

## DIPLOMACY AND DISUNION IN ANCIENT GREECE

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DISUNION WAS PERHAPS the besetting sin of ancient Greece. The Greeks made many attempts and devised measures to remedy their weaknesses. Ineffective though their solutions were, it is difficult to see how more could have been achieved on a co-operative basis.

In the fifth century B.C. after the Persian Wars the facts of inter-state diplomacy were comparatively simple, for Athens was the leading naval power and Sparta was the leading Peloponnesian and land power, and the other states tended to take their lead accordingly. In the fourth century inter-state relations became rather more complex, for the relative strengths of leading states had been decisively altered by the Peloponnesian War to the ultimate detriment of victor and vanquished alike. Athens had not only been beaten and deprived of her fleet, but the source of her power, the Delian League, had disappeared, and commercially Corinth and Rhodes had developed at her expense. Sparta in victory had over-extended her resources, lost her friends by arrogant behaviour, and damaged her social and military fabric. The decline of Athens and Sparta opened the way for Thebes, traditionally the second strongest power by land, to assume greater importance. Consequent upon the struggle between those three powers and the need for the one to redress the balance of power against the other two in combination Persia gained in influence, if only spasmodically, when called upon to intervene, and when she could be convinced of her own advantage.

The great powers did not depend upon the inventions of weaponry and technology for their strength so much as upon military and naval training and tactics and, to an even greater extent, upon extension of alliances, for as often as not the military strength of a state depended upon the number of men or ships which it could contrive to muster from any source. Accordingly in the fourth century considerable attention was given to the making of treaties, the winning of allies, and the avoidance of losing friends, but, as we know, inter-state relations were characterized by chaos, disunion persisted, and the Greeks lost their liberty in the Macedonian victory in 338 at Chaeronea.

For many the fourth century represents an era of decadence, since for them not only was the Greek political system so enervated as to pass under Macedonian control, but also in many fields the great artistic and cultural attainments of the past remained unsurpassed. The century was the so-called age of the individual, in which the great philosophers and political thinkers went unheeded. With hindsight it is possible for

modern commentators to suggest how the Greek states, both individually and collectively, could have achieved greater peace and stability by developing federal institutions, inter-state arbitration, and a greater professional expertise in their administrators. It may also be suggested that as the Greeks had an at least partly documented history of inter-state relations dating from ca. 1200 B.C. and the Trojan War, and certainly from the Lelantine War of ca. 700 B.C., which involved most of the principal states, they ought to have made fresh developments to preserve peace within their own communities and to afford security against external aggressors.

It is too easy, however, to develop such criticisms and at the same time to fail to recognize not only significant practical steps which the Greeks took but also the place and function of diplomacy and government within their communities. The Greeks were fully aware of their weaknesses and shortcomings. Few were more exasperated with the Greek failure to achieve peace and stability than were Lysias<sup>1</sup> and Isocrates, who advocated that the path to unity lay in supporting a common cause under a common leader against a common barbarian enemy.<sup>2</sup> Greek political theorists had in fact remarkably little to say about the administration of external affairs. Aristotle thought that if many citizens possessed land near the frontiers of a state they would be apprehensive of warlike policies and would preserve peace with their alien neighbours.<sup>3</sup> Plato's solutions to all problems of morality, conduct, and organization lay in education; if each man behaved wisely and justly and if governors were omniscient and intelligent all would work well.

It is a mistake to suppose that there was any real chance at any point in the fifth or fourth centuries of the Greeks casting aside in their hundreds of sovereign and independent states the traditions and accumulated political habits of centuries. It is also inappropriate to suppose that they did regard, or should have regarded, diplomacy as a distinct function of government. No resident envoys or consuls were installed in communities. If messages had to be taken or arguments presented envoys were despatched to take and present them as the occasion demanded. If a consular representative was needed in another community a resident citizen of that community was given the honorary and honorific title of *proxenos* by the state which he represented. The administration of external affairs was just one of many aspects of government, which had no greater need of permanent professional diplomats than of financiers and lawyers. Just as the functions of the envoys did not require permanent and professional appointments, so too the language of diplomacy

<sup>1</sup>Lys. 33 (*Olympic Oration*).

