

1. Spartan treaties of the archaic period: an analysis of the sources

1.1. The Spartan–Aitolian treaty

In his article published in 1934, Jacob Larsen remarked with a certain surprise that the hegemonic clause imposing unconditional submission to Sparta ('to follow the Lakedaimonians whithersoever they may lead'), which – together with the wording about "having the same friends and enemies" – was allegedly the second pillar of Spartan treaties of alliance, appears for the first time only in the treaty of capitulation of Athens in 404 BCE, and that outside this document it is known exclusively from the fourth-century agreements.¹ Thirty years later, a source appeared that seemed to contradict Larsen's statement and to confirm the intuition

¹ LARSEN (1934) 9–10, cf. *CAH*² IV 350 (L. Jeffery). The known Spartan treaties in which the formulas 'to have the same friends and enemies' (A) and 'to follow the Spartans whithersoever they may lead' (B) are the following: 1) the treaty with the Achaians (before *ca.* 390 see *Xen. Hell.*4.6.2; for the possible date as early as 418/417 cf. *Th.*5.82.1 with *STE. CROIX* [1972] 108; note that only the formula [B] is attested); 2) the treaty(-ies) with Athens (404), see *Xen. Hell.*2.2.20 (= *SVA* 211); 3) the treaty with Olynthos (379), see *Xen. Hell.*5.3.26 (= *SVA* 253, in *KIMMERLE* [2005], 10, n. 9 mistakenly: *SVA* 153), cf. the generalisation of the formula (B) in *Xen. Hell.*6.3.7 and *Xen. Hell.*5.2.8, where *KIMMERLE* (2005), p. 24, n. 76 found, a bit too hastily, a crypto-quotation from the Spartan treaty with Phleious (cf. *ibidem*, p. 10 and n. 9). Let us note that from *Xen. Hell.*7.1.24 it appears that for Xenophon the formula (B) was not exclusively Spartan in his period. If *Xen. Hell.*4.6.2 refers us to the Spartan-Achaian settlement of 418/417 mentioned in *Th.*5.82.1 (see e.g. *KIMMERLE* [2005], p. 24, n. 77), we must be particularly cautious in extrapolating the formula to the earlier period: the agreement of 418/417 must have been concluded in the midst of the ongoing Peloponnesian War. For the contrary view see *KIMMERLE* (2005) 28, who sees the unilateral obligations defined in the Spartan-Achaian alliance as a crucial argument supporting the thesis that the relations between the Spartans and their allies had ever taken on the same form.

that this pair of formulas had constituted the core of Spartan alliance treaties from the very beginning. In 1974 Wilhelm Peek published a stele, which he had discovered nine years earlier at the museum of Sparta, bearing the text of a treaty concluded by the Spartans with the *Aitoloi* in obscure circumstances.² Based on his analysis of the script, the editor dated the text to 500–470 BCE or, in any case, not later than the mid-fifth century.

[Photo below is taken from Peek (1974) Tafel 1, Abb. 1]



² PEEK (1974) = SEG 26.461, see also 28.408 and 32.398. For the sake of convenience, I shall refer to the whole document using the traditional appellation 'the Spartan-Aitolian treaty' in spite of its lack of precision, on which see below, pp. 35–40. For the moment, I shall use the term *Aitoloi* to describe Spartan counterparty in this treaty, before trying to answer the question whether they were Aitolians (= habitants of Aitolia) or not and whether we have to do with one treaty or more.

