

HELLENISTIC CRETE AND KOINOΔΙΚION*

If we are to believe all that Polybios tells us, then the world of Hellenistic Crete was a wretched place:

The Cretans are irresistible, both by land and by sea, when it comes to ambushes and piracy and the tricks of war, night attacks and all engagements undertaken with fraud; but when it comes to the face-to-face assault of phalanxes fighting on equal terms, they are base and craven-hearted....Money is honoured among them to such an extreme degree that the acquisition of it is thought to be not only necessary, but also most honourable. Generally speaking, the practice of disgraceful greed and acquisitiveness is so much the fashion there, that among the Cretans alone of all humankind no profit is considered shameful....Because of their congenital greed, they are engaged in constant upheavals, private and public, and murders and civil wars....Indeed, one would not find private customs more treacherous nor public enterprises more unjust (except in a few cases) than those of the Cretans...[In the year 181 BC] great troubles began in Crete, if indeed one can speak of a 'beginning' of troubles in Crete. For because of the unceasing nature of their civil wars and the excessive savagery of their treatment of one another, 'beginning' and 'end' are the same thing in Crete, and what seems to be a paradoxical saying of some individuals is there a consistently observable fact.¹

Polybios's views on the Cretans are comparable to the convictions he held about the Aitolians, that other 'piratical' power of the Hellenistic world. But the evidence of Polybios himself demonstrates that the states of Crete were occasionally capable of co-operative action and peaceful co-existence (although the historian does record this in rather sarcastic terms):

The greatest and clearest witness to the power of the honourable resolution and good faith [of Philip V] is the fact of all the Cretans coming together in agreement and sharing in one alliance, choosing Philip as the president (προστάρτης) of the island. And this was accomplished without resort to arms and battles, an occurrence for which one could scarcely find a precedent.

(vii 11.9)

This cynical reference to a Crete united in alliance to Philip V in the wake of the war against Lyttos (221-219 BC) is generally understood to be one of the sparse references to the Hellenistic κοινόν of the Cretans.² Polybios employs terms elsewhere which suggest the existence of this

* Some of the ideas presented in this article were discussed at a seminar delivered to the Department of Classics, University of Toronto, in November 1991. I am grateful to the members of the department for their comments and suggestions; any errors of course remain my own.

The following are abbreviations used for some of the works discussed in this article: Muttlsee (M. Muttlsee, *Zur Verfassungsgeschichte Kretas im Zeitalter des Hellenismus* [Hamburg 1925]); van der Mijnsbrugge (M. van der Mijnsbrugge, *The Cretan Koinon* [New York 1931]); Guarducci, *Epigraphica* (M. Guarducci, *Epigraphica* ii [1940] 149-66); van Effenterre (H. van Effenterre, *La Crète et le monde grec* [Paris 1948]); Guarducci, *RFIC* (M. Guarducci, *RFIC* lxxviii [1950] 142-54); Willetts, *AS* (R.F. Willetts, *Aristocratic society in ancient Crete* [London 1955]); Willetts, *Kadmos* (R.F. Willetts, *Kadmos* xiv [1975] 143-8). Standard abbreviations have been used for basic collections of epigraphy: *CIG* (A. Boeckh et al., *Corpus inscriptionum graecarum* [Berlin 1828-1877]); *FDelphes* iii (*Fouilles de Delphes* iii: *Épigraphie* [Paris 1929-]); *IC* (M. Guarducci, *Inscriptiones creticae* [Rome 1935-1950]); *IdeDélös* (F. Dürrbach et al., *Inscriptiones de Délos* [Paris 1926-1972]); *IG* (*Inscriptiones graecae*); *IMagM* (O. Kern, *Die Inschriften von Magnesia am Maeander* [Berlin 1900]); *SEG* (*Supplementum epigraphicum graecum*); *SGDI* (H. Collitz et al., *Sammlung der griechischen Dialektinschriften* [Göttingen 1884-1915]); *SIG*³ (W. Dittenberger, *Sylloge inscriptionum graecarum*, 3rd edition [Leipzig 1915-1924]); Welles *RC* (C.B. Welles, *Royal correspondence in the Hellenistic period* [Yale 1934]).

¹ These quotations represent an anthology of Polybian remarks on Crete: iv 8.11; xi 46.2-3; xi 46.9; xi 47.5; ii 4.3. See F.W. Walbank, *A historical commentary on Polybios* i (Oxford 1957) 508.

² It is argued by some that the unification Polybios speaks of represents the initial foundation of the κοινόν; see Guarducci, *RFIC* 142-7 and P. Brulé, *La piraterie crétoise hellénistique* (Paris 1978) 34. Muttlsee and van Effenterre argue for an earlier foundation date.

federation, but the most extensive evidence for the Cretan κοινόν is that offered by epigraphy.³ A dozen or so inscriptions record decrees of the κοινόν, or decrees of other states which refer to the Cretan body.⁴ From them we learn that this κοινόν operated with a συνέδριον and a primary assembly, and that meetings tended to be held at (and the κοινόν tended to be dominated by) Knossos and Gortyn in turn.

The states of Hellenistic Crete, then, constituted a κοινόν, as did so many other Hellenistic states, and they did so in spite of Polybios's negative stereotyping of the bellicose Cretans. But it may be misleading to equate the Cretan κοινόν with other federal κοινά of the Hellenistic period, such as the Achaians or the Aitolians. It is true that the Cretan organization functioned with a council and an assembly; but there is no evidence for any more extensive federal structure of the kind we are accustomed to finding in other federal states.⁵ For example, standard dating mechanisms employed in the decrees of other κοινά refer to a federal magistrate such as a στρατηγός. As far as we can tell, the Cretan κοινόν had no such magistrates; its decrees are dated by reference to the κόσμοι of Gortyn and/or Knossos, and nowhere is there any evidence for officials other than the σύνεδροι.⁶ Neither is it thought that the κοινόν had a federal army, although some possibility exists that there was a system of federal citizenship.⁷

So we are left with the impression that the κοινόν of Hellenistic Crete was a somewhat looser structure than other federations, and this impression is reinforced by what little we know of the vicissitudes of the κοινόν's history. Even if Polybios's disdain for the Cretans was based on a distorted view of them, there is plenty of objective evidence to show that wars were common in Hellenistic Crete. We must conjecture that the more widespread the fighting was, the more torn apart the κοινόν would have been. At such times, depending on the nature and extent of the fighting, the federation may simply have ceased to exist. The consensus of modern opinion is that when Knossos and Gortyn were able to co-operate, then the κοινόν was in

³ See Polybios xxix 10.6-7. For the most recent discussion of the evidence for the Cretan κοινόν see Willetts, *Kadmos*.

⁴ Van Effenterre 128-9 offers the following list of direct references to the κοινόν: *IG* xii.5. 868A (end of the 3rd century BC); *SIG*³ 560 (207/6); *IMagM* 20 (c. 207/6); *IC* ii.16. 9 (beginning of the 2nd century); *IC* ii.5. 22 (beginning of the 2nd century); *SIG*³ 653A (c. 165); *IdeDéllos* 1517 (between 158 and 150); *SIG*³ 654A (c. 151); *AE* 1925-26, 9f., no.129 (c. 151); *IC* ii.3. 4C (date disputed; the reign of Attalos I or Attalos II); *IC* iii.4. 9 (date of inscription, 112/1; reference to κοινόν, mid-2nd century); *IG* xii.3. 254 (2nd century; see below on this inscription [= *IC* iv 197*]); *IC* i.24. 2 (2nd century).

Willetts, *Kadmos* 144-5 discusses those testimonia which may refer to the κοινόν, even though this term is not employed: *SIG*³ 535; *SGDI* 5157-5164; *IC* ii.3. 10A, iii.4. 9, iv 176; Polybios vii 11. 9; vii 14. 4; xxix 10. 6; xxxiii 16. 1; Livy xliii 7; D.S. xl 1. Willetts makes no reference to the article by S. Spyridakis (*Hermes* 1970, 254-6), in which the latter argues that the Delian inscription *IdeDéllos* 1442 records a reference to the Cretan κοινόν. J. and L. Robert, however, argue against Spyridakis's interpretation (*REG* 1970 no. 413a); see also M. Lazzarini, *RFIC* cviii (1980) 141. Guarducci thinks *IC* ii.16. 9 to be a decree of the κοινόν.

It should be pointed out that the Hellenistic institution under discussion here is not the same as the Cretan κοινόν of the Roman period, for which there is ample evidence.

⁵ J.A.O. Larsen clearly did not consider the κοινόν of the Cretans to be analogous to other Hellenistic κοινά; he did not deal with it in *Greek federal states* (Oxford 1968).

⁶ In discussion of these matters at the Toronto seminar, the suggestion was made that the κοινόν, which (as discussed below) enjoyed a fluctuating existence, may have chosen to date its decrees by city-magistrates on the grounds that greater continuity could be achieved in this way. Nevertheless, it remains true that there is no evidence in the extant documents for federal magistrates in the Cretan κοινόν. It is possible that Philip V, as προστάτης of the island, fulfilled some such role for a time, but it seems likely that his position was uniquely tailored to the contemporary Macedonian relationship with Crete.