<sup>2</sup>Isoc. 5 (*Philippus*).

<sup>3</sup>Arist. *Pol.* 7.10.

was not peculiar and specialized. None of the Greek words used to describe types of envoy, *angelos* (messenger), *presbeis* (envoys or elders), or *keryx* (herald), specifically or principally denotes a role in inter-state affairs. Only the *proxenos* had a title which denoted such a role, and even that gave him no consequent official standing in his own state of residence. Many current concepts of diplomacy found no place in Greek language and practice. No theory of diplomatic immunity prevailed;<sup>4</sup> envoys relied on the traditional codes of religion and hospitality in their movements. Concepts such as "imperialism" or "balance of power," with which the Greeks were familiar in their practical manifestations, were not expressible at the time in any particular Greek word or phrase.

In the absence of professional diplomats and departments of state, politicians and parliaments were constantly and consistently involved. Ambassadors, or more properly envoys, fulfilled limited special commissions, and acted mainly as advocates, not as negotiators. So "diplomacy by conference" was largely unknown. Most treaties were quite simple documents, and were concluded after reference to, and approval of, public assemblies, and that generally sufficed. Sometimes, however, the conclusion and terms of treaties were complicated, especially when the principal parties were emerging from prolonged war and had numerous dependent allies to consider. It was in such circumstances that the Spartans in particular almost succeeded in making a significant contribution to the methods of diplomacy, i.e., by the institution of diplomacy by negotiating in conference, in 425<sup>5</sup> and 421.<sup>6</sup>

The Greeks derived many advantages from their modes of government. Public control over policy and officials was rigorously exercised. Professional bureaucracy, something expensive as well as tyrannical, was avoided. Public political life was enriched and dynamic as a result, and it was that, if anything, which helped to distinguish Greek from other cultures. The lack of a public career did not deter men from exercising leadership in public affairs. The Athenian envoys Aristides and Demosthenes were amateurs by modern standards, yet few men in the annals of diplomacy have exercised greater professional expertise. As Aristotle realized, the efficient government of a state depended upon efficient communication, not of decrees and laws, but of ideas and discussion, from which he concluded that the ideal state was that which was small enough to permit most citizens to know each other at least by sight.<sup>7</sup> If

<sup>4</sup>pace C. Phillipson, *The International Law and Custom of Ancient Greece and Rome* 1 (London 1911) 328 f., and R. Numelin, *The Beginnings of Diplomacy* (London 1950) 299. I shall deal with the controversy at length in a forthcoming monograph.

<sup>5</sup>Thuc. 4.15–22.

<sup>6</sup>Thuc. 5.22 f.; Diod. 12.75.4. See D. J. Mosley, "Diplomacy by Conference: almost a Spartan contribution to Diplomacy?", *Emerita* 39 (1971) 187–193.

<sup>7</sup>Arist. *Pol.* 7.4.

the multitude of small sovereign states was conducive to chaos in inter-state affairs, at least wars, frequent though they were, did not cause devastation and disaster on the scale of later ages. Civil war and internal revolution, a common occurrence, were for many states likely to be more disruptive than inter-state war.

The politicians and statesmen of the Greeks, however, were by no means as blind or myopic as may be supposed, for they did devise several measures to stabilize inter-state relations. Not all of them are as significant as the Common Peace, but together they may be worthy of greater recognition than is commonly given.

The duration of alliances and treaties was sometimes specified and sometimes not, but amid the great number of states and alliances the greater the number of treaties permanently adhered to, the better were the chances of achieving stability. In 478/477 the members of the Delian League swore an oath of alliance and cast iron ingots into the sea, indicating that their oaths held good until the iron floated on the waves.<sup>8</sup> In the sixth century the Serdaioi and Sybaris concluded a treaty in perpetuity.<sup>9</sup> In 433/432 the Athenians probably made alliances "for ever" with Rhegium<sup>10</sup> and Leontini.<sup>11</sup> Everlasting friendship was professed in the treaty between Athens and Persia in 424/423.<sup>12</sup> In 424 Hermocrates of Syracuse at the Congress of Gela urged a Sicilian pact "for ever."<sup>13</sup> But otherwise where any specific mention of the duration of treaties is made in the fifth century a limited number of years is specified. The longest such terms are found in the treaties between the Acarnanians, Amphilocheians, and Ambraciots (426),<sup>14</sup> and between Athens, Argos, Mantinea, and Elis (420),<sup>15</sup> which were concluded for a hundred years. Arrangements for thirty years were made between Sparta and Argos (451/450),<sup>16</sup> Athens (446/445),<sup>17</sup> and Mantinea (418/417),<sup>18</sup> and for fifty years between Sparta and Athens (421)<sup>19</sup> and between Sparta and Argos (418).<sup>20</sup>

