

A DIPLOMATIC FIASCO

The First Athenian Embassy to Sardis (Hdt. 5,73)

Herodotus' first mention of official contact between Athens and the Persian Empire comes in 507/6 when, he tells us (5,73,2–3), Athenian envoys visited Sardis with a view to securing an alliance against the Spartans:

ἀπικομένων δὲ τῶν ἀγγέλων ἐς τὰς Σάρδις καὶ λεγόντων τὰ ἐντεταλμένα Ἀρταφέρνης ὁ Ὑστάσπεος Σαρδίων ὑπαρχος ἐπειρώτα τίνες ἐόντες ἄνθρωποι καὶ κοῦ γῆς οἰκημένοι δεοῖατο Περσέων σύμμαχοι γενέσθαι, πυθόμενος δὲ πρὸς τῶν ἀγγέλων ἀπεκορύφου σφι τάδε· εἰ μὲν διδοῦσι βασιλείᾳ Δαρείῳ Ἀθηναῖοι γῆν τε καὶ ὕδωρ, ὃ δὲ συμμαχίην σφι συντείθετο, εἰ δὲ μὴ διδοῦσι, ἀπαλλάσσεσθαι αὐτοὺς ἐκέλευε. οἱ δὲ ἄγγελοι ἐπὶ σφέων αὐτῶν βαλόμενοι διδόναι ἔφασαν, βουλόμενοι τὴν συμμαχίην ποιήσασθαι. οὗτοι μὲν δὴ ἀπελθόντες ἐς τὴν ἐσωτῶν αἰτίας μεγάλας ἔσχον.

“This tradition is not at all likely to be false, though it is fragmentary”, observes Macan (ad loc.).¹ Herodotus cannot have been insensitive to the embarrassing paradox of such overtures; this strange initiative is a measure of Athenian desperation. The formality of the reference to Artaphernes² might misleadingly suggest that he is here mentioned for the first time (but cf. 5,25,1; 30,5; etc.); it marks the potential importance of this mission. The satrap's reaction to the Athenian delegation may look like a literary cliché, to be echoed in Darius' response to a report of the Athenian involvement in the burning of Sardis (5,105): compare Atossa's question

1) R. W. Macan, *Herodotus. The Fourth, Fifth, and Sixth Books* (London 1895), 213.

2) Herodotus' MSS clearly favour Ἀρταφέρνης, though Ἀρταφέρνης is regularly offered by a minority; the latter is nearer to OPers., but Aeschylus' Ἀρταφρένης (Pers. 21, 776, 778), guaranteed by metre, must have been influential. For Artaphernes (= *Vindafarna*), the only other such name in Herodotus, there is better support for -φέρνης; see further R. Schmitt, *Greek Reinterpretation of Iranian Names by Folk Etymology*, in: Elaine Matthews (ed.), *Old and New Worlds in Greek Onomastics*, PBA 148 (2007) 135–50 (148–9). OPers. **farnah* 'fortune' is more faithfully preserved in Greek as the first element in personal names, e. g. Pharnakes (Hdt. 7,66,2 etc.), Pharnaspes (2,1,1 etc.).

(Aesch. Pers. 230–1: κείνα δ' ἐκμαθεῖν θέλω, / ὦ φίλοι· ποῦ τὰς Ἀθήνας φασὶν ἰδρῦσθαι χθονός;) and Cyrus' reaction to the arrival of Spartan envoys (1,153,1). But in this case it is realistic; the satrap needed to know what Athens amounted to. Herodotus might have expected the reader to wonder what the Athenians had to offer as an inducement for Persian support: did he really have no idea?³ Artaphernes' response is highlighted by ἀπεκορύφου, a rare verb which Herodotus uses nowhere else:⁴ if they give earth and water to Darius, he, Artaphernes, was for making an agreement with them; otherwise, he told them to leave. The Athenian assembly had apparently hoped for a relationship on some basis other than formal submission.⁵ Faced with this stark choice the envoys agreed to give earth and water (διδόναι ἔφασαν). Herodotus does not say that they did more than give an undertaking. I hope to show that they could not have completed their negotiations, and that, contrary to what seems to be the prevailing view, no treaty or alliance had been made.

