



Written by [Joe Wolverton, II, J.D.](#) on November 9, 2014

Sparta and Corinth: A 2,400-Year-Old Lesson in Nullification

“We see on the theater of the world a certain number of scenes which succeed each other in endless repetition: where we see the same faults followed regularly by the same misfortunes, we may reasonably think that if we could have known the first we might have avoided the others. The past should enlighten us on the future: knowledge of history is no more than an anticipated experience.” — Charles Pinot Duclos



All our Founding Fathers believed that history was a precursor of the future. In the annals of history — particularly that of the Greek and Roman republics of antiquity — they believed they could find the key to inoculating America against the diseases that infected and destroyed past societies. Indeed, it has been said that the Founders were coroners examining the lifeless bodies of the republics and democracies of the past, in order to avoid succumbing to the maladies that shortened their lives.

The Founders learned very early in life to venerate the illuminating stories of ancient Greece and Rome. They learned these stories, not from secondary sources, but from the classics themselves. And from these stories they drew knowledge and inspiration that helped them found a republic far greater than anything created in antiquity.

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Despite what some deniers of the classical influence on the Founders would claim, this regular appeal to the lessons learned in the annals of Greece and Rome was no mere “window dressing.” These men and women looked to those stories as reliable navigational guides through the recurring roadblocks placed along the path they were walking.

One well-known example of this nearly universal familiarity with the history of the classical world of the Mediterranean will suffice.

In 1783, near the end of the War for Independence, General Horatio Gates orchestrated a conspiracy of officers to overthrow George Washington and install Gates as commander-in-chief of the Continental Army.

Although the mutinous meeting was scheduled originally for March 10, Washington, having learned of the intent of the gathering, asked that it be delayed five days to give him time to draft a response.

While modern readers might not instantly understand the purpose of the delay, to Gates and the rest of the conspiring officers corps, the meaning was clear: March 15 was the Ides of March, and on that date in 44 B.C. Julius Caesar was assassinated by his friends.

Such everyday incorporations of the events of classical history are not to be expected from people raised in the era of government-controlled public education. What we can do, however, is point out episodes or examples from the distant past that can inform our own understanding and help us sail our own ship of state through the dangerous straits of history.



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A very timely example comes from the history of Sparta. Sparta was the most powerful member of a federation known as the Peloponnesian League. Members of the confederacy drafted a set of rules relating to their common defense and binding each member to the others in certain matters of governance.

These agreements formed a constitution for the league, an aspect of which was the assembly, a ruling body of representatives from the various members that was granted limited power to pass legislation and make decisions of war and peace.

While the constitution required the members of the Peloponnesian League to carry out the decisions made by the assembly, none of the city-states assumed that it could be compelled to execute decisions of the assembly that violated the very constitution that established its power.

For example, in 403 B.C., King Pausanias of Sparta led the combined forces of the Peloponnesian League in an attack on Athens. Athens had entered a treaty with the league a year earlier, but Sparta now considered Athens to have broken that agreement.

Two members of the confederacy — Corinth and Boeotia — refused to participate in the offensive, declaring that such an attack on Athens would violate the oath they entered into upon joining the league, as Athens had not, they believed, broken the treaty.

Three years later, Sparta once again marched against an accused rebel city (Elis), and once again Corinth and Boeotia refused to participate in the campaign.

Acclaimed historian Donald Kagan explained the reasons for the refusal and its constitutional soundness in his book *The Outbreak of the Peloponnesian War*. “[W]hile Sparta could act against a rebellious member and ask allied support without first consulting the assembly, if the allies thought Sparta’s case unjust, they had not only the right, but the duty to refuse,” Kagan writes.

Historian Jacob Larsen agrees. “If Sparta acted without consulting the assembly, she ran the risk that members would refuse to support her,” he explained.

The lesson for ourselves and our own federal organization is clear.

While the government in Washington, D.C., is granted certain powers in the Constitution by an agreement among the states that created it, if Washington exceeds those powers, states are under no legal obligation to carry out those unconstitutional acts.

In fact, according to Article VI of the Constitution, state legislators are duty-bound to oppose such efforts to violate the document. “The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution,” that section mandates.

Just as Corinth and Boeotia refused to ratify Sparta’s military endeavors that they believed violated the constitution of the Peloponnesian League, states in the United States must stand firm in defense of the Constitution by declaring every unconstitutional act of the federal government to be null, void, and of no legal effect.

In the United States, the states created the contract (the Constitution), the operation of which was the formation of a federal government. The federal government ignores that fact and acts under the assumption that citizens will do likewise. And so far, they’ve been right.



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No longer.

Despite the frequent violations of the terms of the contract by the federal government, states are not left with only the option of voiding the contract. In fact, those state lawmakers and governors committed to forcing the federal beast back into its constitutional cage are better served by simply nullifying each and every congressional act or presidential decree that violates the agreed-upon terms in the Constitution.

There are several benefits of this attitude: It preserves the union, it demonstrates state allegiance to the principles of freedom undergirding the Constitution, and by extension, it also demonstrates faithfulness to the intent of our Founders.

Nullification is also preferable because it is a less radical reaction than secession. It is a measured approach to specific threats (acts that exceed the enumerated powers) that solves the sovereignty issue without dissolving the union.

That isn't to say, however, that secession should be taken off the table. No sovereign entity can by definition be compelled to continue association with any league, confederacy, or union that goes from being advantageous to despotic.

Corinth and Boeotia understood how nullification works, our Founders learned it from studying ancient history, and it's time we learned it and began applying it to our own situation.

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