REVIEW

Peter Klose, *Die völkerrechtliche Ordnung der hellenistischen Staatenwelt in der Zeit von 280–168 v. Chr.* Münchener Beiträge zur Papyrusforschung und Antiken Rechtsgeschichte, 64. Heft. C. H. Beck, München 1972, pp. x, 235.

The history and institutions of the Hellenistic world are not on the whole orderly or uniform, and all attempts to extract universal patterns from the material are of the utmost difficulty. There are always exceptions, and in the end the crucial question is whether the exceptions are such as to invalidate the generalization. The Greeks themselves, despite their modern reputation for order and rationality, seldom adhered to technical terminology or a tightly defined system. When Peter Klose undertakes to discover whether the Hellenistic world can offer a period in which international relations were governed by law, he faces a formidable problem in seeking to define a binding system of order and to demonstrate that it was recognized and adhered to as a rule by the Hellenistic states themselves.

The work begins with a definition of the problem in terms of the work of Klose's mentor, Wolfgang Preiser.[1] An "international-legal order," or perhaps better, a rule of international law, is a system in which states recognizing one another as autonomous and of rank equal to their own, engage in extensive mutual relations, in which the various parties act on the assumption that they are bound by legal ties that are not unilaterally changeable. It is not enough, Preiser

1. Preiser was the director of the form of this work submitted as a Frankfurt dissertation in 1971.

asserts, that there be some individual manifestations of such a spirit; rather, the system as a whole must rest on such principles. The scholar who would prove the existence of such an order in a given period must thus demonstrate not only that events happened in accordance with such a picture, but that the participants in those events acted as they did because they accepted a system of values and laws of this kind. One must, in short, prove intention. This is not the place to discuss the validity of the definition by Preiser on which Klose proceeds, which seems to me too narrow. Klose's work must be judged by the extent to which his application of this definition to the Hellenistic world is justified.

Klose states in the introduction that only the conditions internal to the Hellenistic world of the eastern Mediterranean will be considered (a restriction largely ignored in the final chapter), and that the semi-Hellenized states of Asia Minor such as Pontus, Bithynia, and the like, will be excluded from consideration. Chronologically, the eight decades from 280–200 are to be the focus, for reasons that are developed in Chapter I. There is a brief statement of conclusions at the end of the introduction (pp. 4–6), consideration of which may be deferred until we have seen more of the detailed argument.

Part I deals with the period before 280; the author takes us back to 338, which he regards as the end of an era in international law; the fundamental criterion for this judgment is the reduction by Philip of the sovereignty of the Greek cities to a formality, thus excluding the notion of agreements between equal states. Even less did Alexander recognize the notion of equal relationships with other states; they existed only for him to conquer.

The next section deals with the period from 323 to 280, in a running summary of events (pp. 17–26), which dwells heavily on the much-repeated opinion that Antigonus sought to eliminate his opponents, while Ptolemy was inclined toward restraint and compromise. The politics of Antigonus and Demetrius, and after them the brief imperial periods of Lysimachus and Seleucus, offer a clear proof to Klose that before 280 one does not have a situation in which one king recognized another as his legal equal, who had an independent right to exist. The assumption that these two attitudes are so inextricably linked—that a king who recognizes another as his equal is therefore committed to avoid destroying him—appears to me highly dubious. These Macedonians were equals; they had served together

under Alexander, and they always treated one another with courtesy. But they were anything but sentimental about one another, and the sole reason for ensuring the preservation of another king was to avoid a disruption of the balance of power that was unfavorable to oneself. Klose would like to see the principles of law and even philosophy behind Antigonus Gonatas' renunciation of his father's and grandfather's imperialistic policies; others may prefer to see in this Antigonus' relative impotence.