In the fourth century matters were rather different. Perhaps there was an increasing recognition that peace rather than war was a normal state

<sup>8</sup>Arist. *Ath. Pol.* 23.5.

<sup>9</sup>H. Bengtson, *Die Staatsverträge des Altertums* 2 (Berlin/Munich 1962) no. 120 = R. Meiggs and D. Lewis, *Greek Historical Inscriptions* (Oxford 1969) no. 10.

<sup>10</sup>IG I<sup>2</sup>.51 = Meiggs and Lewis 63.

<sup>11</sup>IG I<sup>2</sup>.52 = Meiggs and Lewis 64.

<sup>12</sup>Andoc. 3.29.

<sup>13</sup>Thuc. 4.63.1.

<sup>14</sup>Thuc. 3.114.3.

<sup>15</sup>IG I<sup>2</sup>.86 = M. N. Tod, *Greek Historical Inscriptions* 1<sup>3</sup> (Oxford 1946) no. 72. See also Bengtson, *op. cit.* 193.

<sup>16</sup>Thuc. 5.14.4.

<sup>17</sup>Thuc. 1.115.1.

<sup>18</sup>Thuc. 5.81.1; Xen. *Hell.* 5.2.2.

<sup>19</sup>Thuc. 5.18.3.

<sup>20</sup>Thuc. 5.79.1.

of affairs, and there may be some significance in the use of a word which had signified "peace" in the abstract to denote a particular peace brought about by treaty.<sup>21</sup> It also became common to define the duration of a treaty as "for ever," and apart from the fifty-year treaty of 393 between Macedon and the Chalcidic League<sup>22</sup> no other definition of time limit is found beyond that involved in the obviously short truces concluded between belligerents.

The Common Peace did not obviate the need for defensive alliances to the extent that could be imagined, but there was a recognition that alliances could be dangerous and open-ended commitments. The Athenians in 433<sup>23</sup> and in 395<sup>24</sup> had made specifically defensive alliances with Corcyra and Boeotia respectively, but the result was in effect the same as if they had concluded the normal offensive and defensive agreement, for war with Sparta followed. As was observed in the talks for peace in 366,<sup>25</sup> an alliance was a commitment to war. In the fourth century alliances were normally framed as defensive arrangements, taking the form of a guarantee to offer assistance in the event of an attack on a partner's territory. There were few of the formerly popular type of open-ended alliances by which states promised to have the same friends and enemies. In practice it often made little difference, for if a state wished to go to war to help an ally it could always find some pretext, and similarly it was always possible to find a pretext for remaining at least temporarily inactive. Nevertheless a defensive alliance afforded a more precise and limited commitment, as can be seen in the experience of Phocis in her alliance made with Boeotia in 370. For when Epaminondas led out the Theban expedition in 362 the Phocians declined to follow, saying that their treaty bound them to offer help only in the case of a direct attack on Thebes.<sup>26</sup> Nevertheless unbelievably complicated circumstances could arise. In 370/369, for example, the Athenians made an alliance with Sparta,<sup>27</sup> and in 366 they became allies of the Arcadians.<sup>28</sup> As a result they found themselves allied to two powers who went to war against each other.

It was clear that treaties could restrict rather than increase a state's room for manoeuvre, but the guarantees offered under the arrangements for the Common Peace were general and did not entail automatic and swift redress of grievances. The Common Peace was by origin a declaration of intent that all the Greeks outside Persia should be independent

<sup>21</sup>See, e.g., Xen. *Hell.* 5.1.31; 35.

