

THE CRETAN KOINON

BY

MAURICE VAN DER MIJNSBRUGGE

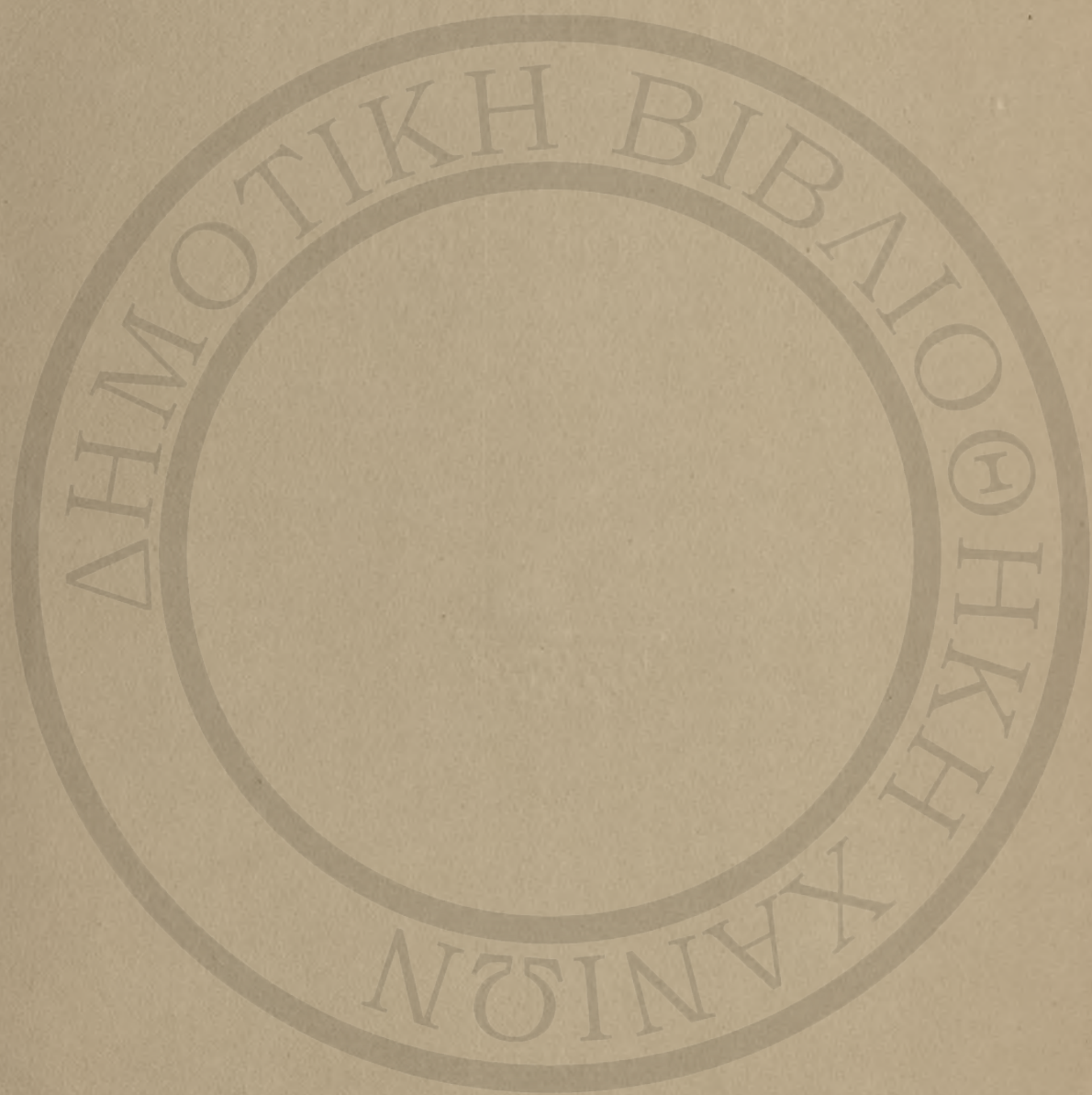
M. A. (HARVARD), DR. PHIL. & LITT. (LOUVAIN)



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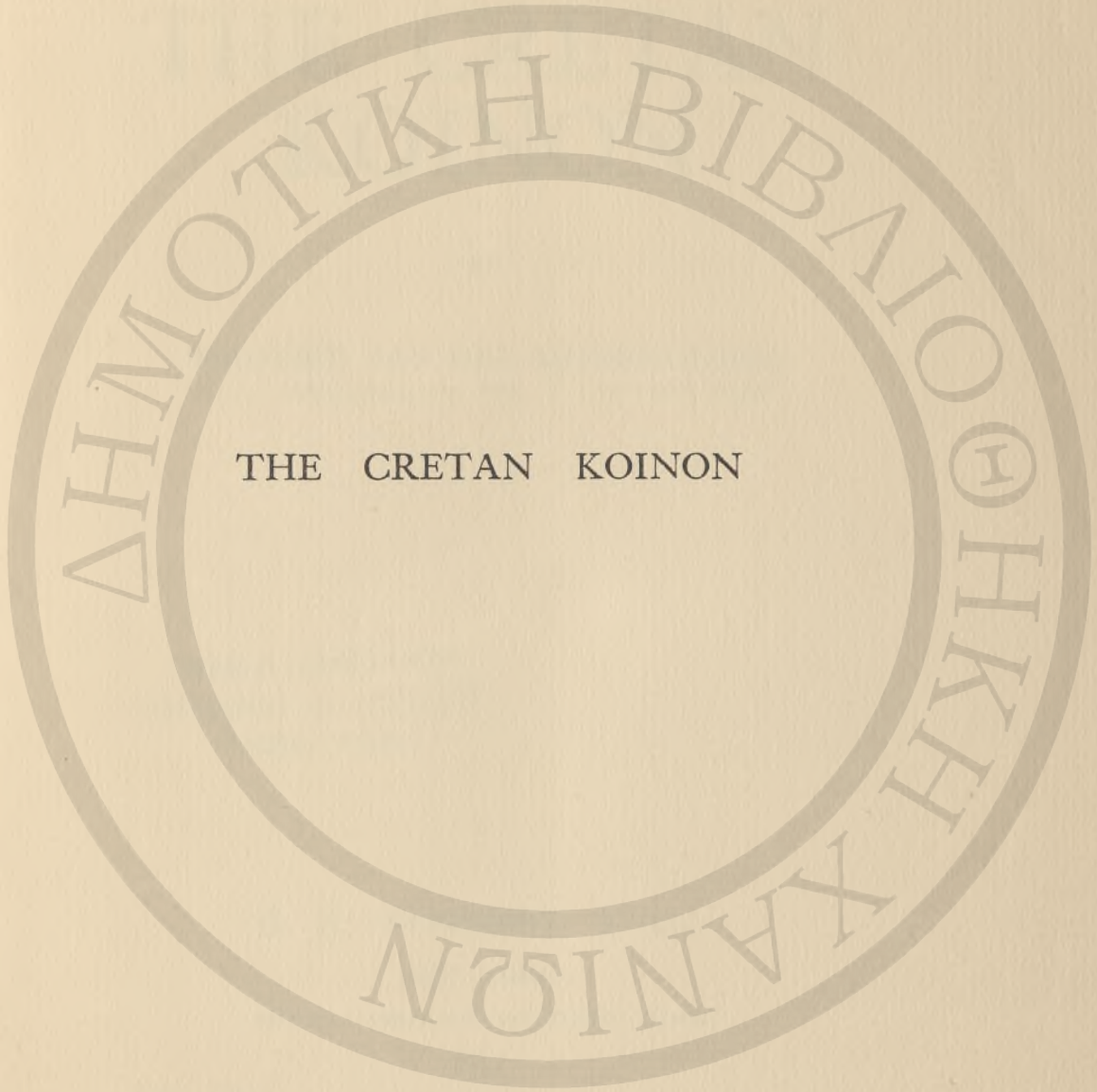
1931



With the Compliments of the author

H. Vander Mijnsbrugge





ΔΗΜΟΤΙΚΗ ΒΙΒΛΙΟΘΗΚΗ
THE CRETAN KOINON
ΧΑΝΙΩΝ



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MAURICE VAN DER MIJSBRUGGE
M. A. (HARVARD), DR. PHIL. & LITT. (LOUVAIN)

ΒΙΒΛΙΟΘΗΚΗ
ΕΛΘΕΡΙΟΥ Κ. ΒΕΝΙΖΕΛΟΥ
1864 - 1936

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1931

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TO MY WIFE



PREFACE

The present investigation endeavors to throw new light on the characteristic features of the Cretan Koinon. The sources available — epigraphical and historical — are comparatively few, but they permit one to see that the warlike Cretans founded a Union based essentially upon the contract of arbitration.

This study was begun in the University of Louvain under the scientific guidance of Professor J. Sencie who made the suggestion that the Cretan Koinodikion was a contract of arbitration. I had the rare privilege to continue the work under no less an authority than Professor W. S. Ferguson of Harvard University. To both I here express my most sincere gratitude.

Especial thanks is due to the C. R. B. Educational Foundation, Inc. to which I owe the opportunity of having been able to spend a year in America.

MAURICE VAN DER MIJNSBRUGGE.

Veurne, April 23, 1931.

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ABBREVIATIONS

- C. I. G. *Corpus inscriptionum Graecarum.*
- D. I. COLLITZ, H., and BECHTEL, F.,
Sammlung der griechischen Dialekt-Inschriften, III.
Band, 2. Hälfte, 3. Heft, *Die kretischen Inschriften*,
bearbeitet von Blass, F., Göttingen, 1905.
- D. I. Nachträge... FRÄNKEL, E.,
*Index der kretischen Inschriften nebst Nachträgen
und kurzem Abriss der Laut-, Formen- und Wortbildungs-
lehre des kretischen Dialekts.* [*Sammlung der grie-
chischen Dialekt-Inschriften*, IV. Band, 4. Heft, 3. Abt.]
Göttingen, 1915.
- I. G. *Inscriptiones Graecae.*
- Syll.³ DITTENBERGER, W.,
Sylloge inscriptionum Graecarum, 3^d edition, 4 vols,
Leipzig, 1915-1924.
-



INTRODUCTION

ΕΠΙΓΡΑΦΙΚΗ ΚΑΙ ΙΣΤΟΡΙΚΗ ΕΒΕΔΕΝΣΗ

A glance at the map of Crete shows that the island is divided by a high mountain-chain composed of three chief mountain-groups : Leuca, Ida, Dicte. From each of these groups smaller branches run in several directions, dividing the territory in numerous independent states. Undoubtedly this geographical figuration had a profound influence on the political condition of the Cretan cities and explains for a great part the frequent internal wars. Between the Ida and Dicte, however, there is an interruption of the mountain-chain. On this very line were located the most important states of old Crete : Gortyn and Cnossus. Here an alliance seemed to have been favored by nature itself. The combined action of the Gortynians and Cnossians brought the whole island under their hegemony¹ and resulted in a general Cretan Union, *Κοινὸν τῶν Κρηταίων*.

How was this Koinon organized ? What were its characteristic features ? What is the Cretan *κοινωδίκιον* ? Is it connected with the Koinon ? What are the prescriptions of the Cretan diagramma and how were they put into practice ?

1. Strabo, X, p. 478.

So far, these important questions have not been sufficiently considered, though some of them have received acute attention¹. The chief reason for this was to be found in the lack of an adequate study of the few documents which relate to the Cretan Koinodikion.

The task before us, then, was to analyze and compare these records in order to bring into light the essential features of the Cretan Union. To determine the sense and importance of the Koinodikion is the main object of this thesis.

The extant inscriptions are not numerous and some of them are mutilated. We indicate them here in chronological order so far as this can be done².

1^o) Syll.³ # 560 207/6 B. C.

L. 10-12... καὶ τὰν εὐε[ργ]εσίαν, ἀν [συ]νετελέσαντο εἰς τὸ κοινὸν [ν] τῶν Κρηταίε[ων], δι[α]λύσαντες τὸν ἐμφύλιον πόλεμον...

2^o) KERN, O., *Die Inschriften von Magnesia am Maeander*, p. 16 # 20. About 207/6 B. C.

L. 1-2 Πα[ρ]ὰ τοῦ κοινοῦ τῶν Κρητῶν·
[Ἔ]δοξεν Κ[ρ]ηταίων τῶι κοινῶι...

3^o) I. G. XII, 5 # 868 A. Beginning of the II^d century B. C.³

L. 11... ἐν τῶι κοινῶ[ι τῶν Κρηταίων...]

L. 15 f. [... τῶ κοινῶ τῶ Κρηταίε]ων,...

L. 17 f. [... τῶι τε κοινῶι τῶ]ν Κρηταίων.

1. Muttelsee, *Zur Verfassungsgeschichte Kretas im Zeitalter des Hellenismus*.

2. See Chapter VI, art. 1.

3. Graindor, *Musée belge*, XI (1907), p. 23.

- 4^o) Syll.³ # 653 A. About 165 B. C.
L. 8. Τὸ κοινὸν τῶν Κρηταίων προξενία.
- 5^o) DURRBACH, F., *Choix d'inscriptions de Délos*,
tome I, fasc. II, # 92. Between 158 and 150 B. C.
L. 2... ὑπὸ τοῦ κοινοῦ τῶ[ν Κρητ]αίων...
L. 31-32... ὑπὸ τοῦ κοινοῦ τῶν Κρηταίων...
- 6^o) Syll.³ # 654 A. About 151 B. C.
L. 5. Κνώσιοι κα[ί] τὸ κοινὸν [τῶν] Κρηταίων...
- 7^o) D. I. # 4942 Between 159 and 138 B. C.
b. L. 3-4... περὶ τῶ κοιν[ῶ τῶν Κρηταίων]
καὶ ἰδίαι περὶ τᾶς τῶν Ἀπταραίων πόλιος.
- 8^o) Syll.³ # 685 139 B. C.
L. 107-108... παρὰ τοῦ κοιν[οῦ τῶν Κρηταίων παρ' ᾧ]ν
ἔλαβον εὐδόκησιν, καθότι τὸ παρατεθὲν ἡμῖν διάγραμ[μα περι]-
εἶχεν...
- 9^o) I. G. XII, 3, # 254 (D. I. # 5146) Second century B. C.
L. 1-2. [Ἐδο]ξε τοῖς συνέδροις καὶ τῶ[ι]
[κοινῶ]ι τῶν Κρηταίων...
- 10^o) D. I. # 5138 Second century B. C.
L. 24-25. τῶι κοινῶι [τῶν Κρηταίων].
- 11^o) C. I. G. # 2561. C II, addenda p. 1104. Second
century B. C.?
L. 1. Ἐδοξε τῶι κοινῶι τῶι Κρηταίων.
L. 10. ... τῶι κοινῶι τῶι Κρηται[έων...]

These are the inscriptions which mention the Cretan Koinon before the Roman conquest¹. There is however an epigraphical record where no mention is made of the Cretan Koinon but which apparently deals with it, namely

1. Muttelsee, o. c., p. 41 ff.

Syll.³ # 627 dating from the year 183 B. C.¹. On the other hand we possess an historical text relating to the re-establishment of the Cretan Koinon in the year 184 B. C.². It must be further noted that many honorary decrees were issued by the κοινὸν Κρητῶν during the Roman imperial period. The title “κοινὸν Κρητῶν” is to be found also on many Cretan coins from this period³. But this Koinon is the “Concilium provinciae⁴.”

1. See p. 23 ff.

2. Polybius, XXII, 15, 1-4.

3. Svoronos, *Numismatique de la Crète ancienne*, I, p. 337 ff.

4. See chapter VI, Article II.

CHAPTER I

THE ORGANIZATION OF THE CRETAN KOINON

The above cited documents afford but little information about the organization of the Cretan Koinon. Only one inscription mentions the existence of *σύνεδροι* and a popular assembly in the Koinon, whereas the other records refer only to the Cretan Koinon without giving any more details.

This inscription naturally calls for attention in the first place and should be examined with great care.

I. G. XII, 3, # 254 (D. I. # 5146).¹

- [Ἔδο]ξε τοῖς συνέδροις καὶ τῶ[ι]
 [κοινῶ]ι τῶν Κρηταίων Κνω-
 [σοῖ ἐ]ν τῶι συνλόγῳ, κορμι-
 [όντων ἐν Γόρτυνι μὲν ἐ-]
 5 [πὶ τῶ]ν Δυμάνων τῶν σὺν
 ἰοι τῶι Ἀλλοδάμῳ
 [ἔτος τ]ὸ δεύτερον μηνὸς¹
 ἡμῶ τετράδι, Κνωσο[ι]¹
 [δὲ ἐ]πὶ τῶν Αἰθαλέων κο[ρ]-
 10 [μιόντ]ων τῶν σὺν Κιψέλω[ι]
 [τῶι Ἐνα]ρέτῳ μηνὸς Αὐδου-¹
 [γαίω ἰκά]δι Ἄσυλον ἡμεν
 [Ἀναφαίων] τὰν πόλιν κα[ι]
 [τὰν χώρα]ν καθὼς καὶ τὸ [ι]-
 15 [ερὸν ὑπ]᾽ ἀρχεὶ ἄσυλον
 [τῶι τῶ κ]οινῶ τῶν Κρητα[ι]-²

1. Muttelsee, o. c., p. 47.

2. 16 f. correction of Wilhelm, *Beiträge zur griechischen Inschriftenkunde*, p. 172, # 149.

