

## POLITICAL REFORMS IN THE *LIVES OF LYCURGUS AND NUMA*: DIVINE REVELATION OR POLITICAL LIE?<sup>1</sup>

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### Abstract

This paper aims to analyze the political importance of divine inspiration for Spartan and Roman political reforms carried out by Lycurgus (c. 650 BC?) and by Numa Pompilius (715-673 BC). In the former case, the constitution is supposed to have been transmitted to Lycurgus by the Delphic oracle and consequently it was called *Rhetra*, a “ceremonial utterance” or an “agreement” (*Lyc.* 6). Similarly, in the *Life* of the Roman counterpart, the goddess Egeria (*Num.* 4.2) inspires the second king of Rome to carry out a profound religious reform. In fact, this is not a specific feature of these *Lives*, since several other lawgivers were credited with divine assistance, such as Minos, Zaleucus or Zoroaster. The discussion of this issue is designed to reveal the argument that may lie behind these legends: divine inspiration or an artificial way of legitimating the lawgiver’s power? In fact, despite all the effort made in order to sacralise these ancient political institutions, Plutarch himself seems to accept the latter theory. This strategy can be seen as a kind of political lie which had previously been accepted by Plato as an instrument for legitimizing constitutional reforms (*R.* 389b).

In the *synkrisis of Lycurgus and Numa*, Plutarch stated four reasons to justify the placing of these two lives in parallel: “their wise moderation (σωφροσύνη), their piety (εὐσέβεια), their ability for governing (τὸ πολιτικόν) and educating (τὸ παιδευτικόν), and the fact that they both derive their laws from a divine source (τῶν θεῶν ... λαβεῖν)”. While these first three features are related to their characters, the fourth concerns their political activity: both reforms were credited with divine assistance. Both reforms were intended to resolve a *stasis*: in the former, people “felt that their kings were such in name and station merely” (4.5) and in the second, “it is indeed true that it was the pleasure of all to have a king, but they wrangled and quarreled”. Each lawgiver would establish *eunomia* for his community; nevertheless, while Spartan *eunomia* would last 500 years (*Lyc.* 29.6), the peace of Numa would last only until his death. However, such profound reforms would not have been accepted by people without divine sanction, even though they consist of positive laws, rules and institutions that are *postulated* by men among men, a matter of convention.

This paper focuses upon the Plutarchean argument that lies behind the legitimacy of the political reforms carried out by Lycurgus and Numa, the

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<sup>1</sup> An earlier version of this paper was given in Coimbra (*Nomos, Kosmos and Dike* in Plutarch, 2011). I am grateful to the audience for their interesting comments and suggestions. I wish to thank to Professor Christopher Pelling for reading an earlier version of this text and for offering many valuable remarks as well as for having improved the English text. I’m also grateful to the scholar Anton Powell and Professor Delfim Leão for their readings and helpful suggestions.

argument that they were undertaken in order to achieve the best interests (τὸ βέλτιστον) of the state. Plutarch insisted that the ruler had to be the best of craftsmen and the maker of lawfulness and justice, as well as being the educator who would discipline an unstable people (*Praec. ger. reip.* 814A-C).

### I. Divine assistance, a topos in the legends of Greek lawgivers

In central Italy, the first lawgivers were actually gods – Janus and Saturnus, Picus and Faunus – as B. LIOU-GALLE 2000: 177 stated: “ces rois anciens représentent à leur manière le passage du monde sauvage à la civilisation”<sup>2</sup>. Accounts of the lives of early lawgivers of Greece, such as Zaleucus, Charondas, Lycurgus, and Solon, have always been filled with a rich mixture of myth and invention. In 1893, Julius Beloch, based on the general Indo-European belief in the divine origin of law, argued that Zaleucus and Charondas were personifications of sun gods. In a similar way, Eduard Meyer and Wilamowitz identified “Lyko-orgos” with the ubiquitous figure of the Arcadian wolf-god Zeus Lykaeos and the Arcadian light-God Lykaon. Thus, the cult of Lycurgus (like the cults of Helen, Menelaus...) was a relic of the ancient Laconian religion that had survived the early invasions.