Τὸ δίδοναι γῆν καὶ ὕδωρ δουλεύειν ἐστὶν in Aristotle's view (Rhet. 1399b11–2); but that is not quite the whole story. The increasing, and generally welcome, effort to see dealings between Greeks and Persians in a less Hellenocentric perspective may allow us to see that from the Persian point of view the surrender of political independence entailed by incorporation in the Empire was

3) We may speculate about the possible relevance of the oracles which Cleomenes took from the Acropolis containing warnings of an Athenian threat to Sparta (5,90,2), perhaps to be identified with the *logia* foretelling the expulsion of Dorians from the Peloponnese by the Athenians and Persians (8,141,1).

4) It is difficult to see any stylistic purpose in the slightly confusing combination of the constructions of direct and indirect speech. συνετίθετο well illustrates the use of the imperfect for an activity projected but not performed; see W. W. Goodwin, *Syntax of the Moods and Tenses of the Greek Verb* (London 1889), 12 §36.

5) Had Miltiades and his friends given the impression that some kind of halfway status might be feasible? It would have made good sense for the satrap to maintain friendly relations with small communities on the fringes of the Empire (if only on the principle embodied in Aesop's fable of the lion and the grateful mouse [150 Perry]). Miltiades' position vis-à-vis Persian authority is delightfully vague (and speculation about his career before Marathon offers plenty of scope for the historical novelist), but we are surely not entitled to infer from Herodotus' account of his presence at the Danube bridge (4,137) that he had formally offered submission to Persia.

offset by the advantages of membership of a large, and expanding, international superstate, whose ruler, once securely established on the throne, would hardly have dissented from the Augustan programme of *pacis imponere morem, parcere subiectis et debellare superbos*. This shift in viewpoint has affected the interpretation of the offering of earth and water, detaching it from what had been hitherto regarded as its context in Hellenic custom. It is not necessarily an objection to this development that it has problematised what previously seemed relatively straightforward, but L. L. Orlin's attempt to understand the practice in specifically Zoroastrian terms has not generally been found convincing.⁶ A more nuanced attempt by Amélie Kuhrt attempts to explain the custom by reference to Achaemenid imperial ideology and emphasises how little we know about the procedures surrounding this symbolic offering.⁷ The lack of direct Persian evidence makes this approach rather frustrating, while insufficient regard is now paid to the important discussions of ancient legal symbolism by Martin Nilsson⁸ and N. Strosetzki.⁹ We may do better to look more closely at the Greek background.

This is not Herodotus' first reference to a Persian demand for earth and water in token of submission. That comes in the course of Darius' Scythian campaign when the king, obstinately refusing to accept the realities of such asymmetric warfare, offers King Idanthyrsus a choice: either stand and fight or, admitting your inferiority, δεσπότηι τῶι σῶι δῶρα φέρων γῆν τε καὶ ὕδωρ ἐλθεῖ ἐς λόγους (4,126). Idanthyrsus scorns these alternatives, but Darius is so reluctant to concede that the Scythians have the upper hand that he insists on interpreting Idanthyrsus' subsequent gift of a bird, a mouse, a frog and five arrows as expressing rather imaginatively the message that might be conveyed by offerings of earth and water (132,1): Δαρείου μὲν νυν ἡ γνώμη ἦν Σκύθας εἰσὶ τῶι διδόναι . . . γῆν

6) L. L. Orlin, Athens and Persia ca. 507 B. C.: a neglected perspective, in: L. L. Orlin (ed.), Michigan Oriental Studies in honor of George G. Cameron (Ann Arbor 1976), 255–66.

7) A. Kuhrt, Earth and Water, in: A. Kuhrt / H. Sancisi-Weerdenburg (eds.), Achaemenid History 3: Method and Theory (Leiden 1988), 87–99.

8) M. Nilsson, Die "Traditio per terram" im griechischen Rechtsbrauch, ARW 20 (1920–1921) 232–5.

9) N. Strosetzki, Antike Rechtssymbole, Hermes 86 (1958) 1–17.