- [έων ρή]τῶν· εἰ δέ τίς τι[να]
 [ἀδική]σῃ Ἀναφαίων τῶν
 [ἐκ Κρήτ]ας ὀρμιομένων,
 20 [ἢ ἐκ τᾶ]ς πόλεως ἢ ἐκ τ[ῶ]
 [ἱερῶ], ὑπόδικος ἔστω¹
 [ταῖ] τε Ἀναφαίω[ν πόλει]
 [καὶ τῶ]ι προστάν[τι δίκαν]
 [ἐν κ]οινοδικίῳ ἀπρ[όδι]-
 25 [κον κάπα]ρβολον καὶ κυ-
 [ρία ἀ πρ]ᾶξις ἔστω κα[τὰ τὸ]
 [διάγρ]αμμα.

“ Decree issued by the councillors and the popular assembly of the Cretans at Cnossus in the gathering.

At Gortyn, while... son of Allodamus and his colleagues of the Dymanes were cosmi for the second year, on the fourth of the month...

At Cnossus, while Cypselus, son of Enaretus and his colleagues of the Æthalæans were cosmi, on the twentieth of the month Audounaios.

Inviolable shall be the city of the Anaphæans and the territory also, just as the shrine already is inviolable in virtue of the sentence of the Cretan Union.

Any one who should offend an Anaphæan coming from Crete, either from the city or from the shrine, shall be responsible to the city of the Anaphæans and to the defender in a non-conciliatory trial without guarantee², during the (existence of the) arbitration contract ; the exaction (of the fine) shall be valid in accordance with the code. „

This inscription contains a decree passed by the Cretan Koinon, granting ἀσυλία to Anaphe and determining the procedure to be followed in the event of any infraction of the resolution. The koinodikion and diagramma are

1. L. 21 ff. corrected by Wilhelm, *Neue Beiträge zur griechischen Inschriftenkunde*, p. 14 ff. # 38.

2. Majuri, *Rendiconti*, ser. V, vol. XIX (1910), p. 45 f.

mentioned in connection with this procedure. Unfortunately this portion of the inscription is much mutilated and the restorations may not be quite certain. The preamble of the record runs thus :

[Ἐδο]ξε τοῖς συνέδροις καὶ τῶ[ι]
[κοινῶ]ι τῶν Κρηταίων...

This text points out plainly that there were *σύνεδροι* or councillors in the Cretan *Koinon*.¹ Accordingly, when we find only the sentence *ἔδοξε τῷ κοινῷ τῶν Κρηταίων* without mention of the *σύνεδροι*, it does not mean that the councillors have disappeared and that the translation must run : "Decree of the popular assembly of the Cretans". Certainly not. For in the very document which mentions the *σύνεδροι* we read l. 14—17 :

... καθὼς καὶ τὸ [ι]-
[ἐρὸν ὑπ]᾿ἀρχεὶ ἄσυλον
[τῶι τῷ κ]οινῷ τῶν Κρητα[ι]-
[έων ῥη]τῶι.

Apparently this phrase relates to a former *ἀσυλία*-decree, of which the present is but an extension. The *σύνεδροι* existed doubtless when the first decree was passed. Indeed it cannot be supposed that the *ἀσυλία* for the shrine was granted by the Cretan popular assembly without councillors and that a short time after the first decision, the extension of the *ἀσυλία* was granted to the city and the territory of Anaphe by the councillors and the popular assembly of the Cretans together. Therefore in l. 16-17 τὸ κοινὸν τῶν Κρηταίων must be translated by "Union of the Cretans" and not "popular assembly of the Cretans". No distinction is made here between the *σύνεδροι* and the popular assembly, though both organisms existed in the Cretan Union as appears from the preamble of the same record : [Ἐδο]ξε τοῖς συνέδροις καὶ τῶ[ι κοινῶ]ι τῶν Κρηταίων.

The existence of a popular assembly in the Cretan

1. Muttelsee, o. c., p. 47 ff.

Union is confirmed by the inscription D. I. # 5138. A Samian envoy, called Epicles, addressed the [Κρηταίων] πλῆθος (l. 6) and recalled the friendly relations existing between the Samians and the Cretans : l. 10-13 :

... παρέδει[ξε δὲ κ]αὶ τὰν αἴρεσιν [κ]αὶ τὰν εὐνοίαν ἂν ἔχον[τες δ]ιατετελέκαντι Σάμιοι πορτὶ τὸ Κρηταί[ων] πλῆθος,...

In the preamble of the decree, however, we read l. 23-25 :
 τύχαι τᾶι ἀ[γαθαὶ δεδόχθαι]... τῶι κοινῶι [τῶν Κρηταίων].

It is interesting to notice that the resolution is passed, not by the πλῆθος τῶν Κρηταίων, but by the κοινὸν τῶν Κρηταίων, i. e. by the councillors and the popular assembly (πλῆθος) together.

Another important point is to be inferred from the dating of the ἀσυλία-decree issued by the Cretan Koinon. It is, indeed, a characteristic feature of this record that the date is indicated by the Gortynian and Cnossian cosmi. This brings clearly into light that Gortyn and Cnossus were the leading states in the Union. Even more surprising is the fact that the chief magistrates of Gortyn are mentioned before their Cnossian colleagues, although the σύνλογος took place in Cnossus. This proves that Gortyn was the most powerful state in the Koinon, at least at this time.

The same leading position of Gortyn in the Union may be inferred from the fictitious decree of the Koinon : l. 5-6 :

Πα[ρ]ὰ του κοινού τῶν Κρητῶν
 [Ἔ]δοξεν Κ[ρ]ηταίων τῶι κοινῶι συνελ-
 [θ]ουσᾶν [τ]ὰμ πολίων πασᾶν ἐς Βίλκω-
 να ἐς τὸ ἱε[ρ]ὸν τῶ Ἀπελλωνος τῶ Βιλ-
 5 κωνίῳ, ἀγουμένων Γορτυνίων ἐπὶ
 κόσμω<ι> Κύδαντος τῶ Κυννίῳ

“ From the Cretan Union : Decree of the Cretan Union, all states being gathered at Bilcon in the shrine of Apollo the Bilconian, under the leadership of the Gortynians, while Cydas son of Cynnus was cosmus. „

In 183 B. C. we again find Gortyn cited, in the first place followed by Cnossus, in a document recording an agreement between Eumenes II, king of Pergamum, and the Cretan Union. The inscription is dated by the year of Eumenes' reign and the Gortyn chief magistrate.

About the year 151 B. C. however, the Cnossians are mentioned separately: *Κνώσιοι κα[ί] τὸ κοινὸν [τῶν] Κρηταίων...*

Possibly at that time the Cnossians were more powerful than the Gortynians.

In any case, from the above may be inferred with certainty that the United Gortynians and Cnossians had the hegemony in the Cretan Koinon. This statement is confirmed by an evidence from Polybius:

Κνώσιοι συμφρονήσαντες Γορτυνίοις πᾶσαν ἐποιήσαντο τὴν Κρήτην ὑφ' αὐτοὺς πλὴν τῆς Λυττίων πολέως¹.

"The Cnossians in conjunction with the Gortynians subjected the whole island to their power, except the city of the Lyttians". On the other hand we learn from Strabo that the hostility between Gortyn and Cnossus resulted in a general civil war on the island. This naturally meant the disappearance of the Cretan Union: *συμπράττουσαί τε γὰρ ἀλλήλαις (αἱ τῶν Γορτυνίων καὶ Κνωσσίων πόλεις) ἅπαντας ὑπηκόους εἶχον αὐται τοὺς ἄλλους, στασιάζουσαι τε διέστησαν τὰ κατὰ τὴν νῆσον....²* "For, when they acted together (the Gortynians and the Cnossians) they had all the other Cretans as subjects, when they disagreed, however, there was rebellion on the whole island."

Such a situation necessarily leads us to the conclusion that the Cretan Union was due to the combined action of Gortyn and Cnossus. It is quite natural to expect that both states had a profound influence on the Union.

Apparently the Gortynian and Cnossian *σύνεδροι* had

1. IV, 53, 4.

2. X, p. 47⁸.

the initiative of the meetings of the Koinon (*σύνλογοι*), they presided the gatherings etc...

From the documents considered in this chapter we may draw the following conclusions as regards the organization of the Cretan Koinon :

1^o) There was a council in the Cretan Koinon. This council was composed of delegates from the states which entered the Union. The members of the council were called : *σίνεδροι*.

2^o) There can be no doubt that a popular assembly existed in the Cretan Koinon. The name of this assembly was : *τὸ κοινὸν* or *τὸ πλῆθος τῶν Κρηταίων*.

3^o) The decrees of the Cretan Union were issued by the *σίνεδροι* and the popular assembly together.

4^o) Gortyn and Cnossus had the hegemony in the Union.

5^o) The place of the meetings of the Cretan Union changed : e. g. Cnossus, Bilcon. (The other places cannot be determined so far).

CHAPTER II

THE MEMBERSHIP OF THE CRETAN KOINON

In the false decree of the Koinon we read that a gathering of all Cretan States took place at Bilcon in the shrine of Apollo the Bilconian¹: L. 2-5:

[Ἐ]δοξεν Κ[ρ]ηταίων τῶι κοινῶι συνελ-
[θ]ουσᾶν [τ]ᾶμ πολίων πασᾶν ἐς Βίλκω-
να ἐς τὸ ἱε[ρ]ὸν τῶ Ἀπέλλωνος τῶ Βιλ-
κωνίω,...

May we infer from this record that all Cretan states were members of the Union at the close of the third century B. C. ? This is at least highly doubtful, since the decree is a fictitious one. The Magnesians would have us believe that the foundation of their city on the Meander was the work of all Cretan states. They acted so possibly for political reasons.

Fortunately we possess a document of great importance, for it affords the exact number of members in the year 183 B. C. This inscription contains a treaty concluded between Eumenes II, king of Pergamum, and thirty one Cretan states².

Α ἀγαθῆι τύχηι. ἐπὶ τοῖςδε συνέθεντο τὴμ φιλίαν καὶ
συμα|χίαν ἑαυτοῖς τε καὶ ἐκγόνοις εἰς ἅπαντα τὸν χρόνον
βασι|λεὺς Εὐμένης καὶ Κρηταίων Γορτύνιοι, Κνώσιοι,

1. See p. 20.

2. Syll³ # 627. See Niese, *Geschichte der griechischen und makedonischen Staaten seit der Schlacht bei Chaeronea*, III p. 68 ff. and 322 ff. *Muttlerssee*, o. c., p. 53.

Φαίστιοι, | Δύπτιοι, 'Ραύκιοι, 'Ιεραπύττιοι, 'Ελευθερναῖοι,
 5 'Απταραῖοι, Πολυρ|ρήνιοι, Συβρίτιοι, Λαπταῖοι, 'Αξιοι,
 Πριανσιέες, 'Αλλαριώται, 'Αρ|[κ]άδες, Κεραῖται, Πραῖσιοι,
 Λάτιοι, Βιάνιοι, Μαλλαῖοι, 'Ερώνιοι, Χερ|[σ]ονάσιοι,
 'Απ[ο]λλωνιάται, 'Ελίριοι, 'Υρτακίνιοι, 'Ελπυναιεῖς, 'Ανω-
 [πο]λίται, 'Ηραδῆνιοι, 'Ιστρώνιοι, Ταρραῖοι, — 7 1(it-
 terae), ὡς μὲν |[βα]σιλεὺς Εὐμένης ἄγει ἔτους τετάρτου
 10 καὶ δεκάτου, μηνὸς |[Π]ανήμιον, ὡς δὲ Κρηταεῖς, κοσμοῦν-
 (των) ἐν Γόρτυνι τῶν συνΣα|...

That these thirty states (the name of one state has been removed) formed the Cretan Koinon at this time is made plain by the mere classification of the cities. For example, Phaestus in the South is followed by Lyttus in the North; Hierapytna in the South-East comes after Rhaucus in the central part of Crete; Hierapytna is followed by Eleutherna in the North; Polyrrhenia in the West is cited before Sybrita in the Centre etc... This classification is not geographical at all. If the envoys of Eumenes had made a voyage in Crete, they would have done it, no doubt, in a more methodical way. They would have gone, for instance, firstly to the Eastern states, then to the Centre and the West or vice versa. It is quite impossible to admit that the negotiators went to a city in the South, then to a state in the North; thereafter to a city in the Centre, then visited a state in the South-East, then again a Northern State etc...

Apparently we have here to do with the whole of thirty one cities, members of the Cretan Koinon. The envoys from Pergamum went to a *σύνλογος* of the Union, composed of delegates from the thirty one states members of the Koinon.

The classification of the cities seems to be chronological, that is to say, the states are mentioned in the order of their entry into the Union. Naturally the leading states Gortyn and Cnossus are named in the first place. The record further is dated by the chief Cosmus of Gortyn.

This shows clearly that Gortyn still is the most powerful state in the Koinon.

On the other hand we know that the Cretan Koinon was re-established the year before by Appius Claudius¹. So we may safely conclude that the Cretan Koinon existed in the year 183 B. C. It was composed of thirty states, strictly speaking thirty one as the name of one city has been removed. Cydonia, Itanus, Leben etc. are not members of the Koinon. A. J. Reinach, referring to a treaty concluded between Eumenes II and Cydonia suggests that the removed name was Cydonia². According to him Cydonia withdrew from the Cretan Union and concluded a separate compact with the king of Pergamum. His view cannot be accepted, for the removed name consisted of seven letters, so the restoration *Κυδωνιάται* is impossible.

One might ask why Eumenes II concludes an agreement with the members of the Koinon and not with the Koinon itself. The reason for this fact must be sought, doubtless, in the instability of the Cretan Union³. Eumenes knew this very well. He agrees therefore with each state separately; thus Eumenes takes his precautions for all contingencies. The Union may disappear, one or more members may secede from the Koinon: the agreement with Eumenes subsists. Of course, the king of Pergamum acted wisely, for one state withdrew soon after the conclusion of the compact.

The Cretan Koinon comprising thirty one states in 183 B. C. should have embraced the whole island in the year 168 B. C. This we learn from Polybius⁴. The Rhodians sent envoys *πρὸς πάντας Κρηταιεῖς... ὁμοίως δὲ καὶ κατ' ἰδίαν πρὸς τὰς πόλεις... Πρὸς πάντας Κρηταιεῖς* refers, no doubt, to the gathering of the Cretan Union

1. See p. 48 ff.

2. *Revue archéologique*, XIII (1909) p. 374.

3. See Chapter VI. Art. 1.

4. XXIX, 10, 6.

which was composed of the delegates from all the states. But why still go to each state, when the meeting of the Koinon has already been visited? The reason seems to be the same as above. The Rhodians had not confidence in the stability of the Union, just as Eumenes II.

Between 158 and 150 B. C. again, all the states seem to have been members of the Union at least for a certain time. For in a decree issued by the Cretan auxiliary troops we read l. 19 that the Coan Aglaus is: " πάντων Κρηταίων πρόξενος ¹ „.

Apparently πρόξενος of all the Cretans means πρόξενος of the Cretan Koinon composed of all the Cretan States ².

From the two foregoing statements we may infer that the Cretan Union, at least, at certain periods comprised all the Cretans. This situation did not last a long time and must have been exceptional. The membership varies. In 183 B. C., for instance, thirty one states were members of the Union, but soon after one state withdraws from the Koinon.

Moreover the fact that Eumenes concludes an agreement with each member separately is proof that secession from the Koinon or even disappearance of it was not exceptional at all. Accordingly, we have to keep before our minds that the Cretan Koinon was very unstable.

1. Durrbach, o. c. # 92 l. 19.

2. Holleaux, *Archiv für Papyrustorschung und verwandte Gebiete*, VI (1913-20) p. 19.

CHAPTER III

THE FOREIGN RELATIONS OF THE CRETAN KOINON

1^o) Treaty between Eumenes II, king of Pergamum and the Cretan Koinon. 183 B. C. Syll.³ # 627.

In the preceding chapter we have seen that the compact between Eumenes II and thirty one Cretan states was concluded "de facto" with the Cretan Union comprising at that time thirty one states. The king of Pergamum did not trust in the stability of the Koinon and therefore he makes an agreement with each member separately. Thus each state member of the Union is bound to observe the treaty even in case of withdrawal from the Koinon or when the Union ceases to exist. As far as we can judge from the much mutilated second portion of the record, Eumenes' aim was to enroll Cretan mercenaries.

It may call for attention that no federal magistrate is mentioned. Yet it might have been unnecessary since Eumenes negotiated with the delegates from each state member of the Union.

The fact, however, that there is no mention at all of one or more federal magistrates in the decree I. G. XII, 3 # 254¹ could not be explained, if such magistrates stood at the head of the Cretan Koinon. In the preamble of this document reference is made of the councillors and the popular assembly of the Union; of federal magistrates there is no trace whatever.

1. See p. 17 ff.

The foreign envoys then, were compelled to address the *σύλλογος* of the Cretan Koinon composed of the delegates sent by the states which were members of the Union. Accordingly, the peculiarity of Eumenes' method of negotiation lies chiefly in the fact that he determines precisely which and how many states are members of the Union.

