

SULA—REPRISAL BY SEIZURE IN GREEK INTER-COMMUNITY RELATIONS

INTRODUCTION

About 500 B.C. Aeakes, the son of Bruchon, set up and dedicated a statue of a seated divinity in the precinct of the Heraion on Samos, describing himself as the man who burnt (or sold) the *σύλη* for Hera. The *sulê*, we must deduce, had received the endorsement of the community: it was not simply a piece of private enterprise by a powerful Samian. This takes it out of the realm of wanton piracy from the point of view of the Samians, though the victims would not necessarily have shared this view.¹ It is easy to associate it with the comment of Herodotus on the great tyrant Polycrates that ‘he plundered and kidnapped all indiscriminately’ (Hdt. 3.39.4), and explain as part of a tradition of Samian piracy. It may also have a place within a longer and more widespread tradition of seizures in reprisal or alleged reprisal, that can be traced from the Homeric poems deep into the Hellenistic period.

Σύλα (neuter plural) and *σύλη* with the corresponding verb *συλᾶν* are wide-ranging terms, regularly found in legal texts and elsewhere, for seizure in pursuit of a remedy for a wrong. They developed a precise sense of the seizure of property, including slaves, but they can on occasion apply to free persons as well. *Πύσια* and the verb *ῥυσιάζειν* are also widely used, the former first found in the *Iliad*, and can apply to both people and objects. The word *ἄγειν*, often used for plundering, is used more precisely in legal texts for the seizure of humans and animals as reprisals.² This is a topic in which the few literary texts have been vastly enriched by epigraphic material. Modern scholarship began with an article by Dareste. His views lay behind the later discussion of arbitration by Tod.³ About thirty years ago two further works on arbitration discussed many texts relevant to *sula*⁴ and they were followed by the exhaustive study of Bravo, which was the first book dedicated to the subject of *sula* and has stimulated

¹ SGHI no. 16 with bibliography, see especially the comment of Meiggs and Lewis on p.31; B. Bravo, *Sylan. Représailles et justice privée contre des étrangers dans les cités grecques*, *ASNSP* ser. III, tom. X, fasc. 3 (1980), 728ff.; W. K. Pritchett, *The Greek State at War*, part V (Berkeley and Los Angeles, 1991), 73–4.

² Bravo (n. 1), devoted pages 726–843 of his work to etymology and its implications for the meaning of relevant texts. For a massive critique of the validity of this operation, see Pritchett (n. 1), 68ff., who argues that the specificity of the meaning of *sulan* and *rusiazein* tended to derive from context. Ph. Gauthier, ‘Les saisies licites aux dépens des étrangers dans les cités grecques’, *RHD* 60 (1982) 553–76, at 555–60, largely supported Bravo on etymology, in particular holding that the use of ‘*sula*’ in relation to seizures of free persons was confined to poetic texts, though only after making clear that this required a particular punctuation of the Oeantheia–Chaleion treaty (note 13 below) and a new interpretation of the Malla–Lyttus treaty (Schmitt, *Stv* no. 511, 10ff.), both of which seem to me somewhat strained. See also A. Maffi, ‘Emprisonnement pour dettes dans le monde grec’, in C. Bertrand-Dagenbach, A. Chauvot, M. Matter, and J.-M. Salamito (edd.), *Carcer. Prison et privation de liberté dans l’antiquité classique* (Paris, 1999), 7–17, at 16.

³ R. Dareste, ‘Du droit des représailles principalement chez les anciens Grecs’, *REG* 2 (1889), 305–17; M. N. Tod, *International Arbitration amongst the Greeks* (Oxford 1913).

⁴ Ph. Gauthier, *Symbola. Les étrangers et le justice dans les cités grecques*, *Annales de l’Est Mémoires* 42 (Nancy, 1972); W. Ziegler, *Symbolai und Asulia*, dissertation (Bonn, 1975).

further work.⁵ The interpretation of the relevant epigraphic texts is an abundant source of debate. Three of these in particular will be discussed at length later. However, the main purpose of the piece is to take a synoptic view of the phenomenon and seek to clarify certain central issues.

Bravo has sought to overturn the common position of his predecessors on one important point. They believed that a private citizen of one community, who had a grievance against a citizen of another which he could not resolve by action against the man himself, his property, or someone connected to him, might, unsupported by his own community, employ seizure against any fellow-citizen of the supposed offender. In Bravo's view this was only regarded as acceptable when part of action by the community of the injured party as a whole, that is, when integrated into a violent collective operation that fell short of war, though it might of course provoke war. This, at first sight technical, issue has implications, as Bravo pointed out, for our general vision of dealings in the Greek world between communities, especially those not bound by commercial treaties. Was a foreigner treated as an enemy or was there a framework of understood rights governing commercial relations even in the absence of treaties?⁶

Another issue is the boundary between *sula* in the sense of reprisals and brigandage or piracy, especially the latter. A general study of piracy is outside the scope of the present piece. Our evidence shows *sula* being undertaken by individuals and communities who did not consider themselves to be pirates and indeed were not, in so far as piracy was regarded as a profession and way of life. Rather, they resorted to *sula* in an emergency. Nevertheless the victims of reprisals were in a similar condition to those attacked by pirates. Moreover, when communities authorized seizures by their own citizens against the members of another community, they became for that period similar to those peoples who practised piracy regularly and unashamedly, such as the Cretans and Aetolians.⁷ Grants of freedom from seizure, *asulia*, applied equally to seizures in reprisal and to piracy, when made by such peoples.

Although, the bulk of our evidence comes from the fourth century B.C. or later, early forms of *sula* can be seen in the Homeric poems and have been usually regarded by scholars as providing the foundation of the practice later. It will be clear from what follows that there was a progression from unregulated to regulated violence. How far this process actually reduced the non-military violence in the Greek world is a much more difficult question.