<sup>22</sup>Tod 2.111 = Bengtson 231.

<sup>23</sup>Thuc. 1.44.1 f.

<sup>24</sup>Xen. *Hell.* 3.5.16; *IG* 2<sup>3</sup>.14 = Tod 101 = Bengtson 223.

<sup>25</sup>By the Corinthians to the Thebans, Xen. *Hell.* 7.4.10.

<sup>26</sup>Xen. *Hell.* 7.5.4.

<sup>27</sup>Xen. *Hell.* 7.1.1 f.

<sup>28</sup>Xen. *Hell.* 7.4.2, 6.

rather than a precise commitment.<sup>29</sup> There was, however, some movement in that direction, for whereas in 386 the Persian king had merely sworn to make war, together with those who were willing, to ensure acceptance of his rescript enforcing the Peace, in 371 the renewal of the Peace at Athens,<sup>30</sup> in direct contrast to the earlier renewal at Sparta in 371,<sup>31</sup> involved compulsory guarantees to aid wronged participants.

What was needed to supplement the peace was an executive organ or at least an adequately devised procedure for appeal and decision, something which was difficult if not impossible for physical as well as political reasons. Even given the political will an *ad hoc* conference could take weeks to be summoned, meet, and report back; and the military campaigning season, assuming that such a solution was necessary, was short. We do see, however, in the fourth century the beginning of some inter-state executive machinery, however embryonic, for the Second Athenian Confederacy, consisting of seventy five member states,<sup>32</sup> had on its council representatives from each state at Athens.<sup>33</sup> The function of the councillors was no doubt mainly to agree upon military and administrative matters, but it is hard to see how they could avoid voting on political issues in the council or acting as representatives rather than delegates. The confederacy was, however, organized for commitment to immediate action rather than devised or suited for a role as a long-term watch-dog to protect the autonomy of states, and so little came from the role of its council in the medium term until the League of Corinth was organized by Philip II in 338/337 with its own council and probably a system of proportional representation.<sup>34</sup> It is perhaps significant in the light of the political arrangements made in 378/377 and 338/337 that when the Hellenic League was re-constituted in 302 its councillors were freed from political accountability in their own states.<sup>35</sup>

Multi-lateral treaties had not been an established feature of international life in the fifth century but became more common in the fourth century, as can be seen in the agreements for Common Peace in 387/386,<sup>36</sup> 375,<sup>37</sup> 371,<sup>38</sup> 362/361,<sup>39</sup> 338/337,<sup>40</sup> and in the proposed agreements in

<sup>29</sup>Cf. Xen. *Hell.* 5.1.31.

<sup>30</sup>Xen. *Hell.* 6.5.1 f.

<sup>31</sup>Xen. *Hell.* 6.3.18.

<sup>32</sup>Aeschin. 2.70. Diod. 15.30.2 gives seventy.

<sup>33</sup>Diod. 15.28.2.

<sup>34</sup>IG 2<sup>2</sup>.236 = Tod 177. See also Hatto H. Schmitt, *Die Staatsverträge des Altertums* 3 (Munich 1969) no. 403.

<sup>35</sup>IG 4<sup>2</sup> (1) 68 = Schmitt 446.

<sup>36</sup>Xen. *Hell.* 5.1.31, 35 f.

<sup>37</sup>Diod. 15.38.1 f.

<sup>38</sup>At Sparta, Xen. *Hell.* 6.3.18 f.; Diod. 15.89.1. At Athens, Xen. *Hell.* 6.5.1.

<sup>39</sup>IG 4.556 = Tod 145 = Bengtson 292; Diod. 15.89.1.

<sup>40</sup>See above, n. 34.