2^o) Decree of the Cretan auxiliaries in the service of Ptolemy VI Philometor, king of Egypt. Between 158 and 150 B. C.¹

This record tells us that Cretans have been sent as auxiliaries to Alexandria *ὑπὸ τοῦ κοινοῦ τῶν Κρηταίων* :

L. 1-2: "Ἐδοξε τοῖς ἐξαπε[σταλ]μένοις εἰς Ἀλεξάνδρειαν ὑπὸ τοῦ κοινοῦ τῶ[ν Κρητ]αίων συμμαχοῖς"

L. 31-33 :

...οἱ πεμφθέντες κατὰ συμμαχίαν ὑπὸ τοῦ κοινοῦ τῶν Κρηταίων πρὸς βασιλέα Πτολεμαῖον...

It would be presumptuous to infer from this record that there was a federal army in Crete. This inscription is to be compared with the treaty concluded between Eumenes II and the Cretan Koinon. The soldiers sent to the king of Pergamum must be considered as dispatched by the Cretan Koinon in virtue of the compact. It is likely that a similar agreement was concluded between Ptolemy VI Philometor and the Cretan Union. Each member assumed the obligation to aid king Ptolemy in accordance with the terms of the treaty.

The same inscription affords interesting information about the relations between the Cretans and the Egyptian king :

L. 19-22: τοὺς παραγνομένους ἀπὸ τῶν πατρίδων ἡμῶν [κ]ατὰ πρεσβείαν ἢ κατ' ἄλλην ἠνδρηποτοῦν χρεῖ[αν] τιμῶν καὶ πολυῶν διατελεῖ...

1. Durrbach. o. c. # 92 p. 154 ff. Holleaux, *Archiv für Papyrusforschung und verwandte Gebiete*, VI (1913-20) p. 9 ff. Muttlerssee, o. c., p. 50 f.

Mention is made here of embassies sent to Aglaus, high officer in the service of the Egyptian king, ἀπὸ τῶν πατρίδων ἡμῶν, i. e. from the states to which the mercenaries belonged. Curiously enough, we do not read ἀπὸ τοῦ κοινῶ τῶν Κρηταίων. States, although members of the Cretan Union, continue to send envoys to a foreign court. This shows that the members of the Cretan Union enjoyed a great independence regarding their foreign policy¹.

3^o) D. I. # 4942. Decree in honor of king Attalus II. Between 159 and 138 B. C.

Here again we see that Aptara, a member of the Cretan Union, has sent an embassy to Attalus II king of Pergamum. Of great importance is the article contained in l. 12-13 :... καὶ ἐν πόλι καὶ ἐν τοῖς λιμένοις καὶ ξενολο[γ]ῆσθαι καὶ ὀρμιζέσθαι καὶ αὐτῶι καὶ τοῖς ἐγγόνοις...

Permission to enroll mercenaries on the territory of Aptara is granted to Attalus and his descendants. Now, if there had been a federal army in Crete it seems fairly certain that a restriction should have been made as regards the enrolment of soldiers.

From the above may be concluded that there were no federal magistrates in the Cretan Union who acted as diplomatic negotiators. There is further no sufficient evidence to admit the existence of a federal army.

4^o) Ἀσυλία-decree for Anaphe.

I. G. XII, 3, # 254 (D. I. # 5146) L. 12 ff.

Ἀσυλον ἡμεν

[Ἀναφαίων] τὰν πόλιν κα[ί]
 [τὰν χώρα]ν καθὼς καὶ τὸ [έ]-
 15 [ερόν ὑπ]ἄρχει ἄσυλον
 [τῶι τῶ κ]οινῶ τῶν Κρητα[ί]-
 [έων ῥη]τῶι· εἰ δέ τις τι[να]
 [ἀδική]σῃ Ἀναφαίων τῶν
 [ἐκ Κρήτ]ας ὀρμιομένων,

1. Cardinali, *Rivista di Filologia* XXXV (1907) p. 17, note 2.

- 20 [ἡ ἐκ τᾶ]ς πόλεως ἡ ἐκ τ[ῶ]
 [ἱερῶ], ὑπ' ὄικος ἔστω
 [ταῖ τε Ἀναφαίω]ν πόλει
 [καὶ τῶ]ι προστάν[τι δίκαν]
 [ἐν κ]οινοδικίῳ ἀπρ[όδι]-
 25 [κον καπά]ρβολον καὶ κυ-
 [ρία ἀ πρ]ᾶξις ἔστω κα[τὰ τὸ]
 [διάγρ]αμμα.

This *ἀσυλία*-decree was passed by the Cretan *Koinon* in favor of Anaphe¹. It provides a procedure to be followed in case of infraction of the present resolution. The Anaphæans seek to protect themselves against the Cretan pirates and ask therefore the *ἀσυλία* from the *Koinon*. This decree aims at practical results since it affords a detailed provision for the trial of the contingent contraventions by Cretans.

5^o) Honorary decrees for foreigners.

The Cretan *Koinon* not only granted real privileges to foreigners, it issued also decrees in honor of citizens belonging to foreign states :

1. Decree granting *προξενία* to Cassander. About 165 B. C.²

ἀγαθῆ τύχη. Κάσσανδρον Μενεσθέως ἐτίμησεν.
 τὸ κοινὸν τῶν Κρηταίων προξενίαι.

2. Aglaus of Cos, high officer in the service of the Egyptian king Ptolemy VI Philometer, is *πρόξενος* of all the Cretans : Between 158 and 150 B. C.

[ὑπ]άρχων τε πάντων Κρηταίων πρόξενος³.

3. Decree in honor of Hegesander. About 151 B. C.⁴.

Ἡ[γήσανδρον Ἡ]γησ[άνδρο]ν Ἀθηνα[ῖον καὶ
 Δελφόν, πρόξενον] καὶ εὐ[ερ]γέ[την ἐστεφ]άνωσεν.

1. See p. 17 ff.

2. Syll.³ # 653. A. L. 8.

3. Durrbach, o. c. # 92 L. 19. Muttelsee, o. c., p. 53.

4. Syll.³ # 654 A. L. 5.

Κινάσιοι κα[ί] τὸ κοινὸν [τῶν] Κρηταίων
εἰκόνι χα[λκή].

4. Decree in favor of Epicles of Samos and the Samians.
Second century B. C.¹

This record confirms the friendly relations between the Koinon and Samos. Epicles, the envoy of the Samians is praised and doubtless honored by the Koinon. Unfortunately the portion of the decree granting the honor is mutilated.²

6^o) Decree dealing with the foundation of Magnesia on the Meander presented falsely as issued by the Cretan Koinon.³

Πα[ρ]ὰ τοῦ κοινοῦ τῶν Κρητῶν·
Ἔδοξεν Κ[ρ]ηταίων τῷ κοινῷ συνελ-
θουσαν [τ]ὰμ πολίων πασῶν ἐς Βίλκω-
να ἐς τὸ ἱε[ρ]ὸν τῷ Ἀπέλλωνος τῷ Βιλ-
5 κωνίῳ, ἀγουμένων Γορτυνίων ἐπὶ
κόσμω<ι> Κύδαντος τῷ Κυννίῳ· Ἐπει-
δὴ Μάγνητες οἰκεῖοί ἐντι καὶ φίλοι Κρη-
ταιέων πάντων, ἔδοξεν δέ τισιν ἀν-
τῶν ἐς τὴν Ἀσίαν ἀποικίαν στείλασθαι,
10 ὑπάρχειν Μάγνησιν πᾶσιν οἰκειότατα
καὶ φιλίαν ἀγήρατον καὶ ἐμ πρυτανεί-
ω σίτησιν, καὶ εἰσάγουσιν καὶ ἐξάγουσιν ἀτέ-
λειαν εἶμεν ἀσυλεῖ καὶ ἀσπονδεῖ κατὰ πᾶ-
σαγ Κρήταγ καὶ ἔγκτησιν καὶ πολιτείαν,...

This record aims at confirming the legend that Magnesia on the Meander was founded by Cretans. The decree is a fictitious one. It is however modern in its expressions, it supposes namely that at the time of the foundation of Magnesia the same conditions existed as at the end of the third century B. C. Therein lies chiefly the interest of the inscription. The situation referred to is that of

1. D. I. # 5138.

2. Muttelsee, o. c., p. 54.

3. Kern, o. c., p. 16 # 20.

the time when the record was engraved. The Koinon would not be mentioned if it had not existed in this period.

It cannot fail to strike us that the Cretan Koinon grants the *πολιτεία* or citizenship to all Magnesians. At first sight we may be inclined to infer from this that there was *κοινοπολιτεία* or joint citizenship in Crete. But such was not the case. For the *σίτησις ἐμ. πρυτανείωι* is granted to them as well as the *ἀτελεία* for import and export and the *ἐγκτησις*. The first privilege cannot be connected with the Koinon as such. The Magnesians should enjoy these advantages in each state, member of the Union. The same must be said of the *πολιτεία*.

Yet the word *κοινοπολιτεία* is mentioned in a Vaxian record found at Delphi¹. This inscription contains a decree passed by the Ætolian league in response to a letter from Vaxus in Crete. The Vaxians certify that Epicles was a Vaxian citizen; they explain further how he happens to be at Amphissa.

The Ætolian league grants the *πολιτεία* to Epicles on account of this letter. Thus Epicles receives the *πολιτεία* of the Ætolian Koinon when he has proved to be a Vaxian citizen. It must be observed that Epicles does not ask a privilege on account of personal services rendered to the Ætolian league. The *πολιτεία* is to be granted in virtue of a compact concluded between Vaxus and the Ætolian Koinon. The Vaxians enjoy the *koinopoliteia* in the Ætolian league. The question arises here whether the Ætoliens enjoyed the same privilege in Crete. Was there an exchange of *κοινοπολιτεία* between the Cretan Koinon and the Ætolian Koinon? It is known, however, that the ordinary policy of the Ætolian Koinon consisted in making alliances by means of *ισοπολιτεία*-treaties, that is to say, the Ætoliens granted *κοινοπολιτεία* while the foreign state accorded *ισοπολιτεία*. Thus the Vaxian citizen possesses the *κοινοπολιτεία* in

1. Syll. ³ # 622 B. 1. 12.

Ætolia, while the Ætolian enjoys the *ἰσοπολιτεία* at Vaxus.¹

Hence there is not sufficient ground to infer from this record that *κοινοπολιτεία* existed in Crete.²

Yet it may be objected that some expressions as for instance: *Κρής Ὀάξιος*,³ *Κρής Χερσονάσιος*⁴ seem to imply the existence of *κοινοπολιτεία* in Crete. It must be observed that most of these inscriptions which mention *Κρής* or *Κρηῆτες* followed by the name of a state have been found outside Crete. By far the largest number are epitaphs. *Κρής* there is simply the ethnicum without any political meaning. Moreover these inscriptions cannot be dated with certainty. They may belong to the Roman imperial period. In this period, indeed, we find for example *Κρηῆτες Ἱεραπότνιοι*, *Κρηῆτες Ἀξιοί* etc. on several coins.⁵ Now the Koinon existing then differs considerably from the Koinon existing before the Roman conquest of the island⁶.

The word *Κρηταίεῖς* seems to be used especially in connection with the Cretan Union⁷. It must be noted however, that both terms are employed in the fictitious decree of the Koinon and in Polybius' account of the Lyttian war in 221/0 B. C.⁸ On the other hand the

1. Szanto, *Das griechische Bürgerrecht*, p. 81 ff. Muttelsee, o. c., p. 14, n. 1.

In a much mutilated inscription of Vaxus we read l. 3. ΑΙΤΩΙ... and l. 4 ἰσοπ[ολιτείαν...] (*Museo italiano di Antichità classica*, vol. III, p. 742 ff. # 197.) It may perhaps be suggested that reference is made here to the *ἰσοπολιτεία* which the Ætolians possessed at Vaxus?

2. Muttelsee, o. c., p. 63 referring to Swoboda, *Lehrbuch der griechischen Staatsaltertümer* von K. F. Hermann, 3 Abt., 6th ed., p. 265 f., 304, n. 4, 423, 430, n. 4, 438, 442, admits the existence of *κοινοπολιτεία* in Crete, on account of the fact that the Cretan Koinon grants *προξενία*. Is the mere grant of *προξενία* by a Koinon sufficient to conclude to the existence of *κοινοπολιτεία*? In any case, we cannot accept such a conclusion for the Cretan Koinon.

3. D. I. # 5148 a.

4. D. I. # 5148 b.

5. *Numismatic Chronicle*, vol. VII (1884) p. 130-131.

6. See chapter VI, art. II.

7. Muttelsee, o. c., p. 45 ff.

8. IV, 53.

Cretans allied with Sparta during the Chremonidean war are called Κρηταιεῖς although the Cretan Union does not exist at this time.¹

From the above we may conclude that the Cretan Koinon was not a "Confederacy" comparable, for instance, to the Achæan Koinon. No proof is to be derived from the extant sources that Cretan citizenship, federal army or federal magistrates existed. The Koinon granted ἀσυλία and honors to foreigners. The members of the Cretan Union enjoyed great independence as regards diplomatic negotiations.

1. Syll.³ # 434/5 l. 25 f. Κρηταέων ὅσοι εἰσὶν ἐν ταῖ συμμ[αχίαι] τῆ
Λακεδαιμονίων... see p. 59.

CHAPTER IV

THE CHARACTERISTICS OF THE CRETAN KOINON

Κοινodίκιον — Διάγραμμα.

The Cretan Koinon as it is considered in the preceding chapters was similar in some respects to other Greek koina. It will be our task in the present chapter to point out that the Union of the Cretans had its own characteristics which require for it quite a special mention among the Greek koina which we know of.

In two extant Cretan inscriptions mention is made of a *κοινodίκιον*¹, while Polybius tells us that a *κοινodίκαιον* existed in Crete².

Before analyzing these documents of the utmost importance it will be advisable to review briefly the various interpretations of the word *κοινodίκιον*.

A few scholars interpret *κοινodίκιον* as a common right or common jurisdiction³, but by far the largest number explain it as a common tribunal, adopting Boeckh's interpretation which runs thus :

“ *Universa ut videtur, Creta olim habuit κοινodίκιον, cuius participes singulae civitates dicuntur (μετέχειν τῶν κατὰ κοινodίκιον s. τοῦ κοινodικίου Polyb. XXIII, 15, 4⁴ ubi κοινodίκιον legendum pro κοινodίκαιον), hoc est institutum, quo efficitur ut, diversarum civitatum causae*

1. I. G. XII, 3, # 254 l. 24 ; D. I. # 5040 l. 58.

2. XXII, 15, 4.

3. See p. 38.

4. Edition Büttner-Wobst : XXII, 15, 4.

communi iure dirimantur : hoc sublato praecipitur, ut lites Priansiorum et Hierapytniorum in dicasterio, de quo utrique convenerint, iudicentur. ”¹

The opposition between “ institutum ” and “ dicasterion ” makes it plain that by “ institutum ” is meant a “ tribunal. ” If the Hierapytnians and Priansians have recourse to a “ dicasterion ” it is because the “ institutum ” has disappeared. On the other hand the use of the Greek term “ dicasterion ” shows clearly that to Boeckh’s mind it is opposed to “ κοινοδίκιον ”. This is a common court for all Crete, whereas “ dicasterion ” is a special tribunal agreed upon by Hierapytna and Priansus. The koinodikion then, according to Boeckh, is a common court where a “ commune ius ” is to be applied for the settlement of international differences. Boeckh changes the form κοινοδίκαιον used by Polybius, apparently because the Cretan record contains the word κοινοδίκιον, but this is not sufficient reason since the manuscripts “ Monacensis, Ursinus ”². and the “ Excerpta constantiniana ”³ contain the form “ κοινοδίκαιον ” without any variant,⁴

It is further a well known fact that there was a general tendency in the Cretan dialect to change ε into ι; now this tendency has influenced some words having α and even a few containing αι.⁵

A. Semenoff agrees with Boeckh when he declares: “ Fuisse institutum in Creta κοινοδίκιον — id est tribunal litibus diiudicandis inter singulas ortis civitates ”⁶ The explanation of A. Scrinzi runs: “ Io sostengo, che non fosse già un’ istituzione generale a tutta Creta, dipen-

1. C. I. G. #, 2556, l. 58 n.
 2. See Waszynski, *Archiv für Papyrusforschung und verwandte Gebiete*, V, p. 1 ff.
 3. De Boor, *Excerpta de legationibus Romanorum ad gentes*, p. 46 #20.
 4. Büttner-Wobst adopts Boeckh’s correction (XXII, 15, 4).
 5. e. g. I. G. XII, 3, # 254, l. 19: ὀρμιτομένων instead of ὀρμαχομένων
 D. I. # 4982, l. 7, Φέρσαιεν instead of Φέρσαιεν. So κοινοδίκιον instead of κοινοδίκαιον.
 6. *Antiquitates iuris publici Cretensium*, p. 51.

dente da una lege federale (*συγκρητισμός*) e per essa dicente giustizia nelle questioni fra città e città, ma che fosse invece un tribunale (affatto speciale) arbitrale eletto volta per volta dalle città, che per commune interesse e per evitare la prova delle armi s'erano accordate a questo arbitrato. "1

G. Cardinali, interpreting the intervention of Appius Claudius in the year 184 B. C. argues: "e certo che il *κοινοδικιον*, introdotto così nel passo di Polibio, non potrebbe essere considerato che come un tribunale arbitrale, la cui sfera di giurisdizione dovesse essere molto ampia ed abbracciare tutta l'isola di Creta.. "2

E. Babelon has the following opinion based upon a study of J. N. Svoronos on the countermarks which are found on many Cretan coins³: "Pour expliquer la présence de ces contremarques semblables sur les monnaies d'un aussi grand nombre de villes—on en signalera sans doute encore d'autres—il faut admettre l'opinion de M. Svoronos, d'après laquelle les Crétois ont dû constituer, pour régler leurs différends de ville à ville, qui étaient si fréquents, un tribunal suprême et commun, d'un caractère fédéral, *κοινοδικατον* qui prononçait des sentences devant lesquelles s'inclinaient les parties à quelque ville qu'elles appartenissent; ce tribunal condamnait à des amendes ou à des indemnités payables exclusivement en monnaies portant la contremarque du chaudron. Installée vraisemblablement à Cnosse ou à Gortyne, cette cour de justice composée de représentants de toutes les villes avait dû faire revêtir d'une contremarque les monnaies qu'elle admettait en paiement, afin d'éviter que les indemnités ou les amendes fussent soldées dans quelque autre des monnaies à types variés, souvent d'imitation barbare, qui pullulaient dans l'île et qui

1. *La guerra di Lyttos del 220 av. Cr. e i trattati internazionali Cretesi*, p. 59.