THE HOMERIC WORLD AND THE ARCHAIC PERIOD

In the *Iliad* the poet portrays Nestor giving a protracted reminiscence of the prowess of his own youth in order to give point to his indignation about Achilles' absence from the battle. There had been a dispute between the Pylians and Eleians over cattle-rustling. Nestor himself initially distinguished himself in a raid, 'driving away *rusia*', when he killed the Elean Hypeirochos, who 'was defending his own cattle'. The following day the spoil was divided among the Pylian chiefs. 'for there were many to whom the Epeians owed a *χρεῖος*, since we few in Pylos had been worsted' (Hom. *Il.* 11.671–89). The raid, therefore, was a common enterprise of the Pylians, not to

⁵ Bravo (n. 1).

⁶ Ibid. 939–43, 961–3.

⁷ H. Ormerod, *Piracy in the Ancient World* (London, 1924), 61–7 carefully distinguished *sula* from both ordinary piracy and authorized privateering under 'letters of marque', as does Pritchett (n. 1), 68ff. On the relevance of piracy for Bravo's view of the pacificity of intercommunity relations, see Gauthier (n. 2), 570ff.

recover specific animals lost but to secure a general recompense for losses over a period. These are the *rusia*, and they are regarded as the repayment of what is owed (*chreios*). It is easy to see that open and sometimes unclear borders, combined with a tradition of cattle-rustling, made such raids only too probable, and, that these moreover, in turn might lead to a full-scale invasion of alien territory such as that by the Eleans which Nestor goes on to describe.⁸ This sort of behaviour was not a purely Dark-Age phenomenon. A fragment of early elegiac seems to refer to cattle-raiding in Euboea.⁹ Much later, the tradition of reciprocal raiding by Phocians and Locrians in the disputed pastures of Parnassus was exploited by Theban politicians in the early fourth century to start the Corinthian War (*Hell. Oxy.* 18.3).

Our best piece of evidence from the Archaic period comes from the edge of the Greek world. This shows an individual pursuing a dispute without support from his community. A letter on lead, dated by its letter-forms to 500 B.C. or a little later, from the island of Berezan near Olbia in the Black Sea, is a cry for help from Achillodoros addressed to his son Protagoras and Anaxagoras. A certain Matasys has seized Achillodoros, claiming that he is the slave of Anaxagoras, a man who is in possession of Matasys' male and female slaves and houses. Achillodoros' particular grief is that he is not a slave and thus should not have been seized in Matasys' quarrel with Anaxagoras nor deprived of his position as a freight-handler. The implication is that, if he had been a slave, the procedure would not have necessarily been unjust. From Matasys' point of view, the seizure of Achillodoros, who may have been connected with Anaxagoras, perhaps his agent, was the obvious way for him to put pressure on Anaxagoras. In later Greek history we find occasions when those who seized free persons thought this legitimate. However, Matasys did not necessarily share that view: rather, he claimed that Achillodoros was his adversary's slave. The letter, therefore, suggests that there were at least unwritten understandings in the commercial world about such seizures at the time.¹⁰

THE REGULATION OF *SULA* BY TREATY

We are told by Herodotus that it was only at the end of their revolt in 494 that Artaphrenes, the governor at Sardis, forced the Ionians to make treaties in order to end the practice of plundering and kidnapping and to enforce arbitration (*Hdt.* 6.42). The agreements introduced in Ionia by Artaphrenes, are called in the Greek world *σύμβολα* or *συμβολαί*. Designed to settle disputes between the citizens of the contracting states in court rather than by violence, they soon became common elsewhere in the Greek world. About 460 an Athenian decree refers to previously existing *symbolai* between Athens and Phaselis (*SGHI* 31, 11–14); Thucydides represents the Athenians as proud of their willingness to be worsted by their allies in

⁸ For cattle rustling, cf. *Hom. Il.* 9.406. For a more pacific search for compensation after a cattle-raid, see *Od.* 21.15ff.

⁹ *POxy.* 30.2508 = *Adespota Elegiaca* 62 West.

¹⁰ Y.G. Vinogradov, *VDI* 4 (1971) 74–100; J.Chadwick, *PCPS* n.s. 19 (1973) 35–7; *SEG* 26 (1976–7) 845; *SEG* 30 (1986) 960; M. M. Austin and P. Vidal-Naquet, *Economic and Social History of Ancient Greece. An Introduction* (London, 1977), 220–3; Bravo (n. 1), 879ff. and id., 'Une lettre de piombe de Berezan', *Dial. hist. anc.* 1 (1974) 111–87; H. Kupiszewski, 'La lettera di Berezan', in A. Biscardi (ed.), *Symposion 1974. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Cologne, 1979), 189–99. Bravo and Kupiszewski argue that Achillodoros was Anaxagoras' agent; Gauthier (n. 2), 566–7, by contrast, believes that he may have been merely a fellow-citizen of Anaxagoras.

lawsuits arising out of such agreements (Thuc. 1.77.1). The implication is that a city like Athens would have been expected to permit the use of force by its own citizens to redress a supposed wrong.

Sumbola would not only have prescribed legal procedure between communities but regulated the use of force. A community might also regulate force on its own account. In his *Suppliants*, Aeschylus portrays the Argive people protecting the Danaids from being seized by the Egyptians.

It was resolved by the people of Argos . . . that we should be residents (*μετοικεῖν*) in this land, free and immune against dstraint (*ἀρρυσιάστους*) and with protection from seizure (*ἀσουλία*) by men, and that neither citizen nor foreigner should carry us off (*ἄγειν*); but, if anyone should use violence on us, the citizen of this land who did not rescue us should lose his rights with banishment ordered by the people. (Aesch. *Supp.* 605, 609–14)

The text uses legal terminology, which may reflect that used to protect non-citizen metics in Attica from seizure by citizens of communities other than Athens, who were pursuing a complaint against them—the sort of protection that was available to Athenians by virtue of their citizenship.¹¹

One of the earliest texts of *sumbola* that we possess is normally dated to the mid-fifth century B.C. It relates not to any major cities, but to two small communities from Ozolian Locris. The translation has been much disputed and refined. My preferred version of the opening lines is:

