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The Relation of a Greek Colony to Its Mother City

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#### IV.—THE RELATION OF A GREEK COLONY TO ITS MOTHER CITY.

In his discussion of the growth and character of the Athenian hegemony, E. Curtius says (Gr. Hist. E. Tr. II, p. 490; note 52): "The subjection of the allies to the jurisdiction of her courts was one form of the sovereign rights which Athens claimed in reference to the allies; since, according to the Greek legal notion, the dependence of a state cannot be more clearly expressed than by obliging its members to seek the legal decision of their cases from the tribunals of another state. This was particularly the case with the colonies, which, according to the most ancient usage, were universally obliged to settle their legal disputes in the mother city" (in the original, II<sup>4</sup>, p. 219; note 113; 'welche nach ältestem Brauche ganz allgemein ihre Rechtshändel in der Mutterstadt führen mussten'). "And from the colonial law was derived the idea of hegemony; for the performance of military service was also a duty of the colonies. Since Athens regarded herself as the mother city of the Ionian towns, in enforcing the jurisdiction of her courts she certainly followed the norms of earlier Greek political law." This passage attracted my attention last year when I was engaged upon another question; and it did not, at that time, seem worth while to ask for the authority on which the statements just quoted were founded; particularly as it is the habit of this writer, after the manner of Mommsen in his Roman History, to give no references or next to none; and life is not long enough to allow readers, in cases of doubt, to hunt about for passages to which the writer, without the least trouble, could have guided them at once. It happens, however, in this case, that we do find a reference to a note at the end of the volume; and in this, among other matters which do not at present concern us, we read: "The idea of hegemony among the Greeks is essentially based upon the colonial system of law (Th. I 38). Thus Athens, as the mother city of Ionia (Hdt. VII 51; VIII 22), could claim the same right of enforcing upon her colonists attendance at the Athenian tribunals, that Epidaurus could formerly claim over Aegina (Hdt. V 83)." It is not, I think, an unfair supposition

that Curtius gives us these references as the sources of his view as to the dependence of a colony on its metropolis; and I purpose, accordingly, to see what we are really told as to this relation in these passages; and then to examine what other writers have said on this subject, if perhaps we may find in them a justification for the assertion of Curtius, which his own references fail to supply. The first passage cited is Th. I 38, in which the Corinthians say of the Corcyraeans (Dale's Tr.): "Although our colonists, they have all along revolted from us, and are now making war upon us; saying that they were not sent out to be ill-treated. But *we* say that neither did we settle them to be insulted by them, but to be their leaders and to be properly respected by them. Our other colonies, at least, honor us, and we are much beloved by our colonists. Even if we were in the wrong, it had been honorable for them to have yielded to our humor; but disgraceful for us to have done violence to their moderation." This is all that is pertinent to the question in this chapter, and I think it will be conceded that there is nothing here which supports the assertion of Curtius that it was from the first a cardinal feature in the relation of a colony to its mother city, that colonial disputes should be settled in the courts of the metropolis, as the clearest expression of the political dependence of the colony. In the speech of the Corcyraean ambassadors, to which that of the Corinthians is a reply, we find them saying (c. 34): "But should they (the Corinthians) say that it is not just for you to receive their colonists, let them learn that every colony, if well treated, honors its mother country; but if wronged is estranged from it; for they are not sent out to be slaves, but to be on the same footing with those who are left at home: οὐ γὰρ ἐπὶ τῷ δοῦλοι ἀλλ' ἐπὶ τῷ ὁμοίοι τοῖς λειπομένοις εἶναι ἐκπέπονται." The Corcyraeans are here stating the common Hellenic conception of colonial relations to the Athenians, who must have been perfectly familiar with the normal relation of colony and metropolis, and whose own recent practice must have inclined them to reject any but the most stringent view of the subordination of colonies to the parent state. Colonists stand, they say, on an equal footing with their fellow-citizens who remain behind. But could this be the case if a Corcyraean had to sail some hundreds of miles to secure that justice which a Corinthian would find administered at his own doors? It is to be remembered, too, that Thucydides himself represents the obligations of colonists to the mother city in quite a different light. He says (c. 25) that the

Corinthians were induced to undertake the protection of the Epidamnians, after the Corcyraeans had cast them off, partly from "hatred of the Corcyraeans; because, although they were their colony, they slighted them; for they neither gave them the customary privileges in their general religious assemblies, nor to any individual Corinthian, when performing the initiatory rites of sacrifice, as their other colonies did."

