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## NAGIDOS, ARSINOE AND *ISOPOLITEIA*\*

### Abstract

The article treats one specific aspect of the well-known dossier of Nagidos and Arsinoe. It focuses on LL. 34-35 that, according to the *communis opinio*, contain a grant of isopolity as W. Gawantka once defined it. The analysis of both content and form of the decree (LL. 19-56) suggest, however, that these lines do not imply the use of this institution. Instead they refer either to a project of isopolity that would have been viable only after Arsinoe had fulfilled several requirements, namely after it had become a *polis* (to the eyes of Nagidos). Or they imply the concession of *politeia* to a group of people who did not belong to a *polis*, in which case we should not speak of the Hellenistic diplomatic tool studied by Gawantka.

L'articolo affronta un problema preciso posto dal dossier delle città di Arsinoe e Nagidos: le LL. 34-35 del decreto di Nagidos infatti sono sempre state interpretate come se contenessero la concessione di cittadinanza potenziale, secondo la definizione che ne diede W. Gawantka nel 1975. L'analisi contenutistica e formale del testo del decreto scoraggiano tuttavia dal sostenere questa tesi, mentre è più probabile che queste stesse linee si riferiscano o ad un *progetto di isopoliteia*, da poter concedere solo dopo l'adozione di misure e l'attuazione di provvedimenti che avrebbero reso Arsinoe una *polis* (agli occhi di Nagidos), oppure che non si tratti affatto dell'istituto diplomatico ellenistico, ma della concessione di *politeia* ad un gruppo di persone non inquadrato in un contesto civico, gli Arsinoei per l'appunto, almeno secondo Nagidos.

In 1989 I. Opelt and E. Kirsten published the *editio princeps* of a document attesting an attempt by the *strategos* of Cilicia, Thraseas, to solve the long-standing problem of the strained relations between the two neighboring communities of Arsinoe and Nagidos. Many

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\* I would like to thank D. Demetriou, M. Richardson, K. Rigsby, A.V. Walser and the anonymous reviewer for their comments and criticisms. The generous support of the Gerda Henkel Stiftung has given me the opportunity to write this work.

scholars have since written on this document, first improving the text, and later focusing on problems concerning its content.<sup>1</sup>

The main object of the present contribution is to turn scholarly attention to an institutional aspect of this decree of the Nagideis that has been little discussed. In particular, I refer to LL. 34 – 35 where the relation between the two communities is defined anew. The ambiguous statement according to which the Arsinoeis were declared *ἰσοπολιταὶ Ναγιδέων* has been interpreted as a standard isopolity concession.<sup>2</sup> This widely accepted reading, however, reproduces modern interpretative patterns based on Gawantka's in-depth study of isopolity.<sup>3</sup> This approach has overlooked the unusual form of the alleged grant in this decree. In this paper I argue that the decree does not contain a typical concession of isopolity and perhaps not even a grant of potential citizenship.

Isopolity entails usually a bilateral exchange of the option of changing citizenship between communities. Sometime additional grants appear that must have been available to all, whether one decided to switch status or not.<sup>4</sup>

1. OPELT I. and KIRSTEN E., "Eine Urkunde der Gründung von Arsinoe in Kilikia," *ZPE* 77, 1989, pp. 55-66 is the *editio princeps* of the text. JONES C. P. and HABICHT CH., "A Hellenistic Inscription from Arsinoe in Cilicia," *Phoenix* 43, 1989, pp. 317-346, *SEG* 39, 1426, now in HABICHT CH., "The Hellenistic Monarchies. Selected Papers," Ann Arbor 2006, pp. 243-274, corrected the text and later PETZL G., "Das Inschriftendossier zur Neugründung von Arsinoe in Kilikien: Textkorrekturen," *ZPE* 139, 2002, pp. 83-88 improved it further, his text is now the standard reference, *SEG* 52,1462.

On Thraseas see CRISCUOLO L., "Il diaceta Apollonio e Arsinoe," in *Le culte du souverain dans l'Égypte Ptolémaïque au IIIe siècle avant notre ère, Actes du coll. Intern., Bruxelles 10 mai 1995*, Leuven 1998, pp. 61-72. Criscuolo traces the family tree of Thraseas on which see HABICHT and JONES 1989, pp. 335-345.