The Oeanthean shall not carry off a foreigner from the territory of Chaleion, nor the Chalean from the territory of Oeantheia, nor his property, if he should be carrying out a seizure (*sulō*), but there may be a seizure with impunity of the man performing the seizure. There may be a seizure of a foreigner's property from the sea without liability to seizure, except from the harbour by the city. If anyone makes a seizure unjustly, there shall be four drachmai [as a fine], but, if anyone should retain the property seized more than ten days, let him be liable for one and a half times [the value] of whatever he has seized. If the Chalean should reside more than a month in Oeantheia or the Oeanthean in Chaleion, let him enjoy the legal procedure of his place of residence.¹²

Oeantheia and Chaleion are limiting seizures from each other's territory up to a certain point. Much depends on how we interpret the word *ξένον* (foreigner). Tod and Gauthier construed the ethnics in the first clause as adjectives agreeing with *ξένον*, the object, treating the first infinitive as impersonal: 'no one shall carry off the Oeanthian stranger from the territory of Chaleion, nor the Chalean from that of Oeantheia'. Since this is an agreement to regulate the actions of Oeantheans and Chaleans, not those of members of other communities who at most enter into consideration in this text as passive objects of the actions, a definition of the subject,

¹¹ Cf. Ps. Andoc. 4 *Alc.* 18 for agreements in Athenian *sumbola* protecting foreigners from prison and bonds, and see Austin and Vidal-Naquet (n. 10), 267–9.

¹² Τὸν ξένον μὴ ἁγεῖν ἐ' τὰς Χαλκίδος τὸν Οἰανθέα μὴδὲ τὸν Χαλκίεα ἐ' τὰς Οἰανθίδος μὴδὲ χρήματα αἱ τι συλῶι, τὸν δὲ συλῶντα ἀνάτω' συλῆν. Τὰ ξενικά ἐ' θαλάσσης ἁγεῖν ἀσυλον πλὰν ἐ' λιμένος τῷ κατὰ πόλιν. Αἱ κ' ἀδίκω' συλῶι, τέτορες δραχμαί. Αἱ δὲ πλέον δέκ' ἀμαρᾶν ἔχον τὸν σύλον, ηἡμιόλιον ὀφλέτω Φό τι συλάσαι. Αἱ μεταφοικέοι πλέον μηνὸς ἢ ὁ Χαλκίεὺς ἐν Οἰανθείῃ ἢ Ὁϊανθεὺς ἐν Χαλκίῳ, τῷ ἐπ' ἀμείναι δίκαι χρῆστω. Τὸν πρόξενον αἱ ψευδέα προξενέοι δ' πλείω θωιήστω.

IG IX¹.1.3, no. 333 = Tod, *GHI*, no. 34; Austin and Vidal-Naquet (n. 10), 246–8. See Daresté (n. 3), 308; Gauthier (n. 4), 222–4, 242–4; Ziegler (n. 4), 103–25; Bravo (n. 1), 890–911; A. Maffi, *Studi di epigrafia giuridica greca* (Milan, 1983), 173ff. Another early legal text referring to *sula*, is *IvO* no. 16, lines 6–7, a *rhetra* about Scyllus, probably emanating from Elis.

as in my earlier translation, seems more appropriate. Moreover, there seems no reason to limit those envisaged as the objects of seizure to citizens of the two communities, especially in view of the subsequent reference, without closer definition, to ξενικά (foreigner's things) that can be seized at sea. If the two ethnics are construed as subjects of the infinitive, the word ξένος will have its frequent sense of any person of a different citizenship (in this context, to the man who is carrying him off). This would include citizens of the other city party to the treaty: it would have been a necessary part of the treaty that other provision was made about them.¹³

It will follow that the treaty by implication permitted the seizure of the person or the property of a fellow-citizen from the territory of the two participating cities, thus preventing both of them from being used as an asylum from its neighbour. An Oeanthean suing a fugitive Oeanthean (or a Chalean a fugitive Chalean) could thus arrest him in the territory of the other city. An Oeanthean suing a Chalean resident in Oeantheia would use regular Oianthean procedure, as the text goes on to prescribe. An Oianthean suing a Chalean resident in Chaleion could not remove him from Chaleion, but would presumably have to bring his case in Chaleion before the judges for foreigners (ξενοδίκαι) who are mentioned on the reverse of the bronze (lines 10ff.). Persons who were citizens of neither state were not to suffer seizure on the territory of one party to the treaty (including the harbour) by a citizen of the other—an obvious provision to avoid Oeantheia involving Chaleion in a dispute for which Chaleion's citizens were not responsible, or vice versa.¹⁴ What happened at sea was excluded. There would have been practical difficulties in regulating maritime seizures by law; it would have also been difficult for a wronged party to gain redress from those responsible.

Sula, therefore, are recognized as having a place in the settling of disputes; more specifically they are permitted as a counter-measure to an illegal seizure. The treaty seeks merely to eliminate those situations where they would cause unnecessary friction between neighbours. On the interpretation preferred here, the text does not cover occasions when a complete foreigner entered the territory of either community to make a seizure: resistance to such a seizure by a person in his own city would be have been regulated in the laws of that city, if this was thought necessary. As for the Chaleans protecting an Oeanthean against an outsider, or the Oeantheans a Chalean, in their own territory, it may have been believed excessively burdensome to inflict on one's neighbour the potential dispute with a third party that might arise out of such protection.

The best parallel to this regulation of seizures comes from deep in the Hellenistic period. A *sumbolon* between Stymphalus and Aegeira, perhaps early second century B.C., embeds seizure into legal procedure.¹⁵ A man making a seizure has to appoint

¹³ See Maffi (n. 12), 173ff. Bravo (n. 1), 895–6, to be consistent with his belief that the verb *sulan* cannot apply to persons, wished to put a period after χρήματα (property), but this makes the sense of the text disjointed. He also limits the foreigners' things (ξενικά) to those belonging to Oeantheans and Chaleans.

¹⁴ This sort of provision would have existed in Athens' *sumbola* with other cities, to judge from the reference in a sea-freight contract to the unloading of a cargo 'where no *sula* are permitted to Athenians' (Dem. 35 *Lacr.* 13), thus protecting the two Phaselite traders, Artemon and Apollodorus from reprisals from any other Athenian and keeping the investment of Androcles and Nausicrates secure.