⁷ Brulé (n. 2) 85f., following Swoboda and Muttelsee, argues in favour of a Cretan κοινοπολιτεία, but the evidence is inconclusive.

effect; when they were at war, it collapsed.⁸ This view may be correct in general terms, although it would be simplistic to apply it too rigorously.⁹

Thus the conventional portrait of the κοινόν of Hellenistic Crete is one of a loose federation of states operating under the leadership of Knossos and Gortyn, at times perhaps subject to the hegemony of one more than the other. The extant decrees of this organization were promulgated by the federal assembly and council, and consist chiefly of honorary decrees and extensions of ἀσυλία to other states. Apparently the existence of a κοινόν did not significantly reduce the autonomy of member states in conducting their own foreign policy and contracting alliances.¹⁰

Partout ailleurs le *koinon* ne semble pas être autre chose qu'un congrès des cités crétoises dont l'action est simplement la somme de celles des états constitutifs et ne s'exerce par conséquent que dans la mesure où ces derniers veulent bien donner leur accord aux mesures proposées.¹¹

And yet the loose and shifting nature of this κοινόν seemingly did not stop the Cretan organization from employing something known as the κοινοδίκιον, an institution which should have functioned to unite the members of the federation. This at least is the majority opinion of modern scholarship. The commonest interpretation of the κοινοδίκιον is that it was the federal tribunal of the Cretan κοινόν, whose task was to resolve disputes between the member states. The term κοινοδίκιον, however, appears in only two sources connected with Crete.¹² A third reference may be found in Polybios's discussion of affairs on Crete in the year 184, where he uses the word κοινοδίκαιον, a ἄπαξ which is normally emended to read κοινοδίκιον.¹³ None of these three testimonia offers an unambiguous interpretation of the term, since none of them describes this body in action. Because much depends on the nature of the evidence, it seems a good idea to re-examine it.

The only epigraphic record from Crete itself which records the term κοινοδίκιον is an early 2nd century BC treaty of isopolity between the east Cretan states of Hierapytna and Priansos. This agreement was undertaken in accordance with two previously existing treaties: an agreement between Hierapytna and the state of Gortyn, and a three-way σύμβολον between Hierapytna, Priansos and Gortyn. By the terms of the Hierapytna-Priansos treaty, basic isopolitical privileges were to be exchanged between the two states, such as the reciprocal right of acquisition of goods and landed property.

Among the other provisions in this treaty were regulations regarding the judicial relations between Hierapytna and Priansos. The relevant passages of *IC* iii.3.4 follow:

...αἰ δέ τις ἀδικοίη
τὰ συγκείμενα κοινᾷ διαλύων ἢ κόσμος ἢ ιδιώτας, ἐ-
ξέστω τῷ βωλομένῳ δικάζασθαι ἐπὶ τῷ κοινῷ δι-
50 καστηρίῳ τίμαμα ἐπιγρανάμενον τὰς δίκας κατὰ τὸ
ἀδίκημα ὃ καὶ τις ἀδίκησιν· καὶ εἴ καὶ νικάσῃ, λαβέτω τὸ
τρίτον μέρος τὰς δίκας ὃ δικάζόμενος, τὸ δὲ λοιπὸν ἐσ-
τω τῶν πόλεων. κτλ.

⁸ This interpretation is in part based on the comment made by Strabo regarding the states of Knossos and Gortyn: συμπράττουσαί τε γὰρ ἀλλήλαις ἅπαντας ὑπηκόους εἶχον αὐταὶ τοὺς ἄλλους, στασιάσασαί τε διέστησαν τὰ κατὰ τὴν νῆσον (x 478). See also Polybios iv 53.4.

⁹ See van Effenterre 151, and see below for further discussion.

¹⁰ See van der Mijnsbrugge chapter 3; van Effenterre 131; Willetts, *AS* 229 and *Kadmos* 145.

¹¹ Van Effenterre 141-2.

¹² *IC* iv 197* (= *IG* xii.3. 254) and *IC* iii.3. 4.

¹³ Polybios xxii 15. 4. It was Boeckh who suggested the emendation to κοινοδίκιον, in his commentary on *CIG* 2556 (= *IC* iii.3. 4).

...ὕπερ δὲ τῶν προγεγονότων παρ' ἑκατέροις
 ἀδικημάτων ἀφ' ᾧ τὸ κοινοδίκιον ἀπέλιπε χρόνω, ποιη-
 60 σάσθων τὰν διεξαγωγὰν οἱ σὺν Ἐνίπαντι καὶ Νέωνι κό[σ]-
 μοι ἐν ᾧ κα κοινὰ δόξει δικαστηρίῳ ἀμφοτέροις ταῖς πό-
 λεσι ἐπ' αὐτῶν κοσμώντων καὶ τὸς ἐγγύος καταστασάν-
 των ὑπὲρ τούτων ἀφ' ἧς κα ἀμέρας ἅ στάλα τεθῆι ἐμ μη-
 65 νί. ὑπὲρ δὲ τῶν ὕστερον ἐγγινομένων ἀδικημάτων προ-
 δίκωι μὲν χρήσθων καθὼς τὸ διάγραμμα ἔχει· περὶ δὲ τῷ
 δικαστηρίῳ οἱ ἐπιστάμενοι κατ' ἐνιαυτὸν παρ' ἑκατέροις
 κόσμοι πόλιν στανυέσθων ἄγ κα ἀμφοτέροις ταῖς πόλεσι
 [δό]ξει ἐξ ἧς τὸ ἐπικριτήριον τέλεται, καὶ ἐγγύος καθιστάν-
 των ἀφ' ἧς κα ἀμέρας ἐπιστάντι ἐπὶ τὸ ἀρχεῖον ἐν διμήναι,
 70 καὶ διεξαγόντων ταῦτα ἐπ' αὐτῶν κοσμώντων κατὰ τὸ
 δοχθὲν κοινὰ σύμβολον. αἱ δὲ κα μὴ ποιήσωντι οἱ κόσμοι κα-
 θὼς γέγραπται, ἀποτεισάτω ἕκαστος αὐτῶν στατήρας
 πεντήκοντα, οἱ μὲν Ἱεραπύτνιοι κόσμοι Πριανσίων τᾷ πόλει,
 οἱ δὲ Πριάνσιοι κόσμοι Ἱεραπυτνίων τᾷ πόλει.

...and if anyone should wrongfully injure the common agreement, whether he is a *kosmos* or a private citizen, let it be permitted for anyone who wishes to take legal action in the *koinon dikasterion*, the penalty for the suit being entered in accordance with whatever injury the person committed. And if the prosecutor should win his case, let him receive the third part of the fine, and let the rest go to the cities.

...concerning the past injuries on either side, from the time when the *koinodikion* left off, let the *kosmoi* serving with Enipas and Neon institute a trial in whatever *dikasterion* is agreed on jointly by both cities, during the same *kosmos*-year, and let them deposit pledges concerning these matters within a month of the day when the stele is set up. Concerning the injuries which arise later, let them employ *prodikos/n* in accordance with the *diagramma*; and concerning the *dikasterion*, let those who become *kosmoi* every year on either side appoint a city, whichever one is agreeable to both cities [Hierapytna and Priansos], from which the *epikriterion* comes, and let them set down pledges within two months from the day on which they enter office, and let them settle these matters within the same *kosmos*-year, according to the jointly-agreed *symbolon*. If the *kosmoi* do not do as is written, let each of them pay 50 staters, the Hierapytnian *kosmoi* to the city of Priansos, and the Priansian *kosmoi* to the city of Hierapytna.

An interpretation of the passages cited here presents a number of problems, and the meaning of these lines is highly debated. Nevertheless, some general remarks can safely be made. The first passage (lines 47-53) deals with any future attempts to impair the treaty itself. If anyone on either side, whether a private citizen or a *κόσμος* (i.e., acting in a public capacity), should do anything to injure the common agreement, then the transgressor was to be liable to action before the *κοινὸν δικαστήριον*, a body which is not further defined.¹⁴ If he was found guilty, a fine was to be paid, part of which was to go to the prosecutor, and part to the cities.

After a few lines, in which arrangements are made for the sharing of booty from any joint military venture, we find the judicial regulations of the second section cited above. This section itself falls into two distinct segments: regulations for past (unsettled) disputes, and regulations for future disputes. Lines 58-64 deal with the manner in which Hierapytna and Priansos were to settle outstanding disputes, claims which both sides had had against one another 'since the time when the *κοινοδίκιον* left off'. For such disputes, the *κόσμοι* of the year in which the treaty was formulated were to arrange for a settlement in a *δικαστήριον* agreed on in common by the two cities, a settlement which was to take place within that same year.¹⁵

The method of dealing with future disagreements is detailed in lines 64 and following.

¹⁴ Muttelsee 56f. believed that this court must have been drawn from the Hierapytnian and Priansian populations. Against this view, see Guarducci, *Epigraphica* 159f., who believes the court to be the same as the tribunal from a third city mentioned in lines 65f.

¹⁵ The nature of this *δικαστήριον* is also not defined.