The next two passages referred to by Curtius (Hdt. VII 51; VIII 22) do not contribute anything to the determination of the extent of metropolitical rights. In both, the Ionian colonies are spoken of as standing in a filial relation to Athens; and it is assumed that this relationship ought to forbid the Ionians from taking any part, except by compulsion, in the expedition of Xerxes against Athens.

The remaining reference to Hdt. V 83 seems more to the point. It occurs in the account which Herodotus gives of the origin of the hostility which existed between the Athenians and the Aeginetans. The people of Epidaurus, at the command of the Pythian oracle, had procured olive wood from the Athenians and erected two statues of it, for the purpose of promoting the productiveness of their soil. As long as these statues remained in their country, the Epidaurians made each year to the Athenians a certain stipulated payment. But the people of Aegina, who had before been subject to the Epidaurians, revolted, and, among other injuries, carried the statues off and set them up in their own island. We are not now concerned with the further course of this story. The part of the narrative which is pertinent is the description of the relation in which the Aeginetans stood to Epidaurus. We read: *τοῦτον δὲ ἔτι τὸν χρόνον καὶ πρὸ τοῦ Αἰγινῆται Ἐπιδαυρίων ἤκουον τὰ τε ἄλλα καὶ δίκας διαβαίνοντες ἐς Ἐπίδauρον ἐδίδoσάν τε καὶ ἐλάμβανον παρ' ἀλλήλων οἱ Αἰγινῆται, ἰ. e.* during this period and previously, the Aeginetans were generally subject to the Epidaurians, and, in particular, crossed over to Epidaurus in order to bring or defend the actions which arose among themselves.

Here we have a case in which the rule prevailed which Curtius asserts to have obtained universally between colonies and their mother cities. But what proof is there that Aegina was a colony founded by Epidaurus, in the same sense that Corcyra was a colony of Corinth? Whatever interpretation may be given of the legendary settlement of Aeacus, recounted by Herodotus and Pausanias, and frequently referred to by Pindar, it is certain that

in prehistoric times, the island of Aegina was occupied by Hellenes of the Achæan stock ; and when Hdt. VIII 46 says of the Aeginetans that they *εἰσὶ Δωριεῖς ἀπὸ Ἐπιδαύρου*, he can only mean that at the time of the Persian war the island had been Dorized by its conquest by Epidaurus. Aegina, when seized by settlers from Epidaurus, was not a foreign land, wholly unoccupied or occupied only by barbarians, but an island already famous in Greek legendary history ; and must have been looked upon by the Epidaurians as a conquered country, which possessed no rights except such as the conquerors were willing to concede. It was natural, therefore, that the Epidaurians, in their desire to secure their new possession and to propagate the Dorian usages, should insist on the adjudication of Aeginetan disputes in Epidaurian courts ; particularly as the distance between the two places was only about 12 miles ; and beyond the merely sentimental grievance it would have been no great hardship for litigants to be compelled to seek for justice at a place so near them, with which, at all times, they must have been in constant intercourse. The Epidaurian settlement in Aegina was probably of the same character as the Attic *κληρουχίαι* which were sent to occupy the lands of conquered Hellenes in Eubœa, Lesbos, etc. As such settlers in no way ceased to be citizens of the parent state, as regular *ἄποικοι* seem to have done except in cases of special agreement, and in this case were at such a short distance from it, it would have been wholly needless for them to organize in their new home a judicial establishment ; and the fact that the new settlers resorted to Epidaurus in quest of justice must have drawn with it the consequence that the conquered inhabitants of the island also were compelled to go thither. It is worth noticing also that the revolt of Aegina from Epidaurus is spoken of by Herodotus as if it were a thing that might be expected to occur so soon as the Aeginetans were strong enough to bring it about ; and without any intimation that in revolting they violated the established Hellenic sentiment which forbade a colony to engage in hostilities with the parent state.

Boeckh (P. Econ., E. Tr. p. 546), speaking of the system of *κληρουχία*, says : " It was seldom practised by Greeks toward Greeks. The Dorians, however, on the return of the Heraclidae into Peloponnesus, afforded an example of it upon a more extensive scale than had been practised in any previous instance ; since they, for the most part, drove out the previous inhabitants, and took possession of their estates, to which they had no other right than

that of conquest." And, p. 555: "That the cleruchi were amenable to the jurisdiction of the Athenian courts alone must have been considered by them as a right, not as an obligation, because otherwise the cleruchus would have renounced an essential right of an Athenian citizen."