2. JONES and HABICHT 1989 provide no direct comment on the matter, but translate the noun *isopolitai* as "joint citizens". CHANIOTIS A., "Ein diplomatischer Statthalter nimmt Rücksicht auf den verletzten Stolz zweier hellenistischer Kleinpoleis (Nagidos und Arsinoe)," *EA* 21, 1993, pp. 33-42, esp. p. 39 also speaks of potential citizenship but his tone is cautious. He ends up attributing the institutional relation between the cities to Thraseas' will and regulatory act. HENGSTL J., "'Lokales Recht' im außerrömischen Bereich – anhand einer neugefundenen Inschrift aus dem ptolemäischen Kilikien," *ZRG* 109, 1992, pp. 486-500, esp. pp. 487 and 499; AGER SH., *Interstate Arbitrations in the Greek World*, Berkeley 1996, p. 129 and BENCIVENNI A., *Progetti di riforme costituzionali nelle epigrafi greche dei secoli IV-II a.C.*, Bologna 2003, p. 321 speak of isopolity in respect to this document, due to the presence of the noun *isopolitai*.

3. GAWANTKA W., *Isopolitie. Ein Beitrag zur Geschichte der zwischenstaatlichen Beziehungen in der griechischen Antike*, Munich 1975.

4. On "Teillektivierung" see GAWANTKA 1975, pp. 29-39. A brief definition of isopolity is necessary since it is easy to find wrong definitions of it even today. A recent example is an article by LABUFF J., "The Union of Latmos and Pidasa Reconsidered," *EA* 43, 2010, pp. 115-124, esp. pp. 120-121 where isopolity and its scholarly interpretations are misrepresented. For example, it was L. Robert who suggested that *isopoliteia* could serve as a means to

I begin with a remark on terminology. The rarely attested word ἰσοπολίτ(αι) can refer to the Hellenistic diplomatic tool, but, even when it does, it tends to provide only indirect the evidence for isopolity.<sup>5</sup> In this text, the term is used, instead, to define anew the legal boundaries with a neighbor that had acquired a new status and its use does not entail a grant of isopolity.

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increase the citizen body of a community, while Gawantka refuted this, see GAUTHIER PH., “Épigraphie et institutions grecques,” *EPHE* 110, 1977-78, pp. 373-378.

Here I limit myself to addressing a couple of points of LaBuff’s contribution. He argues that scholars have misinterpreted the agreement between Latmos and Pidasa. At the heart of his critique is the fact that while the *communis opinio* holds that this agreement must have been the result of Asander’s intervention, he thinks that the signing cities entered it voluntarily. He thus criticizes what he calls the “top-down approach” to Hellenistic history that he claims scholarship has, esp. pp. 114-115. This is, however, an unfair description of the last decades of scholarly work on this historical period.

A short contribution of mine, SABA S., “Temporary and Permanent Housing for New Citizens,” *EA* 40, 2007, pp. 125-134, represents one of his starting points too. This was a note on the housing provisions contained in this and few other *sympoliteia* agreements. Such provisions, which make sense when a physical union between communities was planned, tend to appear when an authority other than the *polis* promotes sympolity. Some Latmians must have had to accommodate the moving Pidaseans in their own houses, as WÖRRLE M., “Das Synoikismos der Latmioi mit den Pidaseis,” *Chiron* 33, 2003, pp. 121-143, p. 132 suggested too, most likely against their will. Also I hypothesized that a few people were exempted from this duty. I called this civil *anepistathmeia ad personam* and then briefly clarified what *epistathmeia* and *anepisthameia* in military contexts were in order to develop the problem of housing further. I could have called it otherwise, but since several of our current definitions are in truth only modern captions to ancient practices, I used a familiar term. As for the date of *epistathmeia*, institutionalized practices do not appear overnight and while one should be careful analyzing the origins of a practice or institution, clear-cut dates are just as dangerous. Moreover, he cites two cities, Stymphalos and Akragas, that hosted voluntarily members of other communities as parallels for the case of Latmos and Pidasa. In those cases, however, the “guests” were in difficult situations, as HENNIG D. stresses, “Staatliche Ansprüche an privaten Immobilienbesitz in der klassischen und hellenistischen Polis,” *Chiron* 25, 1995, pp. 235-282, esp. p. 268, cited by LaBuff too, and cannot be compared with the agreement between Latmos and Pidasa.