Clearly some initial use was to be made of an arbitrator or arbitration (προδίκωι μὲν χρήσθων), and this arbitration was to be implemented in accordance with the διάγραμμα.¹⁶ But once we move beyond this provision, the meaning of the regulations becomes more obscure. The ensuing phrase, περὶ δὲ τῷ δικαστήριῳ, creates some trouble. Should the definite article be taken to imply that this is a δικαστήριον that has already been mentioned (lines 49-50 or 61)?¹⁷ Or should we focus more on the δέ, and argue that the regulations about ‘the lawcourt’ are closely connected to the preceding μὲν-clause? If so (and this seems likely), should we understand this reference to yet a *third* δικαστήριον to be a simple amplification of the general term προδίκωι?¹⁸ Or should we envision a two-step process, whereby disputes were first submitted to informal arbitration, and in the event of this procedure failing, passed on to judgement in a lawcourt?¹⁹

None of the above questions is easy to answer, although on the whole the last solution suggested still seems the best. Fortunately, the inscription becomes a little more co-operative in the next few lines. We are able to learn more about the composition of this third δικαστήριον than about either of the previous two. It is stated that the annually elected κόσμοι of Hierapytna and Priansos were to have the responsibility of choosing a third city, agreeable to both sides, from which the ἐπικριτήριον was to come.²⁰ This δικαστήριον, then, was to be established through the co-operation of a third state, a participant frequently known as an ἐκκλητος πόλις, although the latter term is not used in the context of this inscription. Judgements were to be carried out within that same year, ‘in accordance with the σύμβολον’.²¹

The problems posed by the details of this treaty are complex, and may never be resolved with complete certainty. And broader questions also arise, such as, what kind of disputes are under discussion here? They are clearly disputes of an international nature, since they divide the states of Hierapytna and Priansos. But are they private quarrels between individual citizens, or are they public disputes, matters of conflict over territory or other issues which divide governments? The appearance of the σύμβολον as a reference point suggests that this treaty was set up to regulate further problems which might arise between individual citizens.²² Yet

¹⁶ Generally agreed to refer to a common regulatory code shared by the Cretan states (Guarducci). It may have formed an extensive body of common law or regulations; but van Effenterre (143f.) believed it to be limited to a simple code of (financial) penalties for specific infractions. For a recent discussion of the term see J. Vélissaropoulos, *RHDF* liii (1975) 36-47. The διάγραμμα appears in a few other inscriptions: *IC* iv 197* (discussed below); *SEG* xiii 589; *IC* iv 174; and *IC* i.16. 1.

The existence of the διάγραμμα does not appear to have promoted political harmony or unity within the κοινόν to any degree. A traditional code might be relatively simple to maintain for reference even at a time when the κοινόν had lapsed. Scholars have argued that the Hierapytna-Priansos treaty itself implies that this was the case.

¹⁷ Guarducci, *Epigraphica* 159f. believes this δικαστήριον to be the same as that mentioned in lines 49-50; cf. van der Mijnsbrugge 44.

¹⁸ Van der Mijnsbrugge 43-4, who believes that the arbitration referred to was required by the διάγραμμα, and would find expression through the δικαστήριον.

¹⁹ Van Effenterre 145; Guarducci, *Epigraphica* 161.

²⁰ This term creates its own problems. Is it the tribunal itself (Muttelsee 60; A. Petropoulou, *Beiträge zur Wirtschafts- und Gesellschaftsgeschichte Kretas in hellenistischer Zeit* [Frankfurt 1985] 95)? Or is it the final judgement (Guarducci, *IC* iii.3. 4; van Effenterre 145³)?

²¹ This would be the three-way agreement between Gortyn, Hierapytna and Priansos, a treaty which also survives (*IC* iv 174). Both Muttelsee and van der Mijnsbrugge argued (on no perceptible grounds; see Guarducci’s criticism, *Epigraphica* 164-5) that the κοινοδικτιον, which is said to have ceased in the Hierapytna-Priansos treaty, was still in effect at the time of the conclusion of the Gortyn-Hierapytna-Priansos σύμβολον.

²² Σύμβολον-treaties generally were intended to provide for judicial regulation of disputes between the citizens of different states, particularly financial disputes. See P. Gauthier, *Symbola* (Nancy 1972). Gauthier, however, comes to the opposite conclusion from that expressed above; he supports the view of H.F. Hitzig (‘Altgriechische

the possibility remains that this treaty envisioned the settlement of both private and public disputes.²³

It is the obscurity of these passages, in particular the enigmatic nature of the reference to the *κοινοδίκιον* itself (line 59), which leaves us so much in the dark. We do not see the *κοινοδίκιον* in action in this inscription. Instead, we learn only that it has ceased its activity—or ceased to exist. The latter interpretation is the majority view, although it has been pointed out that the ‘cessation of the *κοινοδίκιον*’ may mean nothing more than the ordinary end of a regular session of a lawcourt.²⁴ If we temporarily set aside any preconceived notions and examine the Hierapytna-Priansos treaty in isolation, what does it tell us about the term or the institution? Other than the fact that the *κοινοδίκιον*’s activity has ceased, we can ascertain only that, whatever it was, it could have served to resolve disputes of some kind between Hierapytna and Priansos. In its absence, new arrangements must be made, arrangements which may or may not mirror the functioning of the *κοινοδίκιον* itself.

The second inscription which refers to the term *κοινοδίκιον* in a Cretan context is not of Cretan provenance.²⁵ It was found on Anaphe, and records a decree of the Cretan *κοινόν* conferring *ἀσυλία* on that island:

[* Εδοξ]ε τοῖς συνέδροις καὶ τῶ[ι]
 [κοινῶ]ι τῶν Κρηταιέων, Κνω-
 [σοῖ ἐ]ν τῶι συνλόγῳ, κορμι-
 [όντῳ]ν ἐν Γόρτυνι μὲν ἐ-
 5 [πὶ τῶ]ν Δυμάνων τῶν σὺν
 [...][ῖ]οι τῶι Ἀλλοδάμῳ
 [ῶκα τ]ὸ δεύτερον, μηνὸς
 [Καρ]νῆιω τετράδι, Κνωσο[ῖ]
 [δὲ ἐ]πὶ τῶν Αἰθαλέων κο[ρ]-
 10 [μίοντ]ῶν τῶν σὺν Κυψέλω[ι]
 [τῶι...]ρέτῳ, μηνὸς Ἀγνή[ι]-
 [ῶ τετρά]δι· ἄσυλον ἤμεν [᾿Α]-
 [ναφαίω]ν τὰν πόλιν κα[ῖ]
 [τὰν χώρ]αν καθῶς καὶ τὸ [ι]
 15 [ερδὸν ὑ]πάρχει ἄσυλον
 [τῶι τῶ] κ[οι]νῶ τῶν Κρητα[ῖ]-
 [έων ῥη]τῶι. εἰ δὲ τίς τι-
 [να συλά]σῃ Ἀναφαίων τῶν
 [ἐκ Κρήτ]ας ὀρμιομένων
 20 [ἢ ἐκ τ]ῆς πόλεως ἢ ἐκ τ[ῆς]
 [χώρα]ς, ὑπόδικος ἔστω [δί]-

Staatsverträge über Rechtshilfe’ *Festgabe F. Regelsberger* [Zürich 1907] 1-70), that the preponderant rôle of the *κόσμοι* in this treaty suggests that the disputes envisioned were public ones. Gauthier believes that the reference to the *σύμβολον* merely emphasizes the fact that the present treaty is not a *σύμβολον*, but rather a *συνθήκη* (316f.). But this argument is not wholly persuasive. There is no reason to think of the second treaty as opposed in all points to the first; it may simply amplify, clarify or supplement the *σύμβολον* in certain ways.

²³ Cf. van Effenterre 144². Certainly the specific regulations regarding infractions of the treaty (lines 47-53) seem to envision both private and public actions. Guarducci (*IC* iii.3. 4) argued that the *κοινοδίκιον* (and, in its absence, the arrangements made in lines 58-64) dealt with private disputes, while the *δικαστήριον* of lines 47-53 and lines 65f. dealt with public disputes. Vélissaropoulos (n. 16) 39 argued the opposite. Both scholars appear to be making a false distinction between private and public where the treaty was making only a temporal distinction.

²⁴ See A. Scrinzi, *AIV* lv 2 (1897-98) 1572¹⁹⁶. Guarducci, *Epigraphica* 150f. argues, in dating the Hierapytna-Priansos inscription, that the reference to the cessation of the *κοινοδίκιον* should be connected to one of the temporary dissolutions of the *κοινόν*. The best date for this inscription would then be between the end of the 3rd century and the year 184, when it is assumed the *κοινόν* was restored (on the evidence of Polybios xxii 15, discussed below).

²⁵ *IC* iv 197*. The edition of Guarducci, cited here, is the commonly accepted one.

25 [κῶν ἐν] τε Ἀναφαίτοι[ς]
 [ἐν κ' α]ὐτ[ο]ῖ προστάξω[ντι,]
 [κ' ἐν κ]οινοδικίῳ ἀπρ[όδι]-
 [κῶν κ' ἀπ]άρβολον καὶ κ[υ]-
 [ρία ἀ] πράξις ἔστω κατ [τὸ]
 [διάγρ]αμμα.

Decreed by the *synedroi* and the *koinon* of the Cretans, the session taking place in Knossos, while the *kosmoi* in Gortyn were from the Dymanes, those serving with ---ios the son of Allodamos, for the second time, on the 4th of the month Karneios; while the *kosmoi* at Knossos were from the Aithaleis, those serving with Kypselos the son of ---retos, on the 4th of the month Agyios. The city and the land of the Anaphaians is to have *asylia*, just as the sanctuary has at present, by the decree of the *koinon* of the Cretans. If anyone, setting out from Crete, commits *syle* against any Anaphaian, either a city or a country-dweller, then let him be liable to judicial action, both among the Anaphaians (in whatever action they should prescribe) and in *koinodikion* (in an action which is *aprodikos* and *aparbolos*), and let the penalty be valid in accordance with the *diagramma*.

Guarducci dated this inscription to the first half of the 2nd century, on the perhaps shaky grounds that the Gortynian dialect of the decree points to Gortynian dominance in the κοινόν, in spite of the fact that the meeting of the assembly and συνέδριον which promulgated this decree was held at Knossos.²⁶ Although the date cannot be fixed more accurately, it is at least obvious from the appearance of both Gortyn and Knossos here that the decree should be dated to one of the periods when the Cretan κοινόν was enjoying a more or less stable existence.