The scarce historical data about early Greek lawgivers has led to a process of “infiguration”, as Cornford<sup>3</sup> put it, when “facts shift into legend, and legend into myth”. Thus, as A. SZEGEDY-MASZAD 1978: 210 has pointed out: “This concept of infiguration allows us to treat the stories as a genre, unified and controlled by certain conventions.” In fact, this scholar identified some *topoi* that became attached to the names of great legislators: firstly, the state’s progress from initial *anomia* to *eunomia*; secondly, the main methods of acquiring instruction, i.e. extensive travel and study with a great philosopher; thirdly, when the lawgiver is selected to establish order, he must apply all the knowledge he has acquired on his travels as well as his acquaintance with philosophers. In addition, some of the lawgivers were credited with divine assistance<sup>4</sup>. The material provided by this tradition can be summarized in this schema: at an initial stage, there is a crisis in the state and a man rises due to his virtue, education and experience; secondly, there is an intermediate stage, when the crisis is suspended; finally comes the last phase, when the code is firmly established and the lawgiver departs<sup>5</sup>.

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<sup>2</sup> On this matter, see the chapter of B. LIOU-GALLE 2000.

<sup>3</sup> *Thucydides Mythistoricus*. London, 1907 (repr. New York 1969); apud A. SZEGEDY-MASZAD 1978: 210.

<sup>4</sup> See A. SZEGEDY-MASZAD 1978: 204-205.

<sup>5</sup> This reflects a dynamic of *physis*: one is born, grows up, and declines. The biological model is applied to the forms of government succession by Polybius (6. 8.10). See also J. ROMILLY 1991: 9-12.

This pattern is one that we can see in Lycurgus and Numa. Lycurgus had traveled in Crete, Egypt and maybe Libya and Iberia to study their various forms of government, making the acquaintance of distinguished men like the poet and lawgiver Thaletas; Numa had lived in the country, far away from the city, and passed his days with a δαίμων, the goddess Egeria, and might have been a pupil of Pythagoras<sup>6</sup>. Besides, both legitimise their reforms through a divine source, the former with Apollo's blessing and the latter with Egeria's wisdom.

Despite all the energy expended in order to make sacred the first Spartan institutions and Roman religious reforms, Plutarch sought to rationalize this notion of divine inspiration as a source of law:

ἄρα οὖν ἄξιόν ἐστι, ταῦτα συγχωροῦντας ἐπὶ τούτων, ἀπιστεῖν εἰ Ζαλεύκῳ καὶ Μίνῳ καὶ Ζωροάστρη καὶ Νομᾷ καὶ Λυκούργῳ βασιλείας κυβερνώσι καὶ πολιτείας διακοσμοῦσιν εἰς τὸ αὐτὸ ἐφοίτα τὸ δαιμόνιον.

Is it worth while, then, if we concede these instances of divine favour, to disbelieve that Zaleucus, Minos, Zoroaster, Numa, and Lycurgus, who piloted kingdoms and formulated constitutions, had audiences with the Deity? (*Num.* 4.7)<sup>7</sup>

οὐδὲ γὰρ ἄτερος λόγος ἔχει τι φαῦλον, ὃν περὶ Λυκούργου καὶ Νομᾷ καὶ τοιούτων ἄλλων ἀνδρῶν λέγουσιν, ὡς δυσκάθεκτα καὶ δυσάρεστα πλήθῃ χειρούμενοι καὶ μεγάλας ἐπιφέροντες ταῖς πολιτείαις καινοτομίας, προσεποιήσαντο τὴν ἀπὸ τοῦ θεοῦ δόξαν, αὐτοῖς ἐκείνοις πρὸς οὓς ἐσηματίζοντο σωτήριον οὔσαν.