The preserved text, together with plausible restorations, reads as follows:³

- [συνθῆκ]αι Αἰτολοῖς κ[.....]
 [φιλία?]ν καὶ ἡιράναν ἔ[μεν ποτ]
 [Αἰτό]λος καὶ συνμα[χίαν 3-4?]
 [3-4]NMONΟΣΜΑΝ [2-3? ἡεπο]-
 5 [μ]ένος ἡόπι κα Λα[κεδαίμονι]-
 [ο]ι ἡαγίονται καὶ κα[τὰ γὰν]
 [κ]αὶ καθάλαθαν, τ[ὸν αὐτὸν]
 φίλον καὶ τὸν αὐτ[ὸν ἐχθρόν]
 ἔχοντες ἡόν περ [καὶ Λακε]-
 10 δαίμονιοι. μεδὲ κ[αθάλυθιν?]
 ποιῆθαι ἄνευ Λα[κεδαίμονιον]
 μεδενί ANHIENT[.....11-12?.....]
 ἐπὶ ταὐτὸν ποθ' ὁ Λ[ακεδαι]-
 μονίος. φεύγον[τας μὲ δεκέθο]-
 15 ἡαν κεκοινανεκ[ότας ἀδικε]-
 μάτον. ἀέ δὲ τίς κα [ἐπὶ τὰν τῶν?]
 Ἐρξαδιέον χόραν [στρατεύει]
 ἐπὶ πολέμοι, ἐπικο[ρῆν Λακεδαίμο]-
 νίος παντὶ σθένε[ι καὶ τὸ δύνατον·]
 20 αὶ δὲ τίς κα ἐπὶ τὰ[ν Λακεδαίμο]-
 νίον χόραν στρ[ατεύει ἐπὶ πολέ]-
 μοι, ἐπικορῆν Ἐ[ρξαδιῆς παντὶ]
 [σθένει καὶ τὸ δύνατον ---]

App. crit. 1 κ[αττάδε] Peek Ἐ[ρξαδιεύη·] Gschnitzer; Pikoulas, however, on the basis of autopsy, claims that the fragmentarily preserved letter is certainly not an *epsilon* 1–2 κ[αττάδε ἁ]-|[εἰδιο]ν Cozzoli 2–3 ἔ[χεν αἰὲς | ἀδό]λῳς (?) Gschnitzer 3–4 ἐπ'ἄ(λ)λῳς | πλάν (?) μόνος Μαν[τινῆς (?) Gschnitzer, cf. NIELSEN (2002) 191 n. 181 12 μεδενίαν ἡιέντ[ας πρέσβες]

³ The following reconstruction is based on Peek's *editio princeps*. However, it is more cautious than the latter (but for one exception, see ll. 15–16), for I accepted only those restorations of the first editor which are unquestionable, at least in terms of the sense of the text. The approximate length of the lines can be determined on the basis of ll. 5–9 and 16–21. The number of letters varies from 20 to 27 (the rough character of this restoration results from irregular shape and layout of the letters). The differences between the *editio princeps* and other editions noted in the *apparatus criticus*, concerning both the very reading of particular letters and the propositions of restorations, after Gschnitzer (1978), Kelly (1978), Luppe (1982), Cozzoli (1985) and Pikoulas (2000–2003). On the matters of reading and restitution of the text cf. also its later editions: *ML*² 67bis, *Nomima* I 55 and *Philai* 30.

Peek μεδενὶ ἀντιέντ[ας πολεμῆν] Gschnitzer ἀντιέμε[ν δὲ μαχομένους] Luppe **13-14** ποθ' ὁ Λ[ακεδαι]-|μονίος Luppe ποθόν [περ Λακεδαι]-|μονίος Peek **14-15** φεύγον[τας δὲ δεκέσθο]-|χαν κεκοινανεκ[ότας ...] Kelly **15-16** κεκοινανεκ[ότας ἀδικε]-|μάτων proposed with hesitation by Peek, restored by Gschnitzer

Treaty with the *Aitoloi* [...]. There shall be friendship, peace and alliance with the *Aitoloi* [...] on the condition that they will follow the Lakedaimonians whithersoever they may lead them, both on land and on sea, having the same friends and enemies as the Lakedaimonians. They shall not be allowed to end a war with anybody without the Lakedaimonians [...] to the same place as the Lakedaimonians. They shall not admit the exiles who had participated in misdeeds. If anyone goes to war against the territory of the *Erxadieis*, the Lakedaimonians should come to aid with all their strength, according to their means. If anyone goes to war against the territory of the Lakedaimonians, the *Erxadieis* should come to aid with all their strength, according to their means [...].