The purpose of this decree was to provide the right of ἀσυλία to the territory and city of the island of Anaphe, a favour which had already been granted to the island's sanctuary. As with the Aitolians in the Hellenistic Age, the promise of ἀσυλία from the Cretan κοινόν seems to have been designed specifically to offer redress to those who might suffer the depredations of Cretan pirates.²⁷ Any Cretan who plundered the territory or goods of any Anaphaian was to be liable to trial, as it seems, both on Anaphe and on Crete. The Anaphaians were to have the right to try him in whatever way they wished. On Crete, he was to be tried ἐν κοινοδικίῳ, in a trial that was to be ἀπρόδικος and ἀπάρβολος. Leaving aside the question of the venue for the moment, this suggests a procedure that would have been fairly strict from the point of view of the accused: no preliminary attempts at 'out-of-court' settlements through arbitration, and no requirement for the accuser to deposit a sum as security.²⁸ The exaction of the fine was to accord with the διάγραμμα.

This is the only other epigraphic reference to a Cretan κοινοδικίον. The term appears in this inscription without the article, a fact which may be of some significance when it comes to determining the elusive nature of the thing.²⁹ If we examine the Anaphe decree in isolation, the chief conclusion we can draw is that κοινοδικίον was considered the appropriate venue for hearing a dispute between Cretans accused of piratical violations and citizens of the state of

²⁶ It is believed that Knossos was more dominant in the κοινόν after about 150. See Guarducci, *RFIC* 149²; *IC* iv 197*; van Effenterre 158.

²⁷ That this ἀσυλία-decree amounts to an anti-piracy measure is the accepted view.

²⁸ Cf. *IC* iv 175 (a treaty between Gortyn and Knossos) lines 8-9: [δικῶν] ἀπρόδικον κ' ἀπάρβολον. On the severity of the procedure, see Guarducci, *RFIC* 151, and *IC* iv 246.

²⁹ One might suppose that the article had been lost when the stone was damaged; but Guarducci, in her discussion of this very question, defended her restoration with vigour, and argued furthermore that the absence of the article was of little significance (*RFIC*). In her view, the absence of the article simply echoes the (apparent) absence of the article before Ἀναφαίτοις (line 22; see also lines 12-13). But the lack of article before the name of a people ('among Anaphaians') seems natural enough, while its absence before the name of a recognized body or institution is more unexpected. Van Effenterre believed the absence of the article to be of great significance; for further discussion, see below.

Anaphe, with whom the κοινόν had made this treaty. Beyond this conclusion we can conjecture that hearings in κοινοδίκιον may regularly have been undertaken with some reference to the Cretan διάγραμμα.

We shall return to this άσυλία-decree and to the Hierapytna-Priansos treaty later. The final piece of evidence linking the term κοινοδίκιον to Crete, and perhaps to the Cretan κοινόν, is the passage in Polybios (xxii 15). Polybios récounts the events of the year 184, when Appius Claudius and other Roman *legati* arrived in Crete to put an end to the warfare there. The conflict involved Gortyn and Knossos, among others, and it is generally supposed that the κοινόν had dissolved perforce; it is also thought that the actions of Appius in resolving the Cretan disputes resulted in the reconstitution of the κοινόν. The Romans also settled some affairs relating to Kydonia and Phalasarna, and it is in the context of the regulations regarding the Kydonians that we (perhaps) find the term κοινοδίκιον:

οι δὲ {πεισθέντες} Κνωσίοις μὲν ἀποκατέστησαν τὴν χώραν, Κυδωνιάταις δὲ προσέταξαν τοὺς μὲν ὀμήρους ἀπολαβεῖν, οὗς ἐγκατέλειπον δόντες τοῖς περὶ Χαρμίωνα πρότερον, τὴν δὲ Φαλάσαρναν ἀφεῖναι μηδὲν ἐξ αὐτῆς νοσφισαμένους. περὶ δὲ τῶν κατὰ κοινοδίκιον συνεχώρησαν αὐτοῖς βουλομένοις μὲν {αὐτοῖς} ἐξεῖναι μετέχειν, μὴ βουλομένοις δὲ καὶ τοῦτ' ἐξεῖναι, πάσης ἀπεχομένοις τῆς ἄλλης Κρήτης αὐτοῖς τε καὶ τοῖς ἐκ Φαλασάρνης φυγάσιν.

(xxii 15.3-4)

[The Romans] restored the land to the Knossians, and they instructed the Kydonians to take back the hostages whom they had earlier left with Charmion, and to leave Phalasarna without taking anything away from it. Concerning the matters relating to *koinodikion*, they allowed the Kydonians to take part if they wished, but if they did not wish to do so, this was also permitted, on the condition that they and the exiles from Phalasarna left the rest of Crete alone.

The manuscripts of Polybios read κοινοδίκαιον, not κοινοδίκιον, a circumstance which has raised a number of questions. Is κοινοδίκαιον the original form of the word, and is κοινοδίκιον a purely Cretan dialectal variant?³⁰ Or is Polybios's κοινοδίκαιον merely a corrupted form of κοινοδίκιον, a scribal *lectio facilior*?³¹ Or are they both legitimate terms which mean different things? The latter is the view expressed by both van Effenterre and Guarducci.³² Both scholars believe it possible that Polybios was here referring to something less tangible than what they perceive κοινοδίκιον to be: they interpret κοινοδίκαιον as 'federal law'.

If, however, we were to accept the emendation, and adhere to the view that Polybios meant to write (or *did* write) κοινοδίκιον, then what could we conclude from this passage? Perhaps no more than that matters concerning κοινοδίκιον were matters in which the various Cretan states might expect to have a share, particularly in the wake of the putative restoration of the κοινόν.³³ In the present context, the Kydonians had apparently expressed some unwillingness

³⁰ See van der Mijnsbrugge 36⁵, who points to the Cretan variant of *Φέρκσεν* for *Φέρκσαιεν* (*SGDI* 4982). Van Effenterre 147-8 argued against this, but see note 31.

³¹ See F.W. Walbank, *A historical commentary on Polybios* iii (Oxford 1979) 202, who supports the notion of a scribal error, and thus believes van Effenterre's arguments against κοινοδίκιον being a Cretan dialectal form to be irrelevant.

³² Van Effenterre 147-8; Guarducci, *RFIC* 153-4 (but in the *Epigraphica* article from 1940 Guarducci had argued that κοινοδίκιον was simply a Cretan form of κοινοδίκαιον; evidently her mind was subsequently changed by van Effenterre). Cf. G. Cardinali, *RFIC* xxxv (1907) 17²; S. Waszynski, *Archiv für Papyrusforschung* v (1913) 5.

³³ The resolution of conflict between Knossos and Gortyn at this time may suggest that the κοινόν would now be formally restored. Support for this view is found in the treaty from the following year (183) between Eumenes II of Pergamon and some thirty Cretan states, including Gortyn and Knossos (*IC* iv 179); see Walbank, *Commentary*

to take part; the Roman arbitrators ruled that they did not have to share in these matters if they did not wish to. The only condition was that the Kydonians were not to interfere in the rest of Crete.

These three sources, then, are the sum total of the references to the term *κοινοδίκιον* in a Cretan context, references which are confusing, ambiguous and indirect. In none of them is this body or institution or concept (whatever it is) seen in action. In one of them it is no longer in existence. In two out of the three references the definite article is missing, suggesting something less concrete than 'the' *κοινοδίκιον* is often thought to be. With evidence like this, drawing a secure conclusion about it is almost impossible, and the common interpretation of it as 'the federal tribunal of the Cretan *κοινόν*' seems overly confident.

But the Cretan sources for the term *κοινοδίκιον* may be augmented with references to the same word from elsewhere in the Greek world. It appears in three different contexts outside Crete in the Hellenistic Age, and the very coincidence of timing suggests that some connection of concept, if nothing else, should be understood.³⁴ The Cretan sources all refer to *κοινοδικ-ιον* as something existing or available probably in the first part of the 2nd century BC. The extra-Cretan sources range in date from the last quarter of the 3rd century to the third quarter of the 2nd century BC. There are no Classical references anywhere to the term, no references prior to the later 3rd century, and none after the 2nd.³⁵ It is reasonable to suppose, then, that the term should mean something at least roughly similar in its different contexts; and since in at least one of those extra-Cretan contexts the role of the *κοινοδίκιον* seems clear, we may be able to employ it to illuminate the mystery of *κοινοδίκιον* on Crete.

The most straightforward use of the term is its appearance in a series of four different papyri from Ptolemaic Egypt, all dating from the first year of Ptolemy IV Philopator (221 BC).³⁶ These are *ἔντευξις*-papyri recording the petitions of individuals, formally addressed to the king, though in reality submitted to royal officers. The complaints resulting in these petitions sprang from a variety of injuries: illegal requisition of a dwelling, default on a loan, damage to crops and livestock. But all the complaints had at least one thing in common: they originated in a dispute between a Greek and an Egyptian. And in all four cases, the papyrus bearing the petition has received an *addendum* written in a second hand, a directive from higher authorities to the official who was requested to deal with the case. Although this directive was addressed to a different individual in each of the surviving examples, the command is always the same: *μά(λιστα) δι(άλυσον) αὐτούς· εἰ δὲ μὴ, ἀπ(όστειλον) ὄπ(ως) ἐπὶ τοῦ κοινοδι(κίου) δι(ακριθῶσιν)*.³⁷

These Ptolemaic officials were requested to reconcile the disputing parties. If this proved impossible, they were to see that the parties carried on their legal wrangle in court, and in a particular kind of court: the *κοινοδίκιον*. Other tribunals existed in Ptolemaic Egypt: the *χρηματισταί*, who heard cases involving Greek inhabitants of the land, and the *λαοκρίται*,

iii (n. 31) 201-2.

