WARBURG LIBRARY COMMONS | SCHOOL OF ADVANCED STUDY UNIVERSITY OF LONDON

[https://commons.warburg.sas.ac.uk/downloads/mk61rg937]

Buis, Emiliano J.. *Ancient entanglements: The influence of Greek treaties in Roman 'international law' under the framework of marrative transculturation:Offprint from: Entanglements in legal history : conceptual approaches.*

2014

Article

To cite this version:

Buis, E. J. (2014). *Ancient entanglements: The influence of Greek treaties in Roman 'international law' under the framework of marrative transculturation* (pp. 151–185). https://doi.org/10.12946/gplh1

License: Creative Commons BY-NC-ND Attribution-NonCommercial-NoDerivs 4.0 International

Available at: https://commons.warburg.sas.ac.uk/concern/published_works/xd07gs68j

Publisher's URL: https://www.rg.mpg.de/en

DOI: 10.12946/gplh1

Date submitted: 2020-04-06

Copyright is retained by the author. Terms and conditions for use of this material are defined in the User Deposit Agreement.

Emiliano J. Buis

Ancient Entanglements: The Influence of Greek Treaties in Roman 'International Law' under the Framework of Narrative Transculturation

I. Introduction[1]

The influence of Greek culture in Rome has been widely accepted in almost every single aspect of social life. Nevertheless, from a traditional legal point of view there seems to be very little contact between the two civilizations. In fact, legal historians have been reluctant to find possible interactions and have rather suggested that it was only with the Romans that a strong and systematic legal corpus could be built, something which had been unknown to the Greek spirit. I have always been amazed by this conviction, which blatantly contradicts what I consider to be one of the most outstanding features of the growing power of Rome: the permanent Roman intention to rely on Greek precedents in almost every social aspect of life and civic organization (architecture, sculpture, literature, religion, politics, *inter alia multa*), in order to "translate" and adapt new forms and structures in accordance with their own Weltanschauung and their own interests.[2]

What is more, those who have been willing to acknowledge some kind of interaction tend to justify their view on the existence of ancient testimonies dealing with a Roman embassy sent to some Greek *póleis* (apparently decided through a *plebiscitum* in 454 BC) to study their legislation with

1 This paper has been prepared under the scope of the research projects DCT1007 and DCT1210, which I have been supervising at the University of Buenos Aires Law School. A Spanish version of some parts of this article has been already published, as a work in progress, in: Lecciones y Ensayos 89 (2011) 73–117.

2 This also had to be the case for the law, especially if we consider that the Greek territory was incorporated under Roman power after the creation of the province of Macedonia in 146 BC as a consequence of Lucius Mummius' destruction of Corinth. From that year onwards, Greece was subject to Roman political control and therefore Rome came into close contact with the way in which the different *póleis* were administered and regulated.

the aim of becoming inspired by them.[3] According to other sources, the return of the embassy facilitated the work of the *decemviri* and the preparation of the XII Tables. This narration is, of course, heavily criticized from a historical perspective and the argument put forward by these authors has been therefore rejected.

My purpose in this paper is to overcome this debate by suggesting a new theoretical framework in order to understand the complex interaction of Greek law and the Roman legal system. Far from relying on mythical tales on possible influences, I intend to apply the concept of "narrative transculturation," which I believe to be a convenient and original perspective (traditionally excluded from studies concerning legal history) to deal with the above-mentioned problem.

For this paper I take into consideration some case studies from the Roman world. In particular, I will show how Rome adapted the Greek tradition of treaties and used them to its own advantage. In particular, the examples of the treaties signed with Maronea or the *koinón* of the Lycians, among others, can unveil the Roman practice of approaching Greek *póleis* by means of a series of written conventional instruments typical to Hellenic interstate relations. However, this practice of apparent *synallágmata* only hides a real inequality of power. In terms of international law, an interpretation of the epigraphical sources from the perspective of "narrative transculturation" might help to understand the political strategies employed by Rome when referring to Greek legal categories as a means of reinforcing its imperial hegemony throughout the Mediterranean.

3 This is mentioned by Livius (*AUC* 3.31.8), who explains that the ambassadors were sent to Athens in search of Solon's laws: "*missi legati Athenas Sp. Postumius Albus, A. Manlius, P. Sulpicius Camerinus iussique inclitas leges Solonis describere et aliarum Graecarum civitatium instituta, mores iuraque noscere.*" Cf. Dionysus of Halicarnassus (*Ant. Rom.* 10.57.5) and Zonaras (7.18). Other sources suggest that the expedition was in fact sent to southern Italy (*Magna Graecia*).

II. An ancient "international law" and narrative transculturation

International legal history was mostly ignored for many centuries[4] and has only shown signs of recovering as a discipline in the last decades.[5] And even if this is the situation now, historical questions dealing with the international law system in pre-modern times have been frequently disregarded. Very few voices have dealt with the legal aspects of interstate relations before the Christian era, and nevertheless, it seems a well-established fact today that classical Antiquity was well aware of the specific functionality and the relative importance of signing treaties. An heterogeneous set of rules (or, perhaps even better, some sets of rules) had been agreed and arranged in order to regulate the behavior of the autonomous and politically organized communities all around the Mediterranean world between the VI and I centuries BC.[6]

4 At the beginning of last century, Oppenheim (1908) 316 complained that "the history of international law is certainly the most neglected province of it."

5 In this context, I refer to the seminal works of authors such as Redslob (1923), Nussbaum (1947) or Verzijl (1968–1998) – whose monumental eleven-volume work, written over a period of 24 years, was completed by Heere and Offerhaus 1998 – who have constructed the necessary bases to build a true theorization of international law from a diachronical perspective. Among the contemporary contributions focusing on the history of international law, it is possible to mention, mainly, the excellent studies of Grewe (1984), Koskenniemi (2002) and the works of Truyol y Sierra (1998), Laghmani (2003), Gaurier (2005) and Renaut (2007), *inter alia*. For an overall vision of the new approaches to the history of international law, see Hueck (2001). From antagonistic viewpoints, both Koskenniemi (2004) and Lesaffer (2007) agree that the end of the Cold War generated a moment of transition which facilitated the search for new historical inquiries. On the promising future of these new tendencies, *cf.* Bandeira Galindo (2005).

6 In this sense, in the face of the traditional denying theory of Laurent (1850–1851), who considered that it was impossible to speak of a normative system in force to regulate the relations between the different primitive peoples, we follow the contrary arguments held by Phillipson (1911), Ruiz Moreno (1946), Bickerman (1950) and, more recently, Bederman (2001), all of whom recognize certain international law institutions in force in the Graeco-Roman world. Regarding the specific Roman situation, see the classical works of Baviera (1898) and Ziegler (1972), as well as the recent treatment carried out in Zack (2001). Certainly, as Catalano (1965) asserts, it is a *sui generis* system, whose similarities with the current norms may be carefuly examined. Contrary to our position, Eckstein (2006) believes that a "multi-polar anarchy," which lacked an international law and was characterized by fluid power balances, existed in the Mediterranean interstate system. This is the anarchy which was, almost contemporaneously, rejected by Low (2007) 77–128 when affirming the existence of a Hellenic interstate law with, in our view, substantial irrefutable evidence.

The existence of written documents, mostly subscribed under the scope of religious considerations[7] and some of which have been preserved in inscriptions or by means of indirect methods of transmission, was considered to be necessary among Greek cities in order to control the action of allies or potential enemies. Roman practice drew on this precedent and showed a complex development of the practice of signing treaties with a clear political intention: to ensure by all possible means the supremacy of the *urbs* on conquered regions. But the question remains whether these agreements were intended to clarify – or rather to hide – the latent inequality of an interstate system characterized by violent invasions and territorial conquest.

How can we study this Greek influence in Roman international policy? As I will explore in the following pages, the adaptation of Greek traditional interstate models by Rome to its own convenience can be efficiently examined through the lens of "narrative transculturation." The theoretical basis for this concept comes, of course, from anthropology. Fernando Ortiz, a Cuban anthropologist, coined the term "transculturation" with a negative perspective to explain the impact of Spanish colonialism on indigenous peoples in terms of 'culture' as opposed to 'race.'[8] The term, which encompasses a struggle for a sense of identity – typical to subjugated peoples – was created as an opposite to the universal concept of "acculturation," which is conceived as the loss of a particular culture in front of other (foreign) cultural phenomena. Since law can be created in the coexistence of different legal traditions, I believe that speaking of "transculturation" becomes useful if transplanted to the legal discussion because it implies a hybridization of two identities, a creation of a single and complex society based on the adaptation of colliding (or complementary) perspectives.

As an addition to this, in a famous book on Latin-American literature during modernism, Angel Rama used the expression "narrative transculturation" as a way of explaining how European literary traditions were adjusted to the realities of the New World.[9] When he talks about this

7 "In reviewing the practice of the people of ancient times, we see that faith to covenants was in some way their watchword, religious rites being the cardinal feature of their conclusion, although they may, at times, have deviated from the strict observance of their treaty obligations" (Ion [1911] 268).

8 Ortiz (1940). On the concept of "transculturation" in his work, see Díaz Quiñones (1999), Santi (2002), and Rojas (2004).

9 Rama (2007).

"narrative" aspect of transculturation, he explains how Latin-American authors managed to absorb the European models with the aim of using them to their own ends, with the purpose of consolidating a "discourse," an efficient narrative that is nurtured and inspired by its precedents but achieves a new personal dimension with the intention of resisting and confronting with its roots.[10] In legal history – and this will be examined in the next sections of the paper – it is possible to perceive how Roman *ius gentium* managed to preserve its own basis and its own structure while adapting in its political discourse some preexisting Greek legal formulae.

III. Greek treaties and equality

In Greek antiquity the *pólis* emerged as a city-state – an institutional entity which had control over a certain cultivated territory (*khóra*), possessed a population of citizens composed by adult free men and regulated life under the exercise of power by governmental organs situated in the fortified center of the city (*ásty*).[11] *Póleis* were clearly independent: concepts such as *autono-*

10 In my opinion, this theoretical framework of "narrative transculturation" is useful, especially if compared to other possible ways of explaining the phenomenon of entanglements in legal history. Despite its scholarly tradition, for instance, a term such as "reception" implies a perspective focussing on one of the two parties of the legal historical relationship, i.e. the "receiving" party. "Transfer", as another possibility, has a morphem "trans-", which of course implies a movement from one place/side to another one, but the second part of the word relates to the latin verb *fero*, which means "move, take, carry", which again pays an unwanted (or not necessary) reference to the action of one of the parties performing the action. As far as the word "transplant" is concerned – which reminds of a medical language – it needs to be performed by a third party. My impression so far is that "transculturation" implies a more neutral concept and can be sustained on more objective grounds: attention can be paid to the specific fact of moving a legal tradition from one place to another without any preconception on the quality or characteristics of the subjects involved in the process.