2. *Rivista di Filologia* XXXV (1907) p. 17 f., note 2.

3. *Bulletin de Correspondance hellénique*, XII (1888) p. 405 ff.

étaient loin d'avoir entre elles le même alloi, la même valeur.¹ ”

Svoronos' explanation, to which Babelon refers, has been refuted by Comparetti².

Many other scholars consider the koinodikion as a common tribunal, inter alios Niese³, Mitteis⁴, Francotte⁵, Hitzig⁶, Raeder⁷, Swoboda⁸, Muttelsee⁹.

A few writers however interpret the koinodikion as a kind of “ ius commune ”. E. Caillemer sees in it a right common to the whole island, a superior jurisdiction to which all Cretan states had to submit their disputes¹⁰. G. Perrot thinks of common rights, a common constitution¹¹.

A careful inquiry into the documentary evidence brought us to a view which differs considerably from the above cited interpretations. The most important document which calls for examination here is the record of a treaty concluded between Hierapytna and Priansus, two states on the South coast of Eastern Crete. (D. I. # 5040).¹² The interest of this inscription lies chiefly in the regulation of the procedure to be followed in the settlement of international offences—private as well as public. The passage which contains the provision for the settlement of private international offences (infringements of the terms of the present treaty) runs as follows :

1. *Traité des monnaies grecques et romaines*, 2^e partie, tome III, p. 875 ff.
2. *Museo italiano*, II, p. 677 ff.; see Th. Reinach, *L'Histoire par les monnaies*, p. 27 ff.
3. o. c. III, p. 322.
4. Mitteis and Wilcken, *Grundzüge und Chrestomathie der Papyruskunde*, II Band, I Hälfte, p. 6.
5. *La Polis grecque*, p. 156.
6. *Altgriechische Staatsverträge über Rechtshilfe*, p. 28, 29, 46.
7. *L'Arbitrage international chez les Hellènes*, p. 97.
8. Busolt, *Griechische Staatskunde*, II^e Hälfte bearbeitet von Swoboda, p. 740.
9. o. c., p. 42, 49, 52, 54 ff.
10. Daremberg and Saglio, *Dictionnaire s. v. Cretensium res publica*.
11. Ibid. s. v. Cretarcha.
12. See Appendix II. Muttelsee, o. c., p. 55 ff.

L. 46-52 :

εἰ δέ τις ἀδικοίη | τὰ συγκείμενα κοινᾷ διαλύων ἢ κόσμος ἢ
 ιδιώτας, ἐξέστω τῷ βωλομένῳ δικάσασθαι ἐπὶ τῷ κοινῷ
 50 δικαστηρίῳ, τίμαμα ἐπιγραφόμενον τᾶς δίκας κατὰ τὸ
 ἀδίκημα, ὃ καὶ τις ἀδικήσῃ· καὶ εἴ κα νικάσῃ, λαβέτω τὸ
 τρίτον μέρος τᾶς δίκας ὁ δικάζόμενος, τὸ δὲ λοιπὸν ἔστω
 τᾶν πόλεων.

“ Any one who should contravene what has been determined in common, whether cosmus or private citizen, may be brought to trial, by any one, to the common court, the accuser giving a written assessment of the fine in accordance with the offence. The accuser, if he be successful is to receive one third of the assessed sum while the remainder is paid to both cities¹. ”

It is important to note that the κοινὸν δικαστήριον has nothing to do with the assessment of damages. The judges simply have to settle the point of fact (whether or not the indicated article of the agreement has been infringed). On the other hand the accuser does not determine directly what term has been infringed. He only hands in the penalty attending the offence. Thus by indicating the fine, he determines the offence. This implies that there was a list of fines to be inflicted upon the different offences of private international nature. And, indeed, we learn from an agreement between Latus and Gortyn, that such a list existed in Crete². Gortyn and Latus lay down, by common consent, the rules regulating the procedure to be followed in the settlement of disputes arising between Latians and Gortynians.

L. 10-12 run thus :

Τιμαῖς δὲ χρησιόμεθα ταῖς ἐς τῷ διαγράμματος τῷ τῶν
 Κρηταίων αἰ ἐκάστων ἔγραπται

1. Tod, *International arbitration amongst the Greeks*, p. 36, interprets τᾶν πόλεων: “the aggrieved state”. This explanation must be rejected since the record contains the plural: τᾶν πόλεων.

2. D. I. Nachträge, p. 1033. C.

"We shall inflict the fines written in the code of the Cretans for each case."

Consequently, the accuser has but to consult the Cretan code in order to find the penalty attending a definite case of private international character.

The same fact may be observed in the decree passed by the Cretan Koinon granting *ἀσυλία* to Anaphe¹. Reference is made there to private international offences. The exaction of the penalty (*πρᾶξις*) shall be valid in accordance with the diagramma.

The second stipulation deals with the settlement of outstanding public international differences:

D. I. # 5040 L. 57-63:

ὑπὲρ δὲ τῶν προγεγονότων παρ'ἐκατέροις | ἀδικημάτων,
 ἀφ' ᾧ τὸ κοινοδίκιον ἀπέλιπε χρόνω, ποι|ησάσθων τὰν
 60 διεξαγωγὰν οἱ σὺν Ἐνίπαντι καὶ Νέωνι κόσ||μοι ἐν ᾧ
 κα κοινᾷ δόξει δικαστηρίῳ ἀμφοτέραις ταῖς πό|λεσι ἐπ'
 αὐτῶν κοσμώντων, καὶ τὸς ἐγγύος καταστασάν|των ὑπὲρ
 τούτων, ἀφ' ἧς κα ἀμέρας ἀστάλα τεθῆι ἐμ μη|νί.

"The outstanding disputes between both states, since the disappearance of the koinodikion, shall be settled with all speed by the cosmi Enipas and Neon with their colleagues, in a court agreed upon by both states, during their term of office. They shall take guarantors for these matters within a month, beginning from the day the stele has been placed²."

Lastly, a third clause is laid down providing for the settlement of prospective public international disputes:

1. See p. 17 f.

2. Caillemer in "Daremberg and Saglio", *Dictionnaire* s. v. *Creten-sium res publica*, declares: "Si des 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 koinodikion, elles seront jugées par un tribunal désigné d'un commun accord". This explanation is not correct: the koinodikion had disappeared when the present treaty was concluded.

L. 63-70 :

ὑπὲρ δὲ τῶν ὕστερον ἐγγυνομένων ἀδικημάτων προ|δίκω
 65 μὲν χρήσθων, καθὼς τὸ διάγραμμα ἔχει· περὶ δὲ τῶ||
 δικαστηρίω οἱ ἐπιστάμενοι κατ' ἐνιαυτὸν παρ' ἑκατέρους|
 κόσμοι πόλιν στανέσθων, ἅγ κα ἀμφοτέραις ταῖς πόλεσ[ι|
 δό]ξει, ἐξ ἧς τὸ ἐπικριτήριον τέλεται, καὶ ἐγγυός καθιστάν|
 των, ἀφ' ἧς κα ἀμέρας ἐπιστάντι ἐπὶ τὸ ἀρχεῖον ἐν
 διμηνίω |καὶ διεξαγόντων ταῦτα ἐπ' αὐτῶν κοσμώντων κατὰ
 70 τὸ || δοχθὲν κοινᾷ σύμβολον.

“ For the settlement of future differences, arbitration shall be employed in accordance with the code. With reference to the tribunal, the cosmi elected each year on both sides shall determine in common the state which shall appoint the arbitral court; they shall take guarantors within two months after the day of their election and they shall do all this while in function in accordance with the treaty drawn up by both the contracting parties. ”

This document then contains three clauses :

- 1^o) εἰ δέ τις ἀδικοίη... (l. 46-52).
- 2^o) ὑπὲρ δὲ τῶν προγεγονότων παρ' ἑκατέρους ἀδικημάτων... (l. 57-63).
- 3^o) ὑπὲρ δὲ τῶν ὕστερον ἐγγυνομένων ἀδικημάτων... (l. 63-70).

In the first stipulation ἀδίκημα is clearly defined :

“ The infringements of the articles of the treaty by a private citizen or cosmus, i. e. private international offences.

In the second clause ἀδίκημα is not determined :
 “ the outstanding disputes on both sides. ”

Finally the third clause refers only to ἀδικήματα. As ἀδίκημα means “ per se ” private as well as public offences the question arises here whether the second and third stipulation are concerned with private international or public international disputes, or both.

In the third clause there can be no doubt. All prospective differences (beginning with the following year) must

be submitted to a *πρόδικος*. We have already seen that the private international offences must be brought before a *κοινὸν δικαστήριον*, according to the first stipulation (l. 47 ff.). Consequently the *ἀδικήματα* viewed in the third stipulation are public international differences¹.

In the second clause *ἀδίκημα* means private as well as public international disputes. For, since the disappearance of the *koinodikion* the terms of the former treaty D. I. # 5024² have been infringed by private citizens as well as by the involved states themselves. Further claims have, no doubt, arisen between the two cities. These *ἀδικήματα* must be brought before a *δικαστήριον* agreed upon by both states; the same court then has to settle public and private international offences. The settlement of these disputes must be brought about with all speed: this appears clearly from the fact that Enipas and his colleagues, (Neon and his colleagues also) have but one month to take guarantors, whereas, according to the third stipulation, two months are left to the *cosmi* established each year, to take their guarantors. Moreover, it is stipulated that the outstanding disputes, since the *koinodikion* disappeared are to be settled during the term of office of the actual *cosmi*: (*ἐπ' αὐτῶν κοσμώντων*). The civil year was doubtless already advanced. The future differences also must be settled before the close of the civil year, but the *cosmi* have the whole year to do this.

Briefly, less time is left to the actual *cosmi* to bring about the settlement of outstanding disputes. This is to be done with all speed.

The fact that the outstanding differences ought to be settled before the close of the civil year (*ἐπ' αὐτῶν*

1. Hitzig, *Altgriechische Staatsverträge über Rechtshilfe*, p. 52.

2. See p. 46 f.

κοσμώντων), shows that ὕστερον... refers to the following years.

Accordingly, from the next year on, the two following stipulations are to be applied :

1^o) εἰ δέ τις ἀδικοίη... (l. 46 ff.) (private international offences).

2^o) ὑπὲρ δὲ τῶν ἐγγνωμένων ἀδικημάτων προδίκω μὲν χρήσθων, καθὼς τὸ διάγραμμα ἔχει (l. 63-64) (public international differences).

The private international offences must be brought before a κοινὸν δικαστήριον while the public international disputes are to be submitted to a πρόδικος. What is meant here by πρόδικος? Caillemer gives the following interpretation, adopted by most writers: "Pour les contestations qui s'élèveraient à l'avenir entre les deux cités contractantes, elles devront être soumises d'abord à un arbitre (πρόδικος); à défaut de conciliation, on fera juger le conflit par une cité tierce, désignée d'un commun accord"¹. Who shall be the "arbiter"? This is not determined; even the word πρόδικος has no article. On the other hand it is stipulated that the cosmi elected each year shall determine the state which shall appoint the ἐπικριτήριον. Suppose that πρόδικος means an arbiter and that both states will submit their claims to the arbitral court (ἐπικριτήριον) when the arbiter fails to settle the dispute, then we have the following facts:

1^o) πρόδικος = arbiter (not determined).

2^o) ἐπικριτήριον = arbitral court (precisely determined).

Thus a detailed provision for a hypothetical case (if the arbiter fails, the arbitral court shall settle the difference). We may ask ourselves why the cosmi determine the second point and not the first also.

A careful examination of the passage involved led us to another conclusion. It must be noted that l. 64 ff.

1. Daremberg and Saglio, *Dictionnaire s. v. Cretensium res publica.*

(... ἐπικριτήριον...) give a more detailed account of the procedure to be followed in the settlement of claims between the two states, of the ἀδικήματα which are not to be brought before the κοινὸν δικαστήριον. These differences as we have already seen, are to be submitted to a πρόδικος. The ἐπικριτήριον therefore is a concrete application of what is meant by the general term : πρόδικος. Προδικῶι μὲν χρῆσθων is the stipulation laid down in the Cretan diagramma and ἐπικριτήριον is the application of it made by both the contracting states. Consequently, πρόδικος must be interpreted as " πρόδικος δίκη " that is to say δίκη διὰ προδικῶν = arbitration¹.

This stipulation of the Cretan code is strikingly general. It prescribes arbitration but does not stipulate how it is to be put into practice. This is a fact of capital importance which we have to keep clearly before our minds.

One further point demands our attention in this connection : in l. 64-65 mention is made of " the tribunal " ...περὶ δὲ τῶ δικαστηρίῳ... The use of the article shows that it has been spoken of previously, that it is something known. Now the only δικαστήριον already mentioned is the κοινὸν δικαστήριον cited in l. 48-49. This κοινὸν δικαστήριον has to settle private international offences ; it is κοινόν because it is agreed upon by both states (l. 66-67... ἄγ κα ἀμφοτέραις ταῖς πόλεσ[ι δό]ξι). Hence Hierapytna and Priansus shall determine each year a πόλις ἑκκλητος which shall appoint the ἐπικριτήριον and the δικαστήριον, or rather the state determined in common shall appoint judges who shall compose the ἐπικριτήριον for the settlement of claims between the two states and the δικαστήριον for the judgment of private international offences. So all international disputes, public as well as private are to be brought before the same court.

1. See Photius, s. v. Προδικῶν δίκην. Majuri, *Rendiconti*, ser. V, vol. XIX (1910), p. 40 ff. Muttelsee, o. c., p. 60 f., 68 ff.

This court acts as arbitral court (*ἐπικριτήριο*) or as ordinary tribunal (*δικαστήριο*) according to the nature of the dispute submitted.

We have seen above¹ that the outstanding private and public international differences, since the disappearance of the *κοινοδίκιον* must be submitted to a court agreed upon by both states (l. 60-61... *ἐν ᾧ κα κοινᾷ δόξει δικαστηρίῳ ἀμφοτέραις ταῖς πόλεσι*). There also the same tribunal has to settle public and private international disputes.

It must be noted further that in the sentence: *ὑπὲρ δὲ τῶν ὑπερῶν ἐγγυομένων ἀδικημάτων προδίκω μὲν χρήσθων, καθὼς τὸ διάγραμμα ἔχει*, the particle *μὲν* has not its usual place. Ordinarily it is put after the first word of a sentence. This shows that the sentence *προδίκω μὲν χρήσθων* has been taken literally from the Cretan code, without any change in the place of the words². Apparently we have here the exact stipulation of the Cretan diagramma prescribing "arbitration". This prescription is strikingly general. It does not stipulate how arbitration is to be put into practice. The states therefore, which accept the diagramma are quite free to apply this general clause in the way they determine themselves.

In the treaty D. I. # 5040 we see that both contracting parties indicate a *πόλις ἑκκλητος* which shall appoint the judges for the settlement of all their disputes.

It is interesting to note that this procedure is *κατὰ τὸ δοχθὲν κοινᾷ σύμβολον*. What is this *σύμβολον* concluded previously between Hierapytna and Priansus? Fortunately this can be determined. In D. I. # 5040 l. 5 ff. run thus: ... *Ἱεραπύτνιοι καὶ Πριάσιοι, [ἐμμένον]|τες ἐν ταῖς προὔπαρχώσαις στάλαις ἰδία τε[ταῖ κειμένοι]| Γορτυ-*

1. p. 40 ff.

2. Hence there is not question of a "codice particolare riconosciuto da Hierapytna e Prianso, in altri termini un particolare regolamento per i loro giudizi." (Cardinali, *Rivista di Filologia*, XXXV (1907) p. 17, note 2.)