Thus, the Spartan-Aitolian treaty consisted of three unilateral obligations of the *Aitoloi*: 1) to follow the hegemon state whithersoever it may lead; 2) to have the same friends and enemies as the hegemon; 3) not to admit (unspecified) exiles.⁴ The restitution in ll. 4–10 of the combined formula ‘to follow the Lakedaimonians whithersoever they may lead, on land and on sea, and to have the same friends and enemies as the Lakedaimonians’ which is attested in Spartan treaties dated to the turn of the fifth and fourth centuries, does not raise any doubts. The find was recognised as the proof of the antiquity of the formula and, consequently, of the stability of the formula used in Spartan alliance treaties.⁵

As it has been already said, Peek dated the inscription to 500–470 BCE, taking into consideration the possibility that it could be slightly later, though probably not later than the mid-fifth century.⁶ Such an early date was based exclusively on

⁴ On the clause concerning mutual aid (*Schutzklausel*) between the Spartans and *Erxadieis* see below, pp. 35–37.

⁵ On the clause forbidding the admission of exiles see below, p. 29.

⁶ PEEK (1974) 10–12. The date was accepted without questioning, or only with little hesitation, by many scholars; see, among others, GSCHNITZER (1978) 1 and 34, SANTI AMANTINI (1979–1980) 474 (cf. 488), STEINBRECHER (1985) 54–55, GRAEBER (1992) 141, TAUSEND (1992) 175, LIPKA (2002) 26 (but cf. *ibidem*, n. 118), GIOVANNINI (2007) 251–252 and 377. WELWEI (2004b) 220 (cf. WELWEI [2007] 44 n. 22), by accepting Gschnitzer’s restoration ‘except for Mantinea’, wanted to make a connection between the inscription and the time of the battle of Dipaia, where the Spartans fought against all Arkadians except for the Mantineans (see below, pp. 51–56). The idea that the Spartans would make the provision that the alliance with the *Aitoloi* cannot be aimed against Mantinea is absurd, for it suggests that the Spartans were not the dominant party. COZZOLI (1985) 68–69, on the one hand adopted the epigraphical arguments of

his analysis of the script. However, because of the formal similarities between the treaty with the *Aitoloi* and the two treaties from the period after the Peloponnesian War, one needs to ask the following questions: do these similarities reflect stability (and universality) of the Spartan diplomatic formulas? or perhaps one should consider a greater chronological proximity of the agreements and, consequently, acknowledge the more recent date of the Spartan–Aitolian treaty?

The opposition – of disputable value in itself – between the mediocre lettering and irregular layout of the Spartan inscription and the ‘regularity, meticulous execution, and elegance’ of Athenian inscriptions of the classical period, constituted for Peek the point of departure for his dating of the text. But the early origin of the treaty with the *Aitoloi* was also supposedly proved by the shapes of some of the letters (especially *epsilon*, *pi* and *sigma*), which were different from those observed in more precisely dated Spartan inscriptions from the times of the Peloponnesian War.⁷ In funerary inscriptions executed in stone in this period we do not find elongated vertical hasta in *epsilon*, *pi* has right angles, the vertical hasta of *phi* protrudes visibly from the circle, while *sigma* is four-bar. These differences, according to Peek, force us to adopt a considerably earlier date for the treaty with the

Peek against Cartledge and Kelly (see below), while adding to them his own points; on the other hand, he proposed a slightly more recent date in comparison to the one proposed by Peek, placing the document in mid-fifth century, see below, p. 30 and n. 23. Influenced by Cozzoli’s arguments, Santi Amantini changed his opinion and accepted the date of the Spartan–Aitolian treaty ‘attorno alla metà o entro il terzo quarto del V sec.’ ([1997] 216, cf. 219 n. 16). THOMMEN (1996) 59 n. 28 and 127, and ΠΙΚΟΥΛΑΣ (2000–2003) (*non vidi*) acknowledged a similar date as Cozzoli, although for slightly different reasons. LOOMIS (1992) 60–61, on account of the style of the script, which, in his opinion, is much more archaic, placed the treaty considerably earlier than the list of contributions to the ‘Spartan war fund’, dated by him to 427 BCE: *IG* V.1 1 + *SEG* 36.357 (it follows from his argumentation that he had not noticed that between the edition of *LSAG* and the article of 1988 Lilian Jeffery changed her opinion concerning the date of the ‘Spartan war fund’; for more information about the date of this inscription see below, p. 27). The extremely early date (end of the sixth century) of the Spartan–Aitolian treaty was proposed, solely on the basis of the script, by Henri van Effenterre and Françoise Ruzé, see *Nomima* I 55, and after them RICHER (1998) 543–544 n. 44. For further references to the literature concerning the date of the inscription see RHODES (2011) 1087–1088. It is worth nothing that scholars seem to agree that the inscription was inscribed immediately after the conclusion of the treaty; thus the epigraphic and historical arguments are used on equal terms.