11 On the notion of the *pólis* as a state, in a broad or in a restrictive sense, the discussions have been very extensive and this is not the place to reproduce them. Suffice it to say, in the realm of international relations, it is clear that these cities behaved as true subjects, capable of acquiring rights and obligations. This international legal personality, however, has not been enough to generate uniformity within the critic regarding the "state" character of the *poleis*. Bearing in mind that today the main characteristics identifying statehood are population, terrritory and government, I do not believe it appropriate to deny that such conditions were present in the Hellenic cities of the classical period, which constituted both a political community and an urban center. The members of the famous *Copenhagen*

mía or *eleuthería* (freedom), frequent in ancient texts,[12] constitute a preliminary version of what would later on be understood as sovereignty.[13]

The acknowledgment of independence in each *pólis* explains the creation of a notion of formal equality among them. The sources insist on this balance between city-states which are independent and do not depend on each other. In Euripides' *Phoenissae*, for instance, a tragedy represented in Athens in the late V century BC, Jocasta describes the value of justice and the need to honor equality (*isótes*) among friends (*phílous … phílois*), city-states (*póleis … pólesi*) and allies (*symmákhous … symmákhois*) (vv. 535–538).[14] It is significant here that equality is thought to be a landmark of personal relations that can be transferred to the public arena of international relations.[15]

At the interstate dimension, some authors have identified a general principle on the prohibition of offending "equals" (*mè adikeîn toùs homoíous*).[16] From this perspective, the appeal to equality – as it will be explained –

Polis Center have often insisted upon this; its founder holds, in fact, that in the Greek world the three elements of the city-state appear in some way but in a different hierarchy from what we would observe in Antiquity: first, the community of citizens, then, the political institutions, and, finally, the physical space (Hansen [1993] 7–9).

12 Together with the adjective *autónomos*, it is frequent to find the use of terms to reinforce the independence of the *póleis* such as *autópolis* (applicable to the possibility to individually decide a certain foreign policy), *autotelés* (fiscal autonomy) or *autódikos* (judicial independence). Some emphatic expressions, such as *eleútheroi te kaì autónomoi* ("free and independent," Thucydides, 3.10.5) or *eleutherotáte* ("very free," Thucydides, 6.89.6; 7.69.2), underscore that the independence is presented as one of the essential characteristics of the cities, even protected by customary inter-Hellenic law. *Cf.* Ténékidès (1954) 17–19.

13 Giovannini (2007) 98.

14 The Greek terms cited here and in every case, appear transliterated; the original accents in our alphabet are respected. The corresponding translations of the Greek and Latin texts mentioned here are personal.

15 Indeed, this is the only way to understand the distinction made in the text among persons, cities and "allies" in combat. Some authors even indicate that already in the Greek world, an image of natural equality was introduced, based on a sacred law and on a progressive incorporation into the law of peoples of equality as a logical consequence of the fictional analogy created between natural persons and international secondary subjects or legal persons. The frequent appearance of corporal or material metaphors to name organizations created by men finds its source in ancient testimonies and was developed in detail during the Middle Ages, as stated by Dickinson (1917).

16 Thucydides, 1.42. Already Glotz (1915) 98 mentions the importance of equality among city-states by asserting that "entre Grecs, le droit des gens se fondait sur les principes du respect qu'on se doit *entre égaux* …" (italics added).

becomes useful to overcome the difficulty of practically dealing with the unfair distinction between dominant and subordinate city-states.

The Greeks themselves managed to identify the existence of great and small cities, the former exercising authority, the latter obeying orders.[17] However, these city-states were related to each other under patterns of symmetry, at least if we follow the historical – both literary and epigraphical – sources. When narrating the Peloponnesian War, for example, Thucydides describes the provisions contained in the treaty that was signed in 418 BC between Spartans and Argives (5.77.5–7): the text considers that the city-states located in the Peloponnese, whether big or small (*kaì mikràs kaì megálas*), will be all independent (*autonómos*) in accordance with their ancient customs (*kattà pátria*).[18] Together with this precedent – which shows the customary nature of the provision, as the text refers to a previous practice – the treaty also provides that, in case of the territory being invaded from outside, the parties to the agreement shall unite to repel the aggression and all allies of Sparta and Argos will stand on equal terms for both of them.[19]

The insistence on considering independent both the largest and the smallest city-states – in spite of their notorious differences – should therefore not come as a surprise, at least until the mid IV century.[20] We can see *póleis* which are clearly distinct in power and influence signing symmetrical treaties.[21] It is not unusual, for instance, to find in bilateral conventions a reference to the recognition of sovereignty of all city-states – parties to the

17 Amit (1973).

18 *Cf.* also 5.79.1. Calabi (1953) 72 says that, even though it was not a legal distinction, it expressed a relation of superiority linked to the individual "potenza" of some *póleis* in terms of interstate relations. In this sense, it is related to the adjective "first" *(prôtos)* which, for example, Thucydides himself uses to identify the "main cities" (*tôn próton póleon*) in 2.8.1.

19 I should point out, following Graves in his commentary (1891) *ad loc.*, that these equitable provisions tended, in essence, to limit the strength of the great powers located outside the area of the Peloponnese, mainly Athens. This means that "equality" of the parties is expressly conceived as a counterweight to the real inequality *vis-à-vis* third *póleis*.

20 "City-states varied in size. The extent of their independence differed: some colonies accepted their mother city's choice of annual magistrates, for instance, and some small cities, while independent, are not likely to have been able to pursue foreign policies distinct from the foreign policy of a large neighbouring city" (MacKechnie, 1989) 1.

21 "Treaties between cities of manifestly different strengths were symmetrical" (Hunt [2010] 103).

agreement and third parties – in terms of legal balance. In the context of the Peace of Antalcidas (signed with Persia in 386 BC, where some cities in Asia Minor were released to preserve a better control over Greece), Xenophon states that king Artaxerxes considered the Asian cities to be their own, together with Clazomenae and Cyprus, whereas the rest of the Greek cities – the big and the small ones (*kaì mikràs kaì megálas*) – would still be independent (*autonómous*).[22]

When Pericles had the idea of organizing a Pan-Hellenic congress in mid V century BC with the purpose of restoring those temples that had been destroyed by the Barbarians, to keep the vows made to the gods and to adopt security measures at sea, he summoned all city-states, whether big or small;[23] the failure of the call, perhaps due to the deep differences of criteria among the communities,[24] does not preclude the fact that, in his speech, *póleis* were referred to as having the same capacity of negotiating in equal conditions.

Inequality between city-states seems to be frequently denounced as an unfair deal. In 351 BC, a speech by Demosthenes mentions that the Greeks signed two treaties with the Persian king – one of them subscribed by Athens, which was praised by all; the second one by Sparta, which everyone condemned. He criticizes then the inequality among the contracting parties and encourages their formal equalization. According to this orator, rights are defined differently in both conventional instruments: within each city-state, laws grant everyone a common and equal share (*koinèn tèn metousían édosan kaì ísen*), independent of whether they are strong or weak (*kaì toîs asthenésin kaì toîs iskhyroîs*), whereas at the international level the rights are only defined by the powerful against the will of the weak (*hoi kratoûntes horistaì toîs héttosi gígnontai*).[25] Another orator, Isocrates, clearly explains how international treaties should be structured in equalitarian provisions and not in unilateral commands: "We ought to have suppressed asymmetrical provisions and not have allowed them to stand a single day, looking upon them

22 Xenophon, *Hellenika* 5.1.31; Diodorus Siculus, 14.110.3.

23 Plutarch, *Life of Pericles* 17.1. About this proposal for a congress as a precedent of what would become in the IV century BC the Common Peace (*Koinè Eiréne*), *cf*. Hampl (1938). Giovannini (2007) 100, n. 50 says that surely the Periclean proposal was actually a belated intervention, following arguments by Seager (1969).

24 According to McGregor (1987) 74) the call failed because Sparta did not want to recognize the Athenian leadership as regards religious piety and common policy.

25 Demosthenes, *On the Liberty of the Rhodians* (15), 29.

as commands (*prostágmata*) and not as a treaty (*synthékas*); for who does not know that a treaty is something which is fair and impartial to both parties (*ísos kaì koinôs amphotérois ékhosin*), while a command is something which unjustly puts one side at a disadvantage (*tà toùs hetérous elattoûnta parà tò díkaion*)?"[26] In practice, then, war treaties (concerning alliances or friendship) are placed on the delicate border between a pretended coordination among equals and the unavoidable subordination of subjects to the most powerful. And here language has an essential role to play.[27]

The first treaty in the Greek world that has been preserved was found in Olympia and dates back to late VI century BC. It refers to an agreement of an offensive alliance between the Eleians and the Heraians in which the provisions on mutual assistance in case of war or any other circumstance are included in perfect equilibrium.[28] From this moment onwards, bilateral treaties proclaim in writing that the covenant is agreed and celebrated in balanced terms between the parties.[29] This aspect is often revealed in offensive treaties through the inclusion of a clause dealing with the duty for both signatories to have the same friends and enemies.[30] In 433 BC, for instance, the Athenians received a proposal from the Corcyraeans to sign an offensive alliance in which they would both need to have "the same enemies and friends" (*toùs autoùs ekhthroùs kaì phílous*), but they rejected the

26 Isocrates, *Panegyricus*, 176. *Cf.* the expression *ex epitagmáton* ("on the basis of impositions") in Andocides, *On the Peace,* 11.

27 The groundbreaking book by Fernández Nieto (1975) on war treaties is essential for this issue; Alonso Troncoso (2001) already demostrated, however, that there is still a need for a systematic study on the agreements of alliance, showing its main characteristics.

28 *StV* 110; Effenterre / Ruzé (1994), n. 52. Ténékidès (1954) 19, n. 3 identifies it as a treaty "sur pied d'égalité."

29 It is the meaning of the expression "*epì toîs ísois kaì homoíois*" (Xenophon, *Hellenika*, 7.1.13). When he describes the stages of an agreement proposed by the Persian king Cyrus, the historian details that "when they heard the proposal, both parties gave their consent and said that this was the only way in which peace could be effective; and, under those circumstances, they exchanged guarantees of trust (*tà pistá*), and agreed that each party would be independent (*eleuthérous*) from the other, that there would be the right of mutual marriage and work and pasture in the territory of each of them, and that there would be a defensive alliance (*epimakhían … koinén*) in case anyone insulted one of the parties" (*Cyropaedia*, 3.2.23).

30 About this clause, *cf.* Giovannini (2007) 241–242. The concept of *philía* is fundamental to structure bilateral international relations of reciprocity in the Greek world, as shown by Panessa (1999), Mitchell (1997) and Low (2007) 33–76.

invitation and concluded instead a defensive alliance based upon reciprocal assistance (*tê allélon boetheîn*) in case of attack.[31] The Corinthians decided as well to keep a previous defensive agreement – centered around the obligation of mutual help, *allélois boetheîn* – and not to sign an offensive treaty with Mantinea and Argos under which the three of them "would fight and make peace with the same peoples" (*toîs autoîs polemeîn kaì eirénen ágein*).[32] In spite of the repeated mention of the parity among the contracting city-states – which is explicit in all texts – the final determination on the type of alliance (whether offensive or defensive) corresponds in fact to an exclusive decision of the most powerful partner. Language and reality sometimes take different roads.