According to this view, then, the conquest of Aegina by Epidaurus must have been of a similar character to that of the Peloponnesus in general by the Dorians; and the transference of Aeginetan disputes to Epidaurian courts took place in the natural course of things, as with all cleruchian settlements.

I think it must be allowed that the passages referred to by Curtius are entirely inadequate to support his assertion that the obligation of resorting to the courts of the metropolis was imposed generally, and from the first, upon Greek colonists, as a means of assuring or of indicating their political dependence.

If we now turn to see what other writers have said on the character of the colonial relation, we are so far from finding any warrant for the assumption of Curtius that the contrary of it is distinctly asserted or implied. K. F. Hermann (Gr. Alt. §73) says: "The application of the principles of Roman colonization, or particular instances drawn from times when ambitious states laid claim to possession on the mere ground of relationship" (he refers here to the claim of Thebes to Plataea), "has caused the real independence of the Greek colonies to be overlooked. Where no special reasons can be alleged to prove the contrary, it must be assumed as the rule that the duties of a colony to its metropolis were no other than those which natural piety imposed on a daughter in relation to her mother. Hence it followed, of course, that they could not, except in extreme cases, make war on each other; and that, in all matters of common interest, the colony gave precedence to the parent state. Yet neither of these circumstances implied any sovereignty or permanent *ἡγεμονία* on the part of the parent state, or any right to trench on the political independence of its offspring, nor any closer connection than that imposed by the ties of kindred." In one of his notes on this passage, Hermann refers to the case of Aegina, spoken of above, and merely remarks that it "gehört nicht hierher." I find similar statements in all the other authors that I have been able to consult. Heyne, whose two essays in the first volume of his *Opuscula* are the common storehouse from which subsequent writers have drawn, calls attention to the cases in which Greek colonies seem to have owed their foundation to the volun-

tary or forced abandonment of their own country by a discontented part of the population; in which cases we may be sure that "nec metropolin de ullo suo in eos iure nec illos de ulla necessitudine aut obsequio cogitasse." Such colonists would be apt "metropolin suam novercae potius quam matris loco habere. Mores quidem ac consuetudines institutaque a maioribus accepta cum sermonis ac linguae consociatione cum populis in novas sedes migrarunt: sensus forte etiam aliquis necessitudinis alicuius, qualis inter populares ac consanguineos esse solet, animis insedit: at de iure aliquo nemo profecto iis temporibus cogitavit." He then proceeds to say that in the case of colonies which were sent out by the parent state, with due observance of all customary formalities and with a distinct view to its own aggrandizement, there was at first no notion of holding the colonists in subordination. "Ita satis habuere, modo liberum aditum et stationem navium, commercia et fora, in coloniis haberent, plerumque sic, ut barbari, qui vicinas terras incolebant, ad mercatum confluerent: in ceteris rebus coloniae autonomae habebantur suisque iuribus ac legibus utebantur."

Raoul-Rochette also describes the normal relation of colonists to their parent state in similar terms; and asserts that the practice of forcing colonists to submit their disputes to the courts of the mother city was introduced by the Athenians, who "furent les premiers à donner ce funeste exemple: ils essayaient d'abord sur les nombreuses colonies, qui leur devaient la naissance, un système d'usurpation, dont le succès favorisa de nouvelles entreprises, toutes suggérées par le même esprit, et dirigées vers le même," but—"la déférence que quelques colonies avaient montrée pour les lumières de leur ancienne patrie, en lui demandant de nouvelles lois et des législateurs choisis dans son sein, donna naissance à un genre d'usurpation auparavant inconnu. Des lors le droit de rendre la justice fut exclusivement réservé à la métropole."

Again, in the elaborate article on Greek colonies in Ersch and Gruber's *Encyclopaedia*, the normal relations between mother state and colony are described in similar terms to those quoted above; and then the writer continues: "But in the history of the Attic people, especially, we find some other particulars which must by no means be regarded as the natural consequences of the fundamental principle, but rather as a usurpation which gradually impaired and ultimately destroyed the independence and the freedom of internal administration which belonged to all colonies. These were the exactions of a tribute, and the administration of

judicial business which Athens took upon herself either by sending a special agent for the purpose, or by causing legal business to be brought to Athens."