Briefly on the alleged union between Latmos and Pidasa: LaBuff holds that these two cities wanted sympolity and that it actually took place. The last point he reads in the agreement, which is at best positivistic. As far as the first point is concerned I find it hard to believe that any *polis* would agree to pseudo-billeting and forced intermarriage. He holds that this had been agreed upon because the advantages were evident for both partners. The Pidaseans wanted to move to Latmos because of the opportunities this town offered in terms of prestige and safety, esp. p. 122. Latmos instead would profit from Pidasa’s territory. Latmos, however, is not the later Herakleia under the Latmos, see WÖRRLE 2003, esp. pp. 131-132 and 138-143 with further bibliography.

5. SABA S., “Delphi, Sardis and Citizenship: a Note,” *Dike* 12, (2009/10) 2011, 171-180, esp. p. 179.

The situation described in this document is not entirely unparalleled. Similarities can be found in some texts that have been used to support the theory of the so-called *Poleis ohne Territorium*.<sup>6</sup> According to this theory, there were a number of *poleis* in antiquity that did not have their own *chora* –that is, the *chora* they used did not legally belong to them, but to a stronger community. Even if previous formulations of this thesis can no longer be upheld, some of the texts used by Hampl and later by Gschnitzer in support of the theory show arrangements similar to those on the Nagidos decree in regard to the concession of the land and the question of the ‘subordinate’ status of one *polis* to another one. The above-mentioned point about terminology and the idea of the *Polis ohne Territorium*, help to explain the expression ἰσοπολίται Ναγιδέων and its institutional meaning.

The stone contains two related documents: the first is a letter that Thraseas addressed to the citizens of Arsinoe (LL. 1-18); to this, he attached a second document, the decree of the Nagideis ratifying his requests in support of Arsinoe’s claim (LL. 19-56).

A. Chaniotis was the first scholar to fully realize and explain the significance of the letter, thereby opening new possibilities of interpretation. He stressed the *prima facie* role that Thraseas played in the diplomatic transaction and, along with it, his ability to find a solution to the complex diplomatic matter that was presented to him. At the heart of the controversy lay the land that the Nagideis claimed as theirs and the Arsinoeis needed in order to support themselves and to be recognized as an independent community. Thraseas endorsed Arsinoe’s claim and forced the Nagideis to officially grant the contested territory to the neighboring community, Arsinoe, whose *polis* status the Nagideis clearly did not recognize. In his letter to Arsinoe, presumably written after the Nagideis had acknowledged

6. HAMPL F., “Poleis ohne Territorium,” *Klio* 32, 1939, pp. 1-60 was the first to propose this theory, which found several followers. GSCHNITZER F. explored it further in his Habilitationsschrift, *Abhängige Orte im griechischen Altertum*, Munich 1958 (reviewed by HABICHT CH. in *Gnomon* 31, 1959, pp. 704-711). More recently, this scholar has analyzed anew a few texts in an article entitled “Ἐπὶ τοῖσδε ἔδωκαν Πρασίοι Σταλίταις τὰν χώραν. Zu einem Geschäftstyp des griechischen Völkerrechts,” in *Symposion 1971*, Vienna 1975, pp. 79-102, now also in “*Kleine Schriften zum griechischen und römischen Altertum II*” ed. TRÜMPY, Stuttgart 2003, pp. 121-144. He attempts to show the existence of a particular type of document with which stronger partners made concessions to weaker cities built on their territories. For a critical reading of this theory see SAKELLARIOU M.V., *The Polis State. Definition and Origin*, Athens 1989, esp. pp. 80-86. HANSEN M. H., “A Typology of Dependent Poleis,” in *Yet More Studies in the Ancient Greek Poleis*, ed. Nielsen, Stuttgart 1997, pp. 30-37 used GSCHNITZER 1958 when he drew his theory of the dependent *poleis*, which, however, does not play any role in this contribution. On Hansen see FRÖHLICH P., “L’inventaire du monde des cités grecques. Une somme, une méthode et une conception de l’histoire,” *RHIS* 102, 2010, pp. 637-676, on the concept of ‘dependent polis’ pp. 660-667.

his requests,<sup>7</sup> Thraseas stated that, since the Arsinoeis had now been given the means to become a *polis*, they had to fulfill the requirements that this status entailed and to take up the responsibilities attached to it.

The letter of Thraseas is key to understanding this dossier.<sup>8</sup> In this paper, I focus on the decree and its alleged grant of isopolity.