The greater negotiating power of the most influential *pólis* can be exceptionally noticed in the provisions of certain peace treaties. Some examples show a real hierarchy between the subjects, as is the case with some offensive treaties in which a strong city-state – the war victor, in general – overpowers its weaker counterpart. Sparta was able to enforce its privileged position for the most part of the V century BC: in 403 BC, just to mention one example, Spartans imposed severe conditions against the Athenians in an unequal treaty, forcing them to destroy their walls, to surrender almost all of their fleet and to "have the same friends and enemies as the Spartans" (*tòn autòn ekhthròn kaì phílon nomízontas Lakedaimoníois*); they were even obliged to follow the Spartans whenever it was deemed necessary.[33] An analogous obligation to have the same friends and enemies (*tòn autòn … ekhthròn kaì phílon Lakedaimoníois nomízein*) and to follow them as allies is included in the treaty imposed by the Spartans on the Olynthians in 379 BC, taking advantage of the grave famine that had affected them.[34] In a similar vein, the

31 Thucydides, 1.44.1 and 1.45.3.

32 Thucydides, 5.48.2. When referring to "defensive alliances," I am translating the Greek term *epimakhía,* that, for Alonso Troncoso (1989) 166 "entailed a treaty obligation of limited military assitance, this is, confined to the defence of the allied territory." Interestingly, he often notices that defensive treaties in classical times were written with such an ambiguity that it made them suitable for the justification of aggressive warfare.

33 Xenophon, *Hellenika*, 2.2.20. Pistorius (1985) 184–185 identifies the two mentioned provisions, which are typical of this type of treaties, as "Freund-Feind-Klausel" and "Heeresfolgeklausel" respectively. Also Bonk (1974) 63–65 examines the content and value of the formulae which established the need to have the same friends and enemies.

34 Xenophon, *Hellenika*, 5.3.26.

Athenians included a parallel clause in the treaties they offered for signature to the Corcyraeans[35] or the Thurians:[36] in both cases Athens called upon them to have the same enemies and friends as they had (*toùs autoùs ekhthroùs kaì phílous toîs Athenaíois nomízein*).[37]

The subtle difference in language between those treaties consecrating an equal relationship between the parties and those treaties crystallizing the hegemonic position of only one of them relies on a very light change of the formula, which generates a notorious misbalance when the mutual obligations are left aside. "Having both the same friends and enemies" is totally different from "having the same friends and enemies as X": to an unaware reader there seems to be a similar syntax that, in fact, shows a very interesting formal mechanism deployed to hide – thanks to an apparently neuter expression – the profound differences existing at the moment of negotiation.

Another example where tensions between independence and subordination in Greek interstate relations are easily noticed is the progressive foundation of international organizations, in which *póleis* participated with a varied degree of interest and commitment. Among these formal organizations we can mention the religious councils (*amphictyonies*) and the military associations – known as *symmakhíai*.[38] Greek history shows how the sovereignty of city-states was increasingly engaged during the late V and IV centuries BC with the creation of these federal regimes. A growing opposition between the centrifugal will of unification in supranational structures and the centripetal impulse of resistance towards the preservation of *póleis* as autonomous entities can be easily perceived.[39] Even if associations among allied city-states respected and guaranteed the formal equality and independence of each member, they also created a practical foundation

35 Thucydides, 3.75.6.

36 Thucydides, 7.33.6.

37 The situation of the inequal treaty signed by Athens and Botiea is very similar (*SIG*3 89). Aside from the equitable provisions, two additional obligations prejudicial to the Macedonians were included here: to have the same friends as the Athenians and to not favor the adversaries of Athens with money or by any other means; *cf.* Martin (1940) 373–374.

38 On the legal nature and functioning of these associations, see Tausend (1992).

39 Barker (1927): 509. On the relation between the city and the federal system, between the ancestral laws (*politeía*) and common laws of the federal system, it is interesting to see the testimony given by Xenophon, in which a mind open to new political realities overcoming the strict limits of the city is recognized; *cf.* Bearzot (2004).

that ensured the effective supremacy of one of the *pólis* in the group.[40] Leagues and confederations used to be *de facto* under the guidance of a *hegemón* or leader[41] that was able to decide on the common actions that the organization would take.[42]

The real inequity, here again, seems hidden under the legal instruments. Aeschines claims that in the Delphic Amphictyony every city-state, the biggest and the smallest ones, only had one vote at the Council (*hékaston éthnos isopséphon gignómenon tò mégiston tôi elakhístoi*), when in fact it was evident enough that only some of the *póleis* took the helm on the affairs that were to be discussed.[43] An example quoted by Thucydides helps to understand the inherent logic of the distribution of powers in an international scenario during the time of confederations. When in 431 BC, Sparta requested Athens to give autonomy back to its allies,[44] Athenians replied that Spartans should do the same with their own.[45] The discussion – initially thought to be related to the recognition of independence of all *póleis*

40 A way to obscure and at the same time highlight the supremacy of a *pólis* in relation to its allies is determined by the inclusion of a "Dualitätsklausel" as, for example, the expression "the Athenians and their allies" (*hoi Athenaîoi kaì hoi sýmmakhoi*) in that order; see Pistorius (1985) 183. Some authors distinguish between organizations of coordination from those of subordination; *cf*. Bonk (1974) 67–68.

41 van Wees (2004) 7, who indicates that this informal position of the *hegemón* was also called *arkhé*, which is usually translated in certain contexts as "empire." On the *hegemony* as an complex institution from the point of view of international law, see Alonso Troncoso (2003).

42 In these cases, as said before, there is obviously a voluntary limitation of sovereignty, but it must be recognized that there are different types and grades of connection between city-states. A synthetic charter helps Ténékidès (1954) 179 to identify three methods of association, among which the Greek federalism of the time oscilated: he recognizes that there were *confederate associations* (composed by autonomous states), *imperial associations* (in which one *pólis* directed the foreign policy of the group) or *fake confederate associations* (in which one of the associates assumed *de facto* directorial powers, although *de iure* the particular sovereignty of each one was respected). Let me now add to this complex scenario the phenomenom of colonialism; contrary to what is expected, in the Greek world that relation between the metropolis and the colony did not imply a clash between a unique central state and a subjugated people, but a nexus of forces similar to that of political associations, in which both parties of the relation behaved as independent cities. As Graham (1964) 5 states, even though the metropolis had some sort of undefined hegemonic position, "… most Greek colonies were founded to be self-sufficient Greek *poleis* …"

43 The passage is cited by Calabi (1953) 73.

44 Thucydides, 1.139.3.

45 Thucydides, 1.144.2.

irrespectively of their size – is in fact sustained on less abstract concerns. In the expressions of both Athenians and Spartans, the concept of autonomy is rather employed as a useful argument for every *hegemón* to resist its rival's supremacy.[46] We are facing, once more, a discourse in favor of the interest of the most powerful city-states.

Texts allow us to infer that, in practice, a *pólis* acting as *hegemón* within a certain organization was granted some particular privileges which were very rarely disputed.[47] The Athenian regulations show, for instance, that in the case of the Delian League under the leadership of Athens, the less-important allied city-states pushed their judicial independence (their *autodikía*) into the background, so that on many occasions their own citizens were tried by the courts of the main *pólis*.[48] In the case of Melos, an opposition between the hegemonic strategy and the need to respect the sovereignty of subordinated city-states are visible: whereas Athens proposed the celebration of an alliance treaty unilaterally designed, the Melians wanted to stabilize mutual relations by means of the peace treaty that had to be negotiated jointly between them.[49]

The consolidation of a maritime empire since the mid V century BC – as historians tend to name the regime of expansionist domination of Athens over the islands – accounts for the separation among entities which are politically unequal. The language used, nevertheless, is frequently critical of imperialism[50] and favors instead a democracy that, under expansionist

46 Giovannini (2007) 102.

47 The consolidation of federations of states did not emerge at that time from multilateral agreements, but essentially from bilateral agreements, most of the times promoted by the *hegemón* looking to increase its number of allies (Ehrenberg [1969] 107, 112).

48 *Cf*. Balcer (1978) 119–144, who advances the existence of an "Athenian Judicial Decree," in force until 412 BC, which imposed local justice to the *polîtai* of allied cities. On the Athenian hegemony in the League, see Alonso Troncoso (2002).

49 Martin (1940) 355–356. In this concealment of the imbalance existing under balanced patterns, there is place, however, for mistrust on the part of the less privileged cities: "Interference of some sort in the domestic politics of the allied city was undoubtedly a widely feared consequence of an alliance with a leading state …" (Ryder, [1965] 24). In the opinion of Ostwald (1982) and Karavites (1982), the *autonomy* functioned in these cases as a guarantee or efficient mechanism for small cities to protect their independence in the face of the political advance of the hegemonic states.

50 Pericles himself, promotor of Athenian hegemony, seems to have confessed that the power exercised by Athens over the allies was in violation of the law; *cf*. Thucydides 2.60, 2.63, cf. 1.42.

pretensions, is never openly supportive of a superior authority that might destabilize the apparent balance and uncover the real inequalities between the powerful and the weak.[51]

IV. Roman treaties in the Hellenized East during the Republican period

The Roman practice of consolidating its imperialistic policy is key to understanding the nature of treaties and the "legal equality" of the signatories. Born as a *pólis* – just like the rest of the Greek city-states – Roman history is interesting in that it shows an evolution towards the search of a *civitas maxima* within the realm of law.[52] Situated at a crossroad between positive law and religion, treaties (*foedera*) had become an essential normative source since the earliest times of the *urbs*.[53] They were solemnly confirmed by an oath sworn by the *collegium* of the fetials,[54] which constituted the most important way of expressing the Roman interstate law in classical times.[55] If the testimony of historians is to be followed, it

51 At the time there seems to have existed considerable resentment against making evident the supremacy of a city over another one, as rightly indicated by Hunt (2010) 102: "In addition, hegemonic powers bound their subject allies by bilateral treaties or more commonly through a treaty organization such as the Delian League. They tended to emphasize their benefactions to justify their rule over their subject allies. (…) On the other hand, there were various ways that even these obvious superiors tried to obscure their own power. The reason for this obfuscation was the unacceptability of subordinating relationships among status."

52 One is faced with "a general right of intervention of Rome in the politics of its partners, under the pretext of protecting the peace" (Truyol y Serra [1998] 29).

53 Fernández Baquero (1998) 156–157.

54 Livius, 1.24.4; 30.43.9. The steps destined to the celebration of *foedera* are described by Oyarce Yuzzelli (2006) 122–125. It is necessary to take into account, however, that the Latin word represents a broad semantic field and not every reference to the term entails an "international" dimension of *ius fetiale*, as Méndez Chang (2000) clarifies. On the nature of the term "*foedus*," see Masi (1957).