392,<sup>41</sup> 391,<sup>42</sup> 368,<sup>43</sup> 346,<sup>44</sup> and 343.<sup>45</sup> The element of compulsion involved in the acceptance of the treaties in 387/386 and in 338/337 under the direction of the Persian king and Philip II of Macedon respectively should not be ignored, but their acceptance was of itself potentially a matter of great significance, for they were peace treaties which were not narrowly limited in their scope and which offered universal protection—except to the Greeks of Asia Minor from 387/386. Even though the Persian king first forced the acceptance of the Common Peace its terms were not his, for they were proposed by Sparta<sup>46</sup> and reflected the propaganda which the Greeks had directed against each other in the nominal interests of autonomy for a generation or more, and it was a proud moment for the Greeks when in 362/361, after the successive decline of the Spartan, Athenian, and Theban hegemonies, they announced to Persian satraps seeking help in revolt from their King that by the despatch of embassies between their states they had composed their differences in accordance with the Common Peace to achieve peace and prosperity, and that they had no quarrel with the King.<sup>47</sup>

The Common Peace affected the scope as well as the terms of alliances. For when the Athenians and their allies formed the Second Athenian Confederacy to ensure the freedom and autonomy of the Greeks against Spartan encroachment they cast their net wider than in the Delian League of the fifth century, offering membership to non-Greeks as well as to all Greeks except those in Persian territory<sup>48</sup>—an exception, of course, not made by the Delian League. All members swore to observe the Common Peace, and that became a condition widely acknowledged and observed in subsequent alliances as well as in peace settlements. The Common Peace did affect the conduct of the greater powers in a way favourable to the smaller states in many instances, for states felt the need not only to justify their actions but also to make their actions justifiable. The series of rather one-sided agreements made by Athens in her naval renaissance early in the fourth century<sup>49</sup> was terminated, and Boeotian communities were relieved of Theban domination in 386.<sup>50</sup> Sparta, too, felt an obligation to stay her hand in the Peloponnese in 371.<sup>51</sup>

<sup>41</sup>Xen. *Hell.* 4.8.12–15.

<sup>42</sup>Andoc. 3, esp. 14, 17, 19.

<sup>43</sup>Xen. *Hell.* 7.1.27; Diod. 15.70.2.

<sup>44</sup>Aeschin. 2.60–61.

<sup>45</sup>[Dem.] 7.30. For a likely proposal of Common Peace in 367 and a possible proposal in 366/365 see T. T. B. Ryder, *Koine Eirene* (London 1965) Appendices VI and VII.

<sup>46</sup>Xen. *Hell.* 5.1.35; Dem. 23.140; Plut. *Art.* 21.2.

<sup>47</sup>IG 4.556; see above, n. 39.

<sup>48</sup>IG 2<sup>2</sup>.43 = Tod 123 = Bengtson 257.

<sup>49</sup>With Carpathos (IG 12(1)977 = Tod 110), Thasos (IG 2<sup>2</sup>.24), and Clazomenae (IG 2<sup>2</sup>.28 = Tod 114).

<sup>50</sup>Xen. *Hell.* 5.1.36.

<sup>51</sup>Xen. *Hell.* 6.5.5.

A frequent cause of change in external policy was a change of internal régime. It was a frequent experience in the fifth century that if an oligarchic régime which retained links with Sparta were overthrown the resulting democratic régime would break those links. Similarly the overthrow of a democratic régime would often result in severance of links with Athens. In the fourth century the alliance of Boeotia with Athens against Sparta in 395 was not so much a reflection of Athenian or even Spartan policies as of the political struggles within Thebes and the resulting shifts of Theban policy.<sup>52</sup> The secessionist allies of Athens attempting to secede from the Second Athenian Confederacy in the Social War 357–355, Chios, Cos, Rhodes, and Byzantium, may have been partly affected by Athenian policies and activities, but their change in external policy was marked by the substitution of oligarchy for democracy.<sup>53</sup> Since in some ancient communities such revolutions resulted in a change of government as frequently as do many modern parliamentary elections, and resulted more frequently in changes of external policy, there was obvious room for deployment of diplomatic devices and safeguards in that respect. Accordingly in the alliances between Athens and Corcyra (375)<sup>54</sup> and between Athens, Arcadia, Achaea, Elis, and Phlius (362/361)<sup>55</sup> the treaties not only guaranteed assistance in repelling attacks on territory but also in maintaining the current political régime in each state. Similar guarantees were also exchanged in the alliances between Athens and Thessaly (361/360)<sup>56</sup> and between Athens and Eretria (341),<sup>57</sup> and were also included in the terms of membership of the League of Corinth (338/337).<sup>58</sup>