νίοις καὶ Ἱεραπυτνίοις καὶ ταῖς κατὰ κοινὸν [Γορτυνίοις] | καὶ Ἱεραπυτνίοις καὶ Πριανσίοις...

Reference is made here to a particular (*ιδίαι*) agreement between Gortyn and Hierapytna and a common (*κατὰ κοινόν*) treaty between Gortyn and Hierapytna on the one hand and Priansus on the other.

Now in D. I. # 5024 l. 5 ff. we read : [... τὰδε συνέθεντο Γορτυνίοι καὶ Ἱερα|π]ύτνιοι τοῖς Πριανσιεῦσιν κ[αὶ οἱ Πριανσιεῖς τοῖς Γορτυνίοις καὶ | τοῖ]ς Ἱεραπυτνίοις¹...

Gortyn and Hierapytna conclude a compact with Priansus. Hierapytna already has made a special agreement with Gortyn, for the contracting parties are : Gortyn-Hierapytna on the one hand and Priansus on the other. This fact is of the greatest importance, because the treaty D. I. # 5040 l. 5 ff. refers to a special agreement (*ιδίαι*) between Gortyn and Hierapytna, and to a common treaty (*κατὰ κοινόν*) between Gortyn-Hierapytna and Priansus. Hence we may safely take it for granted that l. 5 ff. in D. I. # 5040 refer to the treaty D. I. # 5024²

Furthermore a comparison between the two documents makes it plain that they are intimately connected.

1^o) D. I. # 5040 l. 9... ὄρκους τοῖς προγεγονόσι...

These oaths are to be found in D. I. # 5024 l. 59 ff. (*ὄρκος*...)

2^o) D. I. # 5040 l. 10 :... ἐπὶ ταῖς χώραι αἱ ἐκάτεροι ἔχοντες... L. 16 ff. of D. I. # 5024 contain the boundary delimitation (*ὄρος*).

3^o) D. I. # 5040 l. 67 ff. ... ἐπικριτήριον... κατὰ τὸ δοχθὲν κοινᾷ σύμβολον. In D. I. # 5024 l. 52 f. mention is made of an *ἐπικριτήριον*.

The treaty D. I. # 5024 has been infringed after the disappearance of the *κοινοδίκιον*. Probably an internal war broke out in Crete, as it often happened. Some time

1. The restorations are correct, for l. 1 ff. mention the contracting states : Gortyn-Hierapytna with Priansus.

2. See Appendix I.

elapsed, doubtless before the new compact D. I. # 5040 was concluded.

In the new treaty, no frontier delimitation is given. This however, was a question of capital importance in Crete. Both cities agree upon the boundaries fixed by the previous treaty D. I. # 5024. Great stress is laid upon the promise to respect each other's territory. This is a characteristic feature of Cretan treaties. It is known that territorial disputes were very common in Crete.

The close relation between the two compacts (D. I. # 5040 and D. I. # 5024) brings us to the following important conclusions :

1^o) The procedure to be followed in the settlement of international disputes being *κατὰ τὸ δοχθὲν κοινᾷ σύμβολον*, is the procedure determined in the *σύμβολον* D. I. # 5024, l. 50 ff.

2^o) The *σύμβολον* D. I. # 5024 was concluded during the existence of the *koinodikion*. For, if the *koinodikion* admitted by both states had continued to exist during the period separating the treaty D. I. # 5024 from the new agreement D. I. # 5040, the sentence *ἀφ' ὧ τὸ κοινοδικίον ἀπέλιπε χρόνω* (l. 58) should not be employed in the latter document. From this we may draw the inference that the procedure to be followed in the settlement of prospective international offences given in D. I. # 5040 is the same as that followed **before** the *koinodikion* disappeared. Consequently during the existence of the *koinodikion* both states had to determine each year, by mutual consent a *πόλις ἑκκλητος* which had to appoint the *ἐπικριτήριον* for the settlement of claims between the two cities and the *δικαστήριον* for the judgment of private international offences. This then is the way in which the contracting parties put the Cretan code into practice.

During the very existence of the *koinodikion* the public and private international *ἀδικήματα* were settled

in accordance with the *σύμβολον* of D. I. # 5024. A court appointed by the *πόλις ἑκκλητος* acts as arbitral court (*ἐπικριτήριον*) in the settlement of claims between the states and as ordinary tribunal (*δικαστήριον*) in the settlement of private international disputes.

This being so, the sense of *koinodikion* cannot be "common tribunal". For the international disputes are not brought before the *koinodikion* but before the court of a *πόλις ἑκκλητος*.

A third conclusion may be drawn from the intimate relation between the agreements D. I. # 5040 and D. I. # 5024. The diagramma is mentioned in each record in connection with the procedure to be followed¹. Hence diagramma has doubtless the same meaning in both documents. Now the diagramma prescribes "arbitration" for differences between states. It does not require to submit these disputes to the *koinodikion*, as we should expect if the *koinodikion* were a common court.

What is then the sense of *κοινοδίκιον*?

The *koinodikaion* or *koinodikion* must be studied in connection with the Cretan *Koinon*, as we may infer from a text of Polybius².

1. "Ὅτι κατὰ τὴν Κρήτην, κοσμοῦντος ἐν Γορτύνη Κύδα του Ἀντάλκου, κατὰ πάντα τρόπον ἐλαττούμενοι Γορτύνιοι τοὺς Κνωσίους, ἀποτεμόμενοι τῆς χώρας αὐτῶν τὸ μὲν καλούμενον Λυκάστιον προσένειμαν Ῥαυκίοις, τὸ (δὲ) Διατόνιον Λυττίοις.
2. Κατὰ δὲ τὸν καιρὸν τοῦτον παραγενομένων πρεσβευτῶν ἐκ τῆς Ῥώμης εἰς τὴν Κρήτην τῶν περὶ τὸν Ἀππιον χάριν τοῦ διαλύσαι τὰς ἐνεστώσας αὐτοῖς πρὸς ἀλλήλους διαφοράς, καὶ ποιησαμένων λόγους ὑπὲρ τούτων (ἐν) τῇ Κνωσίῳ καὶ Γορτυνίῳ, πεισθέντες οἱ Κρηταεῖς ἐπέτρεψαν τὰ καθ' αὐτοὺς τοῖς περὶ τὸν Ἀππιον.

1. D. I. # 5024 l. 56 f. — D. I. # 5040 l. 64.

2. XXII, 15, 1-4.

3. Οἱ δὲ [πεισθέντες] Κνωσίοις μὲν ἀποκατέστησαν τὴν χώραν, Κυδωνιάταις δὲ προσέταξαν τοὺς μὲν ὀμήρους ἀπολαβεῖν, οὓς ἐγκατέλειπον δόντες τοῖς περὶ Χαρμίωνα πρότερον, τὴν δὲ Φαλάσαρναν ἀφεῖναι μηδὲν ἐξ αὐτῆς νοσφισαμένους.
4. Περὶ δὲ τῶν κατὰ κοινοδικαίον¹ συνεχώρησαν αὐτοῖς βουλομένοις μὲν [αὐτοῖς] ἐξεῖναι μετέχειν, μὴ βουλομένοις δὲ καὶ τοῦτ' ἐξεῖναι, πάσης ἀπεχομένοις τῆς ἄλλης Κρήτης...

1. " In Crete, while Cydas son of Antalces was cosmus in Gortyn, the Gortynians, who sought in every way to depress the Cnossians, deprived them of a portion of their territory, called Lycastium and assigned it to the Rhaucians, and another portion called Diatonium to the Lyttians.

2. But when about this time the ambassadors Appius and his colleagues arrived in Crete from Rome with the view of settling the differences which had arisen among them and addressed remonstrances to the cities of Cnossus and Gortyn on these points, the Cretans gave in and submitted the settlement of their disputes to Appius and his colleagues.

3. The Gortynians restored to the Cnossians the territory they had taken ; the Cydoniates were ordered to receive back the hostages which they had left formerly in the hands of Charmion and to surrender Phalasarna without taking anything out of it.

4. As to the sharing in the contract of arbitration², they (Appius and his colleagues) left it free to them (the Cydoniates) to do so or not as they pleased, on condition that in the latter case they abstained from entering the rest of Crete... "

In 184 B. C. a Roman embassy with Appius Claudius at its head arrives in Crete with the view of settling the

1. Büttner-Wobst adopts Boeckh's correction : κοινοδικαίον. See p. 36. n. 4.

2. Muttelsee, o. c., p. 52 f. interprets κοινοδικαίον as " die gemeinsamen Rechtsnormen, das kretische Bundesrecht. "

internal controversies. Appius succeeds in his mediation. Peace is restored on the island. With reference to Cydonia we read a very peculiar stipulation. The Cydoniates are left free to share or not in the *koinodikaion* as they pleased, but in the latter case they have to abstain from entering the rest of Crete. The Cydoniates decided not to share in the *koinodikaion*. This we learn from a treaty concluded doubtless a few months after Appius' mediation. In 183 B. C. indeed, Eumenes II king of Pergamum made an agreement with the Cretan Koinon¹. The thirty one states members at that time are enumerated. The name of one state has been cancelled ; but it is not the name *Κυδωνιάται* since the removed name consisted of seven letters. Cydonia then is not a member of the Cretan Koinon which was restored through the mediation of Appius in 184 B. C.

On the other hand we know that if the Cydoniates had accepted the *koinodikaion* they were allowed to enter the rest of Crete. How could they intervene in Cretan affairs peaceably without being members of the Cretan Union ?

The fact that Cydonia is not a member of the Koinon makes it plain that the *conditio sine qua non* of membership was : " the acceptance of the *koinodikaion* ". The Cydoniates do not accept the *koinodikaion* and consequently they are not members of the Cretan Koinon.

The *koinodikaion* or *koinodikion*² is the " *conditio sine qua non* " of membership in the Cretan Union.

We have seen that during the existence of the *koinodikion* Hierapytna and Priansus submitted their public international disputes to " arbitration " in accordance with the Cretan *diagramma*. Both cities " sharing in the *koinodikaion* or *koinodikion* " are members of the Cretan Union. They conclude a *σύμβολον* (D. I. # 5024) with

1. See p. 23 ff.

2. See p. 36, n. 5.

the view of applying the general stipulation of the Cretan code.

Apparently this code is passed by the Cretan Union and the members have to accept it. Therefore the *conditio sine qua non* of membership in the Union is : " the acceptance of the Cretan code " and *koinodikaion* or *koinodikion* is the " contract by which the Cretan states accept the diagramma or code of the Cretan Union. "

The Cretan code, as we have seen, prescribes arbitration for claims between states (*προδίκωι μὲν χρήσθων*) and determines the penalties attending private international offences.

Hence the *koinodikion* is the contract by which the states agree to settle all international disputes in a peaceful way.

The chief stipulation of the diagramma is " compulsory arbitration for public international differences. " Therefore the *koinodikion* is " *de facto* " a contract of arbitration.

It must not surprise us that the Cretan Union required such a contract of its members, since internal wars were quite common on the island. The *Koinon* seeks to put an end to this unfortunate situation by requiring the acceptance of its code.

Hence the Cretan *Koinon* seems to be a general treaty of peace, so necessary on the warlike island¹.

1. In connection with this investigation on the *koinodikion* reference must be made to the study of Waszyński (*Archiv für Papyrusforschung und verwandte Gebiete*, V, p. 4 ff).

This scholar makes a distinction between :

1^o) Τὸ *κοινοδίκιον* I. G. XII, 3, # 254 (D. I. # 5146) " ein für ganz Kreta gemeinsamer Gerichtshof. "

2^o) Τὸ *κοινοδικαίον* : Polyb. XXII, 15, 4 : " das gemeinsame Recht. "

3^o) Τὸ *κοινοδίκιον* : Fraenkel, *Inschriften von Pergamon*, I, # 163 A Col. II, l. 3-5 :

" διοικεῖσθ[αι] δὲ καὶ [τ]ὰ κατὰ τὸ *κοινοδίκιον*, ὡσπερ συνέθεντο πρὸς ἑμαῖς,

ὀρκιζομένων τῶν δικαστῶν ὃν τρόπον καὶ ἔμπροσθεν. " τὸ κοινοδίκιον = " gemeinsames Recht. "

According to Waszyński τὸ κοινοδίκιον means in Crete " the common tribunal " and in Teos " the common right ". The author interprets [τ]ὰ κατὰ κοινοδίκιον as [τ]ὰ (scil. ἁμαρτήματα) κατὰ τὸ κοινοδίκιον. No ground is indicated for such explanation. It is however plain that τὰ κατὰ followed by the accusative is a very common greek expression which means : " as regards ", here as regards the koinodikion, i. e. " the koinodikion ".

In this much mutilated record mention is made of disputes between citizens of Teos and the Technites of Dionysus settled in Teos. Eumenes II king of Pergamum passes a statute with the view of settling the controversies between the Teans and these Technites. The koinodikion 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.

Furthermore it is not surprising to find the Cretan form " κοινοδίκιον " used here, since it is known that Eumenes II and the Teans also had frequent relations with Crete. We possess indeed a great number of Cretan decrees granting ἀσυλία to Teos (D. I. # 5165 ff.) and the treaty of Eumenes II with the Cretan Koinon. Accordingly the Cretan κοινοδίκιον was well known in Pergamum and Teos.

CHAPTER V

THE APPLICATION OF THE DIAGRAMMA

Σύμβολα.

In the foregoing chapter we arrived at the conclusion that the koinodikion was the contract by which the Cretan states bound themselves to observe the Cretan code. This contract was the *conditio sine qua non* of membership in the Cretan Union.

The diagramma of the Cretans, as we have already seen, prescribed arbitral settlement for disputes between states and contained a list of fines to be inflicted upon private international offences. The states which thus accept the Cretan code are compelled to settle in a peaceful way not only actual and existing controversies but all disputes which may arise in the future. It must be remembered further that the prescription of the Cretan diagramma is surprisingly general. No indication whatever is given about a court before which the international difficulties should be brought. The states are left *quæ* free to determine themselves in which way they shall bring about the settlement of their differences. The application of the diagramma then must be regulated by arbitration treaties called : *σύμβολα*.

Such compacts were often concluded when an international dispute had arisen, but one further step may be taken and was taken at least several times so far as we can judge, that is to say, the states frequently involved in a dispute, especially neighbouring states, determine by mutual consent, the way in which all future contingent differences should be settled.

The most striking example of such a case is to be found in the *σύμβολον* D. I. # 5024. Both contracting cities agree to submit their international disputes—public as well as private—to a court appointed by a *πόλις ἑκκλητος* determined each year by mutual agreement¹. The word here employed "*σύμβολον*" provides not only the basis for the solution of disputes of private international nature, but relates also to the procedure to be followed in case of differences arising between the two states. This makes it plain that *σύμβολον* must be taken here in the sense of arbitration treaty providing for the settlement of all international differences.

The same must be said of the *σύμβολον* D. I. # 5040 since the procedure agreed upon is *κατὰ τὸ δοχθὲν κοινῶι σύμβολον*. It is important to note, however, that the Cretan Koinon had disappeared when this compact was concluded. Hierapytna and Priansus nevertheless, agree to observe the diagramma of the Cretans. The reason for this is to be sought in the fact that either state was member of the Koinon. The settlement of their disputes was regulated, during the existence of the Cretan Koinon by the *σύμβολον* D. I. # 5024. The disappearance of the Union probably due to a civil war on the island, resulted in the infringement of the terms of this treaty. Under such circumstances the conclusion of a new compact was necessary (D. I. # 5040). This last treaty is intimately connected with the former; the provision namely for the settlement of the international offences, is the same in both *σύμβολα*. Thus Hierapytna and Priansus binding themselves to observe the diagramma, fulfil the condition required for membership in the Cretan Union; they form indeed a "reduced Koinon."

1. See p. 46 f. The procedure afforded by the inscription D. I. # 5040 is *κατὰ τὸ δοχθὲν κοινῶι σύμβολον* (l. 69-70); this *σύμβολον* is given in D. I. # 5024, l. 50 ff.

A further example of an agreement of the same nature is to be found in two decrees, very similar in purport and phraseology, passed by Latus and Olus¹.

On the request of a Cnossian embassy sent to both cities on two separate occasions, Latus and Olus decide in common to entrust to Cnossus the arbitral decision of all their outstanding differences :

1^o) Syll.³ # 712, L. 9-11... δόμεν τὰν ἐπιτροπὰν Λατίος καὶ Ὀλοντίος || τὰι τῶν Κνωσίων πόλι περὶ τῶν ἀμφιλλεγομένων αὐτοῖς | πόλι πορτὶ πόλιν πάντα περὶ πάντων...

2^o) D. I. Nachträge, p. 1034, 5, L. 7-8 ... περὶ δὲ τῶν ἀμφιλλεγομένων | πόλι πορτὶ πόλιν δόμεν αὐτοῖς τὰν ἐπιτροπὰν.

L. 10 ... καὶ ἔδωκαν [τ]ὰν ἐπιτροπὰν πάντα περὶ πάντων.

Here again we see that the international disputes are to be brought before a tribunal appointed by a third city agreed upon by common consent (πόλις ἔκκλητος). This seems to be the ordinary rule for the settlement of international controversies.