55 In this point, it is necessary to justify the use of the adjective "supranational" which I use throughout this work. Actually, the character of the norms included in the classical treaties signed by Rome in the Eastern world allows us to notice that it tackles the issue of norms placed on top of the domestic legal orders of the Hellenic communities. On the contrary, supranationality is currently not present in the realm of general public international law, but a system stemmed from the consensual will of sovereign states, mainly characterized by coordination on an equal footing; in fact, it might be the case of a cuasi-subordination

seems that during the monarchic period a specific vocabulary related to these agreements was put in place (with words such as *foedus*, *amicitia*, *societas*, *indutiae*,[56] all of them – according to Mommsen – based upon the originary form represented by the *hospitium publicum*).[57]

Foedera soon became a frequent strategy to go from the consolidation of regional contacts to the affirmation of Roman presence overseas.[58] From the internal legal universe, the logic of 'clientela' – which were typical of Roman law – went on to become applicable in supranational affairs.[59] During the period of Rome's greatest growth, not only were alliance treaties signed with other city-states and neighboring towns, but also with peoples from other regions outside the Latium (*socii*) and with communities that were partially integrated into the Roman political regime, such as Latin allies (*nominis Latini*) and urban organizations, whose nationals had been granted total or partial rights of citizenship (*municipia*) by Rome.[60]

In the course of the progressive enlargement of its scope of influence – consolidated on a political strategy of Romanization by means of the *foedera*[61] – a special reference should be made to the majesty clause (*maiestas*), which has been usually interpreted as a clear expression of the unequal status of the parties to the covenant. This legal clause allowed the Romans to ensure the respect of its own supremacy: the city that accepted the content of the agreement was therefore limited in its practical capacity of action and in its legal competence because of the existence of a duty of obedience and submission to Rome and its allies. This *maiestas* involved the obligation to provide Rome with military forces and field or naval troops upon request.[62]

reserved for the specific case of powers delegated to the Security Council of the United Nations for the legal use of force.

56 Renaut (2007) 18–19.

57 *Cf.* Mommsen (1864).

58 Frezza (1938–1939), Paradisi (1951) and Bellini (1962).

59 This is one of the main arguments which structured the book by Badian (1958).

60 *Cf.* Baronowski (1988).

61 Harris (1971).

62 Raaflaub (1991) 576 believes that, contrary to what had happened with the expansion of Athens or Sparta in the V century BC (when they actively interfered in the domestic affairs of their respective allies), the Roman imperial projection was more lasting because it was based on the consolidation of a solid regime of alliances on top of which it rapidly placed itself and where the local autonomies were respected. As we shall see, if in practice the patterns of behaviour differed, it is worth highlighting that in both cases the ways in which

Some scholars consider that the institutional mechanism of promoting and signing unequal agreements was a common praxis for Rome when interacting with the cities in the Italic peninsula during its first centuries as a Republic (the case of the treaty with the Samnites in 354 BC can be recalled in this sense).[63] Nevertheless, from the earliest of times the deep disparity of contracting parties was generally concealed behind an apparent – and extremely suspicious – equality. The *foedus Cassianum*, for instance, signed between Rome and the Latin League in 493 BC, provided the basis for the subsequent treaties between Rome and the Italic city-states:[64] it established a defensive alliance, including mutual assistance and an identical status for both parties.[65] But this *foedus* should not lead us to think that the relative positions of both parties were similar when the covenant was agreed upon.[66]

Despite their differences, the four treaties celebrated between Rome and Carthage from 509 to 278 BC formalized the bilateral relations through the identification of certain areas of influence for each other on an equal footing, the promise of friendship[67] and the determination of rights and

supremacy works (and becomes justified), which are hardly ever openly assumed as such, are, however, quite similar.

63 A summary of these treaties celebrated with Italic cities can be found in Heitland (1915) 84.

64 *Cf*. Dionysius of Halicarnassus, 6.952. Perhaps, it is not the only agreement signed between Rome and the Latins; *cf*. Livius 7.12.7. Cicero (*Pro Balbo* 53) and Livius (2.33.9) also refer to *Foedus Cassianum*; on its subsequent fate and the adhesion to the agreement – in identical terms – of the Hernici (Dionisius of Halicarnassus, 8.69.2) in 486 BC, *cf*. Cornell (1995) 299–301.

65 Lomas (1996) 43.

66 Preceding what would later become Roman supremacy in the III and II centuries BC over less relevant cities, Forsythe (2005) 187 holds that in this archaic era, when negotiating with neighboring peoples, "Rome was the main, if not the dominant, member of the coalition." On the relation of the Roman supremacy over these comunities – expressed in the preserved agreements – see Plancherel-Bongard (1998). On Rome and the agreements celebrated on Italic territory, Rich (2008).

67 In the first treaty, it was established, in the words of Polybius (3.22), that "there will be friendship among the Romans and their allies, and the Carthagenians and their allies." The second treaty, alledgedly from 306 BC, is based upon the text of the first agreement and, in a similar way, also formulated that "there will be friendship among the Romans and their allies, and the Carthagenians, Thurians and the people of Utica" (Polybius, 3.24). The fourth treaty (which the historiographical narration of Polybius presents as the third, 3.25) dates back to 279 BC and "contains the same provisions of the first two," with some additional norms.

duties for each party and its allies.[68] However, the growing military and economic power of Rome would break the balance and culminate in the First Punic War.

As soon as Rome decided to expand its authority outside the limits of Italy the contracting modalities were drastically changed. After the First Punic War, they had the Carthaginians sign a treaty (in 241 BC) stipulating some unilateral obligations on them to abandon and evacuate all the territory of Sicily and the islands situated between Sicily and Italy, next to some mutual and reciprocal responsibilities: every party had the formal duty to keep the security of the allies of its counterpart, to abstain – within their respective areas of jurisdiction – from giving orders, building public constructions, hiring mercenaries or receiving the partners of the counterpart as friends.[69]

After the wars against Macedonia, the Romans started to expand their influence to the East and they felt the need to set an appropriate legal basis for their foreign policy.[70] The desire to increase and spread their power, since the beginning of the II century BC, had led to the will to impose the *ius Romanum* through the signature of numerous treaties of understanding with Greek confederations and independent city-states.[71] They even reached the limits of the civilized world in order to negotiate agreements with the Parthians.[72]

It is in this context that the relations between Rome and the city-states from the Greek world (during the II and I centuries BC) should be analyzed,[73] and this is where the relevance of the paradigm of "cultural transculturation" becomes useful. The number of the treaties between Rome

68 *Cf.* Serrati (2006). On the Roman-Carthagenian treaties, see Cary (1919).

69 Polybius, *Histories,* 3.27.4.

70 Heuss (1933). On the treaties with Tarentum and Rhodes, see Cary (1920). The diplomatic projection to the East clearly follows the logic of Roman intervention in interstate relations in the Greek cities of the continent, as especially happened with the case of the Achaean *koinón* with Sparta, Mycenae and Athens; in this respect, see Harter-Uibopuu (1998) 165–195. Thus, for example, on the relations between Roman imperialism and Macedonian communities, for example, see the work of Stier (1957).

71 On this autonomy of the *póleis*, see Millar (2002) 224–225. With regard to the debate stemming from the convergence of Roman law and the domestic laws of the East, see Bancalari Molina (2004).

72 On these treaties signed with Parthia, see Keaveney (1981) and, more recently, Wheeler (2002).

73 *Cf.* Schmitt (1992).

and the eastern Greek cities that have been preserved is smaller than a dozen – additional testimonies should be found in literary sources – and an examination of the texts is essential for a full comprehension of the ways in which Roman diplomacy reproduced the vocabulary and content of the Hellenic tradition of treaty-signing.[74]

Epigraphical evidence provides information on these first agreements signed by Rome and the small Greek communities towards the middle of the II century BC.[75] With a sole exception, all texts are preserved in the Greek language. Incomplete as they are, they nevertheless provide significant information, since they closely reproduce the expressions and content of the ancient Greek treaties I discussed in our previous section of this paper.[76]

Following the model of parity consecrated in the treaty with the Achaeans,[77] the treaty celebrated between Rome and Cibyra[78] – allegedly dated in 188 BC but considered by FERRARY (1990: 224) to have been signed in 167 BC[79] – included a number of provisions of defensive alliance and friendship (*symmakhía kaì philía*), as well as rules concerning the modification of its clauses and, finally, a reference to the need of publication. Similarly, the text agreed with Methymna[80] – preserved in fragments and of uncertain date – introduced a set of rules of neutrality, some provisions of defensive alliance and the modification clause.[81]

74 In opposition, given the fragmentarian character of the preserved texts, we do not often know the complete corpus of the provisions. Nevertheless, as we shall see, the available provisions allow me to conclude that they sought to establish instruments signed on an equal footing.

75 A bibliographical survey of these contacts can be found in BERNHARDT (1998) 36–41. On the significance of these agreements in the legal-diplomatic history of Rome, see SHERWIN-WHITE (1984) 58–70.

76 See BUONO-CORE VARAS (2003), who refers to the Greek expression *synthéke kaì hórkoi* that makes reference to the written exchange of the texts and to the required oath (the author clarifies, however, that in Rome the oath was unique and not duplicated, as was the Hellenic case). On the importance of the written nature and the publicity of these agreements preserved epigraphically, *cf*. MEYER (2004) 96–97.

77 In the opinion of BELIKOV (2003), it is a case of *foedus aequum*.

78 *OGIS* 762. Recently published under the number 1 in the compilation of epigraphical materials of the region, carried out by CORSTEN (2002) 10–13.

79 GRUEN (1984) 731–733. According to CANALI DE ROSSI (1997) 260, n° 301, the treaty was signed after 129 BC, due to its close similarity with the subsequent treaties cited in the next pages.

80 *SIG*3 693. Cf. CANALI DE ROSSI (1997) 276, n° 321.

81 On these characteristics shared by all treaties, see the analysis by TÄUBLER (1913).

The only treaty that has been transmitted in Latin – instead of Greek – was concluded with Callatis, a colony of mother-city Heraclea Pontica in the Black Sea.[82] An important number of monographs and studies have dealt with its main characteristics,[83] but still the information that can be obtained on its context is drastically limited due to its fragmentary condition. It is possible, nevertheless, to identify in the text some hints that might suggest that the treaty joins the previous examples, also including some neutrality clauses, rules on defensive alliance, and provisions on modification and publication.[84]

Analogously, and despite the fact that its critical preservation does not allow the drawing of conclusions on its concrete content, the treaty signed with the island of Astypalea in the Dodecanese[85] apparently included some similar regulations to those provided for in the agreement between Rome and Callatis. In the same vein, the appalling conditions of the transmission of the covenants with Thyrreum[86] and Cnidus[87] – only the first line survived from the former treaty ("*For the people of the Romans and the people of the Thyrrienses*"), whereas only a few clauses remain from the latter – has suggested that their content should have been similar to the other contemporary treaties: a first provision of alliance between the signatories, perhaps some rules on neutrality and, in the end, maybe the frequent appeal to the possibility of further modifications.

The most evident example of these *foedera aequa* – i.e., those supranational texts strictly based upon the precise balance of the legal consequences created for both parties[88] – is the well-known treaty with Maronea (Thrace), found in 1972. The inscription containing the document, dating back to 167

82 *Cf*. Lambrino, S. *CRAI* 1933, pp. 278–288. Cf. Passerini (1935) and Marin (1948). Given its content, the treaty is frequently related to other treaties signed before, and can be dated back – as far as its signature is concerned – towards the end of the II century BC.