The decree passed by Nagidos starts off by summarizing the events that led to the controversy between Nagidos and Arsinoe. The text briefly recounts the foundation history of Arsinoe, which, according to Habicht, took place in the 260s: its founder was Aetos from Aspendos who was also citizen of Nagidos, father of Thraseas and, most importantly, *strategos* of Cilicia. After freeing the land that was later contested from otherwise unidentified ‘barbarians’, he founded Arsinoe. The land had once belonged to Nagidos, and its inhabitants continued to claim it as their property, in spite of the fact that they had been unable to defend it and, most importantly, in spite of the fact that a new city stood on the land.<sup>9</sup> When the Ptolemies had lost control of the region, Nagidos apparently somehow took back the territory from Arsinoe, but once this dynasty again conquered Cilicia after 246, the inhabitants of the Ptolemaic foundation of Arsinoe were able to challenge that act. Nagidos’ claim to the territory was indeed an empty one in the face of Thraseas’ decision to return the territory to Arsinoe, since he acted in his capacity of *strategos*. In turn, Arsinoe presumably had to create its own magistracies and establish its own laws.<sup>10</sup>

As Chaniotis has noted, the first part of the decree must be the summary of Thraseas’ requests and message to the Nagideis.<sup>11</sup> The actual ratification of the provisions pertaining to Arsinoe begins in L. 29: Nagidos seems to agree to all of Thraseas’ requests. Other details contained in the decree indicate Nagidos’ reluctant agreement to give up its land and Arsinoe’s consent to a ‘subordinate’ condition.

The first provision to be ratified pertains to the land: Nagidos gave it officially to Thraseas and the new colonists that he would eventually settle there.

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7. The relative chronology of the different steps of this diplomatic transaction has been hotly debated; for a summary see BENCIVENNI 2003, pp. 318–320. I subscribe to the view that Thraseas’ initiative had been prompted by the Arsinoeis’ complaints.

8. The analysis of the letter is in CHANIOTIS 1993.

9. CHANIOTIS 1993, esp. pp. 38–39; BOFFO L., “Lo statuto di terre, insediamenti e persone nell’Anatolia ellenistica. Documenti recenti e problemi antichi,” *Dike* 4, 2001, pp. 233–255, esp. p. 248.

10. It is a possibility that Arsinoe had both already, although they were clearly not acknowledged by the neighboring city. For the chronology of the events see HABICHT 1989, esp. pp. 336–337.

11. CHANIOTIS 1993, p. 36.

According to Habicht, Arsinoe was founded in the 260s and Thraseas became *strategos* in the 230s or the 220s.<sup>12</sup> The period of time between those two moments was probably too short for a young community such as Arsinoe to gain a sense of identity strong enough to oppose Nagidos. Arsinoe had been under Seleucid rule for several years with consequences that are unknown to us, except for the fact that it did not afterward retain its *polis* status.<sup>13</sup> It is plausible that Nagidos claimed the land back even if the colonists did not vacate it. In other words, under the Seleucids, the situation of the contested land was apparently similar to that seen in several cities that could be described, in Hampf's words, as *Poleis ohne Territorium*.<sup>14</sup>

This terminology is useful here, not in its original meaning and application but rather as it was re-interpreted and used in the 1970s by Gschnitzer and, more recently, by Chaniotis.<sup>15</sup> Both scholars drew attention to two cases that provide close parallels to our inscription and that help to identify a category of communities that were not fully independent but grew within the territory of another, stronger town. The relevant texts are the agreements between Praisos and Stalai and between Gortyn and the island of Kaudos.<sup>16</sup> In the first case LL. 4 – 9 relate the concession of land, city, and islands to the citizens of Stalai and their descendants, along with a portion of the revenues coming from sea-related activities, which, however, they were collecting already.<sup>17</sup> In the second agreement, Gortyn declares the inhabitants of Kaudos “free, autonomous and entitled to administer justice locally (...) and to use its own laws.”<sup>18</sup> Chaniotis noted that this second document is the closest to the dossier from Cilicia: the inhabitants of Kaudos were not citizens of an independent community and, in speculating on its

12. JONES and HABICHT 1989, p. 337.

13. MUELLER K., *Settlements of the Ptolemies: City Foundations and new Settlements in the Hellenistic World*, Leuven 2006, esp. pp. 35-38.