τε καὶ ὕδωρ, εἰκάζων τῆϊδε, ὡς μῦς μὲν ἐν γῆι γίνεται καρπὸν τὸν αὐτὸν ἀνθρώπῳι σιτεόμενος, βάρραχος δὲ ἐν ὕδατι, ὄρνις δὲ μάλιστα οἶκε ἵππῳι, τοὺς δὲ οἰστοὺς ὡς τὴν ἐωυτῶν ἀλκὴν παραδιδούσι. Darius' interpretation is conclusively refuted by events, while the alternative offered by Gobryas is confirmed (132,2–3, cf. 134,2); the latter is wholly in keeping with the conventions of such symbolic communications: "Ἦν μὴ ὄρνιθες γενόμενοι ἀναπτήσθε ἐς τὸν οὐρανόν, ὧ Πέρσαι, ἢ μύες γενόμενοι κατὰ τῆς γῆς καταδύητε, ἢ βάρραχοι γενόμενοι ἐς τὰς λίμνας ἐσπηδήσητε, οὐκ ἀπονοστήσετε ὀπίσω ὑπὸ τῶνδε τῶν τοξευμάτων βαλλόμενοι.¹⁰ We may well have doubts about the historicity of these negotiations; here, as generally in his treatment of Darius' Scythian campaign, Herodotus is much more interested in ethnography than in military history. It must be emphasised that he takes the sense of the Persian demand to be self-evident; there is nothing to be explained. Even the nomad Scythians, whose way of life in many ways defies the norms of settled peoples, may be expected to understand it.

The Persian demand for earth and water becomes a recurrent motif in Herodotus (cf. 5,17–18,1; 6,48–9; 6,94; 7,138,2; 7,163,2; 7,233; 8,46,4); in some instances he abbreviates the request to earth alone (7,32; 7,131; 7,133,1). There is no independent testimony, apart from a questionable reference in Judith (2,6–7), where Nebuchadnezzar gives orders to Olophernes, his commander-in-chief: καὶ ἐξελεύσῃ εἰς συνάντησιν πάσῃ τῇ γῆι ἐπὶ δυσμάς, ὅτι ἠπειθήσαν τῷ ῥήματι τοῦ στόματός μου, καὶ ἀπαγγελεῖς αὐτοῖς

10) I have discussed this symbolic message in more detail in: *The Scythian ultimatum* (Herodotus iv 131, 132), *JHS* 108 (1988) 207–11; this style of communication is well attested among illiterate peoples (and likely to have been familiar to the Persians). To the examples there given from Central Asia I can add the following Victorian instance, in its manifestation of alarmist ingenuity a nice counterpart to Darius' optimistic interpretation: "Absurd rumours of the intentions of the Gilgit authorities frightened Sher Afzul, and more particularly the Chitral nobles . . . A comical mistake is said to have intensified their terror. Some grain . . . and a few melons were sent from Gilgit to the native servant of a British officer. By misadventure, this small load went astray, and got handed on from village to village, until it eventually reached Chitral, where it created consternation. It was held to be the warning of a friend in Gilgit, that the advancing troops were as numerous as grains of corn, and that all who opposed them would be cut to pieces like melons" (Sir George Robertson, *Chitral: the story of a minor siege* [London, 1898] 34). For symbolic gifts intended to taunt or humiliate the recipient cf. *Hdt.* 4,162,5.

ἔτοιμάζειν γῆν καὶ ὕδωρ, ὅτι ἐξελεύσομαι ἐν θυμῶι μου ἐπ' αὐτούς ('March out against the peoples of the west who have dared to disobey my command. Tell them to have ready their offering of earth and water, for I am coming to vent my wrath on them').¹¹ Neither geography nor history was of much concern to the writer of Judith, and this isolated association with Nebuchadnezzar, whose plan appears rather confused, should certainly not be construed as evidence that in this, as in many aspects of their administration, the Persians took over a practice of their predecessors.¹² To what extent the Hellenistic Judith is indebted to Herodotus need not now concern us.¹³

From the point of view of Herodotus and his audience the Persian demand was easily interpreted by reference to the practice of formalizing the transfer of possession of land by a physical act of conveyance symbolised by a turf or clod taken from its earth; pars pro toto, the land thus passes from hand to hand. This is familiar from legend; for parallels from real life we must look outside the Greek world, but the motif would be unintelligible in legend if it was not well established in actual custom. The concept is basic to the myth of Pindar's Pythian 4 (dating from 462), where the Battiads' claim to sovereignty at Cyrene derives from the presentation by the indigenous god of a clod of earth to their Argonautic forebear Euphamos when the heroes reached Lake Triton after a long struggle northwards through the Libyan desert (28–37):

τουτάκι δ' οἰοπόλος δαίμων ἐπήλθεν, φαιδίμαν
 ἀνδρὸς αἰδοίου πρόσοψιν
 θηκάμενος· φιλίων δ' ἐπέων

11) New English Bible, 1970.