The second chapter (pp. 33–180) is devoted to the period 280–200, the "balance of power," about which Klose rightly asks whether it is simply the result of a rough equality of power or whether it represents the effects of a widespread devotion to the principle of balance. His answer is, as it must be to defend his central thesis, that the latter is true, that ideological considerations play an important role in the preservation of the balance of the third century. The first part of the chapter is devoted to a description of the Hellenistic kingdoms, first in general (pp. 36–42), then in specifics (pp. 42–52). The ground is familiar, and the summary offers no novelty. One wonders whether all of it is necessary and useful.[2]

Much the same is true of the succeeding section, in which the mutual dealings of the Ptolemies, Seleucids, and Antigonids are recounted at length (pp. 52–80). This part has the character of a hasty digest of the works of other modern scholars, and Klose's choice of these is not always what it should be, nor is his knowledge of even the most important recent contributions in evidence.[3] The succeeding section (pp. 80–92) reviews the interconnections in summary, attempting to characterize them with respect to the attitudes toward one another of the various kingdoms. The conclusion, in each case, is that one state viewed another as a "selbständige, souveräne Staatsgewalt gleichen Ranges." This is no doubt true; the Hellenistic kings were no fools, and there is no likelihood that they mistook one another for puppets or inferior beings. Whether they liked this situation or wished it to continue, is another matter entirely. Since we have

2. One is often puzzled by the nature of the references cited (see also below). On p. 41, in connection with "mercantilism," a reference to E. Will's *Histoire politique du monde hellénistique* I would have been useful; p. 43, the remarks on Samos are out of date, and n. 39 should above all cite Chr. Habicht's article in *Ath.Mitt.* 72, 1957.

3. One is surprised to find no citation of the work of J. R. McCredie (*Fortified Military Camps in Attica*) in the discussion of the Chremonidean War (p. 70), which is put out of date by McCredie's study.

no reason to believe that any of these kings was ever able to eliminate his opponents, the question of such recognition seems to me academic. There is no indication that these monarchs suffered from the modern notion that a state deserving *de facto* recognition might be refused it *de iure* because one disliked its politics.

As curious as this notion (that the kings might not have recognized one another) is the author's idea of what constitutes evidence for such recognition. This evidence includes dynastic marriages, peace treaties, and avoidance of imperialistic and opponent-destroying military policies. And yet all of these, above all dynastic marriages, were a constant feature of the period of the Successors, 323–280, which Klose excludes from the period of the "völkerrechtliche Ordnung". By such standards, one has as good a case for the various Successors' recognizing one another as one does for the second and third generations. It does not appear to me, therefore, that the case has been made for the conclusions drawn at the end of this section: that the idea of a balance had a life of its own that transcended the practical considerations that entered into royal policymaking.

The next section (pp. 93–137) deals with the smaller states of the Greek world: the Aetolian and Achaean leagues, Athens, Sparta, Rhodes, and Pergamon. For all of these the international relations are examined in some detail, with the conclusion that all of them respected the great powers (we may ask, how could they not?) and one another. The seeming violations of this order by the Aetolians are minimized.

Having demonstrated to his satisfaction the first condition of the rule of international law, the mutual recognition as equals by the powers concerned, Klose turns to the second necessity, continuous and intensive international intercourse in the areas of culture, economics, and politics. In what he rather oddly characterizes as the "weitgehende Homogenität" of the Hellenistic period, of course, there is no lack of trade, diplomacy, and other international connections. These are then examined under certain legal rubrics: the laws of peace (pp. 140–148), of war (pp. 148–164), of neutrality, embassies, and the sea (pp. 164–169). The survey is useful, though Klose's strong tendency to insist on points of order and gloss over disorder is sometimes disconcerting. The conclusion is that these activities are all indicative not merely of scattered instances of international law but of its rule in a general order. The second condition is thus considered met.

