PREFACE

The origins of the phenomenon of third-party intervention in order to end disputes and prevent wars between other states lie far back in ancient history. The ancient Near East provides an example of arbitration from the Bronze Age: the delineation of the border between Umma and Lagash by Mesalim, king of Kish (J. S. Cooper, Sources from the Ancient Near East 2.1 [Malibu, 1983]). Perhaps we should trace the roots of Greek international arbitration to its oriental predecessors; but by the classical period the Greeks had made arbitration an integral part of their own diplomatic life, in part because the Greek political system was more amenable to the use of arbitration than was the "superpower" system of the Near East. By the fifth century B.C. the Greek poleis were already attaching arbitration clauses to their treaties, clauses that tried to provide for the pacific settlement of future disputes. Instead of using the time-honoured method of warfare, some Greeks were apparently trying to settle their differences through diplomacy and negotiation.

In the Hellenistic period, as diplomatic protocol in general became more and more refined, third-party diplomacy also became more significant. From the two and a half centuries following the battle of Chaironeia there is evidence for between 150 and 200 examples of arbitration or mediation, as opposed to some 60 cases from the four centuries preceding Chaironeia. Luigi Piccirilli examined the pre-338 evidence in his work Gli arbitrati interstatali greci (1973). His is the most recent exhaustive case study of arbitration for the classical age. Earlier works, such as those of A. Raeder and M. N. Tod from the early years of the twentieth century, were detailed studies for their time. But neither of these works provided the testimonia for the cases it examined, nor did either pay sufficient attention to the literary evidence.

This book is intended to be a continuation of Piccirilli's study. An upper limit has therefore been imposed by the lower limit of Piccirilli's work: Philip II's "arbitrations" in the Peloponnese after his victory in Greece. A reasonable

lower limit for this collection was harder to find. As Rome became increasingly involved in Greek affairs through the second and first centuries, the nature of "interstate arbitration" changed. But there is no clear date that provides a watershed, particularly when we see that long after Rome became dominant in matters of Greek interstate relations, it was still passing on the actual task of arbitration to other neutral Greek states. My final decision on a lower chronological limit was ultimately determined by the evidence available—some important cases from the turn of the second and first centuries—rather than by any conviction that the year 90 B.C. was of peculiar significance.

A few words should be said about the criteria for the inclusion of particular cases. In many instances I considered it to be more valuable to take an inclusive rather than an exclusive approach. Arbitration can be seen as a strictly defined legal process: both disputants are to submit legal arguments and then accept the neutral and binding judgement of a disinterested third party. In theory, they are to abide by that judgement even if they consider it unacceptable. Adhered to rigidly, arbitration leaves no room for mediation and compromise. But it is clear, particularly in international relations, that the best interests of all concerned are frequently better served by mediation than by the strict legal procedure of arbitration. This is recognized by such modern bodies as the International Court of Justice, whose mandate includes the equitable settlement of disputes, "even though such a settlement may not be in conformity with the legal rights and duties of the parties" (G. Schwarzenberger and E. D. Brown, A Manual of International Law [Milton, England, 1976] p. 197). The Greeks recognized that it was much better to achieve a settlement through agreement, if at all possible, than through judgement. Many of their arbitrators acted also as mediators. This was especially the case when foreign judges came to a state to settle outstanding differences between citizens; these judges usually earned the gratitude of the state they visited by trying to achieve a voluntary compromise between the disputants before going on to give a formal judgement. While this related phenomenon of foreign judges has not been dealt with in this study, the desire to achieve a settlement through mediation before going to arbitration also appears in interstate disputes (see, for example, 74 and 137).

Arbitration, then, cannot always be separated from the related phenomenon of mediation and voluntary compromise. On occasion it can even be difficult to distinguish it from the harsher diplomacy of dictation. The approach taken in this study has therefore been a broad rather than a narrow one. This inclusive approach is especially requisite when dealing with the literary evidence. Despite the often frustrating and fragmented nature of the epigraphic evidence, its more formulaic nature sometimes makes it a better source for determining cases of "true" arbitration. The epigraphic sources, for example, are more likely to draw a distinction between cύλλυσις (mediation) and κρίσις (judgement). The literary sources, on the other hand, rarely display interest in the exact details of

the phenomenon of arbitration as such, and the actual character of third-party interventions recorded by the historians is often masked by that lack of concern.