What had of course been an earlier cause of friction was not so much the solidarity between existing régimes of different states as the intervention of a state into the internal affairs of another either uninvited or in support of a faction. In that respect the conduct of Athens in the fifth and early fourth centuries caused apprehension. Consequently it was not enough for her to make treaties which provided that the parties should retain their ancestral constitutions, as the Spartans did with Acanthus (424),<sup>59</sup> Argos (418),<sup>60</sup> and Athens (404),<sup>61</sup> or that the parties should be free and autonomous according to the terms of the Common Peace, as was agreed between Athens and Chios (384).<sup>62</sup> The terms of the Second Athenian Confederacy were therefore more explicit and detailed, guaranteeing explicitly freedom and independence, implicitly freedom to change

<sup>52</sup>See above, n. 24; *Hell. Oxy.* 12.1 f.; 13.1 f.

<sup>53</sup>*Dem.* 15.19; *Diod.* 16.7.3; *Arist. Pol.* 5.5.

<sup>54</sup>*IG* 2<sup>2</sup>.97 = Tod 127 = Bengtson 263.

<sup>55</sup>*IG* 2<sup>2</sup>.112 = Tod 144 = Bengtson 290.

<sup>57</sup>*IG* 2<sup>2</sup>.230 = Bengtson 340.

<sup>59</sup>*Thuc.* 4.86.

<sup>61</sup>*Arist. Ath. Pol.* 34.3; *Diod.* 14.3.2–6.

<sup>56</sup>*IG* 2<sup>2</sup>.116 = Tod 147 = Bengtson 293.

<sup>58</sup>See above, n. 34.

<sup>60</sup>*Thuc.* 5.79.

<sup>62</sup>*IG* 2<sup>2</sup>.34 = Tod 118 = Bengtson 248.



régime, and freedom from imposition of garrisons, governors, and settlers.<sup>63</sup> One can see the difficulties which the Athenians and their confederates faced in 362 when, after suppressing revolt and faction in Ceos, they promised to introduce the Ceans into the alliance on the same terms as the other members while also promising euphemistically that to the best of their ability they would not support revolution in Ceos;<sup>64</sup> this was as near as they could go to threatening intervention without breaching their established formula.

What was to be done with an ally who wished to be freed from his contracted treaty obligations was a difficult question. There was as yet no accepted morality or practical code which caused states to recognize that considerations of sovereignty took first place above loyalty to a treaty or alliance. Coercion was applied often by the leading powers, and so it happened that free associations could be converted gradually, and not by design, into empires. It was therefore of some significance when Athens was brought to recognize the secession of states from her Confederacy in 355.<sup>65</sup> In that she probably recognized an accomplished fact rather than any "right," and Isocrates' advocacy of that recognition is an accomplished attempt to combine arguments resting on morality and expediency with a clear statement that all other arrangements should take second place to the acceptance of the principle of sovereignty recognized in the Common Peace from 387/386.<sup>66</sup>

Although International Law as such did not exist and so could not be codified, there were some customs which were unquestionably accepted so long as convenient and which were part of the religious as well as political inheritance of the Greeks, for religious sanction partly made good the lack of legal sanction. There was some progress in developing a notion of international law in the fourth century in the form of the Common Peace,<sup>67</sup> but the major difficulty was that few things, whether autonomy or frontiers, could be defined without dispute, and there was not an easy way of resolving disputes to the satisfaction of anyone or everyone. It may be thought that, as there were clearly stated principles both in the Peloponnesian League<sup>68</sup> and in the Second Athenian Confederacy<sup>69</sup> whereby members undertook to abide by decisions of the majority, disputes could have been resolved by judicial process through some inter-state or supra-state agency. Arbitration was indeed stipulated

<sup>63</sup>See above, n. 48.

<sup>64</sup>*IG* 2<sup>2</sup>.111 = Tod 146 = Bengtson 289.

<sup>65</sup>Diod. 16.22.2; Dem. 15.26.

