melobius was the chief speaker for the decree opening the way to the oligarchy of 411, but the actual mover was Pythodorus (*Ath.Pol.* 29.1; neither is mentioned by Thucydides). In the fourth century Demosthenes complained frequently of those who move legislation for money, a rather different phenomenon (*e.g.* Dem. 20.132; 23.146; 24.66; 25.40f).

before, in fact the conference at Sparta in summer 432, and still piously maintain that they had not violated the treaty? We might think that such a decision would at once break the treaty and initiate the war. But the situation is not so simple. A number of possibilities exist.

The Athenians, after voting the decree, might not in fact have invaded Megara before the outbreak of war in 431. This seems improbable, but could be explained in two ways. If the decree were passed immediately before the Megarian complaints at Sparta (early July 432, according to Gomme),⁵³ the generals for 432/1 would already have taken office and therefore could not have sworn to invade. Those entering office in 431 would find the city already at war. Or the decree may have been passed earlier, but no action taken. Demosthenes complains of a similar case: the Athenians had voted to act against the accursed Megarians, but in fact had done nothing; he chides them for being enthusiastic in voting decrees, but slow to follow through.⁵⁴ Conceivably, the Athenians were as slow in the 430's.

The other and more probable alternative is that the Athenians did invade twice a year, but war did not follow immediately. As is clear from the engagement of Athenian and Corinthian ships at the battle of Sybota, military actions do not automatically dissolve treaties. The Spartans were notably slow to act, Thucydides tells us, unless they were forced (1.118.2). We might consider the clash at Sybota and the invasion of Megara as parallel cases: both enraged Sparta's allies, but no war began until Sparta decided to declare the treaty broken and go to war. The Spartans' behavior in 416 is instructive. The Athenians made raids from Pylos, carrying off large amounts of booty (Thuc. 5.115.2). Although the Spartans were angry, they decided not to renounce the peace, but to proclaim in their turn that their allies could plunder the Athenians—referring either to those in the neighborhood of Pylos, or more likely to the Megarians and Boeotians sharing boundaries with Attica. When later (summer 414) the Athenians aided the Argives in repulsing a Lacedaemonian invasion by ravaging Lacedaemonian territory (6.105.1–3), the Spartans decided to consider this a breach of the treaty: of course, at that time they had already decided upon war. Finally, when in 413 they invaded Attica, formally beginning hostilities, the Spartans considered the

⁵³ Gomme (*supra* n.1) 425.

⁵⁴ 13.32f. Soon after, as Didymus tells us, they did in fact send an army against Megara (Didymus pp.33–35 ed. min. Diels/Schubart).

Pylos raids as one of the violations of the treaty justifying war (7.18.3). It is not the clash of arms that breaks a treaty and begins hostilities, but a political decision.

Moreover, reprisals of various sorts (such as these Peloponnesian raids on Athens) were a regular part of Greek international relations, and while they might lead to war, they did not *per se*.⁵⁵ The Athenians presumably saw their raids on Megarian territory in something of this light, and it is possible that the Spartans, at least for a time, accepted it as such—until their fear of Athenian power prevailed and they were forced to act. The provisions of the Charinus decree need not have broken the treaty.

Finally, why does Thucydides not tell us more about the Megarian decree, especially if it contained the provisions we have been examining? Is it possible that he could have omitted such interesting and important material? That there are a number of surprising omissions in Thucydides' history, and especially in the first book, has long been observed. Gomme drew up a list of omissions from the Pentacontaetea running to sixteen items.⁵⁶ Thucydides himself in his account of the first conference at Sparta alludes to complaints against the Athenians which he omits: the accusations of the Aeginetans (still unclear to us), the *ἕτερα οὐκ ὀλίγα διάφορα* of the Megarians (in addition to the Megarian decree), and the complaints of other Spartan allies (1.67.2–4). These accusations and more were no doubt repeated at the second conference (*cf.* 1.119, *κατηγοροῦντες οἱ πλείους τῶν Ἀθηναίων*). Later, the Spartan embassy to Athens complained of the Aeginetan matter together with Potidaea and Megara (1.139.1). Thucydides' silence on these complaints surely does not reflect lack of information, but a decision that the information was not necessary to the reader. He may have thought the accusations unjustified, but truth is not normally a criterion for him in reporting opinion: he will relate wrong thinking if it helps the reader understand the motivation or mind-set of the actors.⁵⁷