⁷ This concerns *IG* V.1 702, 1124 and 1125 (*LSAG* Laconia 59, 60, and 58 respectively). The procedure adopted by Peek seems to result from his decision to limit his analysis of the Lakonian epigraphy to examples included in the then recently published study by Lilian Jeffery (*LSAG*). Jeffery, however, was only interested in inscriptions no later than the end of the fifth century. Consequently, Peek has not inspected in more detail the Lakonian inscriptions of the fourth century, which could have influenced his dating of the treaty.

Aitoloi than for the inscriptions dated to the period of the Peloponnesian War as well as the longest (and thus constituting the richest comparative material) early Lakonian inscription, the so-called 'inscription of Damonon' (IG V.1 213 = LSAG Laconia 52). The latter is usually dated to 'ca. 450–431' on account of the names of ephors which occur therein, but are absent from the list of eponymous ephors of the years 431–404, recorded by Xenophon (*Hell.*2.3.10).

In his attempt to anchor the treaty more precisely in chronology, Peek found a number of similarities between the treaty and a group of inscriptions dated at the turn of the sixth and fifth centuries. Some of them supposedly resembled the treaty owing to such features as an *epsilon* with a prolonged vertical hasta, a crooked *pi*, a zigzag *sigma* (= written in five or more strokes), and an acute-angled *rho*. The appearance in ca. 475 BCE of four-bar *sigma* and of *epsilon* with a short vertical hasta limited by transversal hastas would constitute a *terminus ante quem* for the treaty.⁸

The latter set of arguments is particularly questionable, on account of both poverty of the comparative material and its very character. An almost complete lack of public inscriptions,⁹ together with the notorious Spartan illiteracy, calls for refraining from categorical judgements. It is in fact characteristic that, whenever we are dealing with well-dated Spartan inscriptions of the classical period, we are constantly surprised by archaic (or rather: archaising) forms. As Peek himself has noted – although without drawing relevant conclusions from the observation – the Spartan privilege of *asylia* granted to Delos between 403 and 399 (*IDélos* 87 = LSAG Laconia 62 = RO 3) and the tombstone of Spartans fallen at Piraeus in 403 from the Athenian Kerameikos (IG II² 11678 = LSAG Laconia 61) comprise a *theta* with a cross, and an archaic, 'red' *chi*. The privilege of *asylia* for Delos has also an archaising *epsilon* with an elongated vertical hasta.¹⁰

⁸ According to Peek, the inscriptions more or less contemporary with the treaty are: IG V.1 919 = LSAG Laconia 24 (ca. 525), IG V.1 238 = LSAG Laconia 48 (ca. 500–475), IG V.1 457 = LSAG Laconia 29 (510–500?), SEG 11.653 = LSAG Laconia 30 (510–500?), IvO 252 = LSAG Laconia 49 (490?). The inscriptions showing new features: AM 51 (1926) 41–43 = LSAG Laconia 51 (475?), IG V.1 721 = LSAG Laconia 50 (*ante* 475). Let us notice that in several cases the dates of the inscriptions were changed to more recent during the time that has passed since the publication of LSAG in 1961. Thus, for example, LSAG Laconia 49 is now connected by many scholars with the uprising of the Messenians after the great earthquake in Sparta and dated to ca. 460 (see CEG I 367). See also the main text below for the 'inscription of Damonon'.

⁹ LSAG p. 186, BORING (1979) 6–8, IACP p. 591. For some reservation compare MILLENDER (2001).