¹⁵ IG V.2.357; SEG 11, 1105; Schmitt, *StV* no. 567, especially lines 91–100; Bravo (n. 1), 912–15; G. Thür, 'Der Rechtsgewährungsvertrag aus Stymphalos', in G. Thür and J. Velissaropoulos-Karakostas (edd.), *Symposium 1995. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Cologne, 1997), 173–8.

guarantors (*engui*). There shall be no right to sue in a later trial those who have been permitted to make seizures. No Aegeiran may be led off by a Stymphalian or vice versa (presumably to the abductor's city), except in the presence of citizens of both cities; nor shall property be seized unless the man performing the seizure shows the failure to pay attested in writing to the magistrates and the condemnation performed according to the treaty. Offenders against this provision are to be prosecuted by a magistrate and fined thirty Aeginetan drachmas.¹⁶

THE CIRCUMSTANCES GIVING RISE TO SEIZURE

The seizures that took place between hostile neighbours such as Elis and Pylos are not difficult to understand. This kind of friction is illustrated later by the fate by the survivors of the Chian ships which beached on the Mycale peninsula after the battle of Lade in 494 B.C.: on their way home they entered Ephesian territory by night and were killed by the Ephesians on the suspicion that they were raiders after their women (Hdt. 6.16.2). We clearly have here a situation where a foreigner is treated as an enemy. Similarly, in dealings between individuals, Achillodoros' letter illustrates what might take place in the Archaic Age somewhere where there was no apparatus of justice.

Is there a change, however, in the Classical Age? Consider theoretically the problems that faced a businessman in, let us say, Athens, who was, he thought, wronged in a commercial deal by a foreigner. If the latter were a citizen of a community that had *sumbolai* with Athens, there would be a legal procedure to follow: indeed it might be possible to sue the man in Athens, if the deal took place at Athens, as the Phaselis treaty seems to provide (*SGHI* 31, lines 6–11). If such a provision did not apply and the man would not agree to be sued in an Athenian court, then he could be sued at his home, assuming that there was appropriate procedure and a helpful Athenian *proxenos*. However, this city might be far distant and the prospects of success with judges who were fellow-citizens of the accused might not be good. It would have been all the more tempting to put pressure on one's opponent by performing a seizure—whether at Athens, or in the territory of a third city, or even on the high seas—either to secure recompense directly from his property or by seizing his person and forcing his friends and relatives back home to be co-operative in settling the dispute.

We can see why in Thucydides the Athenian speaker might take such pride in Athenians submitting to procedure agreed in *sumbolai* rather than taking such action (Thuc. 1.77.1). It would have been tempting for the citizen of a powerful city to be aggressive and embark on *sula*, if frustrated. It was perhaps to preclude such private reprisals that Pericles took one of his most controversial actions. When the dispute broke out between Athens and Megara in the 430s over alleged border encroachments and the reception of runaway slaves, Pericles' famous Megarian decree (Thuc. 1.67.2; 139.2; 144.2; Plut. *Per.* 30.2–3), which excluded Megarians from the Attic market and the harbours of the Athenian empire, seems to have been a substitute for either permitting Athenian citizens to make private raids or mounting an invasion by the forces of the city. His aim would have been to enforce arbitration before blood was shed. Indeed it was arguably sensible to keep Megarians out of Attica in case reprisals

¹⁶ For control of seizures, see also the treaty between Delphi and Pellana (E. Bousquet, *Fouilles de Delphes* III.1[1929] no. 486 = Schmitt, *StV* no. 558), IB, 8–14; IIA, 14–24; and that between Miletus and Cretan cities (A. Rehm, *Milet* 1.3. no. 140m = Schmitt, *StV* no. 482), col. II, 40–50.

were taken against them and provoked more serious conflict. However, this in principle pacific measure became the critical point of friction that sparked off the Peloponnesian War.

Performing such a seizure might easily involve the community of the initiator in a dispute, if the community of the victim reacted. This would have threatened a city the size of Phaselis more than Athens, but could have still led to unpleasant consequences for individual Athenians. In fact, our evidence suggests that, far from being reluctant to embroil themselves in the pursuit of the complaints of individual citizens, cities on occasion made seizures by private individuals part of public policy. According to Lysias, in the first years of the restored but impoverished Athenian democracy (c. 402–400 B.C.) ‘the Boeotians were making seizures, because we could not pay up two talents’ (Lys. 30 *Nic.* 22). Demosthenes in the speech for Androcles against Lacritos compares the robbery suffered by his client at the hands of Phaselites to what he would have suffered, ‘if the Phaselites had granted *sula* against the Athenians’ (Dem. 35 *Lacr.* 26).

A more elaborate example is provided in the pseudo-Aristotelian *Oeconomicus* (Ps.-Ar. *Oec.* 2.1347b). The Calchedonians were short of money to pay their mercenaries. Accordingly, they invited those citizens or metics with a justification for making a seizure, who wished recompense, to register themselves and used this as a pretext to seize ships sailing through the Bosphoros into the Black Sea. They made arrangements to compensate those whose claims they were enforcing (I take this to be the significance of ‘fixing a date on which to render an account’), and used some of the remaining money collected to pay off the mercenaries. Finally they submitted to arbitration with the other cities concerned over the seizures and repaid those who had been subject to seizure unjustly.