The decrees passed by the two cities date from 116/5 B. C. It is likely that the Cretan Koinon existed at this time and that Latus and Olus were possibly members of it, but there is, however, no conclusive evidence that this was really the case.

The same remark must be made regarding the last record we have to consider here, namely a compact between Gortyn and Latus².

Both cities agree upon the procedure to be followed in the settlement of the disputes between their respective citizens. The penalties determined in the Cretan code shall be inflicted upon the contingent offences : l. 10-12 run :

τιμαῖς δὲ χρησιόμεθα ταῖς ἐς τῶ διαγράμματος
τῶ τῶν Κρηταιέων αἰ ἐκάστων ἔγραπται.

1. Syll.³ # 712. Tod, o. c., p. 35 # LII, LIII. D. I. Nachträge, p. 1034, 5).

2. D. I. Nachträge, p. 1033, C.

The instances we have considered hitherto make it clear that the Cretan diagramma is put into practice by means of *σύμβολα* or arbitration treaties. These *σύμβολα* therefore are the immediate result of the acceptance of the diagramma, which prescribed arbitration, leaving the states free in the manner of applying it.

The conclusion of arbitration treaties was naturally an occasion to grant some privileges, the most important of which was the *ἰσοπολιτεία* or reciprocity of citizenship.¹ Thus several *ἰσοπολιτεία*-treaties at least are to be considered as the indirect result of the acceptance of the Cretan diagramma.

Keil, however, argues that the isopoliteia in Crete acted "bundesbildend" at the end of the III^d century B. C.²

Szanto³ and Kornemann⁴ agree with him in this respect. It would seem to us that just the opposite view is to be taken. For at the close of the third century B. C. the Cretan Koinon certainly existed⁵. On the other hand most isopoliteia-treaties are to be dated in the second century B. C. It is clear therefore that these treaties did not lead to the establishment of the Cretan Union, but they must be interpreted as the indirect result of the acceptance of the Cretan code⁶.

1. Ferguson, *Greek imperialism*, p. 31 f.

2. *Griechische Staatsaltertümer*, p. 369.

3. *Griechisches Bürgerrecht*, p. 76 ff.

4. *Real-Encyclop. Supplement-Band IV*, p. 926, col. 2, l. 10.

5. See Chapter VI, Art. 1.

6. *Muttelsee*, o. c., p. 62 ff.

CHAPTER VI
HISTORICAL SKETCH

ARTICLE I

THE CRETAN KOINON BEFORE
THE ROMAN CONQUEST.

The origin of the Cretan Koinon is to be sought very probably in the so-called "συγκρητισμός" which occurred in ancient times when the independence of the island was endangered by foreign enemies¹. The Cretan Union therefore should be an ancient institution². This view is confirmed by the fictitious decree of the Koinon which shows clearly that the antiquity of the Cretan Union is compatible with tradition and common conscience.

The Κοινὸν τῶν Κρηταίων however, as we know it from the extant sources examined in the foregoing chapters, is to be considered independently of the συγκρητισμός; for it was restored at moments when no

1. Plutarch, *De fraterno amore*, 19: ... μιμούμενον αὐτὸ γούν τοῦτο τὸ Κρητῶν, οἱ πολλάκις στασιάζοντες ἀλλήλοις καὶ πολεμοῦντες, ἔξωθεν ἐπιόντων πολεμίων, διελύοντο καὶ συνίσταντο· καὶ τοῦτο ἦν ὁ καλούμενος ὑπ' αὐτῶν συγκρητισμός.

Etymolog. Magn.: Συγκρητίσαι λέγουσιν οἱ Κρήτες, ὅταν ἔξωθεν αὐτοῖς γένηται πόλεμος· ἐστασιάζον γὰρ αἱ.

2. Cardinali, *Rivista di Filologia* XXXV (1907) p. 17 note 2. Muttelsee, o. c., p. 44 f.

foreign enemy menaced the independence of Crete. In this historical Koinon Gortyn and Cnossus were the leading states, as we have already seen. Furthermore it is known that the Union of these two cities was indispensable to the very existence of the Cretan Koinon.

Polybius tells us that in 221 B. C. "Κνώσιοι συμφρονήσαντες Γορτυνίοις πᾶσαν ἐποίησαντο τὴν Κρήτην ὑφ' αὐτοὺς πλὴν τῆς Λυττίων πόλεως" ¹.

"The Cnossians in conjunction with the Gortynians subjected the whole island to their power, except the city of the Lyttians". This Union of Gortyn and Cnossus is confirmed by coins which bear the combined images of Cnossus and Gortyn: Europa with inflated veil, riding on a bull; beneath dolphins (Gortynian type) and a square labyrinth; above star or sun (Cnossian type) ².

The whole island then with the exception of Lyttus was subjected to the hegemony of the Gortynians and the Cnossians. Such a situation reminds us of the Cretan Koinon, which forms a general Union of Cretan states under the leadership of Gortyn and Cnossus. Hence it may be inferred that the Cretan Koinon was restored in the year 221 B. C. ³

This is, so far, the first evidence we possess of the Cretan Union. All the other sources dealing with the history of Crete before 221 B. C. do not suggest any indication whatever of a combined action between Gortyn and Cnossus. Now this was the *conditio sine qua non* of the existence of the Cretan Union. From all these documents we gather but antagonism between the two leading cities.

1. IV, 53, 4.

2. Head, *Historia Nummorum*, p. 461, 465. Wroth, *Numismatic Chronicle* VII (1884) p. 20 ff.

3. According to Swoboda, o. c. p. 740, the Cretan Koinon was founded at this time. Muttelsee, o. c., p. 63 places its foundation between 250 and 225 B. C.

Thus in 346 B. C. a war broke out between Cnossus and Gortyn¹.

Again in 266/5 B. C. during the Chremonidean war the Gortynians are the enemies of the Cnossians. This we know from an inscription: Syll³ # 434/5 l. 25 ff. :

(συμμαχίαν μετὰ...) Κρηταίων ὅσοι εἰσὶν ἐν τῷ συμμ[αχίαι
τ]ῆι Λακεδαιμονίων καὶ Ἀρέως καὶ τῶν ἄλλων συμμαχῶ[ν...]

The sentence ὅσοι... refers only to the Cretans and not to all the allies enumerated there, otherwise... καὶ τῶν ἄλλων συμμαχῶν could not be explained². One part of the Cretans takes the Spartan side³ while the other part fights against Sparta. G. Cardinali gives the following description of the political situation on the island at this time :

Allies of Sparta : Polyrrhenia, Aptara, Lyttus, **Gortyn**.
Enemies of Sparta : Cydonia, **Cnossus**.

Itanus and Eastern Crete are under Egyptian rule.⁴ As Gortyn and Cnossus are hostile to each other we may infer that the Cretan Koinon did not exist during the Chremonidean war.

Again about the middle of the third century B. C. there is no close co-operation between Gortyn and Cnossus. An inscription found at Miletus contains an agreement between Miletus and three separate groups of Cretan states⁵. The question at issue is the liberation of the citizens captured by Cretan and Milesian pirates. Date of the document : between 260 and 240 B. C. The envoys of Miletus visit Cnossus, Gortyn and Phaestus. The agreement with Cnossus is binding for a great number of other states allied with this city, namely the Tylissians, Rhaucians, Chersonesians, Milatians, Eltynæans, Heracleotes, Priansians, Apolloniates, Petræans, Itanians, Prae-

1. Diodorus, XVI, 62.

2. Syll.³ # 434/5 note 7.

3. Ferguson, *Greek imperialism*, p. 227.

4. *Rivista di Storia antica* IX (1904-05), p. 74 ff.

5. Rehm, *Das Delphinion* # 140. Muttelsee, o. c., p. 43 ff.

sians, Istronians, Olontians, Drerians, Latians, Eleutheræans, Vaxians, Cydoniates, Phalasarrians.

Accordingly Cnossus is the most powerful state at this time. Gortyn's influence extends to the Lyttians, Arcades, Ariæans, Hyrtæans. The main point to be noted by us is that Gortyn and Cnossus are not allied. Finally the record mentions Phaestus with the Matalians and Polyrrhenians as allies.

In 229 B. C.,¹ Cnossus and Gortyn are opposed to each other, as may be inferred from the inscription Syll.³ # 535. An Athenian embassy was sent to establish friendly relations with the Cretan cities which had recently co-operated with the Ætolians and Achæans in attacking Attica. The ambassadors used Eumaridas of Cydonia, a friend of Athens, as mediator in Cnossus and Polyrrhenia. But for the rival league of Cretan cities with Gortyn at its head, no mediator was needed, and all the Cretans agreed not to molest Athens in the future².

In 221 B. C. we hear for the first time of a mutual agreement between Gortyn and Cnossus. Both cities succeeded in bringing the whole island under their hegemony. The Cretan Koinon undoubtedly was restored in this year.

The Union of the Cretans however, was of short duration since the war against rebellious Lyttus resulted in an internal conflict on the island. The Lyttian war was doubtless fatal for the Cretan Koinon. We give here a brief sketch of its principal events.

In 221 B. C. the whole island except Lyttus is under the hegemony of the United Gortynians and Cnossians. War against rebellious Lyttus. At the beginning all the Cretans fight against this city. But after a while

1. Ferguson, *The priests of Asklepios*, p. 134 (Heliodoros). — Cardinali, *Rivista di Storia antica*, IX, (1904-05), p. 81. — Kirchner, Syll.³ # 535 n. adopts Homolle's view (*Bulletin de correspondance hellénique*, XV (1891) p. 352 ff.

2. Ferguson, *Hellenistic Athens*, p. 209.

the Polyrrenians, Keraïtes, Lappæans, Orians and Arcades desert the Cnossian-Gortynian party and join the Lyttians. Follows a sedition at Gortyn. The "elder" Gortynians remain loyal to the Union with Cnossus, but the "younger" Gortynians choose the Lyttian party. The "elder" Gortynians become victorious with the aid of the Cnossians and the Ætolians. Lyttus is destroyed. Flight of the Lyttians to Lappa. The Polyrrenians and Lappæans ask the Macedonians and Achæans to aid them. Occupation of Cydonia and Eleutherna. Aptara departs from the Cnossian party¹.

Some of the events of the Lyttian war described by Polybius, are confirmed by the inscription : Syll.³ # 528 which contains a letter from the Cnossians to the Coans. The Cnossians praise the good services the physician Hermias rendered to them. Hermias was sent upon the request of the Gortynians. The record mentions the rebellion of the young Gortynians and the Cnossian intervention in Gortyn, the fight round Phaestus against the rebels etc.

The Cretan Koinon, no doubt, disappeared during this war.

In connection with the Lyttian war we have to refer to the inscription I. G. XII, 3, # 254 (D. I. # 5146). Legrand places this document before the destruction of Lyttus in 220 B. C., because the Koinon decree granting ἀσυλία to Anaphe is followed by a resolution passed in honor of a Lyttian citizen². Now Lyttus was destroyed in 220 B. C.. Such argument cannot be accepted, since it is plain that the name "Lyttus" or "Lyttian" did not disappear with the destruction of the city. On the other hand it is not proved at all that the decree in honor of the Lyttian citizen was issued at the same time as the Koinon decree for Anaphe. Hiller von Gaertringen

1. Niese, o. c., II, p. 428 f. — Cardinali, *Rivista di Filologia* XXXIII (1905), p. 519 ff.

2. *Bulletin de Correspondance hellénique*, XVI (1892), p. 144 ff.

accepting Legrand's assumption and referring to the epigraphical character of the document dates it in the year that the "Κνώσιοι συμφρονήσαντες Γορτυνίους πᾶσαν ἐποιήσαντο τὴν Κρήτην ὑφ' αὐτοὺς πλὴν τῆς Λυττίων πόλεως, i. e. 221 B. C.¹"

The exact year cannot be assigned to this document which for epigraphical reasons should be dated in the second century B. C.²

In 217/6 B. C. peace is restored in Crete. Philip V, king of Macedon, succeeded in bringing the whole island into his league. He became the *προστάτης* of the United Cretans :

...τὸ πάντας Κρηταιεῖς συμφρονήσαντας, καὶ τῆς αὐτῆς μετασχόντας συμμαχίας, ἕνα προστάτην ἐλέσθαι τῆς νήσου Φίλιππον...³

This seems to imply that the Cretan *Koinon* was re-established in the year 217/6 B. C.

The following inscription which we have to examine has been published by P. Deiters in "Rheinisches Museum," LIX, 565 ff. It contains portions of two decrees.

A. Decree of Gortyn, replying to a Magnesian embassy which offered to arbitrate in the war between Gortyn and Cnossus and asked that permission should be granted to certain Cretans to return to their homes. The Gortynians reply that Ptolemy IV Philopator is adopted by them as arbitrator : l. 27-30.

... περὶ ὧν δὲ Γορτύνιοι καὶ Κνώσιοι διαφέ[ρονται, βασιλ]εῖ Πτολεμαίωι κριτᾶι ἐπιτραπόμ[εθα, ὅπως ἀμὴν] περὶ τούτων διαλάβη.

1. I. G. XII, 3, # 254 n. - Scrinzi, o. c., p. 11 ff. tries to interpret a great number of Cretan inscriptions by the events of the Lyttian war. His arguments have been refuted thoroughly by Cardinali, *Rivista di Filologia*, XXXIII (1905), p. 519 ff.

2. Blass, D. I. # 5146 n. Muttelsee, o. c., p. 43.

3. Polybius, VII, 11, 9. Niese, o. c., II, p. 431. Muttelsee, o. c., p. 40.

They cannot however, accede to the proposals put forward with reference to the Cretans settled at Miletus.

B. Decree of Cnossus to the same effect and in very similar phrases¹.

It is interesting to note that both cities agree as regards the return of the Cretans who emigrated to Miletus. This seems to imply a previous compact providing for this contingency.

According to O. Kern, this document should be dated soon after the Lyttian war of 221/0 B. C. He sees in *Μίλητος* the Cretan state Milatus and argues that it was settled by the *νεώτεροι τῶν Γορτυνίων* who fought against their native state. This occupation then led to a war between Gortyn and Cnossus. Moreover it is his opinion that Gortyn and Cnossus had recourse to Magnesian arbitration after the failure of king Ptolemy².

These suggestions of O. Kern cannot be admitted for several reasons. According to him the Gortynians and Cnossians entrusted the settlement of their controversies to the arbitration of two Magnesians after the failure of Ptolemy. This does not appear from the text. On the other hand it seems highly improbable that the Gortynians and Cnossians rejected the award of Ptolemy and accepted the verdict of two Magnesian ambassadors.

The date assigned to the record by O. Kern must be rejected; for, it is known that peace was restored after the Lyttian and social war in 217/6 B. C. without Magnesian intervention³.

The emigration of Gortynians and Cnossians is to be explained by the events of the Lyttian war⁴. During this war Gortyn and Cnossus agreed to forbid the return

1. Tod, o. c., p. 32-33.

2. o. c., # 65. Raeder, o. c., p. 84 thinks also of the Cretan state Milatus. Niese, o. c., III, p. 322, note 3 agrees here with Kern.

3. Polyb. VII, 11, 9.

4. Cardinali, *Rivista di Filologia* XXXV (1907), p. 1 ff.

of the rebellious Gortynians and Cnossians who emigrated to Miletus in Asia minor¹. Hence P. Deiters safely dates the document in question soon after 216 B. C. On the other hand since Ptolemy Philopator died in 205/4 B. C. our record has to be placed between 216 and 205/4 B. C. Even a more approximate date may be assigned to the inscription. For it is very likely that the document is to be interpreted by the Epidamnian decree praising the Magnesians for the services rendered to the κοινὸν τῶν Κρηταί[ων] δι[α]λύσαντες τὸν ἐμφύλιον πόλεμον...². When the Magnesians envoys arrived in Crete a war had broken out between Gortyn and Cnossus. This war was ἐμφύλιος since both states had many allies.

We have already seen that a war between the two leading cities of the island excludes the existence of the Cretan Union. It is known, too, that an agreement between Gortyn and Cnossus makes the Cretan Koinon possible again. Upon the request of the Magnesians envoys, Ptolemy Philopator is adopted as arbitrator. That the Egyptian king was successful may be inferred from the Συμβ[ού]λα Γορτυνίων καὶ Κνωσ[ίων]: D. I. # 5015. Once more the hostility between both cities was due to the contested possession of Apollonia and a boundary dispute, as we learn from this record. Peace then is restored in Crete thanks to the arbitration of king Ptolemy Philopator. But this peace is due in the first instance to the initiative of the Magnesians envoys. The question arises here whether the Cretan Koinon was re-established. Apparently this was the case, since the Magnesians ambassadors " rendered services to the Cretan Union by putting an end to the internal war. "

It is of importance to note that the services rendered to the Cretan Koinon by the Magnesians were only indirect towards the restoration of the Koinon, but the credit of

1. Deiters, o. c., p. 572 f.

2. Syll.³ # 560 l. 10-12.

the re-establishment was undoubtedly due to the result of Ptolemy's arbitration following on the agreement between Gortyn and Cnossus. This means of settling disputes was employed upon the request of the Magnesians. Thus they prepared the way to the restoration of the *Κοινὸν τῶν Κρηταίων*.