12) M. Malul, *Studies in Mesopotamian Legal Symbolism* (AOAT 221, Neukirchen-Vluyn 1988), offers nothing similar, though the author is well aware of the element of symbolic ceremonialism manifested in the oldest stages of Greek, Roman, and Germanic legal systems.

13) See further M. S. Caponigro, *Judith, Holding the tale of Herodotus*, in: J. C. Vanderkam (ed.), 'No One Spoke Ill of Her'. *Essays on Judith* (Atlanta, Georgia 1992), 47–59; A. Corcella, *Giuditta e i Persiani*, in: *Scritti in ricordo di Giacomo Bona. Annali della Facoltà di Lettere e Filosofia dell'Università degli Studi della Basilicata* 9 (1999) 73–90; R. Rollinger, *Altorientalisches im Buch Judith*, in: M. Luukko / S. Svärd / R. Mattila (eds.), *Of Gods, Trees, Kings, and Scholars. Neo-Assyrian and Related Studies in Honour of Simo Parpola* (Helsinki 2009), 429–43.

ἄρχετο, ξείνοις ἅτ' ἐλθόντεσσιν εὐεργέται
 δεῖπν' ἐπαγγέλλοντι πρῶτον.
 ἀλλὰ γὰρ νόστου πρόφασις γλυκεροῦ
 κώλυεν μείναι. φάτο δ' Εὐρύπυλος Γαι-
 αόχου παῖς ἀφθίτου Ἐννοσίδα

ἔμμεναι· γίνωσκε δ' ἐπειγομένους· ἄν
 δ' εὐθύς ἀρπάξαις ἀρούρας
 δεξιτερᾷ προτυχὸν ξένιον μάστευσε δοῦναι,
 οὐδ' ἀπίθησέ νιν, ἀλλ' ἥρωσ ἐπ' ἀκαταῖσιν θορών,
 χειρὶ οἱ χεῖρ' ἀντερείσαις
 δέξατο βόλακα δαιμονίαν.

Then it was that the solitary divinity drew near, assuming the glad countenance of a considerate man, and began with friendly words, the ones with which the charitable first of all offer a meal to strangers when they come. But in fact the excuse of our sweet home-coming prevented us from staying. He said that he was Eurypylos, the son of Gaiachos (imperishable Ennosidas). He recognised that we were hurrying on our way and seizing up at once some soil in his right hand, sought to give what first came to hand as a hospitable gift. And he did not fail to persuade him, but the hero leapt upon the shore, and pressing hand to hand received the divine clod of earth.¹⁴

How much this complicated narrative, presented in the form of a prophecy by Medea, owes to Pindar's own creative imagination must remain uncertain, but the prominence given to the motif would be baffling if it did not reflect traditional practice for the transfer of property rights.¹⁵ The emphasis on the pressing of right hands should be noted; already in Homer (Il. 2,341 = 4,159) contractual agreements involve such handclasps (δεξιαί), and it is probably safe to infer that solemn handshaking was part of the procedure.¹⁶

14) B. K. Braswell's translation (A Commentary on the Fourth Pythian Ode of Pindar [Berlin 1988]); see further his notes ad loc.; I. Malkin, *Myth and Territory in the Spartan Mediterranean* (Cambridge 1994), 174–81; M. Giangulio, *Constructing the past: colonial traditions and the writing of history. The case of Cyrene*, in: N. Luraghi (ed.), *The Historian's Craft in the Age of Herodotus* (Oxford 2001), 116–37; S. Hornblower, *Thucydides and Pindar* (Oxford 2004), 107–13.

15) The motif is further complicated by the fact that the Argonauts cannot immediately take possession of the property thus transferred to them; see further L. Gernet, *The Anthropology of Ancient Greece* (Baltimore and London 1981), 90.