When in 330/29 B.C. citizens of Heraclea on the Black Sea, apparently acting with the approval of their tyrant Dionysius, seized the ship of Heracleides of Salamis on its way back to Greece, the Athenians viewed it as an instance of Dionysius’ policy of seizing ships bound for Athens. However, this policy is unlikely to have been a form of undeclared war, since the Heracleots only took Heracleides’ sails, not his precious cargo of grain. It can be more plausibly interpreted as a ‘graduated response’ to force the Athenians to settle other commercial disputes, and it did in fact lead to the despatch of an Athenian ambassador. In the decree the only purpose mentioned is the recovery of the sails, but it is likely that some Athenian concession would have been required to achieve this.¹⁷

It appears that seizure was used by individuals to exert pressure, not just on the person with whom they had a quarrel, or his relatives and associates, but on any member of that person’s community. It was thus a cruder and less focused measure than the self-help permitted to citizens under the laws of their own state. The danger was that this would lead to hostilities between cities. In certain circumstances the community of those undertaking the *sula* was happy to see this occur because it coincided with its current foreign policy. The question is whether all such seizures were made with the sanction of the community or if they might not have had a momentum of their own. Bravo argued that all known evidence of seizures of foreigners not directly connected to a dispute could be explained as part of public policy. If Bravo is

¹⁷ *Syll*³ 304, 29–40. Instances of the bringing to shore of ships were collected by G. E. M. de Ste Croix, *The Origins of the Peloponnesian War* (London, 1972), 314, app. 8. Most of these took place in wartime and related in particular to the corn-trade through the Hellespont and Bosphorus.

right, there was an understood custom among Greek cities that random seizures amongst members of other communities required the *fiat* of one's own community.¹⁸

However, as we shall see, the evidence does not entirely support this view. In any case it might be better to think less in terms of rules and more in terms of practical necessity. In pursuing a quarrel with a foreigner, a man would be more ready to use seizure against one of that foreigners' fellow-citizens, if he believed that his own community would support him.

SEIZURE AND PUBLIC POLICY IN THE HELLENISTIC PERIOD

Seizures sanctioned by the community continue in the Hellenistic period. Polybius describes how in 220–219 B.C. the people of Eleutherna, when they suspected that a Rhodian force under Polemocrates had killed one of their citizens, Timarchus, as a favour to Cnossus, proclaimed seizures against Rhodes as a preliminary to war (Pol. 4.53.2.). Similarly, about thirty years later when the Achaeans were backing the return of the pro-Roman Zeuxippus to Boeotia, Philopoemen put pressure on the Boeotians by approving the requests for permission to carry out seizures, made by those Achaeans whose private disputes with Boeotians had dragged out over a long period (Pol. 22.4.13, either 189/8 or 187/6 B.C.). Seizures are shown here to be subject to the authority of the community, according to the pattern privileged by Bravo. In both the Polybian texts they are permitted in order to further public policy. Nevertheless, the fact that requests had been originally made to the Achaean authorities for purely private purposes suggests that they might have been permitted simply to satisfy private interests, provided that the common good was not endangered.

An inscription from approximately the same period as the instances from Polybius shows the aftermath of seizures on a grand scale, that seem to have been permitted by a city largely, if not entirely, in the interests of individual citizens. We possess two fragmentary copies of what may be classed as a *sumbolê* between Troizen and one of its neighbours, Arsinoe/Methana—one from Troizen, the other from the sanctuary of Asclepius in Epidaurus, the latter reconstructed by Peek by combining two inscriptions previously thought separate.¹⁹ The settlement had been mediated by ambassadors from Ptolemy VI. Apart from the intervention of Ptolemy, we find that the Athenians were to be asked to send three men to determine the agreement reached and inscribe it in the shrines of Poseidon at Calauria, Asclepius at Epidaurus, and Athena on the Athenian Acropolis.²⁰

The early part of the text deals with the common land in the area of the narrow

¹⁸ E. Schlesinger, *Die griechische Asylie*, dissertation (Giessen, 1933) thought that the *sula* performed by individuals were like the seizure of guarantees (*ἐνέχυρα*) in civil disputes within a city. Bravo (n. 1) did not share that view but still believed that individuals could not act against anyone against whom they had no direct complaint and that indiscriminate seizures only took place in those public actions that were milder substitutes for full-scale war. Gauthier (n. 2, 563ff.), while endorsing this critique of Schlesinger, doubted whether all the evidence could be accommodated within Bravo's theory and suggested that this depended on an over-optimistic vision of *sula*.

¹⁹ IG IV.752; IV².1.76–7. See W. Peek, *Inchriften aus dem Asklepeion von Epidaurus*, ASAW 60.2 (Berlin, 1969), 27–8; S. L. Ager, *Interstate Arbitration in the Greek World 337–90 B.C.* (Berkeley and Los Angeles, 1996), 381ff., who presents a combined text; Bravo (n. 1), 865–8, not knowing the combination discovered by Peek and believing the dispute to have been between Troizen and Hermione.

²⁰ Lines 54–6 of Ager's combined text.

neck linking the peninsula of Arsinoe with the Peloponnesian mainland and the exploitation of stone, timber, and salt-pans in that area. After clauses forbidding on pain of fine further lawsuits about alleged past injustices, including those arising from the tunny fisheries, the text refers to 'those who have been subject to seizure by the city [that is, Troizen] or carried off from the countryside in the periods of blockade'. These are to be 'discharged according to the valuation made in the account of the treasurer Philocles (with money) from the common revenues of the tunny fisheries'. Apart from this release of foreigners in general from detention, three individuals—Artemidoros, Pyrrhus, and Theodotus—are to get 200 Troizenian drachmai each for the slaves exacted by the polemarchs. Furthermore, all the houses and plots of land seized by the city are to be returned to those from whom they were seized, and compensation paid to any (presumably Troizenians) who have acquired any of this property in the meantime.²¹ The original seizures by Troizen must have amounted to little less than a full-scale invasion. Yet, to judge from the treatment of the Arsinoites seized, whose release was conditioned by the payment of a sum from the public revenues of Troizen to those Troizenians holding them, what was at issue was money owed by the Arsinoites to individual Troizenians in respect of some sort of compensation. Otherwise there would have been no need for the city of Troizen to produce funds to secure the release of those seized. Similarly, it is probable that the Troizenians who had acquired part of the real estate that had been seized had done so in place of financial compensation for earlier grievances.

We therefore appear to have here an instance of a city orchestrating *sula* on a considerable scale, including the seizure of free persons, not so much to further foreign policy in the interest of that city, but to satisfy a number of its citizens who had grievances—perhaps arising from competition over resources of the common land and the tunny-fisheries mentioned in the inscription. The raids may in fact have rebounded on Troizen, since its citizens were to be compensated for their losses from 'common revenues' (granted that this means revenues shared between Troizen and Methana, part of them belonged to the city of Troizen). In this respect this treaty has the appearance of a climb-down, even if Troizenian access to the neck of land connecting Arsinoe/Methana with the Peloponnese and their exploitation of its resources was assured. In the classical period this sort of quarrel might not have been so easily dampened.