Indeed there is no absurdity in the other account which is given of Lycurgus and Numa and their like, namely, that since they were managing headstrong and captious multitudes, and introducing great innovations in modes of government, *they pretended to get a sanction from the god, which sanction was the salvation of the very ones against whom it was contrived.* [emphasis added] (*Num.* 4.7-8)

At this point, Plutarch was seeking to justify this legend about Egeria and its traditional credibility, as well as other divine inspirations of earlier constitutions. According to Plutarch, if it is hard to believe in Numa's celestial marriage, it is equally doubtful that lawgivers who managed to resolve a *stasis* would not have attributed their political measures to a divine source. From this very point we therefore understand how Plutarch takes this divine inspiration

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<sup>6</sup> On this matter, see R. M. OGILVIE 1978: 89. On the Pythagorean tradition in Rome and its influence on the legend of Numa, see FERRERO 1955: 109-174 and MARINO 1999.

<sup>7</sup> All translations are from The Loeb Classical Library with some modifications.

– as something that was probably an invention, one that was necessary in order to carry through the planned political reform. Despite Plutarch’s disapproval of δεισιδαιμονία, “an emotion engendered from false reason” (*de superst.* 165C) or “the most impotent and helpless is superstitious fear” (*de superst.* 165E), some scholars such as A. PÉREZ JIMÉNEZ 1987, 1996, D. BABUT 1969: 428 and T. DUFF 2005: 131, have already explored the approval of political manipulation through superstition in order to achieve a greater end<sup>8</sup>. Besides the frequent use of superstition, especially in Numa’s case (cf. A. WARDMANN 1974: 88-89), we will argue that the well-known Platonic instrument, the noble lie, is behind these political reforms of both lawgivers. In fact, if we take a look at the lives of Lycurgus and Numa, we will see that political artifice is present from the very beginning.

### I.1 Lycurgus, “beloved of the gods, and rather a god than a man” (*Lyc.* 4.5)

Lycurgus, “the best example of a lawmaker” (*De lat. viv.* 1128F) as Plutarch describes him elsewhere, after his travels returns to his people, who sees in him “a nature fitted to lead” (φύσιν ἡγεμονικην), and a “power to make men follow him” (δύναμιν ἀνθρώπων ἀγωγὸν οὔσαν). The first answer from the Delphic oracle legitimised him as a legislator and promised him a “constitution, which should be the best of all”. Blessed with Apollo’s approval<sup>9</sup>, Lycurgus ordered thirty of the chiefs to strike terror into those of the opposite party, and therefore both kings (Charilaus and Archelaus) accepted the new political institution: the Gerousia (κατάστασις τῶν γερόντων), which would function like a “ballast for the ship of the state” (ἰσορροπήσασα τὴν ἀσφαλεστάτην τάξιν ἔσχε καὶ κατάστασιν), avoiding democracy and tyranny. Having established this first institution, there would be a second oracle from Delphi, which was the so-called “rhetra”. This oracle established that the people should be divided into groups, some into *phylai* and *obai*; the council of the elders (*gerousia*) was also confirmed, including the two kings (*archagetai*). Although the people could not initiate a motion, they had the power to accept or reject the proposals of the Gerousia. Later, however, when the people perverted this political mechanism, senators and kings made a proposal which would increase their power: they could dissolve the session when the people did not ratify the vote so as not to prejudice the best interests (τὸ βέλτιστον) of the state. Would Apollo, the first author of this constitution, allow this correction? Plutarch

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<sup>8</sup> *Fab.* 4.4-5.1; *Dion* 24.1-10; *Non posse suav.* 1101D. *Contra* M. CEREZO 1996: 162-163 argues that the description of people’s manipulation through superstition by Numa Pompilius represents an aggressive criticism against this kind of political practice.