¹⁰ LSAG p. 183. See *ibidem*, p. 187: 'Lakonian inscriptions are thus particularly difficult to date by their letter-forms alone, presenting as they do a deceptive mixture of forms normally

Doubts concerning the dating of several inscriptions of the classical period show how unreliable in the case of poorly known Lakonian epigraphy is the reasoning based solely on the analysis of the script. Shortly before her death, Jeffery herself came to the conclusion that the ‘inscription of Damonon’ may actually be much later than she had previously thought.¹¹ She noted that the text is both graphically uniform and at the same time fits well with the relief, implying that both elements were made at the same time. The stylistic analysis of the relief led the British scholar to the conclusion that the whole monument dates to the first half of the fourth century.¹² Thus, even if we admit that Peek is right, and consider the script of the Spartan–Aitolian treaty to be more archaic than the script of the ‘inscription of Damonon’, we cannot exclude any date of the making of the text earlier than ca. 375.¹³ Against the easy adoption of a ‘high’ chronology of the Spartan inscriptions one may also bring up the arguments of David Lewis for dating the famous list of financial contributions to Sparta ‘for waging the war’ to the fourth century (*IG* V.1 1 + *SEG* 36.357, cf. Loomis [1992]); the list is placed by the majority of scholars in the context of the events of 427/426.¹⁴ Regardless of whether Lewis was finally right or not, his position shows once more how

considered as advanced [...] with others which, normally hall-marks of the archaic period [...], are still in use in the fifth century for formal inscriptions’.

¹¹ See above, p. 26, cf. *CEG* I 378.

¹² It is worth bearing in mind that since the inscription mentions eponymous ephors absent from Xenophon’s list for the years 431–404 (see above, p. 26), the rejection of a date ‘before 431’ automatically implies the acceptance of a date ‘after 404’.

¹³ JEFFERY (1988) 179–181; cf. *LSAG* p. 148. Jeffery herself was inclined to accept the suggestion of Cartledge, who dated the text to 426, see below, p. 29. It is worth mentioning that Jeffery refuted Peek’s argument concerning the crooked *pi* by claiming that rounded shapes of letters in this inscription can result from the fact that the stonecutter followed outlines executed in paint on the stone. Let us also notice that Jeffery dated to ca. 375 the tombstone of a Spartan in Thespiiai converted from an earlier Boiotian tombstone (*IG* VII 1903–1904 = *LSAG*² Laconia 62a), which other scholars preferred to place in the fifth century. LOOMIS (1992) 60 n. 80 suggests that the inscription was not executed by a Spartan, for it bears some characteristics of Boiotian script, and thus it should not be taken into consideration in the discussion of the chronology of Spartan inscriptions. SECUNDA (2009), however, notices its similarity to the tombstone of Eualkes fallen ‘in the war in Mantinea’ (*IG* V.1 1124) and, contrary to the earlier scholars, connects the tombstone not with the first battle of Mantinea (418), but with the partition of Mantinea by the Spartans (385). For my part, I would not rule out the possibility that this tombstone should be connected with an even later event, namely the second battle of Mantinea (362).

¹⁴ *ML* p. 184. A comprehensive review of the propositions for dating of this inscription is given by LOOMIS (1992) 56–60.

subjective the purely epigraphic criteria are in the case of dating the Lakonian inscriptions.¹⁵

In parallel with the attempts to date the treaty on the basis of the analysis of the script, the scholars also tried to determine the moment of its conclusion by finding a suitable historical context for the document. However, finding a good starting point for such an attempt is even more difficult than in the case of the aforementioned list of contributions. Hints in the text are scant; they are limited to three ethnic denominations and an interesting clause concerning prohibition of admitting exiles, who, according to a plausible restitution, are designated as ‘those who had participated in misdeeds.’ These hints are also ambiguous: the community of the *Erxadieis* is otherwise unknown;¹⁶ one may wonder whether the *Aitoloi* of the treaty are to be identified with the well-known *Aitolian* tribes, or with the inhabitants of the city Aitolia in Peloponnese, attested only by Stephanos of Byzantion;¹⁷ finally, the

¹⁵ Loomis (1992) 62, admits that the lettering of this inscription is similar to the lettering of the ‘inscription of Damonon,’ except that he dates the former to 427 and considers the latter slightly older. The dating of the list of contributions to between 420–410 is at present the prevailing view, see Rhodes (2011) 1089 n. 17.