14. See *supra* n.3.

15. CHANIOTIS A., *Die Verträge zwischen kretischen Poleis in der hellenistischen Zeit*, Stuttgart 1996, esp. pp.160-168 and 380-420.

16. CHANIOTIS 1996, number 64 (IC III, vi.7) dated to first half of the 3<sup>rd</sup> century B.C. and number 69 (IC IV, 184) to the late 3<sup>rd</sup> or early 2<sup>nd</sup> century B.C.

17. IC III, vi.7, LL. 4 – 9: ἐπὶ τοῖσδε ἔδωκαν Πραισίοι Σταλίταις τὰν χ/ώραν καὶ τὰν πόλιν καὶ νάσους τὰς καὶ νῦν ἔχον/[τι κ]αὶ ἐλλιμενίου καὶ πορφύρας καὶ ἰχθύων δεκά/[τα]ς, τούτων πάντων τὸ ἡμισσον, ἰχθύωμ μὲν καθάπερ / [κ]αὶ πρότερον. ταῦτα δὲ ἔδωκαν εἰς τὸν ἅπαντα χρό/[νο]ν ἀσφαλέως [κ]αὶ β[εβ]αίως καὶ αὐτοῖς καὶ ἐγγόνουσ. (. . .)

The Praiseis gave to the Stalitai the land, the city and the islands that they already have and the tithe of the harbor tax, purple and fish, and of those the half just like it was before. These had to be given to them and their descendants for all time and securely (. . .)

18. IC IV, 184, LL. 4 – 8: τάδε ἐπεχώρησαν οἱ Γορτύνιοι τοῖς τὰν Κα[ῶ]δον φοικίονσι· ἐλευθέρονς καὶ αὐτονόμονς καὶ αὐτοδί/κονς τὰ πορτί ψευτὸνς φοικῆν, μένονσι ἐν τᾷ κατασ(τάσ)ῃ αἱ / οἱ Γορτύνιοι κατέστασαν χήπομένονς κῆμ πολέμωι χιρήν[αι] τοῖς Γορτυνίοις, χρημένονς νόμοις τοῖς ἰδίοις. (...)

formation, he asserts: “Viel plausibler ist die Annahme einer Kolonisation der kleinen Inseln mit oder ohne Zustimmung der Gortynier. (...) Eine Parallele für diesen Vorgang bietet eine Inschrift über die rechtliche Anerkennung der vom ptolemäischen Statthalter Aetos in den 260er Jahren gegründeten Stadt Arsinoe in Kilikien auf dem Gebiet der Nagideis. Die Nagideis wollten am Anfang Arsinoe nicht als polis anerkennen; erst mit einem späteren Beschluß (ca. 228/20) schenkten den Bewohnern der längst bestehenden Stadt das umliegende Land, stimmten der Einrichtung einer Polisverfassung zu und erklärten die künftigen Siedler von Arsinoe zu ihren eigenen Kolonisten.”<sup>19</sup>

These texts reveal a procedure similar to that attested in our inscription. It would be wrong, however, to speak of an institutional arrangement common in the Greek world since, apart from the example of Arsinoe-Nagidos, this specific situation is attested only in Crete. These texts also reveal that the stronger cities granted to these weaker communities the possession and use of land, among other things, while in most instances acknowledging the *status quo*.

We might ask why the Arsinoeis had –probably– waited several years (?) after the Ptolemaic reconquest of Cilicia to challenge Nagidos’ reclaiming of the territory. It is possible that the family ties between the founder of Arsinoe and the new *strategos* had been a decisive factor, with the Arsinoeis seizing the opportunity to further their claim when the son of Aetos took up the influential post of *strategos*.

Thraseas’ act constituted nearly a re-foundation of Arsinoe, but he behaved in such a way as to protect the Nagideis’ pride. Chaniotis must be right when he says that Thraseas was probably behind the idea to declare Arsinoe Nagidos’ *apoikia*, L. 31. In an article treating the use of the term *apoikia* in later Hellenistic documents, F. Daubner commented on our inscription as follows: “im Fall des Dekrets von Nagidos wird geradezu mit dem Unterschied zwischen einer alterwürdigen Pflanzstadt und einer hellenistischen Neugründung gearbeitet, indem er diplomatisch genutzt wird.”<sup>20</sup> In Arsinoe’s foundation history, Aetos is said to be from Aspendos but also ἡμέτερος πολίτης, citizen of Nagidos. Nagidos asserts itself to be the mother city of Arsinoe, which had been founded by a citizen of Nagidos and, if we follow Greek tradition, this claim was not fabricated *ad hoc*.<sup>21</sup> While Daubner is certainly right to stress the diplomatic use of the term *apoikia*, it is Aetos’ Nagidian citizenship that legitimizes Nagidos’ claim on a ‘legal-traditional’ level.

