

The Crime of the Corcyraean Oligarchs (Thucydides III 70.4)

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El crimen de los oligarcas corcirenses (Th. III 70.4)

At Th. 3.70.4, a number of Corcyraean oligarchs are convicted of illegally ‘cutting stakes’ (τέμνειν χάρακας) in two local sanctuaries. The significance of this charge is disputed among commentators. We offer detailed support of Hornblower’s conclusion that the Corcyraean oligarchs are charged with cutting saplings from sacred land for use as vine-stakes in their own fields. Our argument places Thucydides’ account of events in a larger philological, ecological and social framework, and suggests that the details of the accusation help establish abuse of communally controlled natural resources and the court system as prodromal stages in the social deterioration that ultimately produces the *stasis* on Corcyra and by implication elsewhere as well.

Key words: Thucydides; Corcyra; Peloponnesian War; law; environmental studies.

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En Th. III 70.4 se acusa a un grupo de oligarcas de Corcira por ‘cortar estacas’ (τέμνειν χάρακας) ilegalmente en dos santuarios locales. Los comentaristas discuten el significado de esta acusación. Ofrecemos apoyo detallado a la conclusión de Hornblower, según la cual se acusa a los oligarcas corcirenses de cortar árboles jóvenes de terreno sagrado para usarlos como puntales de viñas en sus campos privados. Nuestro argumento sitúa el relato de Tucídides en un marco filológico, ecológico y social más amplio, y sugiere que los detalles de la acusación ayudan a establecer el abuso de recursos naturales controlados por la comunidad y el sistema judicial como fases preliminares en el deterioro social que terminó produciendo la *stasis* en Corcira e implícitamente también en otros lugares.

Palabras clave: Tucídides; Corcira; Guerra del Peloponeso; Derecho; Estudios medioambientales.

Thucydides' portrayal of the frenzied peak of the *stasis* on the island of Corcyra (III 70.6 - III 81) is justly famous. But the events leading up to the violence, which illustrate how a functioning society can collapse into civil war (III 70-4), are equally important. At the end of this preliminary stage of civil discord, a number of Corcyraean oligarchs are convicted of illegally 'cutting stakes' (III 70.4 τέμνειν χάρακας) in two local sanctuaries and are fined heavily. Classen and Steup identify the crime as some sort of self-serving abuse of oversight or administrative authority, but speculate no further¹. *HCT* appears to favor the thesis that the oligarchs «as lessees, had been cultivating fields owned by the temples of Zeus and Alkinoos, and had treated the stakes as their own property», i.e. they were charged with appropriating stakes already in use as such for their own plantings elsewhere². But *HCT* also offers the alternative suggestion that the oligarchs may have «cut timber from the precincts to use as stakes for their vines». Hornblower, citing Parker's discussion of the politics and economics of the use of Greek sanctuary land, favors *HCT*'s second explanation and notes that Thucydides offers a surprising amount of detail about this aspect of the dispute on Corcyra, when he might simply have said that the oligarchs were hauled into court and convicted «on some pretext» or other³. We offer more detailed discussion in support of Hornblower's conclusions, placing Thucydides' account of events on Corcyra in a larger philological, ecological and social framework, and arguing that the details of the accusation help establish abuse of communally controlled natural resources and the court system as prodromal stages in the social deterioration that ultimately produces the *stasis* on Corcyra and by implication similar *staseis* elsewhere as well.

After a brutal but inconclusive pre-Peloponnesian War battle between the island city of Corcyra and its mother-city Corinth, the Corinthians took 250 Corcyraean prisoners. Thucydides somewhat implausibly claims that these men merely happened to be members of the upper class (I 55.1), and the obvious implication is in any case that Corcyra was divided along class lines already at this point, and that the Corinthians were aware of the fact and

¹ Classen and Steup 1964, p. 148: «Wahrscheinlich hatten die angeseheneren Bürger den Tempelbesitz und also auch die Waldungen in ihrer Aufsicht und Verwaltung, und wurden nun beschuldigt, damit eigennützigem Missbrauch getrieben zu haben».

² Gomme 1962, p. 360.