<sup>66</sup>Isoc. 8 (*On Peace*).

<sup>67</sup>For an account of the essentially practical, as opposed to theoretical, basis of the arrangements for Common Peace see T. T. B. Ryder, *op. cit.* chapter 2.

<sup>68</sup>Thuc. 5.30.1.

<sup>69</sup>See above, n. 54.

as the manner for resolving disputes between Athens and Sparta by the terms of the Thirty Years' Peace (445),<sup>70</sup> the One Year's Truce (423),<sup>71</sup> and the Peace of Nicias (421),<sup>72</sup> but in the event it was difficult for both parties to agree to arbitration, and we find little use of arbitration procedures between the major powers. In the fourth century proposals for arbitration between Sparta and Thebes,<sup>73</sup> Phocis and Locris,<sup>74</sup> Phlius and Argos,<sup>75</sup> and Athens and Philip of Macedon<sup>76</sup> bore no fruit. Instances of inter-state arbitration are found, but there was in the fourth century no regular provision in anticipation of disputes for arbitration. There were some provisions, associated with the general settlement of Greek affairs in 362/361, for arbitration in deciding the limited field of territorial disputes,<sup>77</sup> and there was some agreed provision for legal adjudication in the case of individuals,<sup>78</sup> but not of states, who were alleged to have infringed the terms of the Second Athenian Confederacy.

It was more difficult than we may imagine to establish procedures and agencies to adjudicate disputes between states, if only on account of the attitudes to domestic laws and litigation. As a general rule civil and criminal actions concerning such matters as contracts and assault were handled in a satisfactory manner, and states had considerable experience in concluding bilateral agreements for deciding commercial disputes between parties of one state and another,<sup>79</sup> but justice affecting political disputes both internally and externally was quite another matter. The administration of justice did not depend upon professionally or legally qualified experts or reference to precedents and case law. In Athens, for example, the verdict of a jury and the sentence in public and political cases reflected the current popular mood, and that provided a poor background for satisfactory resolution of political cases between states. The will to submit, and the motives in submitting, to arbitration could easily be questioned, even if a satisfactory arbitrator could be found.

Authority and the means of compulsion were lacking to the arbitrator as a rule, but the League of Corinth, established at the direction of Philip of Macedon and not a voluntary association, built on the foundation of the general settlement of 362/361, for, in contrast to the threatened imposition of mediation by the Persian King in the Common Peace of 387/386,<sup>80</sup> the determination of disputes could be decided by the council of members.<sup>81</sup> Sometime after 338, for example, a decree of the council of the Greeks provided for Argive arbitration between Melos and Cimolus

<sup>70</sup>Thuc. 1.140.2.

<sup>71</sup>Thuc. 4.118.8.

<sup>72</sup>Thuc. 5.18.4.

<sup>73</sup>Paus. 3.9.11.

<sup>74</sup>Hell. Oxy. 13.4.

<sup>75</sup>Xen. Hell. 7.4.12.

<sup>76</sup>[Dem.] 7.36, 41; [Dem.] 12.11.

<sup>77</sup>IG 4.556; see above, n. 39.

<sup>78</sup>In the Second Athenian Confederacy, IG 2<sup>2</sup>.43, lines 35 f. and 51 f.

<sup>79</sup>e.g., between Athens and Phaselis ca. 450 (IG 1<sup>2</sup>.16 = Meiggs and Lewis 31). See also Bengtson 149.

<sup>80</sup>Xen. Hell. 5.1.31.

<sup>81</sup>See above, n. 34.

over three islands,<sup>82</sup> but when Alexander the Great referred to the council judgment on Sparta for her opposition (331) they had had too little experience of such matters and of him, and so deferred by referring the matter back to him.<sup>83</sup> Somehow it was difficult to avoid the feeling that in such matters the ultimate sanction was not that of right but of might.