The third condition is the hardest, the demonstration of the conviction on the part of the states that their agreements and the other customary values of international law have binding force and are not to be altered or renounced by an individual party. The evidence for this condition's being fulfilled is drawn largely from Polybius, in particular a number of cases involving argument about the justice of the sides in a war; the implication is that justice matters to the parties, that they were concerned that the judgment of mankind should be that they had behaved lawfully. A second argument is based on the internal development of a rule of law in the monarchies, and the notion that the king was obligated to rule justly and legally. This section appears to me to be the least convincing of this chapter; among other problems, too much of the evidence comes from Polybius, who is scarcely a good representative of the viewpoint of the Hellenistic kings, most of whom, as Klose recognizes, he disliked and viewed as incompetent, immoral, or both. If there is any viewpoint Polybius represents it is that of a person heavily steeped in Roman ways looking at the Greek world. We have, to be truthful, virtually no evidence on the subject of how the Hellenistic monarchs looked at the question of their "legal obligations," and we will probably never have such evidence.

The final section (pp. 181–211) deals with the breakup of the Hellenistic order in the years 200–168, under the impact of Roman intervention. Here, curiously, Klose concentrates on Rome's attitude toward the Hellenistic states at each major stage of the period (after Cynoscephalae, Magnesia, and Pydna). The attitudes toward one another of the Greek states are scarcely treated. It is in 168, argues Klose, that Rome finally ceased to treat the Hellenistic states as autonomous kingdoms of more or less the same stature as herself, and came to view them as her subjects. This concentration on the Roman view is a violation of Klose's initial guidelines for this work, and it in fact falls into precisely the same trap that caught the kings and Greek states, who viewed Rome as a power like themselves until they understood too late that the Romans thought quite differently from themselves. Klose completely ignores the nature of Roman thought,[4] and treats Rome's actions as if they needed to be explained

4. Recent study of Roman policies is seen through the summary of W. Dahlheim in *Struktur und Entwicklung des römischen Völkerrechts*; even the works of E. Badian, listed in the bibliography, are used hardly at all.

in terms of Hellenistic assumptions. He takes no notice of the centrality of Rome's view that its relationships held obligations on both sides, be they relationships formed in the third century or in the second, and it is the insistence on and enforcement of these obligations and duties, not any concern with the autonomy (or lack of it) of the other states, that governs the Romans' attitude toward the Hellenistic states. After insisting on legal structures rather than power politics throughout the book, Klose cannot now disregard the viewpoint of Rome to assign it a position in the politics of this period from the Greek point of view.

I have argued several times that the author has seen too much ideology and not enough of the realities of international politics in the phenomena he describes. Much of this problem may be attributable to the scholarly methods employed here. In order to sweep through a complicated period without rewriting political history, Klose has relied almost everywhere on secondary works, citing from the primary sources almost exclusively the literary sources. Inscriptional material is usually taken at second-hand,[5] and rarely is a document explored in any detail. Such a method may suffice for placing a study in perspective, for establishing its connections with other subjects. But as the major approach to the central subject of the work, it inevitably warps the evidence. Hellenistic history is for the most part thus seen already focussed (or perhaps distorted) by the juristic interests of Klose's authorities; the documents themselves have not been allowed to act as a check. This tendency is reinforced by the heavy use of a relatively few works[6] to the exclusion of much modern detailed work on the period.

Although the conclusions of this work and its methods appear to me dubious, it is not without value. Only through such attempts to find an order in the Hellenistic world's history and institutions are we stimulated to test such systems and formulate either different ones or reasons for not giving one. And something of a survey of what can be

5. An example: *I. Labraunda* I is ignored, but Bengtson's discussion of it is cited (*Sitzb. Bayer.Akad.* 1971, H.3). Though Klose mentions foreign judges, he nowhere cites any of the many important works of L. Robert dealing with this subject.

6. I note a heavy reliance on the works of Niese, Beloch, Volkmann, Tarn and Griffith, Bengtson, Braunert, Busolt-Swoboda, Ehrenberg, Seibert, H. H. Schmitt, Heuss, Dahlheim, and others. Approximately 80 per cent. of the bibliography is in German.

said about many aspects of Hellenistic law in the international dimension is brought together here. That this attempt is not successful testifies to the difficulty of the problem and to the caution with which we must approach it.

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