³⁴ See Welles, *RC* 234^{18a}. The word is singular enough in itself to suggest some connection.

³⁵ N.G. Pappadakis, in his discussion of a fragmentary inscription from southern Crete, which he dated to the end of the 4th century BC, believed he might have found an early reference to the Cretan *κοινοδίκιον* ('Αφιέρωμα εἰς Γ.Ν. Χατζιδάκη [Athens 1921] 72-7; see *IC* ii.30 1). But the word does not appear in the extant fragment, which seems simply to be an agreement between two states to use a *δικαστήριον*, the kind of agreement for which there are numerous examples on Crete.

³⁶ O. Guéraud, *ENTEYΞΕΙΣ* (Cairo 1931) nos. 11, 44, 65, and 70.

³⁷ The example quoted is from Guéraud, *ENTEYΞΕΙΣ* (n. 36) no. 11. The other three papyri, which survive in varying degrees of preservation, record exactly the same wording, except for a minor variation in no. 65, which reads *μάλιστα μὲν διάλυσον*. It is also no. 65 which establishes that *κοινοδικίου* is the correct restoration of the word, abbreviated as *κοινοδι-* on the other three papyri.

who judged disputes involving native Egyptians. The Ptolemaic *κοινοδίκιον* served to fill the gap between these two judicial systems. It is clear from these *ἔντευξις*-papyri that the *κοινοδίκιον* was a venue for judging private suits which opposed Greeks on the one side and Egyptians on the other. In other words, it was a tribunal or court of *mixed jurisdiction*.³⁸

The duties of the other non-Cretan Hellenistic *κοινοδίκια* are not quite so clear. One reference survives in a fragmented inscription from Pergamon, recording a letter of Eumenes II to the guild of Dionysiac artists.³⁹ The semi-independent guild was based at Teos, and relations between the Teians and the artists were rather chilly.⁴⁰ Eumenes had acted as a mediator in the past, attempting to establish a formal treaty to ameliorate those relations. This letter was a subsequent effort to continue his mediation in response to the pleas of embassies from both Teos and the guild. In a section summarizing the position of the Teians, Eumenes employs the term *κοινοδίκιον*:

5 τὸς νόμους.....ΙΝΣ—————ΕΙΣ
 τῆμ πρόνοιαμ ποεῖσ[θ]αι πρὸς τ[ὸ διατηρηθῆνα]ι πάν-
 τα τὸν χρόνον αὐτοῖς. διοικεῖσθα[ι] δὲ καὶ τὰ κατὰ τὸ
 κοινοδίκιον ὡσπερ συνέθεντο πρὸς ὑμᾶς, ὀρκιζο-
 μένων τῶν δικαστῶν δὴν τρόπον καὶ ἔμπροσθεν.
 εἰ δὲ προσδεῖται διορθώσεως ὁ ὑπὲρ τούτου νόμος,
 καὶ πρότερον ἑτοίμως ἔχειν συνδιορθοῦσθαι καὶ
 νῦν τὸ αὐτὸ ποιοῦντα[ς μεθ'] ἡμῶν εὐρεθήσεσθαι
 [ἀμέμπτους ὄντας—————]

(Welles *RC* no. 53 IIA, lines 1-9)

Welles translates this passage as follows:

...they were taking thought for [the preservation] (of these things) forever. They were managing the joint court as they had agreed with you, the judges being sworn in the same manner as formerly. If the law relating to this needed correction, they were ready even before this to join in correcting it and now in doing this [with] us they would be found [irreproachable]...

Some mysteries remain about the *κοινοδίκιον* in this context, chiefly arising from the fact that the entire inscription is broken into a series of fragments. The original treaty which Eumenes had tried to establish between the Teians and the Dionysiac artists had probably called for the institution of this body. Welles translates the term as 'joint court', which seems fair enough here, though we would want to determine, if we can, exactly what *that* means. It seems probable that here, as in Ptolemaic Egypt, we are dealing with a court or tribunal of *mixed jurisdiction*, a body of judges which heard disputes between Teians and the Dionysiac artists. The inscription does not clarify the *composition* of the court, but it seems not unlikely that it was constituted by representatives from Teos and the guild.⁴¹ The kinds of disputes which it

³⁸ The *composition* of this court, however, remains unclear. See Waszynski (n. 32), and E. Seidl, *Ptolemäische Rechtsgeschichte* (Erlangen 1947) 74. Preisigke (*RE* xi, 1 [1921] s.v. *κοινοδικαστήριον*) suggests that the judges would have been drawn from both Greeks and Egyptians, as does P.J. Zepos, *American Journal of Comparative Law* xxii (1974) 223. The Ptolemaic *κοινοδίκιον* is attested only for the year 221 BC. By 118 BC it was probably no longer in use, at least for the settlement of contract disputes. A regulation of Ptolemy VIII from that year (*PTeb* 5) called for contract disputes between Greeks and Egyptians to go before the *λαοκρίται* if the contract itself was in Egyptian, before the *χρηματιστά* if it was in Greek.

³⁹ Welles, *RC* no. 53 (=M. Fränkel, *Die Inschriften von Pergamon* [Berlin 1890] no. 163). The reconstruction offered here is that of Welles.

⁴⁰ Welles, *RC* no. 231: 'Legally [the guild] existed in or beside the city, but not of it.' The degree of independence of the guild is illustrated by, for example, its receipt of grants of *ἀσυλία* and *ἀσφάλεια* from Delphi (*SGDI* 2675) and Aitolia (*SIG*³ 563).

⁴¹ Suggested by Welles in his general speculations on the term (*RC* 345-6).

might resolve are unclear, though it is probable that this κοινοδίκιον was set up to deal with the conflicts which had separated the guild and its host city in the past.

The final extant example of the use of the term is still more enigmatic, and is in fact not a certain reference. M.-F. Boussac, in an article on seals discovered at Delos, restored the word to an inscription on one of these seals.⁴² The item, while discovered at Delos, seems to have been of Levantine provenance. The five-line inscription is bilingual, the first three lines bearing Semitic lettering, and the last two lines Greek. In the fourth line the author restored the lettering ΚΟΙΝΟΔΙΚ[ΙΟΥ]. The last line contains a date, in Seleukid years (128/7 BC); the date is prefixed by an initial 'L', which stands for 'Lagid', according to Boussac. This suggests that the original provenance of the seal was southern Phoenicia, a region which might reflect memories of Ptolemaic domination, even in the 2nd century BC.

Clearly, much speculation must go into the interpretation of an item like this. The same holds true for the one remaining Greek word on this seal, a word which is incomplete. The author is responsible for the restoration of the term κοινοδικίου, and it must be acknowledged that something like κοινοδικαστηρίου is also a possibility. Boussac argues in favour of κοινοδικίου, however, and points out that this would be its first known appearance in Seleukid territory. The obvious interpretation is that Seleukid Phoenicia might have had a system like that of Ptolemaic Egypt: a tribunal of *mixed jurisdiction*, capable of settling disputes between Greeks and native inhabitants of the region. But given the extreme brevity of this source, and the fact that the relevant word is in part restored, it must be admitted that this is at best speculation, and that this reference to κοινοδίκιον really offers no independent evidence for the meaning of the term.

The documents discussed above represent all the known references to κοινοδίκιον: they are divided evenly between references to the term in a Cretan context, and references to it from other parts of the Hellenistic world. Two of the Cretan references are definite, one probable; two of the references external to Crete are definite, and one is possible. The advantage in examining the extra-Cretan sources is that the action of these κοινοδίκια seems less ambiguous. The Ptolemaic example demonstrates fairly clearly that the κοινοδίκιον in Egypt was a court which dealt with disputes between the members of two different ethnic groups. In Teos, the κοινοδίκιον probably judged disputes, not between different ethnic groups, but between members of two different jurisdictions.

In both these cases, the κοινοδίκιον, whether one translates it as 'mixed tribunal' or 'joint court', seems to have functioned to resolve disputes between the members of two different groups. The composition of these courts is unclear, although, particularly in the case of Teos, it seems that a natural composition would have been to draw the court from representatives of the two groups involved. Certainly neither the Egyptian κοινοδίκιον nor the κοινοδίκιον from Asia Minor could be said to have had a federal or multi-faceted character.

The latter, however, remains the majority view of those who have had cause to examine κοινοδίκιον in Crete. According to this view (as mentioned above), κοινοδίκιον means the pan-Cretan tribunal of the κοινόν, probably constituted by representatives from the member states, and capable of settling inter-state disputes within the context of the κοινόν.⁴³ Given the provisions of the Anaphe decree, it must be assumed that the jurisdiction of such a federal tribunal could then also be extended to states with which the κοινόν had some kind of formal treaty. This interpretation is most persuasively put forward by Guarducci, although it is not hers

⁴² *BCH* cvi (1982) 444-6.