I note, also, the unusual order in which the provisions passed by Nagidos are listed in the decree. After declaring the Arsinoeis their

19. CHANIOTIS 1996, p. 412.

20. DAUBNER F., “Eine ἀποικία in einer hellenistischen Inschrift aus Tyros,” *ZPE* 168, 2009, pp. 177-182, esp. p. 180.

21. Already CHANIOTIS 1993, p. 39.

*apoikoi* the Nagideis state that the Arsinoeis were to sacrifice to the king, Arsinoe and to Berenice, and, most importantly, pay for a *theoron* out of their own pocket. The text continues with the statement that now the Arsinoeis were to live according to their laws, expressed in the future tense, and be *ισοπολίται Ναγιδέων*, expressed with an imperative.<sup>22</sup>

Had this statement constituted a grant of isopolity, we would expect enrollment clauses to follow immediately. Instead there is yet another sentence on sacrifices, allowing Arsinoeis visiting Nagidos to take part in the sacred rites, LL. 31 – 32. It is only after this second statement that there is an enrollment clause, LL. 36 – 37, which establishes an enrollment fee.<sup>23</sup> The order of the provisions within the document seemed peculiar to Gauthier, too, who suggested that these two sentences were somehow connected and that the enrollment fee might have been payment for a sacrifice related to enrollment in a tribe. Another provision on sacrifices follows, LL. 37 – 40, and then a provision on sanctions against those who speak against the decree, LL. 41 – 45.

I have noted already that Gauthier was at pains to explain the sentence preceding the enrollment clause. The two scholars responsible for the *editio princeps* expressed a similar concern when they tried to clarify LL. 35 – 36 as follows: “Die Neusiedlung erhält den Titel einer Apoikia von Nagidos (Z. 31), einer Tochterstadt, obwohl sich doch durch Beraubung der Mutterstadt entsteht. Analog einer solchen erhalten die Bürger von Arsinoe das potentielle Bürgerrecht von Nagidos, die Isopoliteia mit dem freiwilligen Eintritt in dessen Phylai (Z.