If we understand that the Common Peace, which for the first time in political history formally and widely recognized and guaranteed by declaration the independent sovereignty of states, was not conceived as a matter of professed theory or morality but evolved as a tactical exercise, we may the better understand attitudes to federalism. For federalism was considered less by the ancient Greeks than by modern theorists and critics to be a solution to their problem. There were federations in Boeotia, Aetolia, Thessaly, Arcadia, the Chalcidic Peninsula, and elsewhere, yet there is a remarkable silence on the subject of federalism on the part of the classical ancient historians and philosophers. Federalism was not associated with ideas of political progress or advanced political practices. It was often associated with suspicions of encroachment and imperialism, especially in the case of the Boeotian and Chalcidic Leagues. In modern federations the sense of unity has sometimes crystallized around the common economic or social interests of particular classes of citizens; it was less likely that that would happen in the case of many republican states of ancient Greece than in the case of principalities linked by marriage-ties between their ruling houses. Where such a common class cause did appear it could lead to a political union, as in the case of Corinth and Argos in the early fourth century, where Corinthian democrats showed themselves to be as much concerned to ensure their status as the ruling faction in Corinth by their alliance with Argive democrats to exclude forcibly the Corinthian oligarchs.<sup>84</sup> Consequently such a union did not have a stable foundation, and it was likely to concern only small and neighbouring communities. Of course many unitary states of classical Greece such as Sparta and Athens were the result less of federation than of some political union which had occurred within a restricted geographical area in antiquity before recorded history, but those communities which had been separately and long established were not prepared to lose their identity lightly.

Regional federations within a geographically distinct area made sense as a defence for small and weak communities against encroachment from outside, but the largest communities and powers were, for their own interests, not inclined to promote anything other than limited federations as a means of bolstering their own power. There was no compelling force for federation in the interests of "national" defence of Greece, for within

<sup>82</sup>*IG* 12 (3) 1259 = Tod 179.

<sup>83</sup>*Diod.* 17.62.6 f.

<sup>84</sup>*Xen. Hell.* 4.8.15, 34; *Hell. Oxy.* 2.2-3. On this see G. T. Griffith, "The Union of Corinth and Argos," *Historia* I (1950) 236-256.

Greek historical memory the Greeks had managed, in their own estimation, to ward off the greatest possible external threat in repelling the Persian invasions of the early fifth century. Philip and Alexander of Macedon from the fringe of the Greek world took the rest of the Greeks by surprise, and there had been little reason to suppose, even on the eve of the battle of Chaeronea, that the combined Greek forces, properly led, would not be more than a match for the Macedonians, for the ease of the Macedonian victory belied the calculations preceding the battle in 338.<sup>85</sup>

In forming large units of government or federations the possibility of establishing representative government would need to be faced, and that was something not to be accepted lightly, for representative government was regarded as retrograde, a diminution of popular sovereignty, and a form of tyranny.

Coalitions into large alliances to achieve identity of external policy did not present all the attractions which may be supposed, since an alliance could be a commitment to a war which was not anticipated, and such alliances were a means of rendering wars longer and more intense than might otherwise have been the case.

The result of those considerations was that the Greeks evolved a number of practical solutions to limited problems whose significance should not be underestimated, but radical solutions were neither invented nor welcome. The Greek political mentality was inventive, but not conditioned to linear progress and progressive change. The facts of existence and economic life conditioned men to accept their fate and circumstances within the terms of their current experience. An original mind such as Plato's could devise schemes and innovate, but his innovations were too far from reality to be accepted. The possibilities and prospects of radical solutions were not seriously contemplated. The ideas of Lysias and Isocrates for Greek unity and the plans of Philip and Alexander of Macedon for unity in action against Persia were, rather than progressive, a combination of hard-headed tactical reasoning and a sentimental recollection of the time when many Greeks put aside their quarrels to fight the Persian invasions of the early fifth century. The force of external events, such as the Macedonian campaigns against Persia, the establishment of the hellenistic monarchies, and the intervention of Rome, were responsible for changing radically the political outlook of the Greeks. It would have been difficult to anticipate them accurately.<sup>86</sup>

THE UNIVERSITY OF SHEFFIELD

<sup>85</sup>On this topic see G. Cawkwell, "The Crowning of Demosthenes," *CQ* n.s. 19 (1969) 164.

<sup>86</sup>I wish to acknowledge help from the Research Fund Committee of the University of Sheffield.