¹⁶ I assume that the name of this community was *Erxadieis*. Jeffery, on the other hand, claimed ([1988] 181) that in order to fit Peek’s restorations in l. 11 and following, the stela must have been wider than Peek had imagined; she also thought that, considering the fact that there is no reason to restore the article in l. 16 – for it would be its only occurrence before a proper name in the whole text (of which Peek was, however, perfectly aware, see Peek [1974] 9) – one has to assume that the name of the Spartans’ counterparty was longer and read as follows: Ἐ...εῤῥαδιεῖς (E, with *spiritus lenis* in Jeffery’s article is presumably a typo, whereas the restitution of the initial *epsilon* is confirmed by l. 22). While Jeffery may have been right in the first part of her reasoning, it is doubtful that she was right as far as the name is concerned: the fact that the majority of lines commence with the beginning of a word (only longer words are divided) and all the other lines respect the syllabic divisions (cf. Gschnitzer [1978] 8 n. 16) makes us assume a rather casual treatment of the right margin. One may perfectly imagine that the stonemason did not choose to leave the first syllable of the word *Erxadieis* in the end of l. 16 but put the whole word in the following line. In consequence, one can possibly propose a shorter restoration of the ending of l. 16 eliminating the troublesome article before the proper name ἀδὲ δὲ τίς κα [ἐπὶ τὰν], and at the same time to acknowledge that the word Ἐρξαδιέων which opens l. 17 is complete.

¹⁷ s.v. Αἰτωλία with reference to *Atthis* of Androtion (*FGrHist* 324 F 63). Especially Gschnitzer (1978) 24 opted for the Peloponnesian identification of *Erxadieis*. The majority pronounced themselves for the location of the community outside the Peloponnese, cf. *IACP* p. 574; however, the author of the lemma concerning *poleis* of Lakedaimon (Graham Shipley) seems to be unaware of the fact that the Spartan-Aitolian treaty is considered by some scholars to be a confirmation of Androtion’s information recorded by Stephanos. Furthermore, there is no mention of *Erxadieis* in the Aitolian part of *IACP*. Cf. also Rhodes (2011) 1086 n. 5. On the identification of *Erxadieis* see below, pp. 32–40.

relation between the *Erxadieis* and the *Aitoloi* is also far from being clear (see below). But the problem finds its best illustration in the one and only specific element of the treaty, namely the mention of the exiles: depending on the restoration in the lacuna and the understanding of the whole text, the latter were identified either with Spartan exiles or fugitives, whom the *Aitoloi* were forbidden to admit (runaway helots?); Aitolian exiles who were not allowed to return; and finally, with Aitolian exiles whom the *Aitoloi* had to readmit.¹⁸ Determining the proper historical context depends on how one solves these problems, and in consequence is based on accumulated hypotheses.

Peek, who considered himself only a philologist-epigrapher, made no attempt at a definitive connection between the treaty and specific historical events.¹⁹ Neither did Gschnitzer. Paul Cartledge was the first one to try to date the document on the basis of its historical context. Referring to the sceptical stance of Lilian Jeffery towards the value of epigraphic arguments, he linked the treaty with the military operations on the northern shore of the Corinthian Gulf in 426, as described fairly extensively by Thucydides (3.94–102, cf. Diod.12.60).²⁰ On historical grounds, Douglas H. Kelly proposed an even later date in his polemic against Cartledge, and connected the inscription with Agesilaos' operations in the Corinthian Gulf between 388 and 386 (Xen.*Ages.*2.20, cf. Xen.*Hell.*4.6.14).²¹ Marta Sordi placed the treaty almost precisely halfway between these two dates; she noted the Aitolian aid for the Eleians during the Eleian War and suggested that the Spartan punitive expedition to the northern shores of the Corinthian Gulf directed against the Messenians, which took place after the defeat of the Eleians, could have reached also the Aitolians (*ca.* 402/401).²² Cozzoli, combining epigraphic arguments with

¹⁸ PEEK (1974) 7–9, COZZOLI (1985) 70, BALTRUSCH (1994) 26.

¹⁹ The last sentence of Peek's study reads as follows: 'Das Wort steht nun bei den Historikern' ([1974] 15). Regardless of that, Peek diligently put together the historical mentions of the Spartan–Aitolian relations which could have proved useful for the reconstruction of the historical context (pp. 12–13).