22. I reproduce here LL. 29 – 52 following Petzl’s edition:

(. . .) δοῦναι αὐτῶι τὴν χώραν / [τὴν δ]ημοσίαν καὶ τοῖς κατοικοῦσιν καὶ ἔαν τινὰς ἄλλοις Θρασεῶν / [ποτὲ] κατοικίζηι· ἐπαινέσαι δὲ Θρασεῶν, καὶ εἶναι αὐτοὺς ἀποίκους / [Ναγιδέων· / συντελείτωσαν δὲ καὶ τιμὰς τῶι βασιλεῖ καὶ Ἀρσινόηι / [καὶ Βε]ρηνίκηι, πεμπέτωσαν δὲ καὶ θεωρὸν ἐκ τῶν ἰδίων ἀνηλωμάτων. / (34) [πολι]τεύσονται δὲ καὶ χρήσονται νόμοις, οἷς ἂν αὐτοὶ θῶνται, ἔστωσαν / [δὲ κ]αὶ ἰσοπολίται Ναγιδέων· ἔστω δὲ αὐτοῖς καὶ μετουσία παραγι/[νομ]ένοις (36) εἰς τὰ ἱερὰ· καὶ ἀπογραψάσθωσαν ἕκαστος εἰς φυλὴν. / [ἦν ἂ]ν λάχηι, τελοῦντες τὸ γινόμενον· καλείσθωσαν δὲ καὶ οὔτοι, / [ὄτ]αν τῆι Ὀμονοίαι ἢ πόλις θύηι, καὶ φερέτωσαν τὸ γινόμενον· ὡσαύ/[τ]ως δὲ καί, ὅταν Ἀρσινοεῖς θύωσιν Θεοῖς Ἀδελφοῖς, παραγινέσθω/[σ]αν (40) Ναγιδεῖς φέροντες τὸ αὐτό. μὴ ἐξέστω δὲ μηκέτι / [Ν]αγιδεῦσιν παρευρέσει μηδεμίᾳ περὶ τῆς χώρας τῆς δοθείσης / [α]ὐτοῖς κατὰ ψήφισμα τοῦτο ἀμφισβητήσαι· ἔαν δὲ τις ἄρχων προθῆι / [τὸ] δόγμα τοῦτο ἢ ῥήτωρ εἴπηι, ὁ δὲ ἄρχων ἀποτεισάτω δραχμὰς μυρίας / (44) [ἱε]ρὰς Ἀρσινόηι ἀπαραιτήτους, ὁ δὲ ῥήτωρ δραχμὰς χιλίας, καὶ ἢ γνώμη αὐ/[το]ῦ ἄκυρος ἔστω. ὅσα δ’ ἂν ἀδικήματα ἰδία γένηται ἑκάστοις, ἔαν μὲν ὁ / [Αρσι]νοεὺς ἐν Ναγίδωι τινὰ ἀδικήσῃ ἢ ἀδικηθῆι, λαμβανέτω τὸ δίκαιον καὶ / [διδότη]ω κατὰ τοὺς νόμους τοὺς Ναγιδέων, ἔαν δὲ ὁ Ναγιδεὺς ἐν Ἀρσινόηι / (48) [τινὰ] ἀδικήσῃ ἢ ἀδικηθῆι, λαμβανέτω τὸ δίκαιον καὶ διδότηω κατὰ τοὺς / [νόμου]ς τοὺς Ἀρσινοέων, ἔστω δὲ αὐτοῖς πάντων τῶν ἀδικημάτων, / [ἐξ οὗ ἂ]ν χρόνου γένηται τὸ ἀδικημα, προθεσμία ἐνιαυτός· ἔαν δὲ τ[ις] / [παρελθ]όντος τοῦ χρόνου γράφηται δίκην ἢ ἐγκαλέσῃ, ἄκυρος ἔστω α[ὕ]/[τ]η ἢ δίκ[η] (52)

23. GAUTHIER PH., “Epigraphica,” *RPh* 64, 1990, pp. 61-70, esp. pp. 69-70 shows that in this area such a fee was not unusual.



35/6). Die dabei übliche Anerkennung gleicher Rechte im Privat- und Kultrecht (in der sog. μετέχειν-Formel) erscheint hier in Abbrivatur auf der *ἱερά* statt *ἅπαντα* = alle Rechte.”<sup>24</sup> This explanation cannot be accepted as it gives *ἱερά* a meaning it cannot have. The statement does not grant participation in everything in which the citizens of the other community partake, but in sacred festivals. Moreover, what is lacking here is the potentiality attached to the enrollment clauses that is typical and necessary to the institution of isopolity.<sup>25</sup>

Finally, in LL. 45 – 52 appears a “Rechtshilfe” clause whose content is largely unparalleled. There is a widespread misunderstanding that Rechtshilfe clauses are common in isopolity agreements.<sup>26</sup> Such clauses are common in Cretan texts,<sup>27</sup> but they do not appear as often in isopolity agreements from other areas of the Greek world. This, however, does not mean that cities were not preoccupied with regulating the judicial aspect of the agreement.<sup>28</sup>

The Rechtshilfe clause in LL. 45 – 52 establishes only the *ius loci*.<sup>29</sup> We can conclude, on that basis, that citizens of either communities who were temporarily in the other town must have had access to the ‘normal’ judicial system. Gauthier has noted, in a different context, that “(...) quand on se préoccupe d’ouvrir la cité à de futurs citoyens, on ne parle guère des étrangers de passage.”<sup>30</sup> Nagidos was certainly not thinking of opening its doors to the Arsinoeis. I therefore suggest that we attach this Rechtshilfe clause to LL. 41 – 45, as a corollary of the solution to problems caused by the hostility between the two communities, whether this hostility took an institutional or a personal form.