³ Hornblower 1991, pp. 468-469; cf. Parker 1983, pp. 160-166.

prepared to exploit it. Upon their return to Corcyra years later, the prisoners did what the Corinthians had told them to, by attempting to realign their city with its despised metropolis. Before resorting to violence, what are now styled by Thucydides as oligarchs and the Corcyraean *demos* both attempted to weaponize the local legal system to get the upper hand over their opponents. Following the oligarchs' failed prosecution of a leading democrat (III 70.3), Thucydides reports, the five richest oligarchs were in turn accused of «cutting stakes from the precinct of Zeus and that of Alcinous» (III 70.4 τέμνειν χάρακας ἐκ τοῦ τε Διὸς τοῦ τεμένους καὶ τοῦ Ἀλκίνου). When they were found guilty, they were fined one stater per vine-pole (ζημία δὲ καθ' ἐκάστην χάρακα ἐπέκειτο στατήρ), resulting in a penalty so large that they sought sanctuary in the local temples and begged for permission to pay the money by installment (III 70.5 πρὸς τὰ ἱερὰ ἰκετῶν καθεζομένων διὰ πλῆθος τῆς ζημίας, ὅπως ταξάμενοι ἀποδῶσιν). The rejection of this supplication was followed by mass bloodshed.

The word χάραξ (< χαράσσω, 'sharpen') can refer to stakes of various sizes, ranging from vine props (LSJ s. u. I; e.g. Ar., *V.* 1291; *IG* I³ 422.305, 310; 425.28 [— χά]ρακες ὑπὸ ταῖς ἀ[μπέλοις]) to elements of a palisade (LSJ s. u. II; e.g. D. 18.87, cf. Aeschin. 3.140). *HCT* expresses doubt that χάρακες might alternatively mean 'cuttings, slips' (LSJ s. u. III) at Th. III 70.4 on the ground that at Thphr., *HP* I 2.2 —one of a handful of passages LSJ cites for this sense of the word— the χάραξ in question is a piece of olive wood used to support a cutting of ivy, making this appear to be merely another example of LSJ s. u. I. But χάραξ certainly has the sense 'shoot' at Thphr., *CP* I 12.9 κλήματα καὶ κράδαι καὶ χαράκες («twigs and branches and shoots»; also cited by LSJ s. u. χάραξ III). It does so as well in Theophrastus' claim at *HP* I 2.2 that a χάραξ of this sort sometimes takes root and grows into a tree, which is to say that the 'stake' in question is imagined as a slender piece of freshly cut, green wood, i.e. a shoot (LSJ s. u. χάραξ III) used for staking purposes LSJ s. u. χάραξ I).

Thucydides refers to the stakes on Corcyra without a definite article and thus treats them as generic in character: not 'the stakes' from the precinct of Zeus and that of Alcinous (as if they were already in place), but simply 'stakes' from the precinct. As commentators since Classen and Steup have observed, moreover, the use of the imperfective infinitive τέμνειν implies that the activity in question had gone on over an extended period of time: this was a pattern of behavior on the oligarchs' part, not a one-time event. What seems

not to have been noted expressly, is that the verb is appropriate for taking cuttings of one size or another, but not for removing vine stakes. Such stakes must have been driven firmly into the ground—modern vintners recommend a six-foot stake extending two feet into the earth—to allow them to bear the weight of the vines. One can perhaps imagine pulling stakes out of an existing vineyard in order to steal them for use in one’s own fields⁴. Cutting stakes removed in this way (sc. at ground level or higher), however, would not only have been unnecessary hard work, but would have rendered many if not all of them too short for use. On the other hand, τέμνειν is a perfectly normal word for felling or harvesting wood of all sorts (LSJ s. u. IV) and is used by Thucydides himself repeatedly in that sense at e.g. II 75.2 (ξύλα ... τέμνοντες), II 98.1 (τεμῶν τὴν ὕλην), and in a compound at I 108.2 (δενδροτομήσαντες)⁵. So too a prohibition on felling trees in a sacred precinct on Cos uses τάμνη (IG XII,4 1.283); Plato employs a derivative term to describe the occupation of wood-cutting (δρυσομική, *Plt.* 288d9); Euripides uses the verb for felling trees (e.g. *Med.* 4 τμηθεῖσα πέυκη; *HF* 241-242 τέμνειν ... δρυὸς / κορμούς); and in Theophrastus a compound describes cutting back new growth (*CP* III 11.1 ἀποτέμνοντας τὰ νέα τῶν κλημάτων).