The dispute between Troizen and Arsinoe seems to support the thesis of Bravo that indiscriminate seizures by private citizens against members of another community could only be undertaken with support from their own city. The following example, *pace* Bravo, is not easily fitted into that pattern. Certainly, it is at present unique evidence describing how an embassy representing a community undertook the settlement of *sula* with individuals in a number of different cities. In this respect it differed from the embassy sent by Athens to Heraclea after the seizure of Heracleides

²¹ Lines 42–50 of this combined text: *Περὶ δὲ τῶν ἐρρυτσιασμένων ὑπὸ τὰς πόλιος χωρίων καὶ οἰκιῶν ἢ ἀγμένων ἀπὸ τὰς χώρας ἐν ταῖς ἀνεπιβασίαις, ἀπὸ τῶν κοινῶν ποθόδων τὰν ἐκ τῶν θυννείων ἐπιλυθήμεν τοὺς ἐρρυτσιασμένους στάσι ἀν' ὃ κα φέρηι ὁ λόγος ὁ ταμία Φιλοκλέος, καὶ τοῖς σώμασι τοῖς ἀποπραχθείσιν ὑπὸ τῶν πολέμαρχων Ἀρτεμιδώρῳ, Πύρρῳ, Θεοδότῳ ἐκάστωι δραχμὰς διακοσίας ἀν Τροζάνιοι νομίζοντι, καὶ τὰ χωρία καὶ τὰς οἰκίας, ὅσα ἐστὶ ἐρρυτσιασμένα ὑπὸ τὰς πόλιος, ἀποδόμην τοῖς ἐρρυτσιασμένοις, ἐπιλύσαντας ἀπὸ τῶν κοινῶν ποθόδων τοῖς πεπεμμένοις τι τῶν ἐρρυτσιασμένων ὑπὸ τὰς πόλιος.*

I have removed the square brackets in Ager's text, given that the text they enclose is to be found in IG IV.752.

of Salamis' sails (note 17 above). Moreover, where we find another city taking action in relation to the Cyrenean embassy, it clearly disowned the action of one of its own citizens.

Two fragments of a *stèle* were found in the sanctuary of the temple of Apollo at Cyrene, belonging to an honorific inscription, including three very fragmentary elegiac couplets, rewarding a certain Timagoras for his services on an embassy.²² The inscription seems to date from the latter part of the fourth century B.C. After the verses praising Timagoras for his *aretê*, we hear of a discharge of the *sula*, and assignments (*ἀπονομαί*). Records of the latter are to be preserved in the cities and by the appropriate officials in various other locations—at Olympia, at Delphi, in the temple of Zeus Lycaeus, and at Athens.

The decree continues:

There are added to the assignments both (the names of) those who invoked the *sula* and the amount of money and those who participated in the embassy from our city. Aiglanor son of Alexandros (went) to Kleitor in Arcadia on behalf of [. . .] who were killed by Teisilaos in Trygeion, and we discharged the seizure for eight talents, and the people of Kleitor condemned Teisilaos and confiscated his property, and, when he was arrested by the Stymphalians, they surrendered him (to Stymphalian jurisdiction) and the Stymphalians executed him. At Megalopolis, with the help of Carnedas the son of Spondarchos, [we discharged] the *sula* with Apollodoros the singer to the flute for 4000 *mnai*, with Nikias the apothecary for 700 *mnai*;²³ at Tegea with Damatridas the man from Oresthasion for 1000 *mnai*; in the temple of Zeus Lykaeos with Charon the lame for 1000 *mnai*; at Elis with the friends of Philon son of Philopaidas for 15 talents; at Messene with Deinias for 500 *mnai*; at Argos with Thoropidas the general for 100 *mnai*; at Corinth with the help of Lysis the son of Epiklees with Simonidas for three talents; at Athens with Damatrios the *rhetor* for 100 *mnai*; in Melos [with ...]menes, the victorious Olympic wrestler for three talents.

The list of settlements now becomes fragmentary, but continued for at least two more lines.

Were the seizures here made originally by Cyreneans or against Cyreneans? The recording of 'those who invoked the *sula*' and the Cyrenean ambassadors, but no one

²² G. Pugliese-Carratelli, 'Supplemento epigrafico cirenaico', *ASAA* 39–40 (1961–2), 273–80; for improvements to the text, see C. Dobias-Lalou and A. Laronde, *REG* 90 (1977), 1–14; *SEG* 20 (1964), 716; *SEG* 27 (1977), 1194. Discussed by Bravo (n. 1), 918ff. The only near-parallel to Timagoras' action was pointed out by Y. Garlan, 'Étude d'histoire militaire et diplomatique II: sur le règlement des droits de représailles', *BCH* 89 (1965), 338–9, viz. Isoc. 3 *Nicocles*. 33, where the tyrant is praised for settling the *sula* made against Cypriots.

²³ Ποτ[ιγράφονται ?] δὲ ποτὶ [τ]ὰς ἀπονομὰς καὶ τοὶ τὰ σὺλα ἐγκαλέσαντες κ[α]ὶ τὸ πλῆθος τῶν χρημάτων καὶ τοὶ συμπρεσβεύσαντες ἀπὸ τὰς ἀμᾶς πόλιος. Αἰγλάνωρ Ἀλεξάνδρω ἐς Κλείτορα τᾶς Ἀρκαδίας ὑπὲρ (ννννννν) τῶν ἐν Τρυγείῳ ἀπολομένων ὑπὸ Τεισιλάω καὶ τὸ τε σὺλον ἐλύσαμεν ὅκτ' ὅ τε ταλάντων καὶ φυγὰν Κλειτόριοι κατέγνον Τεισιλάω καὶ τὰ χρήματα καὶ χρηρ[ω]θέντα αὐτὸν ὑπὸ Στυμφαλίων ἐγδοτον ἔδωκαν. Στυμφαλίοι δὲ ἀπέκτησαν. ἐς Μεγάλαν Πόλιν σὺν Καρνῆδαι τῷ Σπονδάρχῳ σὺλα τὰ ποτ' Ἀπολλόδορον τὸν αὐλωιδὸν μὲν XXXX, ποτὶ Νικίαν τὸν φαρμακοπῶλαν μὲν 333, ἐν Τεγείῳ ποτὶ Δαματρίδαν τὸν Ὀρεσθάσιον μὲν (νᾶν) X, ἐν τῷ ἱερῷ τῷ Διὸς τῷ Λυκαίῳ ποτὶ Χάρωνα τὸν χυλὸν μὲν (νᾶν) X. ἐν Ἀργεὶ ποτὶ Θωροπίδαν τὸν [στ]ραταγὸν μὲν (νᾶν) 15, ἐν Κορίνθῳ [σὺν] Λύσει τῷ Ἐπικλείῳ ποτὶ Σιμωνίδαν [τ]αλάντων τριῶν . ἐν Ἀθήναις ποτὶ Δαμάτριον τὸν ῥήτορα μὲν (νᾶν) . ἐμ Μάλῳ [. . .] μέν [. . .] ὀλυμπιονίκαν παλαιστὰν τριῶν [τ]αλάντων . . .]