Clearly the final decision on the inclusion of cases cannot be said to be an exact science. In the interest of completeness I have indulged in a certain amount of inconsistency; some cases are present without as good a claim to being called interstate arbitration as others. Some significant examples of mediation and related diplomatic activity have been included for the sake of the maximum rather than the minimum breadth of vision on the world of international law and diplomacy (e.g., 12). In addition, the inclusion of some cases may be controversial for a variety of other reasons; see, for example, the dubious attempt by Herakleia to mediate between Rome and Antiochos III (93). The appearance of such cases here does not necessarily indicate my acceptance of them as historical fact. I felt it best, when it came to the basic inclusion of cases, not to cloud the issue with my own biases. Such an approach would produce only a partial picture of the evidence.

Another criterion that I have tried to adhere to as far as possible is that the cases included must deal with *interstate* arbitration. *Symbola*—agreements, which often provided for international arbitration between *individual* members of different states—as well as other cases of international arbitration involving individuals, have been excluded, although some examples will be found in the appendix. Those that have been included are generally here owing to some unique circumstances of the case, such as certain instances where an individual's home state took up his cause (e.g., 21).

All instances of arbitration that involved Greeks or the Hellenistic kingdoms in any way have been included. Frequently in the Hellenistic period the arbitrators were not Greek, but if at least one of the disputants was Greek, then the case has been included. Similarly, if the arbitrator was Greek, but neither of the disputants was, the evidence has still been cited here. Instances of wholly non-Greek arbitration, however, have been excluded. Thus Rome's arbitration between Carthage and Massinissa does not appear here, although it does fall within the time frame of the study (Polyb. 32.2; Livy 34.62, 40.17, 42.23-24; App. Pun. 68-69). Neither is this collection intended to be a definitive or exhaustive study of Roman relations with the East in the Hellenistic age. Although there is a fair amount of material on Rome's involvement with the states of the eastern Mediterranean, this work should not be seen as a comprehensive examination of senatorial diplomacy in this period from the Roman point of view; for example, there is little on Roman involvement with the non-Greek kingdoms of Anatolia.

The format of the book follows that of Piccirilli's work: it is a collection of the evidence rather than a thematic analysis of the phenomenon. Each instance of arbitration has been identified and dealt with as a case study. Each case study includes a bibliography specific to that case, the relevant testimonia, and a commentary. The general bibliography at the end of the work consists of select works of some relevance to the phenomenon of arbitration or the history of the

Hellenistic period. The individual cases should be consulted for more detailed bibliographic information.

I have also retained the basic chronological structure employed by Piccirilli; all things considered, this approach is the most logical. A regional arrangement, such as Tod's, has little real value. It also tends to obscure certain patterns that become clear when the cases are arranged chronologically, such as the large number of boundary disputes all over the Greek world, all submitted to Roman arbitration around 140 B.C. But if a chronological arrangement of the cases seems more valuable than a regional one, then the question may be raised whether a topical arrangement of the cases would not be still more valuable for a researcher interested in, say, federal arbitration. The difficulty with a topical arrangement is twofold: first of all, there are several cases of fragmented inscriptions that quite clearly deal with an arbitration but do not allow us to determine the circumstances. In such cases, a topical arrangement would be pointless. Second, there are numerous cases that could conceivably be categorized under a number of different headings. In the end, the tried (if not always so true) method of chronological order seemed best.

The case studies are followed by an appendix, which is intended to amplify further the picture of interstate arbitration in the Hellenistic period by summarizing certain testimonia that have been excluded from the main body of cases for a variety of reasons. Here may be found some instances of symbola, included for comparative purposes, as well as summaries of those cases of Raeder and Tod that were not included as cases here because they did not fit the criteria. The appendix also includes some pieces of epigraphic evidence that may well point to instances of arbitration but are so extremely fragmented that there is little point in speculating on them.

With respect to the epigraphic format of the case studies the following conventions should be noted:

- * the chief epigraphic edition employed
- $[\alpha]$ letters believed to have been on the stone originally, now totally illegible or lost
- $\langle \alpha \rangle$ correct letters to replace those accidentally left out or incorrectly inscribed by the engraver
- $\{\alpha\}$ excess letters or words mistakenly added by the engraver
- (α) letters added by the editor to a word deliberately abbreviated on the stone
- [[a]] deliberate erasures (if they can be restored)
 - α still visible fragment of letters, restored by the editor

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