83 Avram (1996), (1999b) 2–17 and (1999a) 201–206, n° 1, who has advanced, in light of a comparative philological work, a reconstruction of the Latin text. Moreover, see the work of Mattingly (1983).

84 In all these cases, the recognition on the part of Rome of *eleuthería* and *authonomy* as true privileges bestowed upon the other *póleis* with which it related is something that deserves to be considered; *cf*. Guerber (2010: 33–77).

85 *IG* XII. 3.173, *RDGE* 16; Canali de Rossi (1997) 270, n° 320b. It was signed in 105 BC.

86 *SIG*3 732. *Cf*. Freytag (2001) 223–231. Specialists have accurately dated in the year 95 BC.

87 It was concluded in 45 BC.; *cf*. Blümel (1992) n° 33, Canali de Rossi (1997) 381, n° 442.

88 This type of treaties clearly "guaranteed more honourable and favourable terms for the allies …" (Baronowski [1990] 345).

or 166 BC,[89] has preserved in its entirety more than thirty lines (10–43) and includes several specific regulations dealing with the obligations and rights typical to this kind of agreement: after the initial statement on the alliance between the parties (*symmakhía*) in parallel constructions (ll. 7–9) and the prohibition of reciprocal war (*pólemos dè mè ésto*, l. 12), the treaty contains two symmetrical neutrality clauses engaging both parties not to allow (in their own territory and in the territory of the cities under their control) the passage of enemies of the counterpart and not to assist them with supplies, weapons or vessels in times of armed conflict (ll. 12–21 and 22–30). Two rules dealing with the conclusion of a defensive alliance continue in the text: each party accepted to offer assistance to the other one if a third party were resolved to attack (ll. 30–33 y 33–36). Just as in the previous examples, the treaty here would end up with a final clause permitting the inclusion or suppression of provisions if both parties agreed to it (ll. 30–41) and a rule demanding the publication of the treaty by both parties (ll. 41–43). It represents, here again, a well-founded discourse.[90]

In this agreement between Roma and Marinea the perfect balance between the two city-states is strictly respected: the same rights and obligations seem to be created for them.[91] In these *foedera aequa* there is a growing distance between the concrete political reality – the greater relative authority of the Romans *vis-à-vis* their counterparts – and a legal fiction that tends to hide the dialectics of domination under a written statement that consecrates a sense of parallelism and sovereign equality.[92]

89 *SEG* 35 (1985), n° 823 (pp. 218–219). The first edition of the text, with commentary, was made by Triantaphyllos (1983). Ferrary (1990) 224, n. 18 examines and discusses the possible dates, contrary to the position adopted by Gruen (1984) 738–740, who had estimated the date to be the middle of 140 BC.

90 A similar line of thought can involve the treaties comprising the Peace of Westphalia in 1648. I agree with some scholars who consider that the "sovereign equality" of states – now a fundamental principle of international law – is in fact a legal fiction, a myth that has worked well to create a peaceful environment among "equals" and, therefore, to hide the true political inequalities of the modern world. *Cf.* Osiander (2001), Beaulac (2004).

91 See the analysis of the clauses of the agreement in Hatzopoulos, Loukopolou (1987) 101–111 and in Stern (1987).

92 Speaking of the first advances on Italic territory – but in terms easily used to explain all the process of Republican expansionism – Auliard (2006) 241 states that "la paradoxe apparente de la diplomatie de cette période réside dans l'établissement de quelques traités d'égalité dans un contexte où le rapport des forces est pourtant de plus en plus favorable à Rome…"

However, not every conventional text subscribed between Rome and the Greek city-states reproduced this pattern of symmetry and bilateral stipulations. Polybius (21.32.2–3) and Livius (38.11), for instance, make a reference to the treaty between Rome and Aetolia from 189 BC, where Romans imposed severe conditions and obligations: Aetolians had to respect with royalty the sovereignty and the power of the Roman people (*tèn arkhèn kaì tèn dynasteían toû démou tôn Romaíon*), and were also obliged to deny any help to the enemies of the *urbs* (a clause that had no reciprocity whatsoever) or even to have the same enemies that Romans have.[93]

In this example, which is not isolated and responds to a common landmark in the conventions signed by Rome in the East,[94] it is possible to identify a very particular language related to control and superiority. Greek words such as "supremacy" (*arkhé*) or "power" (*dynasteía*) are essential to understand the nature of the *foedera iniqua*: in these agreements the primacy of Rome is perceived, for instance, as long as its counterpart is obliged to identify the Roman enemies as their own.[95]

There are other examples on this particular relationship between contracting parties: the treaty with Aphrodisias,[96] dated back in 39 BC, included a provision that established an exemption in the payment of taxes in favor of

93 On the importance of the majesty clause in this treaty and its implications, *cf*. Nicolet (1980) 45–46. I do not agree, however, with its view of the principle, which tends to see in the *maiestas* a social materialization of Rome's national interests in lieu of a political projection of imperialism.

94 Speaking of a citizen of Gades and the problems entailed in dual citinzenship for his admission as a Roman, Cicero (*Pro Balbo*, 41) asserts that there will be eternal peace and, also, a clause is included in the agreement which does not always appear in Roman treaties, stating that Gadians must politely defend the supremacy (*maiestas*) of the Roman people, which implies that they were the subordinated party of the treaty. The Ciceronian passage distinguishes, on the one hand, what a treaty should be (*foedus*) signed by old relations, trust or the shared dangers (*officiis vetustate fide periculis foedere coniunctis*) and, on the other hand, a situation of arbitrary imposition of unjust laws (*iniquissimas leges impositas a nobis*).

95 These *foedera iniqua* "limitavano per diritto nella libertà e politica estera e sanzionavano giuridicamente il primato di Roma" (Accame [1975] 100). Despite the fact that this expression is clear in its sense, it must be said that it is not a technical term of Roman law, as clarified by Dahlheim (1968) 119–121 and, especially, by Gruen (1984) 14: "The phrase *foedus iniquum* appears but once in the ancient authors and then clearly without technical significance. *Foedus aequum* may be found more often. But it has no stronger claim as a technical term."

96 Reynolds (1982), n. 9. Canali de Rossi (1997) 374, n° 438.

the local population. Aphrodisias was a city situated in the middle of the *imperium* and was forced to respond faithfully to the requests of the metropolis, so perhaps the granting of these economic advantages was an acknowledgment related to a previous behavior of the *pólis* in benefit of the Roman people, as an act of gratefulness. This privilege granted to the Aphrodisian citizens, nevertheless, implied in contrast a complete obedience to Roman power.

Two agreements were celebrated by Rome with Mytilene,[97] the first one in 46 BC[98] and the second one in 25 BC. The last one[99] includes a provision on jurisdiction, two reciprocal sections on neutrality, a bilateral clause of defense in case of aggression and, finally, some declarations confirming the possessions of the Mytilenean people on the island of Lesbos and the continent. It might seem strange that Rome unilaterally recognizes a number of rights of the Mytilene inhabitants, but the Roman respect for the foreign territory is soon compensated in the treaty by a domination clause. The logic persists: behind the granting of rights – whether economic as in Aphrodisias or territorial as in Mytilene – these conventions imply a strong conformity to the authority of the *urbs*. This is precisely what Täubler (1913) called '*Myschtypen*,' bilateral treaties – apparently symmetrical – that, apart from the egalitarian commitments related to the establishment of mutual alliances, present some additional clauses that mark a substantial difference between Rome and the smaller Greek cities.[100] It seems evident that, in each case, conceding advantages to the Eastern city-states covers the real legal intention of consolidating Greek subjection to Roman hegemony.

The treaty signed by Rome and the Lycian confederation in the I century BC, which has been preserved almost in its entirety and published only some years ago,[101] can show how Roman imperialism resorted to a diplo-

97 *RDGE* 26.

98 *IG* XII. 2.35, *SIG*^{3} 764, Canali de Rossi (1997) 378, n° 440.

99 *IG* XII. 2.36, *IGR* IV, 34, *RDGE* 73.

100 Ferrary (1990) 233–234 considers, in fact, that the Roman-Mytilenean treaty is a clear example of '*Mischtypus*.'

101 Mitchell (2005). The treaty was transmitted on a bronze plaque preserved in the Martín Schøyer Collection in London and Oslo, and was only made public in 2003; it represents an agreement signed by Julius Caesar himself on July 24, 46 BC and constitutes, in our opinion, a unique source to understand some of the aspects of the law applicable to the relations between Rome and the independent communities, serving as a true testimony of certain Roman guidelines of 'supranational' law.

matic strategy in order to negotiate agreements enforcing its leadership.[102] The provisions contained in the treaty became a useful instrument of territorial expansion. If Rome needed to justify its supremacy in legal terms, it is evident that the language of treaties is crucial.[103]

The first lines of the agreement employ vocabulary which reproduces the ancient Greek treaties in their own terms. Lines 7–10, for instance, resort to a technical referente to the creation of an alliance (*symmakhía*) and the establishment of a mutual peace (*eiréne*).[104] Under this Hellenized background, the Roman-Lycian treaty includes the same clauses which were contained in the treaty with Maronea and other eastern *póleis*: the creation of a defensive coalition (ll. 17–22), the conception of an offensive plan to fight against third city-states (ll. 22–24 and 24–26, respectively) and last the frequent provisions authorizing the modification of the content of the convention (ll. 69–73). Nevertheless, these equilibrated provisions are set next to some new obligations and rights, some of which were originated over the principle of parity (ll. 26–64). The text postulates a balanced interdiction of exports and imports (ll. 26–32), some parallel clauses on jurisdiction (ll. 32–43) and the prohibition of taking sureties (ll. 43–52). Perhaps one of the main aspects of the treaty is that it stands as the first example of a direct source providing information on the implementation of the traditional jurisdiction of Greek communities in front of the Roman federal administration in the East.[105] The agreement also established the

102 I have examined in detailed the content of this treaty in Buis (2009).

103 On the characteristics and importance of this Confederation, see Larsen (1957), Moretti (1962) and Jameson (1980). On the epigraphical documentation obtained in the area of Lycia, see the edition of the published proceedings in Schuler (2007). We can say that, despite having been found for centuries under its hegemony, Lycia was the last Hellenistic state to formally join the Roman Empire. In the year 43 AC, under Emperor Claudius, due to internal disturbances and the death of some Roman citizens – as indicated by Dio Cassius and Suetonius, *Claud*. 25.3 – Lycia acquired the status of province, although it is not known with certainty if it did so as an autonomous entity (probably with its capital in Patara) or together with Pamphilia in a joint prefecture. In any case, Lycia was, to the Romans, a sort of cultural and geographical unity, and it was considered as such in the Greek and Latin texts.

104 On the importance of these notions in the world of Greek interstate relations, see Baltrusch (1994).

105 Regarding the comercial transfers, if those who transferred prohibited goods to the enemies of Rome or of the Lycian Confederation were discovered *in fraganti*, the agreement expressly established that they had to be taken before the *praetor peregrinus* in Rome

principle of the *forum domicilii*, as it protects the Lycians from possible legal actions brought before the judicial system of the Roman governor. No doubt that this should be taken as a special privilege granted by Rome to the Greek population in Lycia.