It has been pointed out that the Magnesians sent deputies to the Greek states with the view of inviting them to the Leucophryena-feasts in 207/6 B. C. The Epidamnian decree then dates in this year and the Magnesian intervention in Crete, referred to in this record, occurred a short time before. Accordingly the Cretan Koinon disappeared between 216 and 207/6 (the exact year of its disappearance between 216 and 207/6 cannot be determined so far). It was restored doubtless a short time before 207/6 and still existed in this year¹.

In 205/4 B. C. begins the so-called "*κρητικὸς πόλεμος*" or "Cretan war" which has been examined thoroughly by R. Herzog², while M. Holleaux interpreted the Cretan decrees granting *ἀσυλία* to Teos, by the events of this war³.

Here the Cretan war is viewed only in connection with the *κοινὸν τῶν Κρηταίων*.

The origin of this war is, without doubt, due to the policy of Philip V, king of Macedon, who tried to extend his hegemony to the islands of the Ægean sea⁴. Rhodes however, resisted the Macedonian policy, upon which Philip sent deputies to Crete in order to provoke a war between Crete and Rhodes⁵. Although this war was called "*κρητικὸς πόλεμος*", no general action seems to have been taken by the Cretans; extant documents mention nothing beyond raids by separate Cretan states.

1. Possibly the fictitious decree of the Koinon might be put in connection with the Magnesian embassy to Crete.

2. *Klio*, II, (1902) p. 316 ff.

3. *Klio*, XIII, (1913) p. 137 ff.

4. Niese, o. c., II, p. 571 ff.

5. Polyb. XIII, 4.

During this war ambassadors were sent from Teos with the view of asking *ἀσυλία* for their state. The answers of the Cretan states date in the year 201 B. C. as has been shown acutely by M. Holleaux¹. It may be useful to review briefly the chief arguments of this scholar. In a great number of *ἀσυλία*-decrees for Teos mention is made of a Macedonian envoy, called Perdikkas, who speaks in favor of the Teans. This man is a Tean citizen. How are we to explain the relations between Teos and the Macedonian king? According to M. Holleaux Philip V was in Teos when this state sent ambassadors to Crete. He recognized the consecration of the city to Dionysus and encouraged the other states to grant *ἀσυλία* to Teos. Knowing the strong influence of the Macedonian king in Crete, the Teans ask him to secure the success of the Tean embassy in Crete. Philip sent Perdikkas with them to Crete: (D. I. # 5169, 5170, 5171, 5176, 5178, 5179). This interpretation is confirmed by historical documents. After the battle of Lade the Macedonian king became very powerful in Asia minor² especially in Teos. He protected the shrines and recognized the *ἀσυλία*. He acquired a powerful influence on the Cretans, for example, the Cretan war was evidently due to Macedonian intrigue.

It is interesting to note that the Macedonian agent is not mentioned in several *ἀσυλία*-decrees, namely in D. I. # 5165 (Knossos), # 5166 (Polyrrhenia), # 5167 (Rhaucus), # 5168 (Cydonia).

From this it may be inferred that already in 201 B. C. some Cretan states had deserted the Macedonian party. A confirmation of this situation is to be found in the fact that in 200 B. C. an Athenian embassy was dispatched to Crete with the view of inciting the Cretans against the king of Macedon³. Apparently the decrees in which

1. *Klio*, XIII, (1913) p. 137 ff.

2. Polyb. XVI, 15, 6.

3. Pausanias I, 36, 5-6.

Perdiccas is not mentioned were passed by states hostile to Philip V. These states of course were not visited by Perdiccas. Another point further calls for attention: in a few decrees mention is made of a Rhodian envoy, Hagesandrus "ὁ παρὰ τῷ βασιλέως Ἀντιόχῳ πρεσβευτᾶς"¹. In Rhaucus (D. I. # 5167), Eleutherna (D. I. 5177) he speaks after the Tean deputies. Naturally we ask ourselves why Hagesandrus was sent to Crete by Antiochus III king of Syria. The answer is to be found in the Eleuthernæan decree (D. I. 5177 l. 15-16): ... ἐπὶ τὰς τῷ πολέμῳ διαλύσεις ἀποσταλείς,... This shows clearly that Hagesandrus' mission was to restore peace between the Cretans and Rhodes. And indeed, a few Cretan states negotiated with Rhodes in 201/200 B. C. We have every reason to believe that Hagesandrus succeeded in bringing about peace with Rhodes, in the above cited cities. From this the conclusion may be drawn that a split was made in the Macedonian party. We have already seen that Cnossus, Polyrrhenia and Cydonia were anti-Macedonian. The political situation then of the island in 201/200 B. C. is the following:

- 1^o) Macedonian party: Vaxus, Sybrita, Latus, Istronia, the Arcades, Allaria.
- 2^o) Anti-Macedonian party: Cnossus, Polyrrhenia, Cydonia, Rhaucus.

The Cretan states are divided in two big political parties. Such a situation makes the existence of the Cretan Koinon highly doubtful. This is perhaps the reason why the Tean envoys visit the different Cretan states. If the Cretan Union existed at this time, we should expect that the Teans ask the *ἀσουλία* from the Koinon, just as the Anaphæans did.

It must be observed however that the term *κρητικὸς πόλεμος* seems to refer to a general Cretan war. Possibly

1. D. I. # 5177 l. 14 f.

the Union of the Cretans existed in 205/4, at the beginning of the war. In any case in 201/0 B. C. the Cretan Koinon seems very likely to have disappeared.

The raids of the Macedonian party ended probably about the year 197 B. C. A document dating between 200 and 197 B. C. contains a *συμμαχία*-treaty between Rhodes and Hierapytna¹. Apparently Rhodes was victorious since it is the most favored party. From this inscription we learn that Hierapytna was hostile to Cnossus which was on good terms with Rhodes. This shows once more that Cnossus belonged to the anti-Macedonian party. Hierapytna, on the contrary, continued to fight against Rhodes, but finally gave up and negotiated with the Rhodians.

In the year 184 B. C. Gortyn is again at war with Cnossus. A Roman embassy under the leading of Appius Claudius arrives in Crete with the view of settling the international disputes. Appius was successful in his mediation. Peace is restored and the Cretan Koinon established again². The Cretan Union still exists the following year as we may infer from the treaty concluded by Eumenes II and thirty one Cretan states³.

We have every reason to believe that the Cretan Koinon existed in the year 168 B. C. The Rhodians sent an embassy "to all Cretans and to each state separately"⁴. What is meant by "all Cretans" but the Koinon which embraced at this time all the Cretan states?⁵

About 165 B. C. the Cretan Koinon is mentioned again (Syll³. # 653 A. l. 8).

Finally the existence of the *κοινὸν τῶν Κρηταίων* is recorded in: a year between 158 and 150 B. C. (Durr-

1. Syll.³ # 581.

2. See p. 48 f.

3. See p. 23 ff.; Niese, o. c., III, p. 322.

4. Polyb. XXIX, 10, 6-7.

5. Cardinali, *Riv. di Filologia* XXXV (1907) p. 17 note 2.

bach, o. c., # 92 l. 2 and l. 31-32) ; about 151 B. C. (Syll³. # 654 A l. 5) ; a year between 159 and 138 B. C. (D. I. # 4942 b, l. 3) ; 139 B. C. (Syll³. # 685, l. 107 f.)

The treaty D. I. # 5024 concluded during the existence of the Cretan Koinon dates from the last half of the second century B. C.¹

CONCLUSION

This brief sketch of the history of the Cretan Koinon before the Roman conquest shows clearly that the Union of the Cretans was very unstable. The Koinon was frequently dislocated. Its disappearance is due primarily to the disagreement between the two leading states Gortyn and Cnossus. War between these cities means the end of the Cretan Union. Each state had many allies who followed it in case of war. On the other hand the mutual agreement between Gortyn and Cnossus made the Koinon possible again, and no doubt the Union Gortyn-Cnossus resulted generally in the Union of the Cretans or *κοινὸν τῶν Κρηταίων*.

1. Blass, D. I. # 5024 n. Muttelsee, o. c., p. 60 f.

ARTICLE II

THE CRETAN KOINON AFTER
THE ROMAN CONQUEST

The island of Crete was conquered in the year 67 B. C. by Q. Metellus¹. Cnossus was destroyed and became a Roman colony: "Colonia Julia Nobilis Cnosus." Q. Metellus organized Crete as a Roman province². He restored the Cretan Koinon apparently with some changes in its organization. We hear now for the first time of a Κρητάρχας, the president of the Cretan Koinon, e. g. D. I. # 5031: Ἐπὶ Κύδαντος τῷ Κ[ύδαντος Κρητάρχᾳ...

C. I. G. # 2744 l. 7.

... καὶ ἀπὸ Κρητάρχων τὸν...

The same title is engraved on a cistophorus issued probably at Gortyn between 67/66 and 31 B. C.:

ΚΥΔΑΣ ΚΡΗΤΑΡΧ-ΑΣ ΚΡΗ-ΤΑΙ-Ε-Ω-Ν³.

In 27 B. C. the reorganization of the Roman empire by Augustus resulted in a new organization of the κοινά in the countries of Greek civilization. Meetings of the Cretan Koinon took place as previously but their chief object was the cult of the Roman emperor. The Cretan Union is called: κοινὸν τῆς Κρητῶν ἐπαρχίας or briefly κοινὸν Κρητῶν, e. g. C. I. G. # 2595 (Gortyn) 382/3 A. D.

[Φλάβ]ιον Σεβήρον, τὸν λαμπρότατον καὶ μεγαλοπρεπέ-

1. Liv., Epit. XCIX. Dio Cassius, XXXVI, 2. — Hill, *Historica Greek Coins*, p. 165 # 97.

2. Liv. Epit. C.

3. Imhoof-Blumer, *Monnaies grecques*, p. 210. Muttelsee, o. c., p. 39 f.

στατον ἑπαρχον της βασιλευούσης Ῥώμης, δόγματι τοῦ κοινοῦ
τῆς Κρητῶν ἑπαρχίας Οἰκουμένιος Δοσίθεος Ἀσκληπιόδοτος
ὁ λαμπρότατος ὑπατικὸς ἀνέστησεν.

I. G. V, 1 # 662 l. 8: καὶ κοιὰ Ἀσίας καὶ Κρητῶν.

C. I. G. # 1719 l. 6: κοινὸν Κ[ρ]η[τῶν].

This last title is to be found on a great number of coins dating from the Roman imperial period ¹.

A few coins mention not only κοινὸν Κρητῶν but also Γόρτυς ². Apparently these coins were issued by this city. We have further every reason to believe that the gatherings of the κοινὸν Κρητῶν took place there. Cnossus being destroyed, Gortyn became naturally the most important state of the island.

This Koinon then of the Roman imperial period has not the essential characteristics of the old κοινὸν τῶν Κρηταιέων. It simply was the "concilium provinciae" of Crete and did not differ much from the other Greek Koina of the same period ³.

1. Svonoros, *Numismatique de la Crète ancienne*, I, p. 337 ff.

2. Svonoros, *o. c.*, p. 349 # 95 and 105. See also I. G. VII # 1859: Ἐν Γόρτυν[ι] κοινόν [Κρητῶν].

3. Daremberg and Saglio, *Dict. s. v. κοινόν* (sous l'empire). *Real-Encyclopädie. Supplementband IV s. v. κοινόν* (in römischen Epoche).

CONCLUSION

THE ESSENCE OF THE CRETAN KOINON

The necessity of peaceful relations between the states led in Crete to the conclusion of a general Union (Koinon) which differs considerably from the other Greek Koina.

The establishment of this Union is intimately connected with the acceptance of a common right codified in the diagramma of the Cretans. The contract whereby the states accept the Cretan code is called *κοινοδίκιον*, dialectical for *κοινοδίκαιον*. This contract was the *conditio sine qua non* of membership in the Cretan Union.

The Cretan Koinon exists when the majority of the Cretan states—under which Gortyn and Cnossus are indispensable—make the contract to apply the Cretan diagramma.

A few states may, however, agree with each other to accept this code even when the general Union has ceased to exist. They form then a "reduced Koinon."

The chief article of the Cretan diagramma prescribes arbitration for the settlement of disputes between states. The diagramma of the Cretans further contains a list of fines attending private international offences.

The states which made the contract or *koinodikion* bound themselves to employ the means of settlement provided for by the Cretan code in case of disputes. But they were quite free to determine in which way they should do it. Thus we see that, especially neighbouring states, conclude agreements (*σύμβολα*) with the view

of determining to which tribunal the disputes shall be submitted.

Hence the *σύμβολα* are the direct result of the acceptance of the Cretan diagramma.

In short : the *koinodikion* in Crete is the contract by which the Cretan states accept the Cretan diagramma ; the application of this diagramma must be determined by *σύμβολα*. (*κοινοδίκιον* → *διάγραμμα* → *σύμβολα*).

APPENDIX I

D. I. # 5024.

- A [Θε]ός ἀγαθ[ός]. Τύχ[αι] ἀγ[αθαί. - | ἐ] μ μὲν Γό[ρτυνι
ἐπὶ κόρμων τῶν- - τῶν σὺν- - ω]νύμω, ἐν δ' Ἰεραπύτναι
ἐπ[ὶ τῶν- - τῶν σὺν- -] | νος κορμιόντων, ἐν Πριανσι[οῖ
5 δὲ ἐπὶ τῶν- - κορμιόντων | τ]ῶν σὺν Αἰσίμωι τῶι
Ἄβρα[γόρα, τάδε συνέθεντο Γορτύνιοι καὶ Ἰερα | π]ύτνιοι
τοῖς Πριανσιεῦσιν κ[αὶ οἱ Πριανσιέες τοῖς Γορτυνίοις
καὶ | τοῖ]ς Ἰεραπυτνίοις· συμμαχη[σῆν τὸν]ς Πριανσιέας
ἐς τὸν πάντα χρόνον ἀ[πλ]ώως καὶ ἀδόλως καὶ εὐ[νοησῆν
τοῖς Γορτυνίοις καὶ τοῖς Ἰεραπυτνί|οι]ς καὶ πολέμω καὶ
10 ἰρήνας ὅπ[υ κα δύνωνται, πολεμιόντας παντὶ σθένει ἀ | π]ὸ
χώρ]ας ὤ<ι> κα καὶ ὁ Γορτύν[ιος καὶ ὁ Ἰεραπύτνιος·
καὶ τὸν]ς τε Γορτυνί|ον]ς καὶ τὸν]ς Ἰεραπυτνίον[ς μηδὲν
ἀφαιλήσεσθαι τὰς χώρας μήτ' αὐτὸς κήτε | π]οτὲ ἄλλ[λοι]ς
ἐπιτραψῆν· κ[ατὰ ταῦτ]α δὲ ὑπισχνίονται οἱ τε Ἰερα-
πύτνιοι | κα]ὶ οἱ Γορτύνιοι τὸν]ς Πριανσιέα[ς μηδὲν
ἀφαιλήσεσθαι τὰς χώρας μήδ' ἄλλοις πο|τὲ] ἐπιτραψῆν·
15 αὶ δὲ τίς κα ἀ[φαιλήται ἢ πολεμήσει τοῖς Πριανσιεῦσι, | |
βοα]θησιόντι οἱ τε Γορτύνιοι κῶι [Ἰεραπύτνιοι παντὶ
σθένει ὅπυ κα δύνων|ται] ἀπροφασίστως καὶ κατὰ [γᾶν
καὶ κατὰ θάλαθθαν. Ὡρος ἤμεν Πριανσι|έων·] ἀπὸ
θαλάθθας ἐς Πορω- - | .. κωνος δηράδα καὶ κατὰ τ- - | ..
20 ελίειον ἐς τὰν δηράδα κῆς κ- - | | [τ]ὸ Ταντάλιον ἄ[ι] οἱ
ῶροί ἐντι ἐ- - | [κα]τὰ τὸν ῥόον ἐς τὸν Μιξαν- - | [ᾗ]ι
οἱ ῶροι κίαται, κα[ὶ] ἐς κεφα[λὰς- - ἐς τὸ ἱερὸν τῶ ?
Ττη|νος] τῶ Βιδάτω κῆς τὰν]ς Ἀντρι- - | [ἐς] τὰν βωίαν
25 Ὀρκόππαν καὶ κ- - | | .. ΑΙΕΑΧΑΙ ὁ ποταμὸς ὁ
Πανδ- - | .. καὶ ποταμὸν τὸν Τηλεφιλα[ν- - | .. κ]αὶ τὸν
Φαρανγίταν κῆς- - | .. ἐς τὸν]ς φοινίκαν]ς τὸν[ς- - | κεί]ται ὁ