HCT’s second explanation (endorsed by Hornblower) of the charge against the five Corcyraean oligarchs is thus almost certainly correct, and fits with a widespread pattern of ancient concern about tenants damaging vegetation in sacred spaces⁶. Sanctuary land was often rented out, and the plant cover on it was valued both for its sanctity and as a general community resource⁷. Thus *IG* XII,5 568 from late fifth-century Ceos, for example, forbids cutting domestic trees (lines 13-14); *IG* II² 2494 from mid-fourth-century Attica offers detailed instructions on the treatment of vegetation in a shrine to Apollo Lykeios, including a prohibition on cutting trees of any kind (line 15); *IG* IX,2 1109 from the Oracle of Apollo Koropaios in second-century Thessaly

⁴ On ancient vineyards generally, see Hughes 1994, p. 133.

⁵ Note also the very common γῆν τέμνειν in the sense ‘cut down (the trees found in) the country’ (e.g. II 20.2).

⁶ On the sanctity of the trees in sacred groves, especially in Roman times, see Meiggs 1982, p. 378.

⁷ E.g. *IG* XII,5 108 (*LSCG* 111), from fifth-century Paros; *IG* II² 1362 (*LSCG* 39) from fourth-century Attica; *IG* XII,4 1:283-284 from the second half of the fourth century on Cos. See in general Papazarkadas 2011, although with attention almost entirely to Attica.

similarly protects trees (line 81); an Attic land-lease of the Aixoneis (*IG* II² 2492.15-16) from 345/4 BCE demands that the tenant preserve whatever trees are found on the plot (τὰ δένδρα ὅσ' ἄν εἴ ἐν τῷ χωρίῳ); and *IG* II² 2499, a similar lease involving a shrine belonging to the hero Egretes, requires that the lessee return the same number of trees as he received, even if this requires planting replacements (line 18 τὸν αὐτὸν ἀριθμὸν). Pausanias even reports a case in which fallen branches and the like from sacred olives had to be left within a sacred precinct (II 28.7). There are, by contrast, only a few regulations concerning vine-stakes functioning as such—and none that involve use of the verb τέμνω⁸.

This conclusion is in turn supported by the matter of the fine. The fifth-century Corcyraean stater weighed about 11 grams and was made of silver, while a silver Attic drachma weighed just over four grams. The fine assessed on the Corcyraean oligarchs was thus about 2.75 Attic drachmas per stake, or considerably more than an Athenian hoplite was paid daily (Th. III 17.4)⁹. This is obviously far more than the stakes were worth¹⁰, and while it is possible to imagine that the *demos* simply took advantage of a charge of theft to impose a disproportionate penalty on its enemies, the massive fine is more easily explained if sacrilege was in question. Busolt's objection to the account preserved in Thucydides—that cutting stakes would result in damage to the appearance of the sanctuary—thus seems to be precisely the point¹¹: injury to the sacred space is a significant element in the legal situation, and the enormous fines imposed are in keeping with punishments threatened elsewhere for similar crimes. Thus in Plato's *Laws* it is proposed that an *agoranomos* acting individually should be able to fine anyone «wronging» a holy space or a market 100

⁸ *IG* II² 2493 line 25, from 339/8 BCE, and Demos Rhamnountos II 180 line 26, from 339/8 BCE, do prohibit a tenant removing finished vine stakes from rented property, but do not use τέμνω. Note also E. *Hipp.* 76, where the hero describes Artemis' sacred grove as ungrazed and untouched by iron (ἐνθ' οὔτε ποιμὴν ἀξιοῖ φέρβειν βοτὰ / οὔτ' ἦλθέ πω σίδηρος), i.e. never exploited as grazing land or for its timber resources.

⁹ Busolt 1904, p. 1043, n. 1, calculates 2.5 drachmas per stater. This assumes that Thucydides refers to a Corcyraean stater and not an Athenian one; but the total fine would have been enormous in either case.

¹⁰ A character in Aristophanes' *Peace* (1263) suggest buying spears converted into vine-poles for the—insultingly low—price of one drachma per 100. *IG* I³ 422.305 has a hundred stakes selling for 3.5 obols (Pritchett in Pritchett and Pippin 1956, p. 306).

¹¹ Busolt 1904, p. 1043, n. 1.

drachmas, or double that in consultation with the *astynomoi* (*Lg.* 764b); *IG* XII,4 1.283 (*LSCG* 150A), from Kos at the end of the fifth century, threatens a penalty of 1,000 drachmae for anyone who cuts trees or removes wood from a sanctuary; and the *Ath. Pol.* describes a former law according to which anyone who cut down a sacred olive could be executed (60.2). While Thucydides as usual¹² does not calculate the total penalty imposed on the Corcyraean oligarchs, their reaction to it, flight to a temple (III 70.5), leaves no doubt that it was dauntingly large, suggesting that hundreds or even thousands of stakes were in question. As Parker observes, with specific if passing reference to this passage, «Accusations under this head could be constructed in such a way as to threaten crippling penalties, which made them an ideal device for the pursuit of personal vendetta or class strife behind a veil of legal process»¹³.