⁴³ Muttelsee 42 emphasized the connection between the κοινόν and the κοινοδίκιον, and the διόγραμμα, which he believed provided judicial regulations which the κοινοδίκιον would have followed.

in origin, and many have simply accepted it without an extensive exploration of the evidence.⁴⁴ The view is evinced by a number of nineteenth-century scholars, some of whom were discussed by Scrinzi in his own examination of the meaning of the term.⁴⁵

Van Effenterre, however, disagrees with this widely-held notion that κοινοδίκιον refers to a multilateral federal tribunal. His examination of the evidence suggested to him that the term meant a more limited mixed tribunal, as it appears to have implied in Egypt and at Teos. Van Effenterre argues that a promise to prosecute Cretan pirates before a *Cretan* federal tribunal would have offered insufficient guarantees to the injured citizens of Anaphe, and that κοινοδίκιον in the context of the Anaphe inscription should mean a court drawn from Anaphaians and Cretans.⁴⁶ Moreover, the absence of the article in that inscription is strange, if the term is supposed to refer to a well-known and unique Cretan institution.⁴⁷ Van Effenterre's view of κοινοδίκιον was that any connection between it and the κοινόν was far from proven.

The interpretation placed on the term κοινοδίκιον by Guarducci is the one most commonly found, though van Effenterre's opinion remains influential. But before going on to a further assessment of these views, there are one or two other interpretations worth discussing (and perhaps dismissing). Yet a third explanation of κοινοδίκιον is that it meant something like 'common law' or 'federal law', a meaning which some scholars choose to reserve solely to Polybios's κοινοδικαίον. This interpretation envisages a law common to the entire island, a jurisdiction superior to all the Cretan cities taken separately; but not a concrete tribunal with the power to enforce such a law. Such an opinion is expressed by Caillemer, who, however, used the Hierapytna-Priansos treaty with questionable legitimacy to explore general rules for *all* Cretan isopolities.⁴⁸ Furthermore, Caillemer seems to misinterpret the κοινοδίκιον-clause in that treaty, translating it as follows:

Si les contestations sont pendantes entre les deux cités au moment de la conclusion du traité et qu'on ne puisse les soumettre à la juridiction commune, au κοινοδίκιον dont nous avons déjà parlé, elles seront jugées par un tribunal désigné d'un commun accord.

⁴⁴ Guarducci, *Epigraphica* and *RFIC*, as well as *IC* iii.3. 4 and iv 197*. For others who have accepted this view, often uncritically, see Hitzig (n. 22) and A. Raeder, *L'arbitrage international chez les Hellènes* (Kristiania 1912) 231. See Gauthier 316f. (who also adheres to the notion of a federal tribunal) for a more extensive discussion of the judicial regulations in the Hierapytna-Priansos treaty (though not of the κοινοδίκιον itself). Brulé's examination of this question (n. 2 above; 85f.) emphasizes his belief that the Cretan κοινόν could offer κοινοπολιτεία to a state like Anaphe, whose right of access to the κοινοδίκιον was a consequence of this grant.

⁴⁵ Scrinzi (n. 24) 1565f.¹⁸⁰. Scrinzi himself, however, was a proponent of a more cautious and conservative view of the term, a view expressed by those who have denied the permanent and universal application of κοινοδίκιον. In general, their interpretation of κοινοδίκιον is that it was indeed a tribunal; but not necessarily one connected with the κοινόν, and not one of a multilateral character. Scrinzi believed that it was a specialized arbitral tribunal, chosen from time to time by and from the cities in dispute, one of the options available, like the δικαστήρια mentioned in the Hierapytna-Priansos treaty. He did not believe that such a body had general application, and suggested that its cessation, as attested in the Hierapytna-Priansos inscription, might have been a normal rather than a traumatic occurrence.

⁴⁶ On the face of it, this is a persuasive argument; however, the Anaphe inscription does appear to call for a dual system of justice: trial among the Anaphaians and trial in κοινοδίκιον. Guarducci points out that with such an arrangement the Anaphaians would be satisfied (*RFIC* 148-54); but see below.

⁴⁷ Guarducci attempts to refute van Effenterre's observations regarding the absence of the article before κοινοδίκιον (*RFIC* 151-2); but see n. 29 and the comments there. It may be significant that the Polybios reference (xxii 15. 4) also makes no use of a definite article before the term (both Guarducci and van Effenterre are in agreement here, however, that Polybios is referring to something like 'federal law' or 'federal justice', not a lawcourt).

⁴⁸ E. Caillemer, in Daremberg-Saglio i 2 s.v. *Cretensium Respublica* 1563f.

Caillemer suggests by his scenario that κοινοδικιον continued to be available, but perhaps not applicable in all cases. This misinterpretation is perpetuated by Willetts.⁴⁹ The latter adopts, with modifications, the view of Caillemer:

[Κοινοδικιον] might be thought of in terms of mutually agreed federal custom, traditionally based upon an ancient practice of submitting disputes to the arbitration of a tribal confederacy. For, according to the...treaty between Hierapytna and Priansos, outstanding disputes were to be settled in a court agreed by both states, when they could not be submitted to κοινοδικιον. It is in any case clear from the evidence that the authority of κοινοδικιον could still be invoked; and this is supported by the evidence concerning the διάγραμμα of the Cretans, which has been associated with the concept of κοινοδικιον.⁵⁰

A final view of κοινοδικιον which should be mentioned is that offered by the lone scholar M. van der Mijnsbrugge. His interpretation of the term is one of the central theses of his book *The Cretan Koinon*. Through a series of tenuous arguments, van der Mijnsbrugge arrives at the conclusion that the Cretan κοινοδικιον was the 'contract' by which the Cretan states entering the κοινόν bound themselves to observe the regulations of the διάγραμμα, which in turn required the states to settle their differences by arbitration. In an abbreviated form, van der Mijnsbrugge's κοινοδικιον could be described as the κοινόν's 'contract of arbitration'.⁵¹ But van der Mijnsbrugge's views have found little acceptance, largely because of the convoluted nature of his reasoning.⁵²

These less frequently endorsed interpretations of κοινοδικιον obviously have their problems. But so do the interpretations of it as a mixed tribunal or a federal court. Van Effenterre's argument in favour of the term meaning a joint commission of the litigant parties is undercut by his own objections to the Anaphe decree. His grounds for belief that ἐν κοινοδικίῳ must refer to a joint hearing by a mixed Anaphaian-Cretan court are that the Anaphaians would have insufficient guarantees of their interests being served if the members of the court were all Cretan. But he fails to address the question of whether the inscription might be calling for a dual system of justice, hearings in both Anaphaian and Cretan venues. On the other hand, when we examine Guarducci's arguments favouring a federal tribunal, it seems she is too willing to ignore the significance of the missing definite articles, and she underplays as well the meaning of the term in its extra-Cretan contexts.⁵³ Furthermore, the Anaphe decree is the only source which makes a direct link between κοινοδικιον and the Cretan federation. Polybios might, but

⁴⁹ AS 232f.; *Kadmos* 146 (where Willetts offers the same views as those expressed in AS).

⁵⁰ *Kadmos* 146. Willetts clearly believes that the Hierapytna-Priansos treaty implies that some disputes could still be submitted to κοινοδικιον; he was critical of van der Mijnsbrugge's attempt to correct Caillemer's misinterpretation of the κοινοδικιον-clause (van der Mijnsbrugge 402). Willetts's view of κοινοδικιον accords with his view of the κοινόν in general: that both were based on the archaic tribal traditions of the Cretans, and that it is possible to find antecedents for the Hellenistic developments in documents from the Crete of earlier centuries, such as the treaty between Knossos and Tylissos, arbitrated by Argos in the Classical Age (*IC* i.8. 4). Cf. also Pappadakis's suggestions (n. 35 above). J. Svoronos (*BCH* xii [1888] 415) had also suggested that the κοινοδικιον might be traced back to the Classical Age or even earlier. But in spite of such speculations there is no evidence for a Cretan κοινοδικιον any earlier than the 2nd century BC.

⁵¹ Van der Mijnsbrugge readily extends his interpretation of the Cretan κοινοδικιον to cover other κοινοδικια as well: 'The [Teian] κοινοδικιον then is mentioned in connection with a code regulating the settlement of private international offences. Hence it is the contract by which both contending parties accept the code of Eumenes.' (52).

⁵² For example, he claims, with no evidence whatsoever, that the κοινοδικιον mentioned in the Hierapytna-Priansos treaty was still in effect when the first σύμβολον between Gortyn, Hierapytna and Priansos was concluded (*IC* iv 174; cf. n. 21 above). He then uses this assumption to formulate his argument that the regulations of the subsequent Hierapytna-Priansos treaty must echo the procedures of the κοινοδικιον, since these regulations were supposed to be carried out κατὰ τὸ δοχθὲν κοινᾷ σύμβολον.

⁵³ With respect to the missing article, it may be noted that the absence of the definite article before προδικῶι (in line 64 of the Hierapytna-Priansos treaty) is universally admitted to be significant, implying the general rule of use of arbitration when the need arose, rather than a commitment to turn to a specific individual or procedure.

this is conjectural, and the evidence he offers is too vague. Nothing in the Hierapytna-Priansos treaty suggests any connection with the Cretan κοινόν, either at the time the treaty was formulated, or at any earlier date. The only alliance system which appears to have been worth consideration in the context of the new isopolity was a strictly local one, consisting of the two states themselves, and their ally Gortyn.

The Anaphe decree, the sole definite source connecting κοινόν and κοινοδίκτιον, is itself problematic for those wishing to argue in favour of a federal tribunal. It has been pointed out numerous times that the term is used without the definite article, a fact which must suggest that the reference is not to a recognized body already existing on Crete. And we can conjecture with a fair degree of certainty that other extant references to a κοινοδίκτιον intimate that the litigant parties will have a voice in the membership of the court; but if we infer that the κοινοδίκτιον in the Anaphe decree is a federal tribunal of the Cretans, then we must assume that the Anaphaians were denied such a representation. It is true that the Anaphaians are said to have the right to try the offender themselves, by whatever means they wish; but this provision raises other questions in turn.