The translation of Cyrene's numerical notation is based on the decipherment made by G. Oliverio, *Documenti Antichi dell'Africa Italiana*, Fasc. II, 'I conti dei demiurgi' (Rome and Bergamo, 1933), 125 (cf. M. N. Tod, *ABSA* 37 [1936–7], 255–7). The sign 'X' is interpreted as 1000 *mnai*, following Dobias-Lalou and Laronde (note 22).

else, implies that the former were the members of the various Greek cities mentioned later in the text. They must have initiated the seizures, not suffered them in consequence of what they owed to Cyreneans. The murders committed by the citizen of Cleitor, Teisilaus, would presumably have formed part of the seizures made by him. Moreover, if it had been some Cyreneans, unknown to us, who had made the seizures in pursuit of claims, then it is likely that the movement would have been in the opposite direction: embassies would have come from cities in Greece to seek an end to this harassment. Nor can we easily imagine that euergetistically minded Cyreneans would have thought it appropriate to become debt-collectors for their fellow-citizens (Pugliese – Carratelli [1961–2], 276). On the other hand, when Cyrenean property and persons had been seized, especially if those seized did not have any particular connection with the Cyreneans with whom the foreigners were in dispute, a full-scale embassy would have been the best way to settle these claims and secure the release of persons and the return of property. The sums recorded as paid would have been the value of the claims, as accepted by the ambassadors.

I have argued that the seizures were undertaken in consequence of claims against individual Cyreneans. Bravo, it is true, classified it as ‘concerning the right of seizure that an individual could have against a foreign city on the basis of a private grievance’.²⁴ However, this seems to rely too much on the fact that the disputes were settled by a Cyrenean embassy, and there is suspicion of special pleading, since the inscription otherwise tends to undermine Bravo’s central thesis. First, as Bravo himself accepted, the various seizures in Greece are highly unlikely to have been undertaken with public sanction from the respective cities. The people of Cleitor actually disowned Teisilaus’ activities by condemning him. If Thoropidas, the general, had made his seizure on behalf of the people of Argos, then the settlement would have been made with the people of Argos. Secondly, granted that those who performed seizures did so in pursuit of a private claim, it is hard to imagine that the city of Cyrene itself had business relations with all this multifarious group of claimants.

Cyrene was an exporter of grain, silphium, and woollen goods. It is possible that Cyrenean traders had taken orders in Greece, accompanied by a down-payment, for the products of their city, but had then failed to deliver the goods. Nicias the apothecary would have been interested in the silphium; others, especially in the famine years in the late fourth-century, may have had a more prosaic need for grain.²⁵ In frustration, the Greek buyers would have seized anyone or anything Cyrenean they could lay their hands on. The embassy was sent to settle these private disputes, but also to clear the name of the city: in view of the sums involved, it is unlikely that they paid all, or even most, of the cost out of their own pocket. Some money may have come from delinquents, reluctant to show their faces in Greece, but the city itself may have also contributed.

This sort of settlement would hardly have been needed, if there had been existing *sumbola* between Cyrene and the other cities mentioned. How normal or exceptional it was in relations between cities without *sumbola* is hard to decide. However, the ambassadors’ journey through Greece and their often delicate negotiations merited commemoration. What is striking about the affair is that the seizures were made by

²⁴ Bravo (n. 1), 918, here following Gauthier (n. 4), 213.

²⁵ See especially the list of states helped by Cyrene c. 331–24 B.C., Oliverio (n. 23), 8ff., 84ff.; SEG IX.2+; Tod, *GHI* II, no. 196, with further references; P. Harding, *From the End of the Peloponnesian War to the Battle of Ipsus* (TDGR 2), no. 116; Dem. 34 *Phorm.* 39; 42 *Phain.* 20 and 31; 56 *Dion. passim*.

citizens from a number of different communities: they could not be settled by the normal arbitration between two communities. In fact the Cyrenean embassy only seem to have used friends, probably Cyrenean *proxenoi*, as intermediaries in the cities they visited, not magistrates.

ASULIA

One topic has been so far left aside—grants of *asulia* (freedom from seizure). These were, on our evidence, most frequently made in favour of a religious shrine and its associated community. They were also made by one community to another, not associated with a shrine, as part of a treaty of some sort, or to one or more individuals who were not citizens as a reward for services rendered. The evidence for the first class of grants has been assembled and discussed by Rigsby. He has argued that they stemmed from genuine religious sentiment but had little practical function, since they merely stated the traditional inviolability of religious territory in a more specific and honorific way.²⁶ It seems, however, that the grants of *asulia* to, for example, the people of Teos, as well as its territory,²⁷ must have had consequences in theory for the personal security of the Teans beyond the traditional sacredness of religious space. The same applies with more force to the Delphians' grant of *asulia* to the Attic Dionysiac artists, since they were not tied to a particular religious locality.²⁸ How effective such measures were in practice is another matter.