This apparent *aequitas*, however, vanishes away when some provisions benefiting one of the two parties are introduced.[106] The treaty contains a unilateral clause confirming some territorial arbitral decisions in favor of the Lycians (ll. 52–64): the Lycian borders were *secured* and *guaranteed* by the law of Caesar.[107] In light of the last expression, the respect of the frontiers of the Lycian *koinón* is immediately compensated by the legal acknowledgment of Roman superiority. This is enforced by l. 9: "*Let the Lycians observe the power and preeminence of the Romans* (tèn te exousían kaì hyperokhé tèn Romaíon) *as is proper in all circumstances*."

The terms *exousía* and *hyperokhé*, emphatically placed at the beginning of the sentence, are able to translate into Greek two Latin concepts of great importance for the Roman political and diplomatic culture: *imperium* and *maiestas*.[108] These are two fundamental notions to explain the consolidation of Rome's preeminence *vis-à-vis* the city-states taking part in the Lycian confederation, and their inclusion here is not accidental: they are helpful to fracture the normative balance, to transfer the Roman vocabulary on

or before the highest ranking official of the Confederation in case of arrest in Lycia (ll. 28–31); *cf*. Kantor (2007) 9–10. The text does not offer any differentiation in the legal treatment between Romans and Lycians, and the principle of *forum delicti* is established as the applicable jurisdiction, contrary to what will happen in the following lines in the case of criminal sanctions. Indeed, when lines 32 to 37 deal with the cases of death penalty, the solution for jurisdiction and competence offered by the agreement holds that, against a Roman, a trial must be carried out in Rome, following Roman law, while a Lycian could only be accused in Lycia, according to the provisions of domestic laws (ll. 34–37). Finally, it is possible to observe in lines 37 to 43 provisions destined to offer a response for other legal controversies which might arise between Roman citizens and Lycians. Indeed, if a Lycian was accused, he could only be brought before a magistrate in Lycia according to the domestic legislation, but if the matter concerned a Roman, any Roman magistrate or promagistrate, whom the parties contacted, must set a court, in a way that the sentences are reached in a safe and just manner.

106 This is why Guerber (2010) 72, n. 167 concludes that this Roman-Lycian treaty also fits within the hybrid category of the '*Myschtypen*.'

107 It was normal to refer to the figure of the Emperor for the solution of provincial frontier conflicts, as explained by Burton (2000) 213.

108 *RDGE*. On the concept of *imperium* in Eastern Roma, cf. Bernhardt (1971).

maiestas to the Greek document, and to strengthen consequently a substantial inequity supporting the absolute primacy of the conquering power.[109] The treaty exhibits then a concrete provision – typical of the *foedera iniqua*[110] – that hides behind an apparent *synállagma* and contributes to undermine the initial legal evenness of the first lines of the agreement.

V. Some concluding remarks

When explaining the Roman practice of signing treaties across the Greek world, Kallet-Marx (1995: 191) attributed the initiative of starting negotiations to the Greek city-states, which were looking forward to enjoying the security obtained by the fact of belonging to the circle of the *amici populi Romani*. In his opinion, Greeks also publicized the alliance as an award granted by the powerful metropolis as a result of the royalty and fidelity of the *pólis*. I contend that such an argument only underlines the importance given by the Greeks to the *formula amicorum* and to the benefits that derivated from it, but does not take into account the importance given by the Romans themselves to the signature of *foedera*.[111]

I submit that the main treaties that Rome decided to sign in the eastern provinces towards the end of the Republic display certain characteristics of *foedera aequa*, in so far as they seem to lay down an equality between the parties to the treaty. But at the same time, that parity does not correspond in the real world to the profound differences between Rome – as a hegemonic power – and the small Hellenistic cities.[112] Gruen (1984) explained this

109 On *maiestas*, the works by Gundel (1963) and Gaudemet (1964) are of paramount importance. This fundamental principle, which imposed Roman hegemony to the rest, was reflected in the *maiestatem populi Romani comiter conservanto* clause (*cf*. Cicero, *Pro Balbo* 16.35). It is a concept which, according to Bauman (1986) 89–91, lacks any parallel in the treaties signed among Greek cities.

110 Refering precisely to the *maiestas* clause, Laurent (1850) 206 concludes: "Il était impossible de constater plus clairement la supériorité des romains et la dépendance du peuple allié. Les conventions qui contenaient cette clause étaient proprement qualifiées de *traités inégaux*."

111 Kallet-Marx (1995) 196 is clear when stating that, in his opinion, "Rome did not found its empire in the East upon the treaty relationship."

112 This ambiguity in the international relations of Rome with the Eastern *póleis* was already identified by Burton (2003). Admiration towards the Greek world in no way hindered the conquest of its territories by Rome; in the words of Capogrossi Colognesi (2009) 208, "…i circoli più accentuatamente imperialistici erano stati anche più spiccatamente

custom by considering the treaties to be simple acts of courtesy; similarly, Ferrary (1990) determined that the equivalence of the parties was due to the symbolic function of conventions.[113] It must be said, however, that these two interpretations leave aside the implicit legal purpose of treaty signing, as well as the need of Rome to rely on (and benefit from) the long-established tradition of interstate relations in the Mediterranean.

Through the deliberate use of the *par conditio*, the distinction between a *foedus aequum* and a *foedus iniquum* becomes blurred, especially if we notice that there is always a will of imposing a political dominance: even in bilateral clauses there is place for Roman command.

The explicit granting of specific unilateral rights to the counterpart – as perceived in the treaties signed with Aphrodisias, Mytilene and the Lycian *koinón* – is, in fact, a subtle way of creating an appropriate environment for shaping a higher authority and asserting power, of founding *exousía kaì hyperokhé*. But this is only possible when the models known to the counterpart are manipulated and their vocabulary is duly appropriated. By employing the traditional Greek treaty schemes (well-known to them since classical times)[114] with a new intention, Rome absorbed the model with the aim of achieving its own political goals. This is why the anthropological and legal concept of "narrative transculturation" might provide a significant tool to understand the Roman manipulation of Greek diplomatic instruments. It is not by chance that the Roman texts insist on referring to the contracting parties as "Greek,"[115] that they were written in the language of the weak party[116] and that they mention the long-recorded vocabulary on independ-

filoellenistici: aperti e interessati alla cultura e ai valori del mondo che essi si apprestavano a sottomettere. Tra l'altro i Romani, a differenza di altre grandi esperienze imperiali proprie dell'età moderna, non erano distorti nel loro approccio alla civiltà ellenistica da quei pregiudizi religiosi e culturali che avrebbero progressivamente scavato fossati insuperabili tra governati e governanti, mirando tutta l'esperienza colonaria moderna."

113 Ferrary (1990) 225.

114 On this point, we do follow Kallet-Marx (1995) 198, for whom the analyzed treaties are full evidence of "Rome's unwillingness to revolutionize the institutions of the Hellenic world." However, whereas this author considers that these agreements were merely symbols of loyalty towards Rome – and in that sense functional to the *imperium* – I choose to emphazise the Roman use of the treaties as sources to assert its own power.

115 On the emphasis in the Roman testimonies about the Greek character of the Asian *koiná*, see Ferrary (2001).

116 Viereck (1888) concludes that the treaties were translated officially into Greek by Romans in Rome, which shows the political importance granted to the preparation and

ence, sovereignty, autonomy and friendship typical to Greek city-states from the V century BC.[117] The Hellenic interstate language is used but, instead of being respected, becomes subverted when transplanted into the Roman landscape.

Rome creates an efficient discourse to interact with the eastern Greek world. Profiting from the experience of its adversaries, Roman treaties create a space of political tension and struggle which is hidden behind the cultural appearance of friendship, alliance, peace and respect for Greek habits in diplomatic affairs. Ancient legal history offers here an example of a normative entanglement which may illuminate the complex relationship between imperial longing and a law ideally based upon equality and balance. Roman legal 'reception' of Greek treaties provides us with an interesting example of a narrative that enforces the fiction of equality to justify expansion, a narrative that reproduces the cultural pre-text to find an adequate *pretext.* It is all about transplanting a legal model to a new objective. It is all about re-using well-known mechanisms to give them a new cultural assessment. As a result of a smart legal transculturation, Rome was successful in his purpose of deceiving Greeks in order to find valid grounds and efficient ways to fund in law its growing international supremacy.[118]

submission of advantageous documents to the counterpart, making them available in the local language.

117 The lexicon which the Romans used, both in Latin and in Greek, is useful to rethink old concepts of extensive tradition in Hellenic diplomacy, such as the equivalences *amicitia / philia, societas / symmakhía, libertas / eleuthería*. On the functionality of the significant pairs of terms, *cf.* Bernhardt (1998) 11–35.

118 Jones (2001) 18 analyzes the Roman monuments in the region and interprets the appropiation of local Greek values by the *urbs* as a part of a complex mechanism destined to the preservation of the memory of the Roman Republic in the Greek cities: "Memory is kept alive by gratitude (notably towards the memory of Lucullus and Pompey); by pride in the services which the cities had performed for Rome; and by a desire to maintain the privileges which Roman imperatores had conferred on cities, on temples, or on corporations like the guild of athletes." I believe that this cultural policy is explained, not only by the gratitude towards certain characters, but by the pride of the services the cities rendered to Rome or for the desire to maintain the privileges. It is also a way of visually and discursivelly constructing a space of supremacy and power, according to the diplomatic advances hidden under an interstate "parity."