Most important is the question of the purpose behind the double trial system. If a Cretan pirate were put on trial in Anaphe, where he could presumably expect to suffer the extreme penalty allowed by the Anaphaians' own laws, why would another trial be held in the Cretan federal tribunal, a trial which would undercut the rights of the Anaphaians? In other words, why offer a pirate up to Anaphaian justice, where they can deal with him however they wish, if their ultimate sentence could be set aside by a Cretan judgement? Conversely, if the pirate were to be tried first in Crete, there seems little point in a Cretan court pronouncing a sentence which would probably be superseded shortly by an Anaphaian one.

There may be a simpler explanation. The last few lines of the Anaphe inscription may represent a list of *choices available*. This would make more sense than a dual trial system resulting in a kind of 'double jeopardy'. If the Anaphaians captured this individual, then it would be their right to deal with him as they saw fit; but if he were apprehended on Crete, arrangements might be made for a trial there. It is true that the two choices seem to be linked by a 'both...and' connective, rather than an 'either...or'. But this may simply indicate that the pirate was *liable* to both these types of trial, as the inscription says; not that he would necessarily undergo both of them.

So perhaps van Effenterre's conjecture that κοινοδίκτιον in this inscription signifies a joint court of Anaphaians and Cretans is a more attractive hypothesis after all, one that would bring it into line with what the term seems to mean elsewhere.⁵⁴ Violators of Anaphe's *asylia* could be tried either among the Anaphaians themselves, or on Crete before a joint court which would include Anaphaian representation. It would also account for the lack of the definite article, if Cretan pirates were to be tried not before a well-known and previously existing federal tribunal, but rather before a court put together in an *ad hoc* manner. Once a court such as this was actually *formed*, then it might warrant a title such as '*the joint court*'. But until this should take place, then we might expect to find references such as that in the Anaphe decree, where a violator of the treaty would be put on trial in '*a joint court*'.⁵⁵

In the Hierapytna-Priansos treaty, the term is used with the definite article, implying that here

⁵⁴ The Cretan members of the court might have been representatives of the various states which made up the κοινόν, or they might have been drawn only from the home state of the accused; they might also have been drawn from the συνέδριον of the κοινόν.

⁵⁵ Similarly, in the Polybios passage, the reference may be understood as something like 'with respect to the *practice of employing joint courts*'. Again, it should be emphasized that it is by no means certain that Polybios is referring to κοινοδίκτιον; many scholars, including Guarducci, think he is not.

at least some previously existing body is under discussion. We learn that this body has ceased to function; Guarducci argued that this cessation implied the temporary cessation of the κοινόν. But this argument is based on the *a priori* assumption that the κοινοδίκιον was inextricably linked to the κοινόν. As noted above, the Hierapytna-Priansos treaty betrays no connections with the κοινόν, and uses as its reference points a series of local alliances. This in itself might support Guarducci's argument that the κοινόν, and hence the κοινοδίκιον, had temporarily ceased to exist. But there are other possibilities. Scrinzi suggested a century ago that the cessation of the κοινοδίκιον might refer to nothing more than the natural cessation of a joint court formed by the two cities, the end of a session, which might have taken place only very recently.⁵⁶ Since then a number of complaints had arisen, and the Hierapytnians and Priansians formulated a new means of judging them. The κόσμοι of the two cities were to be responsible for the resolution of these disputes in a δικαστήριον agreed on in common by the two cities. The phrasing, and the active rôle to be played by the κόσμοι might suggest that this court would consist of representatives from the two cities, presided over by the κόσμοι. Such a court would be very similar to what we conjecture κοινοδικία to have been elsewhere, and it may be significant that this is the procedure chosen by the Hierapytnians and Priansians to settle their disputes outstanding since the cessation of the (last?) κοινοδίκιον.

One reason why the common interpretation of the Cretan κοινοδίκιον as a federal tribunal raises suspicions is the putative nature of the Cretan κοινόν itself, as discussed in the introduction to this article. Another is that even those Hellenistic κοινά which appear to have had a much tighter structure than the Cretan κοινόν had nothing like a permanent federal tribunal or mechanism for dealing with inter-state disputes. The Achaian League, in spite of its system of federal judges, generally referred any inter-city disputes to the arbitration of a third state.⁵⁷ The Aitolian League did likewise, or appointed *ad hoc* panels of judges to deal with particular cases, probably from among the σύνεδροι.⁵⁸ The system of delegation to a third party can also be detected in the Thessalian League, where arbitrations occurred within the League, but were also undertaken by states outside the League, such as Rome and certain cities in Asia Minor.⁵⁹ The general picture, then, is that other Hellenistic κοινά did not on the whole have anything resembling a permanent federal tribunal for resolving inter-state disputes.⁶⁰

And there is other evidence from Crete itself, evidence not directly linked to the concept of κοινοδίκιον, which suggests that the concept of a Cretan federal tribunal is based on an overly optimistic reading of the evidence. For one thing, there are a number of treaties surviving from Hellenistic Crete which deal with judicial relations between the Cretan states. The Hierapytna-Priansos treaty is one. But it is the only one which mentions the term κοινοδίκιον. No other

⁵⁶ See n. 45 above.

⁵⁷ Polybios ii 37 mentions the Achaian federal judges; but their operation seems to have been limited, and the only evidence for their activity is the condemnation of an Achaian magistrate during the Achaian War (Polybios xxxviii 18). Disputes between the Achaian states were almost always referred to the judgement of a third state (or states); cf. *SEG* xi 377, 405, 972, xiii 278; *IG* iv².1. 70-72. The arbitrating state usually (although not always) was a member of the League.

⁵⁸ See *IG* ix².1. 3B, 177, 188.

⁵⁹ See *SIG*³ 674; *IG* ix.2. 520; *FDelphes* iii.4. 355; N. Giannopoulos, *AE* (1927/8) 119-27.

⁶⁰ Larsen (n. 5) 272-3 argues in favour of a federal court in the Akarnanian κοινόν (based on the evidence of *IG* ix².1. 583); but his belief that this court was capable of settling public inter-city disputes is based on conjecture. Thucydides iii 105 refers to a κοινόν δικαστήριον among the Akarnanians in 426, perhaps a court common to both the Akarnanians and Amphiloichians (Steph. Byz. s.v. *Ὀλπαι). Philip II is said to have established a κοινόν κριτήριον in the League of Corinth for the settlement of disputes (Polybios ix 33.11-12); but the League of Corinth was not a κοινόν in the same sense as other Hellenistic federations, and the evidence for Philip's κριτήριον is ambiguous, perhaps referring only to the σύνεδροι acting as a court.

surviving agreement regulating the settlement of potential disputes makes reference to it. Although other treaties do refer to the *διάγραμμα*, or to the term *ἐπικριτήριο*, as does the Hierapytna-Priansos treaty, the general pattern which emerges is a varied one. Judicial regulations were apparently determined by the two states making the treaty, without obligatory reference to any overarching body such as the *κοινόν* or acknowledgment of any outside judiciary such as *κοινοδίκιον* has been suggested to be.⁶¹

More compelling than the negative arguments *ex silentio* expressed above is the evidence which suggests that Cretan inter-state disputes at the public level, far from being referred to a federal tribunal, or even to a more limited mixed court, generally went to the arbitration of a third party, often a party outside the confines of Crete itself. This was a tradition which may well have developed long before the appearance of the Hellenistic *κοινόν*. In the 5th century, the mainland state of Argos had arbitrated a settlement between Knossos and Tylissos; in the early 3rd century, the Spartan Kleonymos may have performed a similar service for Polyrrhenia and Phalasarna.⁶² In the 220's, shortly before the first appearance of the *κοινόν* (if we accept Guarducci's dating), agreements were made between the Macedonian king Antigonos III and the two states of Hierapytna and Eleutherna; in case either city defaulted on its obligations to the king, fines were to be set by an *ἐκκλητος πόλις*.⁶³

A similar pattern can be detected even after the formation of the *κοινόν*. Disputes were frequent on Hellenistic Crete, and their settlement by referral to a third party fairly regular; but nowhere do we see a body known as 'the *κοινοδίκιον*' acting in this manner.⁶⁴ It could be argued that this would be because the *κοινόν* itself had often ceased to exist under the pressure of these very disputes. For example, when Appius Claudius came to the island in 184, Knossos and Gortyn were at odds, a circumstance which is usually interpreted as entailing the automatic disappearance of the *κοινόν*. It would be natural, then, that outside arbitration would be required. But outside arbitration was employed regularly on Crete, perhaps even at times when the *κοινόν* existed. In 189 the Roman Fabius Labeo came to the island to mediate disputes; at this time Gortyn and Knossos were allies, the generally accepted condition for the existence of the *κοινόν*.⁶⁵ And two decades before that, representatives from Magnesia on the Maiander were being congratulated for their benefactions to the *κοινόν*, benefactions which had consisted

⁶¹ See the inscription edited by Pappadakis (n. 35 above), which refers only to the use of a *δικαστήριο*. See also *SEG* xiii 589 (an agreement between Gortyn and Kaudos to use arbitration, but not to employ the penalties as prescribed in the *διάγραμμα*); *IC* iv 174 (a *σύμβολον* between Gortyn, Hierapytna and Priansos, where the extremely fragmented judicial section refers to the terms *ἐπικριτήριο* and *διάγραμμα*); *IC* i.16. 1 (a treaty between Gortyn and Lato, in which both sides agree to employ judges from the other side in case of disputes between their citizens, and to use the code of penalties as set down in the *διάγραμμα*). The references to the *διάγραμμα* have been understood to be references to the *κοινόν*, since the two are usually linked (Guarducci, *IC* i.16. 1); but it is generally also argued, on the evidence of the Hierapytna-Priansos treaty, that the *διάγραμμα* remained in effect even when the *κοινόν* had ceased. *Cf.* n. 16 above.