<sup>9</sup> On the way in which Plutarch and his erudite circle saw Apollo in the first (and second) century A.D., see A. G. NIKOLAIDIS 2009.

answered that both kings “were actually able to persuade the city that the god authorized this addition to the *rhētra*” (ἔπεισαν δὲ καὶ αὐτοὶ τὴν πόλιν ὡς τοῦ θεοῦ ταῦτα προστάσσοντος: 6.5). However, none of these changes would be more definitive than the educational reform, “which he regarded as the greatest and noblest task of the law-giver” (14.1). According to Plutarch (21.1), the contents of law would be revealed during this public education, by examples of social behaviour, poetry and music, whose “themes were serious and edifying”. In fact, it is very suggestive that Lycurgus’ first measure to initiate his political reform would be the invitation of the Cretan poet Thaletas, who was also a Cretan lawgiver, as J. D. LEWIS 2007: 50 states, “he is said to have brought certain norms of justice to Crete through his poetry and his music, perhaps using choral lyric poetry with dance to promote aristocratic norms”. Only a highly regulated and demanding educational system for both sexes, from birth until adulthood and even older, would obviate the need for written laws: the law would have its origin in each Spartiate, but also in each free woman; each one should sanction the practice and guarantee the endurance of the law. In fact, one *rhētra* had forbidden the writing of the laws (13.1). We may regard this process as a way to *naturalize* a political program in order to become a matter of custom, which is traditionally stronger than positive law: the *rhētra* should become an ἔθισμός (29.1) and take its place among those hallowed by age<sup>10</sup>. Furthermore, we might suggest another political motivation to justify the preference for unwritten law, because if it is not written, it can change whenever political power desired<sup>11</sup>. In fact, that would happen, when senators and both kings changed the voting process; this therefore became another strategy to secure the lasting success of a reform.

When the primitive lawgiver saw that his main institutions were firmly fixed and that his civil policy had grown enough to preserve itself, he rejoiced

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<sup>10</sup> One of the most distinguishing features of natural right/custom consists in the fact that it is unwritten, but inscribed in the memory of the community and revealed by its practices and social sanctions. Concerning the superiority of custom unwritten law over the positive law, we can mention Antigone’s well-known discourse in the discussion with Creon, symbol of legality of the state (vv. 495-508). We do not intend to discuss here the complex semantic sphere of *agraphoi nomoi*. On this matter, see J. ROMILLY 1971. On the traditional idea of the divine origin of justice from Hesiod onwards, see the text of F. BECCHI in this volume.

<sup>11</sup> M. FLOWER 2002: *passim* demonstrated that many traditional Spartan features were actually invented in order to legitimise specific political reforms, such as: the ban on the ownership of precious metals by a group hostile to Lysander (p. 193), the whole concept of inalienable and indivisible lots of equal size (p. 196), the abolition of debts (p. 197) were invented by the King Agis, the general ban on foreign travel (*ibidem*) which is mentioned by several fourth-century sources (Xenophon, Isocrates, Plato and Aristotle), but there more specific restrictions are elsewhere unattested and finally the re-evaluation the role played by Sphaerus, a friend and advisor to King Cleomenes, in reinventing the *agoge* (pp. 199-200), among others.

at seeing his “cosmos come into being and have its first motion”, just as the Platonic demiurge (τὸν θεόν)<sup>12</sup>. Then, in order to make his system of laws immortal, Lycurgus reveals once again his ἀνθρώπινη προνοία, “as far as human forethought could accomplish the task” (ὡς ἀνυστὸν ἐξ ἀνθρωπίνης προνοίας: 32.2): he assembled the whole people to tell them that the εὐδαιμονία of the city depended on their respect for those institutions, which should remain unchangeable until his return. Thus, the shape of the Spartan constitutional cosmos would depend on the observance of this original archetype.

Finally, there came the third and last inquiry to Apollo, who gave the final ratification of the Lycurgean constitution. The lawgiver would never return home and his civil policy would last for five hundred years<sup>13</sup>. Thus the people were misled one more time.