If this were a typical *isopoliteia*-agreement it would have been organized as follows (ideally): the Arsinoeis would have been declared both *apoikoi* and *isopolitai* of the Nagideis, then a full *metechein*-formula

24. OPELT and KIRSTEN 1989, esp. p. 63.

25. There are many examples such as J. and L. Robert *BE* 1972 n. 371 LL. 10-12 πολί/την δὲ εἶναι τὸν Παριανὸν Σκηψίων ἐὰν θέ/[λ]η, καὶ τὸν Σκήψιον Παριανῶν ἐὰν θέλη; or *AvP* VIII.1.156, LL. 14-16 ἐξουσίαν δὲ [εἶναι] / [καὶ] πολιτε[ύε]σθαι ἐν Περ[γ]άμῳ τοῖς βο[υ]λομένοις Τεγεάτ[αις] / [μετέχουσι π]άν[τω]ν [ὧν κα]ὶ οἱ ἄλλοι Περγαμηνοί.

26. On Rechtshilfe clauses in *isopoliteia* agreement see GAWANTKA 1975, esp. pp. 47-51 and GAUTHIER PH. *Symbola. Les étrangers et la justice dans les cites grecques*, Nancy 1972, esp. ch. 7.

27. See CHANIOTIS 1996, pp. 134-152.

28. See for example the agreement between Messene and Phigaleia, Thür and Taeuber *IPArk*. 28.

29. HENGSTL 1992, pp. 493 – 494 looked for parallels to this clause, but found only one, in the agreement between Ephesos and Sardis that dates to the 1<sup>st</sup> century B.C., *OGIS* 437, LL. 59 – 62.

30. GAUTHIER 1972, p. 373. I am using this quotation to represent my line of thought, not as a confirmation of my theories.

would have followed with enrollment clauses. Only rarely one finds *Rechtshilfe* clauses in isopolity agreements, and they normally establish which office was in charge of the *isopolitai*, *i.e.* privileged foreigners in town for a shorter amount of time, and the conditions for a speedy trial.<sup>31</sup> Finally, only at the end of the agreement would we expect to find clauses related to city-wide sacrifices and other matters.

Not only the form, which is secondary, but also its content should discourage us from classifying this text as an *isopoliteia* document. Nagidos was marking new legal boundaries by establishing rules for cult-related expenses, access to courts and the administration of festivals in general. At the same time it stressed the subordinate status of Arsinoe by granting unilaterally Arsinoeis the option of assuming the only real citizenship in the area, namely Nagidos' citizenship. In order to gain that option, however, the Arsinoeis first had to establish and adopt their own laws, pay for their own sacrifices and so on. In brief they had to become independent.

Not only Nagidos did not expect any reciprocation from the Arsinoeis, since it hardly considered Arsinoe a city and a worthy partner, but also it did not grant isopolity to the Arsinoeis, since the conditions that were required for Arsinoe to share in this status had not yet been fulfilled. It is as if Nagidos were saying that only after the Arsinoeis had started [πολι]τεύσονται δὲ καὶ χρήσονται νόμοις, οἷς ἂν αὐτοὶ θῶνται they could have eventually made use of a still-on-the-paper grant of potential citizenship ἔστωσαν / [δὲ κ]αὶ ἰσοπολίται Ναγιδέων. It must not be by chance that the Nagideis used the future for the first clause followed by an imperative: the Arsinoeis were not members of a *polis* yet, only then they would have the right/duty(?) to be *isopolitai*. In other words, the term *isopolitai* does not indicate an available grant, but that before Arsinoe could acquire *isopoliteia*, the Arsinoeis would have first to become citizens of their own community, *i.e.* become a *polis*.

The alternative is to interpret this grant as a concession of *politeia* to a group of people that did not belong to a *polis*. The status of the Arsinoeis would be irrelevant and this would not be isopolity at all.

This interpretation takes into account the two points I noted at the beginning of this short contribution. Namely the unusual terminology, which can be referred back to the practice for which the term isopolity and cognates appear in texts where the evidence for potential citizenship is indirect, and the mistaken idea that Arsinoe was just trying to obtain the legal recognition of possessing the land.

This reading of the text does not entirely invalidate Hengstl's conclusions that "der eingeräumten Isopolitie kommt offenbar eine doppelte Funktion zu. Sie scheint nämlich einerseits dem Gedeihen der

31. For example see the agreement between Miletos and Olbia that dates to the middle of the 4<sup>th</sup> century B.C. *I. Mil.* 3.136.

neuen Stadt zu dienen, andererseits aber den Ausgleich mit der alten Stadt im Auge zu haben.”<sup>32</sup> Of course his first sentence should be amended in respect to this decree of the Nagideis, since the text does not contain a grant of isopolity.

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32. HENGSTL 1992, p. 499.

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