16) See further C. Sittl, *Die Gebärden der Griechen und Römer* (Leipzig 1890), 135–7. The Near Eastern background to such handclasps in an asymmetric

Rights to the land on which one day Cyrene would be founded are thus transferred as a free gift. Other legendary examples relate to land already settled and involve inadvertence on the part of the donor and / or sharp practice on that of the recipient. Thus the exiled Aletes, son of Hippotas, in accordance with an oracle gained possession of Corinth after being given a clod of earth in mockery when he asked for bread; *δέχεται καὶ βῶλον Ἀλήτης* became a proverb (sch. Pind. Nem. 7,155; Duris of Samos FGrHist 76 F 84 [= [Plut.] Prov. 1,48]; see Jacoby ad loc.). A somewhat similar tale of a clod given contemptuously to a beggar is told of Temon the Ainianian (Plut. Quaest. Graec. 13).¹⁷ Neleus, the son of Codrus and founder of Miletus, gained possession of Miletus by following the instruction of an oracle to settle where a girl gave him earth moistened with water; arriving in Caria he got a potter's daughter to let him have some clay for a seal (sch. Lyc. Alex. 1379: *ὁ δὲ Νηλεὺς χρησμὸν εἰλήφει ἐκεῖ οἰκεῖν, ἔνθα ἄν παρθένος αὐτῷ δῶι γῆν ὕδατι βεβρηγμένην. ἐλθὼν δὲ εἰς Μίλητον παρεκέλευσε κεραμέως θυγατέρα δοῦναι αὐτῷ πηλὸν εἰς σφραγίδα, ἣ δὲ προθύμως δέδωκεν, ὁ δὲ Νηλεὺς ἐκράτησε τῆς Μιλήτου καὶ ἔκτισε γ' πόλεις*). Here water as well as earth figures, as it does in Conon's story (FGrHist 26 F 1,25) of the Cretan-Iapygian immigrants to Bottiaia in Macedonia who, having received an oracle to settle *ἐνθα ἄν τις αὐτοῖς γῆν καὶ ὕδωρ ὀρέξῃ*, induced some children who were making loaves and other goodies from mud (*πηλοῦ*) to exchange their handiwork for real loaves.¹⁸ Children are also tricked in Plutarch's story (Quaest. Graec. 22) of how the sons of Xuthus, Kothos and Aiklos, came to settle Euboea, previously Aeolian, when Kothos induced some small children to give him some earth in exchange for toys; the Aeolians, when they realised what had happened, *ὑπ' ὀργῆς καὶ λύπης διεχρήσαντο τοὺς παῖδας*. This extreme response leaves no

agreement, where one party is undoubtedly more powerful than the other, is well discussed by R. Rollinger / H. Niedermayr, *Von Assur nach Rom: Dexiosis und "Staatsvertrag"*. Zur Geschichte eines rechtssymbolischen Aktes, in: R. Rollinger / H. Barta (eds.), *Rechtsgeschichte und Interkulturalität. Zum Verhältnis des östlichen Mittelmeerraums und 'Europas' im Altertum* (Wiesbaden 2007), 135–78.

17) See further W. R. Halliday, *The Greek Questions of Plutarch* (Oxford 1928), 76.

18) On the Bottiaians' antecedents see also Plut. Quaest. Graec. 35, though he says nothing about clay loaves.

doubt about the significance of the action in itself, without regard to any accompanying words. The children's transaction has binding force, and cannot be revoked.¹⁹

To the modern reader these legends call for more explanation than is offered by the authors to whom we owe them.²⁰ But the stories throw light on each other. Odd as they may seem, we have to admit that we have very little idea how property rights in land were normally transferred in various parts of the Greek world in the archaic and classical periods. No doubt land tended to remain within the same extended family for many generations and seldom changed hands; but the old view that land was originally inalienable, being farmed by kinship groups, now seems difficult to maintain, and there must have been recognised procedures for the transfer of ownership. Hesiod urges his brother to work so that he may buy another's plot and not have to sell his (Op. 341: ὄφρ' ἄλλων ὠνήϊ κλήρον, μὴ τὸν τεὸν ἄλλος), and their father appears to have acquired land in Ascra without experiencing serious problems (Op. 633–40).²¹ The practical details of such transactions in archaic and early classical Greece remain unremarked in our sources,²² but we should not assume that the procedures indicated in legend were no longer familiar in the late sixth century.