Bibliography

Accame, S. (1975), Il dominio romano in Grecia dalla guerra arcaica ad Augusto, New York (edición original: Roma 1946)

Alonso Troncoso, V. (1989), Algunas consideraciones sobre la naturaleza y evolución de la Symmakhía en época clásica (I), in: Anejos de Gerión II, 165–179

Alonso Troncoso, V. (2001), Para un corpus de los tratados de alianza de la Grecia Clásica, in: Dike 4, 219–232

Alonso Troncoso, V. (2002), La cláusula de la hegemonía en la Liga Délica (Th. 3,10,4; 11,3), in: Ktèma 27, 57–63

Alonso Troncoso, V. (2003), L'institution de l'hégémonie: entre la coutume et le droit écrit, in: Thür, G., F. J. Fernández Nieto (edd.), Symposion 1999. Vorträge zur griechischen und hellenistischen Rechtsgeschichte (Pazo de Mariñán, La Coruña, 6.–9. September 1999), Köln, 339–354

Amit, M. (1973), Great and Small Poleis: A Study in the Relations between the Great Powers and the Small Cities in Ancient Greece, Brussels

Auliard, C. (2006), La diplomatie romaine. L'autre instrument de la conquête. De la fondation à la fin des guerres samnites (753–290 av. J.-C.), Rennes

Avram, A. (1996), Der Vertrag zwischen Rom und Kallatis, in: Funck, B. (ed.), Hellenismus. Beiträge zur Erforschung von Akkulturation und politischer Ordnung in den Staaten des hellenistischen Zeitalters, Tübingen, 491–511

Avram, A. (ed.) (1999a), Inscriptions grecques et latines de Scythie Mineure III. Callatis et son territoire, Budapest, Paris

Avram, A. (1999b), Der Vertrag zwischen Rom und Kallatis. Ein Beitrag zum römischen Völkerrecht, Amsterdam

Badian, E. (1958), Foreign Clientelae (264–70 B.C.), Oxford

Balcer, J. (1978), The Athenian Regulations for Chalkis. Studies in Athenian Imperial Law, Wiesbaden

Baltrusch, E. (1994), Symmachie und Spondai. Untersuchungen zum griechischen Völkerrecht der archaischen und klassischen Zeit (8.–5. Jahrhundert v. Chr.), Berlin, New York

Bancalari Molina, A. (2004), Coexistencia o enfrentamiento entre el derecho romano y los derechos locales de las provincias, in: Revista de Estudios Histórico-Jurídicos (Valparaíso) 26, 25–39

Bandeira Galindo, G. R. (2005), Martti Koskenniemi and the Historiographical Turn in International Law, in: European Journal of International Law 16, 3, 539–559

Barker, E. (1927), Greek Political Thought and Theory, in: Cambridge Ancient History, Vol. 6, Cambridge, 505–535

Baronowski, D. W. (1988), Roman Treaties with Communities of Citizens, in: Classical Quarterly N.S. 38, 1, 172–178

Baronowski, D. W. (1990), Sub umbra foederis aequi, in: Phoenix 44, 4, 345–369

Bauman, R. A. (1986), Rome and the Greeks: Apropos of a Recent Work, in: Acta Classica 29, 85–98

Baviera, G. (1898), Il diritto internazionale dei Romani, Modena
Bearzot, C. (2004), Federalismo e autonomia nelle Elleniche di Senofonte, Milano
Beaulac, S. (2004), The Power of Language in the Making of International Law. The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia, Leiden
Bederman, D. J. (2001), International Law in Antiquity, Cambridge
Belikov, A. P. (2003), Rim i ellenism. Osnovnye problemy politicheskij, ekonomicheskij i kulturnyj kontaktov, PhD Dissertation, Stavropol
Bellini, V. (1962), Foedus et sponsio dans l'évolution du droit international romain, in: Revue historique de droit français et étranger 40, 509–539
Bernhardt, R. (1971), Imperium und Eleutheria. Die römische Politik gegenüber den freien Städten des griechischen Ostens, Hamburg
Bernhardt, R. (1998), Rom und die Städte des hellenistischen Ostens (3.–1. Jahrhundert v. Chr.). Literaturbericht 1965–95, München
Bickerman, E. J. (1950), Remarques sur le droit des gens dans la Grèce classique, in: Revue Internationale des Droits de l'Antiquité 4, 99–127
Blümel, W. (ed.) (1992), Die Inschriften von Knidos I, Bonn
Bonk, P. (1974), Defensiv- und Offensivklauseln in griechischen Symmachieverträgen, Tesis de Doctorado, Rheinische Friedrich-Wilhelms-Universität, Bonn
Brassloff, S. (1928), Der römische Staat und seine internationalen Beziehungen, Wien, Leipzig
Bryce, T. (1983), The Lycians, Vol. 1, The Lycians in Literary and Epigraphical Sources, Copenhagen
Buis, E. J. (2009), Las particularidades del acuerdo romano-licio (P. Schøyen I 25) como fuente de derecho internacional: ¿un nuevo foedus iniquum?, in: Revista de la Asociación de Derecho Romano de la República Argentina 5, 203–219
Buono-Core Varas, R. (2003), Los tratados en el mundo romano, in: Revista de Estudios Histórico-Jurídicos (Valparaíso) 25, 23–34
Burton, G. P. (2000), The Resolution of Territorial Disputes in the Provinces of the Roman Empire, in: Chiron 30, 195–215
Burton, G. P. (2003), Clientela or Amicitia? Modeling Roman International Behavior in the Middle Republic (264–146 B. C.), in: Klio 85, 2, 333–369
Calabi, I. (1953), Ricerche sui rapporti tra le poleis, Firenze
Canali de Rossi, F. (1997), Le ambascerie del mondo greco a Roma in età repubblicana, Roma
Capogrossi Colognesi, L. (2009), Storia di Roma tra diritto e potere, Bologna
Cary, M. (1919), A Forgotten Treaty Between Rome and Carthage, in: Journal of Roman Studies 9, 67–77
Cary, M. (1920), The Early Roman Treaties with Tarentum and Rhodes, in: Journal of Philology 35, 165–173
Catalano, P. (1965), Linee del sistema sovrannazionale romano, Torino
Cicero: Clark, A. C. (ed.) (1909), M. Tulli Ciceronis Orationes, Oxonii
Cornell, T. J. (1995), The Beginnings of Rome. Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 BC), London, New York
Corsten, T. (ed.) (2002), Die Inschriften von Kibyra I, Bonn

Dahlheim, W. (1968), Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr., München
Demosthenes: Butcher, S. H. (ed.) (1903), Demosthenis Orationes, Oxonii
Díaz Quiñones, A. (1999), Fernando Ortiz y Allan Kardec: Espiritismo y transculturación, in: Catauro: Revista cubana de antropología año 1, no. 0, 14–31
Dickinson, E. D. (1917), Analogy between natural persons and international persons in the law of nations, in: Yale Law Journal 26, 564–591
Dickinson, E. D. (1920), The Equality of States in International Law, Cambridge (MA)
Diodorus Siculus: Oldfather, C. H. (ed.) (1989), Diodorus Siculus, Volumes 4–8, Cambridge (MA), London
Dionysius of Halicarnassos: Fromentin, V., J. H. Sautel (edd.) (1998–), Denys d'Halicarnasse. Antiquités romaines, Paris
Eckstein, A. M. (2006), Mediterranean Anarchy, Interstate War, and the Rise of Rome, Berkeley
Effenterre, H. van, F. Ruzé (edd.) (1994), Nomima. Recueil d'inscriptions politiques et juridiques de l'archaïsme grec, Vol. 1, Rome
Ehrenberg, V. (1969), The Greek State, London
Euripides: Murray, G. (ed.), Euripidis Fabulae, vol. 3, Oxford
Fernández Baquero, M.-E. (1998), Regulaciones pacíficas en la Roma monárquica, in: Muñoz Muñoz, F. A., B. Molina Rueda (coord.), Cosmovisiones de paz en el Mediterráneo antiguo y medieval, Granada, 153–190
Fernández Nieto, F. J. (1975), Los acuerdos bélicos en la antigua Grecia (época arcaica y clásica), Vol. I, Santiago de Compostela
Ferrary, J.-L. (1990), Traités et domination romaine dans le monde hellénistique, in: Canfora, L., M. Liverani, C. Zaccagnini (edd.), I trattati nel mondo antico. Forma, ideologia, funzione, Roma, 217–235
Ferrary, J.-L. (2001), Rome et la géographie de l'hellénisme: réflexions sur "hellènes" et "panhellènes" dans les inscriptions d'époque romaine, in: Salomies, O. (ed.), The Greek East in the Roman Context (Proceedings of a Colloquium Organised by the Finnish Institute at Athens, May 21 and 22, 1999), Helsinki, 19–35
Forsythe, G. (2005), A Critical History of Early Rome. From Prehistory to the First Punic War, Berkeley, Los Angeles
Freytag, K. (2001), Some News about Inscriptions from North-Western Greece: Preliminary Remarks and Recent Epigraphical Work in the Museums of Thyrion and Agrinion, in: Isager, J. (ed.), Foundation and Destruction. Nikopolis and Northwestern Greece. The Archaeological Evidence for the City's Destruction, the Foundation of Nikopolis, and the Synoecism, Aarhus
Frezza, P. (1938–1939), Le forme federative e la struttura dei rapporti internazionali nell'antico diritto romano, in: Studia et documenta historiae et iuris 4, 363–428; 5, 161–201
Gaudemet, J. (1964), Maiestas populi Romani, in: Guarino, A., L. Labruna (edd.), Synteleia Vincenzo Arangio-Ruiz, Vol. 2, Napoli, 699–709

Gaurier, D. (2005), Histoire du droit international. Auteurs, doctrines et développement de l'Antiquité à l'aube de la période contemporaine, Rennes
Giovannini, A. (2007), Les relations entre États dans la Grèce antique, du temps d'Homère à l'intervention romaine (ca. 700–200 av. J.-C.), Stuttgart
Glotz, G. (1915), Le droit des gens dans l'antiquité grecque, Paris
Graham, A. J. (1964), Colony and Mother City in Ancient Greece, Manchester
Graves, C. E. (1891), Commentary on Thucydides Book 5, London
Grelle, F. (1990), Città e trattati nel sistema romano imperiale, in: Canfora, L., M. Liverani, C. Zaccagnini (edd.), I trattati nel mondo antico. Forma, ideologia, funzione, Roma, 237–256
Grewe, W. G. (1984), Epochen der Völkerrechtsgeschichte, Baden-Baden (translation into English: Berlin, New York 2000)
Gruen, E. S. (1984), The Hellenistic World and the Coming of Rome, Berkeley
Guerber, É. (2010), Les cités grecques dans l'Empire romain. Les privilèges et les titres des cités de l'Orient hellénophone d'Octave Auguste à Dioclétien, Rennes
Gundel, H. G. (1963), Der Begriff Maiestas im politischen Denken der römischen Republik, in: Historia 12, 283–320
Hampl, F. (1938), Die griechischen Staatsverträge des 4. Jahrhunderts v. Christi Geb., Leipzig
Hansen, M. H. (1993), Introduction: The Polis as a Citizen-State, in: Hansen, M. H. (ed.), The Ancient Greek City State. Symposium on the Occasion of the 250th Anniversary of the Royal Danish Academy of Science and Letters (July 1–4, 1992), Copenhagen, 7–29
Harris, W. V. (1971), Rome in Etruria and Umbria, Oxford
Harter-Uibopuu, K. (1998), Das zwischenstaatliche Schiedsverfahren im achäischen Koinon. Zur friedlichen Streitbeiligung nach den epigraphischen Quellen, Köln
Hatzopoulos, M. D., L. D. Loukopolou (1987), Two Studies in Ancient Macedonian Topography, Athens
Heitland, W. E. (1915), A Short History of the Roman Republic, Cambridge
Heuss, A. (1933), Die völkerrechtlichen Grundlagen der römischen Außenpolitik in republikanischer Zeit, Leipzig
Hueck, I. (2001), The Discipline of the History of International Law, in: Journal of the History of International Law 3, 194–217
Hunt, P. (2010), War, Peace, and Alliance in Demosthenes' Athens, Cambridge
IG XII: Hallof, K. (ed.) (2000), Inscriptiones Graecae consilio et auctoritate, Vol. XII, Fasc. VI, ûInscriptiones Chii et Sami cum Corassiis Icariaqueý, Berlin, New York
IGR IV: Cagnat, R. et alii (edd.) (1927), Inscriptiones Graecae ad res Romanas pertinentes, IV, Paris
Ion, T. P. (1911), The Sanctity of Treaties, in: Yale Law Journal 20, 4, 268–291
Isocrates: Rauchenstein, R. (ed.) (1874), Ausgewählte Reden des Isokrates. Panegyricus und Areopagiticus, Berlin