Conspicuous among the instances of grants to a community that have no religious aspect are those from Crete and north-west Greece. The treaty between Malla and Lyttus²⁹ forbids *sula* by members of one city against members of the other, under pain of return of what has been seized and a 100 stater fine, to be exacted by the relevant *cosmos* (the procedure is to be especially swift after the seizure of a free man). *Asulia* and personal security (*asphaleia*) are included in the exchange of citizen rights between the Aetolians and Trikkia in Hestiaiotes.³⁰ From Ozolian Locris we have the fifth-century agreement between Oeantheia and Chaleion, already discussed.³¹ Although on my interpretation this does not completely protect the two territories from seizures made by citizens of another city, it does give security to the citizens of the one and their property from seizures by citizens of the other. About two centuries later we find the Locrians granting to the descendants of Aeas and the city of the Narykaioi privileges, including freedom from *rusia*, in return for undertaking to provide the supply of Locrian maidens to go to Ilion. In this those who violate descendants of Aeas are subject to fines, dependent on the severity of the act: unjust imprisonment would cost 100 staters each day and night.³²

As for grants to individuals, we have an early example from the fifth century, one made by the regime of 400 at Athens to Pythophanes, perhaps a citizen of Phaestus. The term *asulia* in the text has been restored, but the context and size of lacuna make it inevitable. No one is to do wrong to Pythophanes and his goods, in respect of his

²⁶ K. J. Rigsby, *Asylia. Territorial Inviolability in the Hellenistic World* (Berkeley and Los Angeles, 1996), esp. 1–29.

²⁷ Ibid. 293–324.

²⁸ *Syll.*³ 692A, 41–3; 698A, 34.

²⁹ *IC* I.xix, no. 1; Schmitt, *StV*, no. 511, 8–16.

³⁰ *IG* IX² 1.1, no. 136.

³¹ See above with notes 12–14. For other Aetolian grants of *asulia*, not connected to a shrine, see *IG* IX² 1.1.169; 189–90 (= *IG* XII 2.15–16).

³² *IG* IX² 1.3, no. 706, 1–9.

ship, as he arrives and departs. We do not know his precise services, but he was clearly a long-term friend of Athens in view of the renewal of the decree in 399/8.³³ The term *asulia* does survive in the text of the fifth-century inscription from Thetionion conferring privileges on a Corinthian (*Syll*³ 55, 4–5). These are the forerunners of a great many similar decrees, whose purpose would have been mainly honorific, when in favour of men like a Hellenistic king or military commander, but which would have had some practical value for those with less physical power at their disposal. An example of the latter is the Chian decree for foreign judges from Naxos of c. 300 B.C., in which the judges get *asulia* in their voyages in and out without formal truce in peace and war, in addition to their gold crowns.³⁴ *Asulia* becomes a standard element in the award of the status of *proxenos* by certain cities, which would indeed have been of practical value for someone who in fact acted in that capacity and did not merely receive the title as an honour.³⁵ However, there is a certain irony in Siphnos granting to a Ptolemaic admiral from Alexandria 'the right to sail in and out in war and peace and *asulia* in time of *sula*'.³⁶ Even if allowance must be made for the ossification of a standard formula over time and the consequent diminution of its practical significance in certain instances, the value apparently attached to *asulia* is evidence for the prevalence of the practice of *sula*.

CONCLUSION

Greek justice granted considerable scope to self-help in response to a wrong, even when sophisticated legal procedure had developed.³⁷ This applied even more forcefully to commercial relations with foreigners, though here private interest was tempered with that of the community. The scattered evidence for seizures in our sources, by virtue of its variety and the complexity of regulation associated with it, is testimony to their having been a widespread and understood, if not always accepted, phenomenon. They were on occasion regulated by *sumbola* that formalized procedure without absolutely excluding the act of seizure itself: indeed in certain circumstances this was positively encouraged. Seizures were also subordinated to the foreign policy of the city at the time. Nevertheless, the multitude of independent communities meant that it was impossible for all relationships between them to be covered by legal agreement.

Sula as a whole remained informal acts of violence, on occasion employed randomly against fellow-citizens of the person or persons against whom the complaint lay. We have no idea what proportion of seizures made were of this kind. The traditional view that foreigners lacked rights outside their own community, unless these were specifically assured by agreements between cities, seems still to be the safest basis for understanding commercial relations. Nevertheless, this harsh theoretical principle was mitigated in practice. The Berezan inscription from the late Archaic age implies that there were already understandings about the pursuit of claims, even when

³³ Meiggs and Lewis, *SGHI* no. 80; *IG II*² 12, 17–21.

³⁴ D.W.S. Hunt, 'An archaeological survey of the island of Chios', *ABSA* 41 (1940–5), 29–47 at 45–6 = *SEG XII* (1955).390.

³⁵ For some other examples of *asulia* in proxeny-decrees, see *IG IX*² 1.1.6 (from Aetolia); *IG VII*.11; 13; 236–70; 1721–35; *SEG* 15(1956) nos. 264–82; A. Plassart, 'Décrets de Thespies', in *Mélanges Picard* = *Rev. Arch.* 31–2 (1949), 825–32, nos. 1–8 (Boeotia).

³⁶ *Syll*³ 730, 23–7 = *IG XII*.5.481; cf. the decree of Erythrai for Maussolus (*Syll*³ 168 = Tod, *GHI II*.155) or that from Telos for Arion of Ptolemais (*IG XII* 3.29, 8–12).

³⁷ A. Lintott, *Violence and Civil Strife in the Classical City* (London, 1982), ch. 1.

these were not yet regulated by treaty. Later, the growth of *sumbolai* promoted more secure commercial relationships. In any case, the operations of *sula* were conceptually occasional measures, distinguished from regular piracy.

It is clear that the procedure was increasingly subject to restriction and limitation. Whether this was reflected in the actual incidence of seizures is hard to say. This must have depended greatly in any case on the international situation. Inter-community hostilities, as we have seen, often provided a cover and excuse for private seizures. The domination of the Greek world by a major power may well have reduced seizures, as it also tended to reduce piracy. Nevertheless, though grants of *asulia* are comparatively well attested in epigraphy, they remain exceptions to the norm. It was this very fact that made them, at least in theory, valuable privileges.

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