- 30 μακρὸς ἐς τὰν ὁδὸν τὰ[ν- - || τᾶ]ς περικάτω χώρας. Τὰν
 Ἰαρ[απυτνίων χώραν- - ἀπὸ θα|λά]σσης ἄμ ποταμὸν
 Ἀγκαία[ν- - | τᾶ]ν Βιανίαν. τὰν δὲ χώραν- - |.. τῶν
 Πριανσιέων ἐξέστω- - |.. σι..... ἰδίαν πόλιν τε- - [τῶι
 35 Γορτυνί|]ωι καὶ τῶι [Ἰαρ]απυτνίωι καί- - |.. ατ.....
 [θά]λαθθαν δέ- - |..... μενος θυ- - |.. οιε.....
 40 ασον συν- - |.. νθ.α.σ..... [μ]ενοι ἄς ὁ μ- - |.. ττέθθων
εν ὁ τῶν- - | [κό]ρμον(ς) κατομοσ... τὰ [ἐ]ν τᾶι
 στ[ά]λαι τᾶιδε γεγραμμένα? - - |τᾶ]ς τούτων [ἀναγνώσι]-
 ο[ς? ἐ]ν τα- - [ἀ]γε]λάος θιὸ[ς]..... αι- - - [αὶ δέ|κα]
 45 μὴ κατ[ομύσωντι- - || ἀ]π[ο]τ[ε]ισάντων- - |
 50 | [ἐξέ]στω αι..... λλ.- - ||.. κλαρώντ[ω]ν [ἐξ]έστω
 κ- - |.. Πριανσιέω[ν δ]ὲ συνκυρ.- - |.. ι τὸ ἐπικριτήριον ἐν
 ἀμέραις- - | [τὸ ἐ]πικριτήριον ἐν ἀμέραις πε[ντ- - | αὶ
 55 δ]έ κα μὴ ἰθθᾶντι ἢ ἰθθάντες ἀ- - |.. τάδδ' ἀπογρό-
 φονσι τὰν δίκ[αν?] - - |.. εν κατὰ τὸ διάγραμμα
 τῶν- - | [δι]αγράμματος ἐξῆμ(ε)ν ας ο- - |.. ν ἐχέτω..
 ἐναντὸν ἀμφανω- - [ὁ] δὲ Π]ριανσιεὺς Γόρτυνι. Ὅρκος
 60 Π[ριανσιέων. || Ὅμ]νύω τὰν Ἰστίαν καὶ Τπῆνα [Βιδάταν- -
 καὶ Τπῆνα | Σκ]ύλιον καὶ Τπῆνα Ὁράτριον [καὶ Ἡραν
 καί- - καὶ Ἀ|θαν]αίαν Ὠλεριάν καὶ Ἀπόλλων[α Πύτιον
 καὶ Λατὼ κᾶρτεμν κᾶρεα καὶ Ἀ|φρο]δίταν καὶ
 Ἐρμᾶν[κ]αὶ Κύ[ρβαντας καὶ Κωρῆτας καὶ Νύμφας καὶ
 Ἰλί|θυ]αν Βινατίαν καὶ θίος πάντ[ας καὶ πάνσας· ἢ μὲν
 65 ἐγὼ συμμαχησῆν || ἐς τὸν ἅπαντα] χρόνον ἀπλό[ως καὶ
 ἀδόλως, καὶ εὐνοησῆν τοῖς Γορτυνίοις
 Β καὶ τοῖς Ἰαραπυτνίοις]- - ετο..| - - συ.. οθαι τοῖς..| - -
 [καὶ] πολέμω [κα]ὶ ἰρήνας ὅπυι κα [δύ]νωμαι παντὶ σθένει
 70 καὶ πολεμησίω] ἀπὸ χώρας ὤ<ι> κα κὼ Γορτύν[ι]||ος
 κὼ Ἱεραπύτνιος· ὁμνύω δὲ καὶ πάντα τᾶλ]λα καθε[ξ]ῆν
 τὰ ἐν τᾶι σ[υν]θήκαι τᾶιδε γεγραμμένα· ταῦτα δὲ εἰ
 μὲν εὐ[ορ]κ[ί]οιμεν, ἰλέος ἤμ[εν ἀ]μὴν τὸς θίος πάντας
 καὶ πάνσας τὸς ὠμό]σαμεν· εἰ δ' ἐπιορκίοιμε[ν], μὴ[τε
 ἀ]μὴν γᾶν μῆτε δένδρεα καρπὸς φέρεν μῆ[τε
 75 καὶ κ]ακίστωι ὀλέθρωι. ἐξόλλισ[θαι || αὐτοί τε καὶ χρῆμα

- τὰ ἀμά· - - ΕΧ ἴλεοι ἀμὶν εἶεν. Ὁ[ρκ]ος Γ[ορ]τυνίων
καὶ Ἰαραπυτιών.] Ὀμνύω τὰν Ἰστίαν καὶ Τ[τῆ]να
Βιδάταν· - καὶ Ττῆνα Σκύλιον καὶ Ττῆνα [Ορά]τριον
καὶ Ἡραν· -] καὶ Ἀθαναίαν Ὀλερίαν κα[ὶ] Ἀπέλλωνα
Πύτιον καὶ Λατὸν κάρτεμιν κάρε]α κάφροδίταν καὶ
80 Ἐρμῆν κα[ὶ] || Κυρβάντας καὶ Κωρήτας καὶ Νύμφας
καὶ Ἰλίθ]νιαν Βνατίαν καὶ θιὸς πάν]τας καὶ πάνσας, ἧ
μὰν ἐγὼ συμμαχησῆν ἐς] τ[ὸν ἅπ]αντα χρόνον [ἀπλό]ως
καὶ ἀδόλως τοῖς Πριανσιευσιν, οὐδέ]ν τ[ε] οὔτ' αὐτοὶ
ἀφαιλ[ήσε]σθαι τᾶς χώρας οὔτ' ἄλλοις ἐπιτραψῆν· αἱ δὲ
τίς κ'] ἀφαιλῆται ἢ πολεμ[ήσῃ] τοῖς Πριανσιεуси,
βοαθησίοντι οἳ τε Γορτύνοι καὶ οἳ Ἰαραπύτιοι
85 π[αν]||τὶ σθένει κατὰ τὸ δυνατόν· ὀμνύω δὲ καὶ πάντα
τ' ἄλλα καθεξῆν τὰ ἐν [ταῖ] | συνθήκαι ταῖδε γεγραμμένα.
ἐπιορκίονσι μὲν ἐμμ]ανία[ς] ἡμεν τὸς πάν]τας | θιὸς· -
καὶ μήτε] γὰν μήτε δέν[δρα] | καρπὸς φέρον, μήτε γυναῖκας
τίκτεν κατὰ φύσιν,] τῶι τε π[ολέμ]ωι | μὴ σῶοι νέεσθαι,
καὶ κακίστωι ὀλέθρῳ ἐξόλλυσθαι α]ὐτοί[τε καὶ χορή]ια
τά ἀμά·] - - -| - - -.

APPENDIX II

D. I. # 5040.

- [Θ]εὸς ἀγαθ[ός.] | Ἀγαθαὶ τύχαι καὶ ἐπὶ σωτηρίαί,
ἐπὶ κόσμ[ων ἐν μὲν] | Ἱεραπύτναι τῶι σὺν Ἐνίπαντι
τῶ Ἐρμαίῳ [καὶ μνηὸς] | Ἱμαλίῳ (Interp.), ἐν δὲ Πριανσιῶ
ἐπὶ κόσμων τῶν σὺ[ν Νέωνι τῶ] | Χιμάρῳ καὶ μνηὸς
5 Δρομήῳ (Interp.), τάδε συνέθε[ντο καὶ συνενε] || δόκησαν
ἀλλάλοις Ἱεραπύτνιοι καὶ Πριάνσιοι, [ἐμμένον] | τεσ ἐν
ταῖς προὔπαρχώσαις στάλαις ἰδίαί τε [τῶν κειμένων] |
Γορτυνίοις καὶ Ἱεραπυτνίοις καὶ τῶν κατὰ κοινὸν [Γορτυ-
νίοις] | καὶ Ἱεραπυτνίοις καὶ Πριανσίοις, καὶ ἐν τῶν
φιλαί [καὶ συμμα] | χίαί καὶ ὄρκοις τοῖς προγεγονόσι
10 ἐν ταύταις τ[αῖς πόλεσι], || καὶ ἐπὶ τῶν χώραι ἅ ἐκάτεροι
ἔχοντες καὶ κρατόν[τες τὰν συν] | θήκαν ἔθεντο, εἰς τὸν
πάντα χρόνον (fr. Raum) Ἱεραπυτν[ίους] | καὶ Πριανσί-
ο(ι)ς ἤμεν παρ' ἀλλάλοις ἰσοπολιτείαν καὶ ἐπιγα[μίας καὶ
ἐγκτησιν καὶ μετοχὰν καὶ θεῶν καὶ ἀνθρωπίνων | πάντων,
15 ὅσοι κα ἔωντι ἐμφυλοὶ παρ' ἐκατέροις, καὶ πωλόν || τας
καὶ ὠνωμένους καὶ δανείζοντας καὶ δανειζομένους καὶ τᾶλλα
πάντα συναλλασσόνας κυρίως ἤμεν κατὰ | τὸς ὑπαρχόντας
παρ' ἐκατέροις νόμος (fr. Raum) ἐξέστω δὲ τῶν | τε
Ἱεραπυτνίῳ σπείρεν ἐν τῶν Πριανσίων (fr. Raum) καὶ
τῶν Πριαν[σιῶ] ἐν τῶν Ἱεραπυτνίων, διδώσι τὰ τέλεα
20 καθάπερ οἱ ἄλλοι || πολῖται κατὰ τὸς νόμος τὸς ἐκατέρῃ
κειμένους. εἰ δὲ τί | κα ὁ Ἱεραπύτνιος ὑπέχθηται ἐς
Πριάνσον ἢ ὁ Πριανσιεύς | ἐς Ἱεραπύτναν ὀτιοῦν, ἀτελέα
ἔστω καὶ ἐσαγομένῳ καὶ | ἐξαγομένῳ αὐτὰ καὶ τούτων
τὸς καρπὸς καὶ κατὰ γᾶν | καὶ κατὰ θάλασσαν ὧν δὲ
25 κα ἀποδῶται, κατὰ θάλασσαν ἐώ || σας ἐξαγωγᾶς τῶν
ὑπεχθεσίμων, ἀποδῶται τὰ τέλεα | κατὰ τὸς νόμος τὸς

ἑκατέρῃ κειμένος (fr. Raum) κατὰ ταῦτα δὲ | καὶ εἴ τις
 κα νε[ί]μ[ηι, ἀτ]ελὴς ἔστω· αἱ δὲ κα σίνηται, ἀποτεισά|τω
 τὰ ἐπιτίμια [ὁ] σι[νό]μενος κατὰ τὸς νόμος τὸς
 ἑκατέρῃ κει|μένος. πρειγῆμα δὲ ὦ [κ]α χρεῖαν ἔχη πορήω
 30 παρεχόντων || οἱ μὲν Ἱεραπύτνιοι κόσμοι τοῖς Πριανσιεύσι,
 οἱ δὲ Πριανσιέ(ε)ς | κόσμοι τοῖς Ἱεραπυτνίοις· αἱ δὲ κα
 μὴ παρίσχειεν, ἀποτεισάν|των οἱ ἐπίδαμοι τῶν κόσμων
 ταῖ πρειγείαι στατήρας δέκα. | ὁ δὲ κόσμος ὁ τῶν
 Ἱεραπυτνίων ἐρπέτω ἐν Πριανσιῶ ἐς | τὸ ἀρχεῖον, καὶ
 35 ἐν ἐκκλησίαι καθήσθω μετὰ τῶν κόσμων· || ὡσαύτως δὲ καὶ
 ὁ τῶν Πριανσιέων κόσμος ἐρπέτω ἐν Ἱε|ραπύτναι ἐς
 τὸ ἀρχεῖον καὶ ἐν ἐκκλησίαι καθήσθω μετὰ | τῶν κόσμων.
 ἐν δὲ τοῖς ἡροικ[οῖ]s¹ καὶ ἐν ταῖς ἄλλαις ἑορταῖς | οἱ
 παρατυγχάνοντες ἐρπόντων παρ' ἀλλάλος ἐς ἀνδρῆ|ον
 40 καθὼς καὶ οἱ ἄλλοι πολῖται. ἀναγινωσκόντων δὲ τὰν ||
 στάλαν κατ' ἐναντὸν οἱ τόκ' αἰὲ κοσμόντες παρ'
 ἑκατέ|ροις ἐν τοῖς Ὑπερβώιοις, καὶ προπαραγγελλόντων
 ἀλλά|λοις πρὸ ἀμερᾶν δέκα, ἧ κα μέλλοντι ἀναγινώσκειν. |
 ὅποιοι δὲ κα μὴ ἀναγινῶντι ἢ μὴ παραγγήλωντι, ἀπο|πει-
 45 σάντων οἱ αἴτιοι τούτων στατήρας ἑκατόν, οἱ μὲν ||
 Ἱεραπύτνιοι κόσμοι τῶν Πριανσιέων τῆ πόλει, οἱ
 δὲ | Πριανσιέες Ἱεραπυτνίων τῆ πόλει (fr. Raum)
 εἰ δὲ τις ἀδικοῖη | τὰ συγκείμενα κοινᾷ διαλύων ἢ
 κόσμος ἢ ιδιώτας, ἐ|ξέστω τῶι βωλομένωι δικάζασθαι
 ἐπὶ τῶ κοινῶ δι|καστηρίῳ, τίμαμα ἐπιγραφάμενον τᾶς
 50 δίκας κατὰ τὸ || ἀδίκημα, ὃ κά τις ἀδικήσῃ· καὶ εἴ κα
 νικάσῃ, λαβέτω τὸ|τρίτον μέρος τᾶς δίκας ὁ δικαζάμενος,
 τὸ δὲ λοιπὸν ἔσ|τω τᾶν πόλεων. αἱ δὲ τι θεῶν βωλομένων
 ἔλοιμεν ἀγα|θὸν ἀπὸ τῶν πολεμίων ἢ κοινᾷ ἐξοδούσαντες
 ἢ ἰδίαι τι|νὲς παρ' ἑκατέρων ἢ κατὰ γᾶν ἢ κατὰ θάλασσαν,
 55 λαν|χανόντων ἑκάτεροι κατὰ τὸς ἄνδρας τὸς ἐρπόντας, ||
 καὶ τὰς δεκάτας λαμβανόντων ἑκάτεροι ἐς τὰν ἰδί|αν
 πόλιν. ὑπὲρ δὲ τῶν προγεγονότων παρ' ἑκατέροις |

1. Ἱερα[ίοις] Correction of Levi, *Rivista di Filologia*, LIII (1925), p. 214.

ἀδικημάτων, ἀφ' ὧ τὸ κοινοῦκίον ἀπέλιπε χρόνω,
 ποιη|σάσθων τὰν διεξαγωγὰν οἱ σὺν Ἐνίπαντι καὶ Νέωνι
 60 κόσ||μοι ἐν ὧ κα κοινᾷ δόξῃ δικαστηρίω ἀμφοτέρας
 ταῖς πό|λεσι ἐπ' αὐτῶν κοσμώντων, καὶ τὸς ἐγγύος
 καταστασίαν|των ὑπὲρ τούτων, ἀφ' ἧς κα ἀμέρας ἀ
 στάλα τεθη ἐμ μη|νί. ὑπὲρ δὲ τῶν ὕστερον ἐγγινομένων
 ἀδικημάτων προ|δίκωι μὲν χρήσθων, καθὼς τὸ διάγραμμα
 65 ἔχει περὶ δὲ τῶ || δικαστηρίω οἱ ἐπιστάμενοι κατ' ἐναντιὸν
 παρ' ἑκατέροις | κόσμοι πόλιν στανέσθων, ἀγ κα ἀμφο
 τέρας ταῖς πόλεσι| δό]ξῃ, ἐξ ἧς τὸ ἐπικριτήριον
 τέλεται, καὶ ἐγγύος καθιστάν|των, ἀφ' ἧς κα ἀμέρας
 ἐπιστάντι ἐπὶ τὸ ἀρχεῖον ἐν διμήνῳ | καὶ διεξαγόντων
 70 ταῦτα ἐπ' αὐτῶν κοσμώντων κατὰ τὸ || δοχθὲν κοινᾷ
 σύμβολον. αἱ δὲ κα μὴ ποιήσωντι οἱ κόσμοι κα|θὼς
 γέγραπται, ἀποτεισάτω ἕκαστος αὐτῶν στατήρας |
 πενήτηκοντα, οἱ μὲν Ἴεραπύτνιοι κόσμοι Πριανσίων τᾷ
 πόλει, | οἱ δὲ Πριάνσιοι κόσμοι Ἴεραπυτνίων τᾷ πόλει.
 αἱ δὲ τί κα | δόξῃ ἀμφοτέραις ταῖς πόλεσι βωλουομέναις
 75 ἐπὶ τῶι || κοινᾷ συμφέροντι διορθώσασθαι, κύριον ἔστω
 τὸ διορ|θωθέν. στασάντων δὲ τὰς στάλας οἱ ἐνεστακότες
 ἐ|κατέρῃ κόσμοι ἐπ' αὐτῶν κοσμώντων, οἱ μὲν Ἴεραπύ|τνιοι
 ἐν τῶι ἱερωῖ τὰς Ἀθαναίας τὰς Πολιάδος καὶ οἱ|
 80 Πριάνσιοι ἐν τῶι ἱερωῖ τὰς Ἀθαναίας τὰς Πολιάδος.||
 ὁπότεροι δὲ κα μὴ στάσωντι καθὼς γέγραπται, ἀπο|
 τεισάντων τὰ αὐτὰ πρόστιμα, καθὼς καὶ περὶ τῶν | δικαίων
 γέγραπται.

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