⁵⁵ R. Dareste, "Droit de représailles chez les Grecs," in *Nouvelles études d'histoire du droit* (Paris 1902) 305–21; C. Phillipson, *International Law and Custom of Ancient Greece and Rome II* (London 1911) 349–66; and B. Bravo, "Sulân: représailles et justice privée contre des étrangers dans les cités grecques," *AnnPisa* III.10.3 (1980) 675–987, with the observations of P. Gauthier, "Les saisies licites aux dépens des étrangers dans les cités grecques," *RD* 60 (1982) 353–72. Bravo treats Thuc. 5.115.2 at 846f.

⁵⁶ Gomme (*supra* n.1) 365–69.

⁵⁷ Certainly he may have doubted that Anthemocritus was killed by the Megarians: note Plutarch's *ἀποθανεῖν ἔδοξε* (*Per.* 30.3). Alternatively, he may have considered Anthemocritus' murder secondary to the working of the *orgas*, or simply excluded it as a detail which would distract from his main purpose.

Thucydides' aim was not to be complete, but to be sufficient. Throughout he avoids redundancy, especially because he sees human history as working in patterns, so that one episode or section of narrative illumines another. We may compare his treatment of the revolt of allies from the Delian league during the Pentacontaetea: the revolt of Naxos is the occasion for a general statement on the change from league to empire (1.99). In the same way, the account of *stasis* at Corcyra, with the general comments which follow (3.82), render unnecessary detailed descriptions of other cases of *stasis* as they appear. Given human nature, they will all be fundamentally the same.⁵⁸

The whole of the first book is directed to explaining to the reader how the treaty was broken, both the *diaphorai* and the *aitiai*, and especially the truest reason, Sparta's fear of the growth of Athenian power. The accounts of the Epidamnian and Potidaean affairs are carefully constructed to reveal the interrelation between the immediate causes and the long-term growth of fear, which is further clarified by the speeches at Sparta and by the Pentacontaetea. All combine to give a clear, forceful, analytical explanation of the behavior of the two opponents, and especially for the Spartan decision to declare the treaty broken and to begin war. To follow with equal precision the course of the Aeginetan or Megarian complaints would have been redundant and otiose. Book 1 is already quite long and complex: can we imagine another ten pages on Aegina, ten on Megara, and perhaps another pair of speeches? And what, in Thucydides' terms, would it have told us? That the Athenians tried to rule wherever they could, and that the Peloponnesians were frightened by them; that the Athenians did not wish to break the treaty, but refused to yield to Peloponnesian pressure; and that the Athenians considered their allies their subjects and did not accept interference in their affairs. But all this we know already from Epidamnus and Potidaea. Megara and Aegina are listed along with Potidaea only because these are the points brought up by the Spartans in their final demands. The terms of the decree as reported by Thucydides also testify with notable economy to the power of Athens. But for Thucydides, as he has Pericles explain to the Athenians, the Megarian decree was τὸ βραχὺ τι τοῦτο (1.140.5). The debate on repeal of the Megarian decree gave Thucydides the opportunity to present Pericles' arguments for refusing to yield to the Peloponnesians and his analysis of the relative

⁵⁸ Cf. P. R. Pouncey, *The Necessities of War* (New York 1980) 12–21; V. Hunter, *Past and Process in Herodotus and Thucydides* (Princeton 1982) 45f.

strengths of the two powers. Nevertheless, for a variety of reasons, he decided that a full narrative of the Epidamnus-Potidaea sequence was the best way to clarify the outbreak of the war for his reader.