Jameson, S. (1980), The Lycian League: Some Problems in its Administration, in: Aufstieg und Niedergang der römischen Welt II,7.2, 832–855
Jones, Ch. (2001), Memories of the Roman Republic in the Greek East, in: Salomies, O. (ed.), The Greek East in the Roman Context (Proceedings of a Colloquium Organised by the Finnish Institute at Athens, May 21 and 22, 1999), Helsinki, 11–18
Kallet-Marx, R. (1995), Hegemony to Empire: The Development of the Roman Imperium in the East from 148 to 62 B.C., Berkeley
Kantor, G. (2007), Ancestral Laws under the Roman Rule: The Case of Lycia, PhD Dissertation, Balliol College, Oxford (available at <users. ox.ac.uk/~ball1674/lyciantext.rtf> [accessed on 02–12–2012])
Karavites, P. (1982), Eleuthería and Autonomía in Fifth-Century Interstate Relations, in: Revue Internationale des Droits de l'Antiquité 29, 145–162
Keaveney, A. (1981), Roman Treaties with Parthia circa 95 – circa 64 B.C., in: American Journal of Philology 102, 2, 195–212
Koskenniemi, M. (1989), From Apology to Utopia. The Structure of International Legal Argument, Cambridge
Koskenniemi, M. (2002), The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960, Cambridge
Koskenniemi, M. (2004), Why History of International Law Today?, in: Rechtsgeschichte 4, 61–66
Laghmani, S. (2003), Histoire du droit des gens: du jus gentium impérial au jus publicum europaeum, Paris
Larsen, J. A. O. (1957), Lycia and Greek Federal Citizenship, in: Symbolae Osloenses 33, 5–26
Laurent, F. (1850–1851), Histoire du droit des gens et des relations internationales, in Histoire de l'humanité, Paris
Lesaffer, R. (2007), International Law and its History: The Story of an Unrequited Love, in: Craven, M., M. Fitzmaurice, M. Vogiatzi (edd.), Time, History and International Law, Leiden, Boston, 27–41
Livius: Foster, B. O. (ed.), Livy. Books I and II, Cambridge (MA), London
Lomas, K. (1996), Roman Italy 338 BC – AD 200. A Sourcebook, New York, London
Low, P. (2007), Interstate Relations in Classical Greece: Morality and Power, Cambridge
MacKechnie, P. (1989), Outsiders in the Greek Cities in the Fourth Century BC, London, New York
Marin, D. (1948), Il foedus romano con Callatis, in: Epigraphica 10, 105–114
Martin, V. (1940), La vie internationale dans la Grèce des cités (VIe – IVe s. av. J.-C.), Paris
Masi, A. (1957), Foedus, in: Novissimo Digesto Italiano, Tomo VII, Torino, 420–421
Mattingly, H. B. (1983), Rome's earliest relations with Byzantium, Heraclea Pontica and Callatis, in: Poulter, A. G. (ed.), Ancient Bulgaria. Papers presented to the International Symposium on the Ancient History and Archaeology of Bulgaria I, Nottigham, 239–252

McGregor, M. F. (1987), The Athenians and their Empire, Vancouver
Méndez Chang, E. (2000), El ius fetiale como derecho supranacional vigente para Roma y los demás pueblos, in: Pandectas (Perú) 4, 1–18, available on <www.pandectasperu.org> (accessed on 04–22–2012)
Meyer, E. A. (2004), Legitimacy and Law in the Roman World. Tabulae in Roman Belief and Practice, Cambridge
Millar, F. (2002), Rome, the Greek World and the East, Volume I: The Roman Republic and the Augustan Revolution, Chapel Hill, London
Mitchell, L. G. (1997), Greeks Bearing Gifts: The Public Use of Private Relationships in the Greek World, 435–323 BC, Cambridge
Mitchell, S. (2005), The Treaty between Rome and Lycia, in: Pintaudi, R. (ed.), Papyri graecae Schøyen I (Papyrologica Florentina 35), Firenze, 163–258
Mommsen, T. (1864), Das römische Gastrecht und die römische Clientel, in: Römischen Forschungen, Bd. 1, Berlin, 319–390
Moretti, L. (1962), La federazione dei Lici, in: Ricerche sulle leghe greche, Roma, 171–218
Nicolet, C. (1980), The World of the Citizen in Republican Rome, Berkeley, Los Angeles (edición original: Paris 1976)
Nörr, D. (1991), Die Fides im römischen Völkerrecht, Heidelberg
Nussbaum, A. (1947), A Concise History of the Law of Nations, New York
OGIS: Dittenberger, W. (ed.) (1903–1905), Orientis Graeci Inscriptiones Selectae, I–II, Leipzig
Oppenheim, L. (1908), The Science of International Law, in: American Journal of International Law 2, 2, 313–356
Ortíz, F. (1940), Contrapunteo cubano del tabaco y del azúcar, La Habana
Osiander, A. (2001), Sovereignty, International Relations, and the Westphalian Myth, in: International Organization 55, 251–287
Ostwald, M. (1982), Autonomia: Its Genesis and Early History, Chico (CA)
Oyarce Yuzzelli, A. (2006), El derecho internacional en Roma. El 'ius fetiale', in: Vox Iuris 17, 13, 119–132
Panessa, G. (1999), Philiai. L'amicizia nelle relazioni interstatali del Greci, Pisa
Paradisi, B. (1951), L'amitié internationale: les phases critiques de son ancienne histoire, in: Recueil des cours de l'Académie de droit international de La Haye 78 (1951–I) 325–378
Passerini, A. (1935), Il testo del foedus di Roma con Callatis, in: Athenaeum 13, 57–72
Phillipson, C. (1911), The International Law and Custom of Ancient Greece and Rome, London
Pistorius, T. (1985), Hegemoniestreben und Autonomiesicherung in der griechischen Vertragspolitik klassischer und hellenistischer Zeit, Frankfurt am Main, Bern, New York
Plancherel-Bongard (1998), C., Les rapports de subordination entre Rome et les conféderations latine et italique, in: Revue d'histoire du droit 66, 3/4, 279–287
Plutarch: Perrin, B. (1916), Plutarch. Lives, Cambridge (MA), London

Polybius: Büttner-Wobst, T. (ed.) (1893), Polybius. Historiae, Leipzig
Raaflaub, K. A. (1991), City-State, Territory, and Empire in Classical Antiquity, in: Molho, A., K. Raaflaub, J. Emlen (edd.), City States in Classical Antiquity and Medieval Italy, Stuttgart, 565–588
Rama, A. (2007), Transculturación narrativa en América Latina, Buenos Aires
RDGE: Sherk, R. K. (1969), Roman Documents from the Greek East, Baltimore
Redslob, R. (1923), Histoire des grands principes du droit des gens depuis l'antiquité jusqu'à la veille de la grande guerre, Paris
Renaut, M.-H. (2007), Histoire du droit international public, Paris
Reynolds, J. (1982), Aphrodisias and Rome, London
Rich, J. W. (2008), Treaties, Allies and the Roman Conquest of Italy, in: De Souza, Ph., J. France (edd.), War and Peace in Ancient and Medieval History, Cambridge, New York, 51–75
Rojas, R. (2004), Contra el homo cubensis: Transculturación y nacionalismo en la obra de Fernando Ortiz, in: Cuban Studies 35, 1–23
Ruiz Moreno, I. (1946), El derecho internacional antes de la Era Cristiana, Buenos Aires
Ryder, T. T. B. (1965), Koine Eirene: General Peace and Local Independence in Ancient Greece, Oxford
Santi, E. M. (2002), Fernando Ortiz: Contrapunteo y transculturación, Madrid
Schmitt, H. H. (1992), Rom und die griechische Welt von der Frühzeit bis 133 v. Chr. Antike Quellen in Übersetzung, München
Schröder, M. (ed.) (1999), 350 Jahre Westfälischer Friede. Verfassungsgeschichte, Staatskirchenrecht, Völkerrechtsgeschichte, Berlin
Schuler, Ch. (ed.) (2007), Griechische Epigraphik in Lykien. Eine Zwischenbilanz, Akten des internationalen Kolloquiums München, 24.–26. Februar 2005, Wien
Seager, R. (1969), The Congress Decree: Some Doubts and a Hypothesis, in: Historia 18, 129–141
Serrati, J. (2006), Neptune's Altars: The Treaties Between Rome and Carthage (509–226 B.C.), in: Classical Quarterly 56, 113–134
Sherwin-White, A. N. (1984), Roman Foreign Policy in the East, 168 B.C. to A.D. 1, London
SIG^3: Dittenberger, W. (ed.) (1915–1924), Sylloge Inscriptionum Graecarum, 3 ed., Leipzig
Stern, J. (1987), Le traité d'alliance entre Rome et Maronée, in: Bulletin de correspondance hellénique 111, 501–509
Stier, H. E. (1957), Roms Aufstieg zur Weltmacht und die griechische Welt, Köln, Opladen
Täubler, E. (1913), Imperium Romanum. Studien zur Entwickelungsgeschichte des römischen Reichs, Vol. I: Die Staatsverträge und Vertragsverhältnisse, Leipzig, Berlin
Tausend, K. (1992), Amphiktionie und Symmachie. Formen zwischenstaatlicher Beziehungen im archaischen Griechenland, Stuttgart

Ténékidès, G. (1954), La notion juridique de l'indépendance et la tradition hellénique. Autonomie et fédéralisme aux Ve et IVe s. av. J-C, Athènes
Triantaphyllos, D. (1983), Symmakhia Romaion kai Maroniton, in: Thrakike Epeteris 4, 419–449
Truyol y Serra, A. (1998), Historia del derecho internacional público, Madrid
Verzijl, J. H. W. (1968–1998), International law in Historical Perspective, 12 vols. (vol. 12 ed. by W. P. Heere and J. P. S. Offerhaus), Leiden
Viereck, P. (1888), Sermo Graecus, Göttingen
Wees, H. van (2004), Greek Warfare. Myths and Realities, Swansea
Wheeler, E. L. (2002), Roman Treaties with Parthia: Volkerrecht or Power Politics?, in: Bar International Series, Vol. 1084, 1, 287–292
Xenophon: Browson. C. L. (1918–1921), Xenophon, Vol. 1 (Books 1–4), Vol. 2 (Books 5–7), Cambridge (MA), London
Zack, A. (2001), Studien zum Römischen Völkerrecht. Kriegserklärung, Kriegsbeschluss, Beeidung und Ratifikation zwischenstaatlicher Verträge, internationale Freundschaft und Feindschaft während der römischen Republik bis zum Beginn des Prinzipats, Göttingen
Ziegler, K.-H. (1972), Das Völkerrecht der römischen Republik, in: Aufstieg und Niedergang der römischen Welt I,2, 68–114