These issues should in addition be set in the context of an increasingly deforested Greek world, in which sanctuaries must have been tempting sources of wood, including for young trees and shoots that could be put to use for stakes¹⁴. Plato poignantly describes the deforestation of Attica (*Criti.* 111b-c)¹⁵, while Aristotle's reference to public ὑλωποῖ ('overseers of the forests') reflects a broad awareness that woodlands require protection (*Pol.* 1321^b30)¹⁶. There also seems to have been at least some popular understanding of the dangers of the loss of vegetation and the consequent advantages of protecting it¹⁷; *IG* XII,4 1.283 and 284, for example, suggest increasing pressure on—and increasingly concerned efforts to preserve—timber resources between the fifth and the fourth centuries¹⁸. We obviously know even less about the ecological situation on Corcyra than we do about that in Attica. But it is easy to believe that the saplings that flourished in sanctuaries proved irresistible for individuals of all sorts, and especially for wealthy individuals with larger needs who had perhaps come to regard themselves as in such respects above the law.

¹² See Keyser 2006, p. 337. Thucydides declines to perform precise calculations, for example, of troop numbers at IV 72.2.

¹³ Parker 1983, p. 165.

¹⁴ For the ancient hunger for wood (sc. for fuel) and its economic and environmental consequences, see in general Olson 1991.

¹⁵ On the phenomenon of deforestation in the ancient world generally, see Meiggs 1982, pp. 371-403; Hughes 1983; Hughes 1994, pp. 73-90.

¹⁶ Jordan and Perlin 1984, p. 159.

¹⁷ Hughes and Thirgood 1982.

¹⁸ Jordan and Perlin 1984, pp. 155-156.

As Hornblower notes, the degree of detail in this portion of Thucydides' story of the *stasis* on Corcyra diverges from his usual historiographic technique, which tends to be highly selective and to elide details such as the specifics of legal charges¹⁹. When such information is included, therefore, it can generally be taken to be meaningful²⁰. In the context of the Corcyraean *stasis*, the specific features of the accusation against the oligarchs help establish important characteristics of the coming civil war. Thucydides elsewhere offers a sensitive treatment of trees as cherished community resources²¹, as shared—and, in this case, sanctified—objects that represent part of a traditional value system the Corcyraeans are in the process of abandoning. While we cannot know whether the oligarchs were guilty of the crimes they were charged with, the accusations are set in a world in which radical disparities of wealth and privilege not only exist but have come to be deeply resented. They also reflect exploitation both of the divine order for personal ends—assuming that the cutting in the sanctuaries of Zeus and Alkinoos did in fact take place, and in a systematic, organized fashion over an extended period of time—and of the court system for factional advantage. The loss of community perspective evident in either abuse is a defining feature of the social changes that ultimately produced civil war not just on Corcyra but throughout the Greek world, with an attack on community bonds and governance preceding legal assaults on fellow citizens and ultimately physical attacks on their persons. The theme of the violation of divine and communal property established here will continue in the *History*, as similarly detailed stories of the maltreatment of other sacred spaces and trees on Corcyra reinforce the city's role as a case-study in the process of escalating social deterioration: later on, supplicants are tricked into leaving sacred places and murdered (III 75.5), and desperate oligarchs ultimately kill themselves and one other in another religious space, including by hanging themselves from the sanctuary's trees (III 81.3 καὶ ἐκ τῶν δένδρων τινὲς ἀπήγγχοντο). The story of the Corcyraean factions' attempts to control and inflict pain on each other through the use of law and money thus helps establish the opening 'symptoms' of the social disfunction that culminates in true

¹⁹ Hornblower 1991, p. 469.

²⁰ Cf. the historian's decision to relate in detail the Spartan Salaethus' desperate efforts to save Mytilene, in order to emphasize the depth of loyalty that at least some Spartans felt for the ill-fated island (III 25.1).

²¹ E.g. Foster 2009, p. 371; Zatta 2011, p. 328.

stasis. Trees and sacred spaces, meanwhile, representing community economic and ecological assets, and perhaps goods even larger and more significant than those, become the passive victims of human misbehavior.

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