²⁰ CARTLEDGE (1976). The position maintained, in spite of Kelly's criticism (see below), in CARTLEDGE (1978), but without any new significant arguments. See also CARTLEDGE (1987) 9 and TRONSON (1991) 108 n. 62.

²¹ KELLY (1978), seconded in CAWKWELL (1993a) 365 n. 11, BALTRUSCH (1994) 22–23 and RAAFLAUB (2004) 320 n. 17. See also below, pp. 31–32.

²² SORDI (1991). The context was already mentioned incidentally by Kelly ([1978] 137). Ephoros speaks of *syngeneia* of the Aitolians and Eleians (*FGrHist* 70 F 122 = Strab.10.3.2, cf. F 144 = [Skymn.] *Orb.descr.* 470–478); on the participation of the Aitolians in the Eleian War see Diod.14.17.9–10. On the Spartan expedition to Central Greece against the Messenians see Diod.14.34.2, cf. Paus.5.26.1–2. Being unaware of the existence of Sordi's study, Sarah Bolmarcich ([2005] 27) proposed the same historical context for the discussed treaty. For the recent

historical analysis, was the only one to propose a relatively early date; he connected the document with the Messenians' leaving of the Peloponnese, their settlement in Naupaktos (455/454) and the conflict over Oiniadai mentioned by Pausanias (4.25).²³

This general lowering of the date of the treaty in relation to the dating according to epigraphic criteria is understandable, but it can also be deceptive: it is impossible to establish an early date on the basis of historical arguments, for too little is known about the foreign policy of Sparta in the first half of the fifth century, apart from what immediately concerns its leadership in the war against the Persians and the conflict with Athens, escalating from the period of the Persian Wars onward.

Due to the fact that there are no unambiguous hints which would allow for a more precise dating based on linguistic grounds,²⁴ the last remaining way to establish the date of the treaty is legal analysis (which anyway suggests itself, given the character of the text). This method was employed by Ernst Baltrusch. Taking the

discussion and the literature see BOLMARCICH (2008) 69–74, who finally pronounces herself in favour of *ca.* 400 or 388 BCE, although she does not exclude the year 426 either.

²³ COZZOLI (1985) 70–72. The identification of the 'exiles who had participated in misdeeds' with the Messenians is fundamental for his idea (cf. earlier PEEK [1974] 8 n. 3; the identification accepted, among others, in TAUSEND [1992] 175). Cozzoli tried to specify his dating by connecting the treaty with the Messenian question. The *terminus post quem* is indicated, according to him, by the Messenians' leaving of the Peloponnese in 455/454; the *terminus ante quem* – by the Thirty Years' Peace. In Cozzoli's opinion, within this period one has to exclude also the time of the five-year truce. In effect, what remains are the years 455/454–451/450, or the year 447/446. Cozzoli was inclined towards the first option because of the aforementioned testimony of Pausanias. Both the exclusion of the five-year truce and the established lower limit are based upon a misunderstanding: Cozzoli considered the treaty to be anti-Athenian and thought that it could not have been concluded in the period of peaceful relations between Athens and Sparta. This assumption, though, is unfounded. While not going into too much detail I shall only remark that Cozzoli is undoubtedly wrong when he claims that the Thirty Years' Peace forbade any alliances with a third party aimed against the counterparties of the Peace (therefore, the Spartans would not have been able to conclude a treaty with the Aitolians, for it menaced the affairs of Athens). The passage in Thucydides (1.40.2) cited by Cozzoli in this context is not a quotation from the treaty but its rhetoric interpretation by the Corinthians. Had such a provision been indeed included in the Thirty Years' Peace, there is no reason for which the Spartan-Aitolian alliance would necessarily have been considered anti-Athenian.

²⁴ Probably with a single exception: Peek and Gschnitzer have unanimously remarked that the spread of the imperative forms with -εσθωσαν is late (PEEK [1974] 8 n. 3, GSCHNITZER [1978] 8). It is all the more surprising that these scholars, while restoring δεκέθοσαν (= δεκέσθωσαν) in ll. 14–15 did not hesitate to propose an early date for the inscription.