## I.2. Numa Pompilius, “honoured with a celestial marriage” (*Num.* 4.6)

Plutarch does not engage in such historical polemics with the second king of Rome as he does with Lycurgus<sup>14</sup>, even if the only historical fact about this figure is his own name: it is even possible to study the stages by which his legendary biography was constructed<sup>15</sup>. Recently, some archeological evidence has come to support his existence, namely, the discovery made by Clementina Panella in 2007<sup>16</sup>. The excavation team led by this archeologist from Rome’s Sapienza University uncovered a temple or sanctuary (probably dedicated to the Goddess of Fortune), which, accordingly to Panella, dated from the period of Numa Pompilius (8<sup>th</sup>-7<sup>th</sup> BC). In addition, no statues or figures were found, a fact that Panella explains by the suggestion that it has to do with the prohibition of images of the gods in his temples. In fact, Plutarch in the *Life of*

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<sup>12</sup> Cf. Pl., *Ti.* 37c, principle of autonomy, καθ’αὐτὸν.

<sup>13</sup> Modern scholarship is increasingly convinced that Sparta did change profoundly over the four centuries (6<sup>th</sup>-3<sup>rd</sup> BC), culturally as well as demographically. See A. POWELL 2010: 87, 129 n. 5.

<sup>14</sup> According to Plutarch (*Num.* 3.4), this man of Sabine descent was born in the very day when Rome was founded by Romulus, that is, the twenty-first of April due to κατὰ δῆ τινα θεῖαν τύχην.

<sup>15</sup> See R. M. OGILVIE 1978: 88.

<sup>16</sup> The archaeological campaign began in 2006, with the help of 130 students and volunteers, and has been led by this archeologist, who had been also excavating in the Forum for twenty years. According to this scholar, the wall of the temple was found seven meters below the surface and lies between the Palatine and Velian hills, close to the Colosseum, the Arch of Titus and Via Sacra. Besides the temple, were also found two wells, both full of thousands of objects, such as votive offerings and cult objects, including the bones of birds and animals, ceramic bowls and cups. In 2006, Andrea Carandini, Professor of Archeology at La Sapienza, announced that he had discovered the remains of a royal palace dating to the time of Romulus, which had a monumental entrance, ornate furniture and tiles, having ten times the size of ordinary homes of the period. Sources: Richard Owen, *Times Online* (October 8, 2007).

*Numa* (8.7)<sup>17</sup> does ascribe this practice to Numa, regarding it as a Pythagoric influence. Still, even if this important discovery seems to confirm this ancient religious Roman practice in a period which legend attributes to Numa's reign, it is not yet truly definitive concerning the historical existence of Numa himself.

After Romulus' disappearance, the city had been plunged into *stasis* and the oligarchical element had become predominant, although "it was the pleasure of all to have a king". Then, both factions, those who had built the city with Romulus and the Sabines, agreed to appoint the Sabine Numa Pompilius as king, well-known for his abilities as a "judge", or "counsellor" and for his "rational contemplation of gods' (θεῶν) nature and power" (3.8)<sup>18</sup>. At first Numa declined the kingdom, but eventually did not resist the people's appeals, which were even ratified by auspicious omens. In fact, Numa would subdue the people's minds by means of fear of the gods (δεισιδαιμονία) and by the practice of religious events (sacrifices, processions, religious dances), accompanying them with strange signs, such as vague terrors, apparitions, threatening voices (8.3). In the last stage of Numa's rule, the religious reform had accomplished its purpose: "the city became so tractable (...) that they accepted his stories, though fabulously strange, and thought nothing incredible or impossible which he wished them to believe or do" (ὥστε μύθοις ἐοικότας τὴν ἀτοπίαν λόγους παραδέχεσθαι, καὶ νομίζειν μηδὲν ἄπιστον εἶναι μηδὲ ἀμήχανον ἐκείνου βουληθέντος: 15.1). In the study *Science and Politics in the Ancient world*, B. FARRINGTON 1939 aims to identify the obstacles to the spread of a scientific outlook in the ancient world and claims that one of these obstacles consisted in popular superstition. He argues that this popular superstition had two different sources: popular ignorance and deliberate political deceit. In this narrative, the political lie through religion and Numa's exploitation of religious effects on people can be seen as an example of superstition imposed upon the people.