For us documents are essential to legitimate the transfer of property rights in land; we find it hard to imagine how such a transaction could be carried out without a good deal of paperwork and properly witnessed signatures. But it took time to establish the principle that such rights depended generally on writings, and without some kind of official registry the danger of forgery was obvious. Fifth-century Athens still relied on oral validation before witnesses in situations where we might take for granted the use

19) “Die Geschichte erinnert an die Art, wie europäische Kolonisten in vergangenen Jahrhunderten um glitzernde Gaspelren und allerlei Tand den Rothäuten und den Schwarzen wertvolle Grundstücke und Landstriche abgekauft haben”, noted Nilsson (above, n. 8) 235.

20) So too with the analogous story which Herodotus offers in his account of the origins of the Macedonian monarchy (8,137), when Perdiccas symbolically takes possession of his master's house and land, and thus of the kingship; see further A. M. Bowie, *Herodotus, Histories Book VIII* (Cambridge 2007), 225–7.

21) See further J. M. Hall, *A History of the Archaic Greek World ca. 1200–479 BCE* (Oxford 2007), 191–2.

22) Somewhat similarly, the only evidence for the practice of transhumance comes from Sophocles, OT 1133–9.

of written documents.²³ In societies with a high proportion of illiterates the development of a ceremonial idiom was particularly important, and this must underlie these various tales in which conveyance, a transfer of rights, involves, indeed depends on, a transfer of earth. In English this development is shadowed lexicographically by the evolution of a specialised sense of ‘deed’, in the modern meaning of title-deed or charter, ‘an instrument in writing . . . purporting to effect some legal disposition’ from a physical act, symbolised by the transfer of a clod of earth or turf from the land, from the former owner to the new, who would promptly take possession of the property.²⁴ It was essential for this symbolic act to be witnessed; property rights depended on the recollection of the community and memorable ceremonies must have been usual.²⁵ This *traditio per terram* was studied by Jacob Grimm with particular reference to Germanic and Scandinavian law (though he mentioned the Persian demand for earth and water as reflecting the same principle). He emphasised the persistence of such symbolic practices, which often continued after written documentation had become normal.²⁶ Nilsson noted reflections of the practice in the long obsolete Roman custom for dealing with disputes concerning land recorded in Aulus Gellius (NA 20,10,9) and in what afterwards was seen as an omen of Vespasian’s future rule, mentioned by Suetonius (Vesp. 5,3): *cum aedilem eum C. Caesar, succensus curam verrendis viis non adhibitam, luto iussisset oppleri congesto per milites in praetextae sinum, non defuerunt qui interpretarentur, quandoque proculcatam desertamque rem p. civili aliqua perturbatione in tutelam eius ac velut in gremium deventuram*. Dio (59,12,3) records an interpretation in more traditional terms: κοῖ

23) See further R. Thomas, *Oral Tradition and Written Record in Classical Athens* (Cambridge 1989), 15–94.

24) See OED s.v. Deed (1) and (4).

25) See further Sir Frederick Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I*, 2nd ed. (1898; reissued with a new introduction by S. F. C. Milsom, Cambridge 1968), ii. 83–90; M. T. Clanchy, *From Memory to Written Record. England 1066–1307* (London 1979), esp. 11–28, 36–8, 203–8.

26) J. Grimm, *Deutsche Rechtsalterthümer* ⁴¹ (nach der Ausgabe von Andreas Heusler und Rudolf Hübner, Leipzig, 1899; besorgt von Ruth Schmidt-Wiegand, mit einer Einleitung von Ruth Schmidt-Wiegand, Hildesheim 1992), 153–68. According to his preface to the second edition, writing this book gave him more pleasure than any of his other works.

τοῦτο οὕτω πραχθὲν παραχρήμα μὲν ἐν οὐδενὶ λόγῳ ᾤφθη, ὕστερον δὲ τοῦ Οὐεσπασιανοῦ τὰ πράγματα τετραραγμένα καὶ πεφυρμένα παραλαβόντος τε καὶ καταστησαμένου ἔδοξεν οὐκ ἀθεεὶ γεγονέναι, ἀλλ' ἀντικρυς αὐτῷ τὴν πόλιν ὁ Γάιος πρὸς ἐπανόρθωσιν ἐγκεχειρικέναι.