I find substantially the same account of things in the article by Schöffle, in Bluntschli's *Staatswörterbuch*, and in Schoemann's *Griechische Alterthümer*. The latter writer distinguishes four classes of colonies, in reference to the circumstances which gave occasion to their foundation. The first class comprises those which were established in consequence of the ruin of the mother state by alien conquerors; as the Messenians, after the conquest of Messenia by the Lacedaemonians, joined the Chalcidians in founding Rhegium, and, after the Persian conquest of Asia Minor, the people of Teos founded Abdera, and the Phokaeans founded first Velia in Italy, and afterwards Massalia. In these cases there would be no metropolis to afford protection, or to receive any marks of deference. And the same will hold, so far, at least, as regards the submission of legal disputes to the courts of the metropolis, of the second and third classes likewise. For sometimes internal dissensions gave occasion to the withdrawal of a discontented and defeated party, who hoped to find a more satisfactory home in a foreign land; circumstances which led to the founding of Syracuse by Archias from Corinth and of Tarentum by the fugitive Parthenii from Laconia. And, again, occasionally an oligarchical government got rid of a portion of the poorer class, which seemed to be increasing dangerously, by procuring an oracular command that a definite portion of the population should undertake the establishment of a colony, which is said to have been the way in which Rhegium came to be founded by the Chalcidians. Most colonies, however, were founded with the purpose of furthering the commercial interests of the parent state; and, in these cases, no doubt the reciprocal obligations of protection and deference would be fulfilled most completely and for the longest time. But when we come to ask what these were, on the part of a colony, we do not find, according to Schoemann, anything else established as a rule, except what we have already found the Corinthians complaining that the Corcyraeans neglected. Schoemann also insists on the essential difference between a colony *ἀποικία*, and a *κληρουχία*; and in his account of the latter he states that all the important legal business of the *κληροῦχοι* was determined in the courts of the metropolis.

It is perhaps also worthy of note that in the inscription in refer-



ence to the establishment of the colony of Brea in Thrace, which took place under the administration of Pericles, circa B. C. 440, provision is made that the colonists shall send certain cattle for the celebration of the great Panathenaea, and a *φαλλός* for the Dionysia; thus confirming the inference drawn from the statements in Thucydides, and showing, as Mr. Hicks says in his commentary, "that the connection with the mother city is to be maintained by *θεωρίαι* and contributions to the great Athenian festivals." The fact that no mention is made here of any necessary resort to Athenian law courts does not, of course, prove that the colonists at Brea would be, at this time, exempt from this obligation to any greater degree than other cities which were under the Athenian hegemony. But in default of other inscriptions relating to the establishment of colonies, and of any distinct statements in the authors as to the formalities observed or the conditions prescribed on such occasions, it is perhaps allowable to infer that this decree follows the common form which had been in use at Athens when a colony was established; and if it is so, we may further infer from its silence that the obligation of recognizing the supremacy of the metropolis, by resorting for justice to its law courts, was not, even in the practice of the Athenians, where we should most expect it, formally imposed on the outgoing settlers.

I have endeavored to show that the assertion of Curtius "that colonies were, according to the most ancient usage, universally obliged to settle their legal disputes in the mother city," is neither supported by the passages he seems to cite in favor of it, nor sanctioned by the other writers who have treated on the subject or by the authorities quoted by them, so far, at least, as I have been able to examine them. Why then, it may be asked, should so excellent a scholar as Curtius go out of his way, as it were, to make a wholly baseless assertion? In his explanation of the term *δίκαι ξυμβόλαιαι*, which he admitted to be equivalent to *δίκαι ἀπὸ ξυμβόλων*, Curtius extended the meaning of the term so as to make it cover all regulations of whatever kind which brought suits of the allies to Athenian courts; and, in order to explain how such an innocent expression as treaty-suits could have come to include all that enforced jurisdiction which was so odious to the allies, he says that it is probable that the voluntary consent of the allies was in outward appearance obtained for this arrangement, and treaties on the subject concluded; and that in this way the lawsuits of the allies came to be counted among the class of legal cases settled

according to special treaties or *ξύμβολα*. Now for this assumption of the conclusion by the Athenians of formal treaties with the allies to give a colorable justification to the jurisdiction they enforced, Curtius knows that he has no written warrant whatever; but he appears to have thought that the allies would have regarded their enforced submission to alien jurisdiction as less grievous, if it could be pointed out to them that, by entering into the required stipulation, they were only placing themselves in the position occupied from the first by the colonies of Athens herself. And finding in Herodotus that account of the subordination of the Aeginetans to the jurisdiction of Epidaurian courts, he rashly inferred that this supplied just the precedent he wanted; and that he might safely base upon this his assumption of a universal rule of such colonial dependence, and thus establish the missing middle term between the perfectly free contracts which independent states made with each other for the regulation of their commercial intercourse, and the arbitrary subjection to Attic courts which imperial Athens forced upon her reluctant allies.

C. D. MORRIS.