In contrast to his Greek counterpart, Numa wrote down his laws, "as the Greek lawgivers their tablets", taught them to the priests and asked for them to be buried with his body<sup>19</sup>. Nevertheless, since he did not create a

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<sup>17</sup> "And in like manner Numa forbade the Romans to revere an image of God which had the form of man or beast. Nor was there among them in this earlier time any painted or graven likeness of Deity, but while for the first hundred and seventy years they were continually building temples and establishing sacred shrines, they made no statues in bodily form for them, convinced that it was impious to liken higher things to lower, and that it was impossible to apprehend Deity except by the intellect" [emphasis added].

<sup>18</sup> After Tatia's death, Numa was determined to live in country places, passing his days with a goddess (δαίμων) and, according to Plutarch, "the goddess Egeria loved him and bestowed herself upon him a life of blessedness and wisdom more than human." (4.2).

<sup>19</sup> In this case, Plutarch justifies his option as an instance of Pythagorean influence, which established that precepts should "implant the memory and practice of them in living disciples worthy to receive them" (22.3-4).

highly controlled educational system similar to the Lycurgean *agoge*, the peace generated by Numa would die with him and a new *stasis* began. His religious institutions, however, would represent an identifying feature for the entire Roman people<sup>20</sup>. In fact, the paired contrast of the warrior-king (Romulus) and the priest-king (Numa) lies in the very heart of the Indo-European thought – similar to the antithesis of Varuna and Mitra in *Vedic Literature* –, as Dumézil (1958: 80) illustrated: “Numa complétant l’œuvre de Romulus, donnant à l’idéologie royale de Rome son second pôle, aussi nécessaire que le premier”<sup>21</sup>.

## II. The noble lie as a ruling instrument

In the third book of the *Republic* (389c-d), Plato accepts the act of lying only when it is done by city leaders for the people’s benefit: “The rulers then of the city may, if anybody, fitly lie on account of enemies or citizens for the benefit of the state”.

Before Plato, there are two important texts on the political function of religion: the fragment from a drama by the oligarch Critias, and Isocrates’ epideictic essay *Busiris* (24-25) written as a eulogy of Busiris, the mythical king of Egypt<sup>22</sup>. The fragment of the former consists of an explanation of the origin of the laws and a rationalist theory of the origin of religion, describing it as just a political expedient by a “shrewd and wise-thoughted man” (πυκνός τις καὶ σοφὸς γνώμην ἀνὴρ), i.e. the lawgiver: “Whence he brought in the divinity (τὸ θεῖον), telling them that there is a diety (ὡς ἔστι δαίμων). By this discourse he introduced the most welcome of teachings hiding the truth with a false story (ψευδεῖ καλύψας τὴν ἀλήθειαν λόγῳ)”<sup>23</sup> and he goes even further, arguing: “in my opinion, someone first persuaded mortals to think that there is a race of deities”. Regarding this passage, B. FARRINGTON 1939: 88-106, who traces the part played by this concept in the formulation of the Platonic doctrine of γενναῖόν ψεῦδος, eloquently observed that, at this point, Critias was clearly confusing the political function of religion with its

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<sup>20</sup> As Polybius (6.56.2-13) demonstrated: “the quality in which the Roman commonwealth is most distinctly superior is in my opinion the nature of their religious convictions. (...) I mean superstition which maintains the cohesion of the Roman State”. See also F. W. WALBANK’s commentary on this passage (1957: 741).

<sup>21</sup> R. M. OGILVIE 1978: 88. For a recent revision of Dumézil’s perspective on the early history of Rome, see D. BRIQUEL 2006.

<sup>22</sup> See also Iamb. *VP* 179 and X. *Mem.* 1.4. The idea of the divine origin of law as a socially useful concept can be found in the Pythagorean literature: on this matter see A. DELATTE 1974: 44-46.

<sup>23</sup> Fr. 19 SNELL (Eleg., Trag. et Phil., *Fragmenta*). This is an excerpt from Whittaker’s translation (<sup>2</sup>1925, *Priests, philosophers and prophets*. London, p. 77).