The lack of references to *κοινοδίκιον* in the Gortyn-Kaudos treaty, and the presence in the latter of a reference to *πρόδικος* led Vélissaropoulos (n. 16) 42 to conclude (rather boldly) that in affairs relating to the competence of the *κοινοδίκιον*, the intervention of an arbitrator was excluded (she also compares the provisions of the Anaphe decree).

⁶² The Knossos-Tylissos arbitration: see n. 50 above; the Polyrrhenia-Phalasarna treaty: *IC* ii.11. 1.

⁶³ *IC* ii.3. 20, iii.3. 1A.

⁶⁴ See van Effenterre 148, who does not rule out the notion of obligatory arbitration imposed by the *κοινόν*, but who makes the point that we often see foreigners acting in this rôle.

⁶⁵ Livy xxxvii 60. Labeo's mission was largely a failure. Willetts, *Kadmos* 144 argued that Aratos's 'pacification of Crete' in 216 took place within the context of the *κοινόν* (*cf.* van Effenterre); but Walbank (*A historical commentary on Polybios* ii [1967] 61 [on Polybios vii 14.4]) points out that there is no solid evidence for the involvement of Aratos in Crete.

of resolving the κοινόν's ἐμφύλιος πόλεμος.⁶⁶ Such a reference might imply that Magnesia's task had been in part to restore the κοινόν by resolving the internal war; but it also suggests that it is just too simplistic to assume that the κοινόν automatically disappeared the moment there was any internal strife. It suggests as well that inter-state strife could go outside the κοινόν for settlement, just as it did in other Hellenistic κοινά.

This view may be supported by some incidents later in the κοινόν's history. Some epigraphic fragments from Gortyn, dating from the 2nd century, record a treaty and a boundary settlement between Knossos and Gortyn.⁶⁷ The two states had various differences to settle, including a question of their territorial holdings, and matters of debt. These differences were resolved, and the treaty drawn up, through the arbitration of a Ptolemy. Guarducci's reconstruction of events, which draws on some relevant information provided by Polybios, suggests that this was Ptolemy VI, and that his arbitration took place c. 168 or 167.⁶⁸ But there is other evidence that attests to the existence of the κοινόν around this period.⁶⁹ Once again we may not be justified in assuming that disputes, even between Knossos and Gortyn, always suspended the κοινόν.⁷⁰ Moreover, we cannot assume that disputes within the κοινόν would only be resolved by the κοινόν itself or its member states.

Nevertheless, it is possible that this Ptolemaic arbitration was indeed preceded by an effort to settle the matter within the confines of the κοινόν. Other epigraphic evidence, this time from Magnesia on the Maiander, may attest to earlier attempts to settle this dispute between Knossos and Gortyn.⁷¹ Two decrees survive, one of Knossos and the other of Gortyn, which speak of a dispute between the two, a dispute which the Magnesians had offered to mediate. This offer was rejected by both sides, but Gortyn stated that it was prepared to turn to the mediation of Ptolemy, while Knossos suggested that a common tribunal, made up of the allies of both Knossos and Gortyn, might arbitrate between them.⁷² The date and circumstances of these inscriptions are difficult to determine with certainty; but perhaps we can relate the Magnesian offer to arbitrate between Knossos and Gortyn to the conflict which was ultimately settled by Ptolemaic intervention, a conflict which we conjectured took place within the context of the κοινόν.⁷³ Internal evidence from the Magnesian inscriptions also suggests that the κοινόν may have been in existence at this time.⁷⁴ And Knossos's recommendation that the allies of

⁶⁶ *IMagM* 46=SIG³ 560 (lines 11-12), a decree of the Epidamnians (207/6 BC), inscribed at Magnesia.

⁶⁷ *IC* iv 181-182.

⁶⁸ See Guarducci, *IC* iv 257f., and *Historia* viii (1934) 67f.; see also van Effenterre 266.

⁶⁹ See Polybios xxix 10, 6 and SIG³ 653A (cf. nn. 3-4 above), which show the κοινόν in existence in 168 and again c. 165.

⁷⁰ Cf. van Effenterre 151: 'Le lien fédéral était suffisamment souple pour s'accommoder de guerres entre les cités confédérées et pour résister le cas échéant à l'hostilité déclarée de Gortyne et de Cnossos.'

⁷¹ *IMagM* 65, 75-76 (= *IC* i.8. 9, iv 176).

⁷² *IC* i.8. 9 lines 19-20: [Γορτυνίων οἱ] σύμμαχοι καὶ Κνωσῶν/ κοινῶν διαδικάζοντων.

⁷³ It was once thought that these inscriptions should be dated to the late 3rd century, that perhaps the war that separated the Knossians and Gortynians was the war against Lyttos, and that there might be some connection with the Magnesian mediation mentioned in the Epidamnian decree discussed above (n. 66). Persuasive arguments have been made, however, to the effect that the context of Magnesia's offer to arbitrate should be found in Magnesia's own circumstances in the wake of her war with Miletos, a war which was thought to have been settled in 196 BC (Guarducci, *IC* i 64-5). This war has been recently downdated to the latter part of the 180's, not the early 190's (R.M. Errington, *Chiron* xix [1989] 279-88). This in turn opens up the possibility of a later date for the Magnesian offer to arbitrate on Crete, a date of anywhere between about 180 and 168/167, when we find Ptolemy VI carrying out that arbitration instead, just as Gortyn had wanted.

⁷⁴ Willetts, *Kadmos* 144 points out that *IC* iv 176 (lines 11f.) may contain a reference to the κοινόν: -- καὶ φι<λ>άνθρωπα περὶ τῶν [κοινῶν συμφερόντων]/ πᾶσιν Κρηταιεῦσιν διελέγησαν ἕαν αὐτοῦς/ ἐλευθέρους ὄντας καὶ [ἀξιομίους ἐν τῷ δα]μοκρατῆαι πολιτεύεσθαι --.

Knossos and Gortyn should mediate between them might itself be taken as a reference to the κοινόν. This proposed joint tribunal of allies is quite interesting. It is not called 'the κοινοδίκιον', although if such a body did exist as a permanent federal tribunal, then we might expect to find it exercising its mandate in the case of serious disputes between member-states, even the two chief states of the κοινόν. But what Knossos's proposal may imply is that the *idea* of a common court or joint tribunal was not foreign to the Cretan states. It was suggested above that the term κοινοδίκιον in its Cretan contexts might refer to a type of approach, the kind of court which could be convened to deal with certain issues. Knossos may have been extending that notion of joint courts into the world of true third-party international arbitration; but in the end, it was a foreign arbitrator which resolved the Knossian-Gortynian conflict.

During the decades when the Cretan κοινόν's existence is best attested, the first half of the 2nd century BC, there is no evidence for the submission of real inter-state disputes to 'a' or 'the' κοινοδίκιον. In the later 2nd century, there is ample evidence for disputes settled by arbitration on Crete, but no evidence at all for such a body. Instead, the arbitrators were generally foreign, and chiefly Roman, although Magnesia does appear again as a settler of Cretan conflicts. Around 140, and again in 112, the Magnesians agreed (at the request of Rome) to resolve a long-standing dispute between Hierapytna and Itanos.⁷⁵ The final decision to send the case back to the Magnesians in 112 was undertaken in part on the recommendation of a Roman investigatory commission under Q. Fabius which had been on the island, probably in 113. While there, Fabius's commission had also investigated and ruled on a dispute between Lato and Olos. These two states had agreed a few years previously to submit to the arbitration of another Cretan state, Knossos, an arbitration which was subsequently contested.⁷⁶ This is one of the very few definite references to third-party arbitration of Cretan inter-state disputes by a Cretan arbitrator.⁷⁷ Far more common, at least in the extant sources, was referral to an outside power.

The general pattern on Crete, then, was not the settlement of public inter-state disputes through a federal court; certainly this is not the pattern that we can detect in the available evidence. As for κοινοδίκιον, we are not justified in seeing its operations or procedures in anything beyond the immediate context of the scanty references to the term. An examination of those contexts, and a comparison with the term elsewhere, suggests that the best conjecture may still be that, on Crete at least, κοινοδίκιον was a *concept* or a *type* of court, not a unique institution. Its mandate may have been the settlement of private disputes between citizens of different states, just as foreign arbitration seems to have been the preferred method of settlement for public disputes.⁷⁸ Finally, the membership of a given κοινοδίκιον may have reflected its jurisdiction: a joint commission empanelled to deal with disputes between two distinct communities.

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⁷⁵ IC iii.4. 9-10.

⁷⁶ See IC i.16. 3-4; H. van Effenterre, *REA* xlv (1942) 31-51.

⁷⁷ Cf. Knossos's suggestion of a joint tribunal of allies; and the agreement between Hierapytna and Priansos to call on a third city to provide a δικαστήριον, a third city which would probably be Cretan.

⁷⁸ In spite of the claims of Vélissaropoulos (n. 16) 42 and Gauthier (n. 22) 324 that the issues under discussion in the Anaphe decree would have amounted to matters of public interest, it seems probable that what was envisioned here were private suits for damage laid by injured individuals. Cf. n. 23 above.