Thucydides in fact tells us very little about Athenian relations with Megara until Book 4 and the attempt to capture the city in 424 (4.66–74, *cf.* 3.51). He does note at 2.31.3 that the Athenians made an attack on Megara in fall 431, and adds “there were also other invasions later in the war each year by the Athenians into Megarian territory, both of cavalry and of the whole army, until Nisaea was taken by the Athenians” (*i.e.* in 424, *cf.* 4.69.4). But not until 4.66.1, in the eighth year of the war, do we discover that the invasions had been made twice a year (*αἰεὶ κατὰ ἔτος ἕκαστον δις ἐσβαλλόντων πανστρατιᾶ ἐς τὴν χώραν*): exactly as required by Charinus’ decree. Thucydides’ silence, therefore, cannot be used as an argument against either the authenticity of the decree of Charinus or its identification with the Megarian decree.

IV

The hypothesis that the Megarian decree and the Charinus decree are one and the same helps us see more clearly the setting of the decree in the Athens of the 430’s. It was a time of intense religious as well as national awareness: the enormous monetary and artistic effort represented by the Periclean building program cannot be seen simply as the ambitious project of one man, or as a secular effort apart from religious feeling. The other side of this intensity is the proliferation of trials for *asebeia* in this period. The trial of Phidias may have been politically motivated, but it could not have been effective without strong public feeling concerning proper treatment of the gods. The same certainly is true of the Megarian decree: the Athenians defended their Eleusinian goddesses with a passion for which the prosecution of the profaners of the mysteries in 415 is testimony. Even without long-term strategic or political considerations, they would be ready enough to cut themselves off from Megara, if their traditional antipathy toward their neighbor could be fanned by accusations of offenses against the goddesses.⁵⁹ For Pericles, on the other hand, under pressure from the attacks on Phidias, his friends, and himself, it would have been important to show his

⁵⁹ Not unnaturally, religious feelings usually were more intense at times of public crisis: see Parker (*supra* n.30) 271–78.

determination to defend the goddesses and be their champion against the impious Megarians. The Megarian decree would work well as a dramatic demonstration that he was as pious as any. This may be the truth behind the stories in Aristophanes and Plutarch of Pericles fanning the war to strengthen his position.

If my reconstruction is correct, the Megarian decree referred to by Thucydides was moved by Charinus in response to the supposed killing of the herald Anthemocritus by the Megarians, and contained the clauses listed by Plutarch. In the first instance the decree was a reaction to a religious offense, and excluded the impious Megarians, responsible for appropriating and working the sacred *orgas* and killing a herald, from Attic territory, and explicitly from the Athenian agora and the harbors of the empire. The decree preceded the first conference at Sparta, but we cannot determine by how long. We need not doubt that Pericles and other perspicacious Athenians realized that this would also weaken Megara and perhaps encourage *stasis* in that city. They may also have thought it best that Megara be weak in view of the coming war with the Peloponnesians, as they thought concerning Corinth and Corcyra in 433.⁶⁰ It is certain that the effect on the Spartans was to frighten them further and stir them to fight.

The bits and pieces we can put together suggest a fascinating story, but one which unfortunately Thucydides chose not to tell. For him, the sequence of Epidamnus, Corcyra, Potidaea revealed more clearly the workings of power, and of human nature.⁶¹

THE UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL
December, 1984

⁶⁰ Cf. P. A. Stadter, "The Motives for Athens' Alliance with Corcyra (Thuc. 1.44)," *GRBS* 24 (1983) 131–36.

⁶¹ Much of this paper was written during a sabbatical leave at St John's College, Oxford. I am indebted to the advice and criticism of D. M. Russell, G. E. M. de Ste. Croix, Christopher Pelling, D. M. MacDowell, Simon Hornblower, Robert Parker, and many others with whom I discussed this topic while in Great Britain, and to comments of the historians and classicists of the University of California at Berkeley, where I read an early version of this paper. My leave was partially funded by a Fellowship from the American Council of Learned Societies.