We see the same *pars pro toto* principle operating among the Scythians in the construction of some elite burial mounds, where it has been observed that earth or sods of turf have been brought from a considerable distance, apparently representing pasture to be enjoyed by the dead man in the afterlife: grazing rights are thus transferred from this world to the next.²⁷ Such evidence as we have for their language indicates that it was Iranian: their outlook would hardly have been as alien to that of the Persian invaders as Herodotus would have us believe.²⁸ The symbolism appropriate in societies where literacy was rare was also well suited to international negotiations with potential language problems.

We may now return to Sardis in 507/6, confident that the Athenian envoys could not have failed to appreciate the seriousness of Artaphernes' requirement, as tantamount to a transfer of ownership. Acceptance by Persian representatives of the tokens of earth and water would put Attica at the satrap's disposal. It should be stressed that Herodotus does not say that the Athenian delegation gave earth and water, but that they agreed to give (διδόναι ἔφασαν). In other instances of such symbolic submission mentioned by Herodotus Persian invasion is imminent and a Persian representative comes to the community concerned; we should suppose it to be normal in such *pars pro toto* transactions that a clod of earth or sod of turf should be cut on the spot and handed over in the presence of witnesses. We have a variation at 7,163,2: when the outcome of Xerxes' invasion was uncertain, Gelon sent his agent Cadmus to Delphi, furnished with earth and water from the land ruled by Gelon, as well as a substantial sum of money, instant tribute, to be given to Xerxes if he prevailed. No doubt if the Athenian envoys had come furnished with a sod of Attic turf and a bottle of Attic water, Artaphernes would have been satisfied. But

27) See further R. Rolle, *The World of the Scythians* (translated by G. Walls from the German *Die Welt der Skythen* [1980], London 1989), 32–4.

28) In view of the wide diffusion of such customs it is tempting to speculate that their origins might be Indo-European; but I must leave that question to others.

they were not prepared for this and could not complete the proceedings by borrowing a bucket and spade and submitting samples of Sardian earth and water. It seems a reasonable inference that if Athens was to offer submission to Persia, then representatives of the empire should go to Athens and formally take possession of a piece of Attic earth in the presence of a good number of Athenian witnesses. It would clearly not be good enough for the envoys, caught unprepared, to offer to send samples once they got back to Athens. The satrap's representative must see what the new possession amounts to, and prepare a report on the basis of which tribute might be assessed.

Some scholars have treated the symbolic action rather casually. Thus Kuhrt claims that the Athenian envoys "furnished earth and water to Artaphernes".²⁹ This misrepresents what Herodotus says: *διδόναι ἔφασαν*, not *ἔδοσαν*. An undertaking to give earth and water would hardly in itself be more conclusive than handing over a cheque postdated three months hence; until the cheque has been cleared and the money is transferred, we do not regard the transaction as completed. At a higher level, the actual signing of agreements between states, at a fixed time and place, is of international importance: expression of the intention to sign a treaty binds nobody (though a poor view is undoubtedly taken of those who, having earlier agreed to sign, have changed their minds by the appointed time). Presumably the envoys would have to arrange for the satrap's officials (and appropriate staff) to sail back with them (cf. 5,17,1; 5,21,1). What they promised by way of entertainment may be left to the imagination, but the assembly's resistance to what in Sardis had seemed a simple and intrinsically desirable measure must have been highly embarrassing, and the presence in Athens of a small party of the satrap's representatives would have made it im-

29) Kuhrt (above, n. 7) 88. Similarly O. Murray, *CAH*² iv (1988), 465, "an abortive embassy, which gave earth and water and was disowned on its return". Most shockingly Tom Holland, *Persian Fire* (London 2005), 142: "The Athenian ambassadors, shrugging their shoulders, had accepted his [Artaphernes'] terms. On their return to Athens, when they reported the news of the submission they had made to Artaphernes, 'they were severely censured' – which no doubt enabled the democracy to feel good about itself. The Athenians, however, did not repudiate the alliance with Persia – or their own submission ... An insurance policy against the Spartans was no bad thing – even if it had cost a symbolic humiliation. And what was a gift of earth and water? A gesture – nothing more. Or so, at any rate, it pleased the Athenians to assume."

possible for the Athenian envoys to gloss over the commitment they had made ἐπὶ σφέων αὐτῶν βολόμενοι. Certainly this fiasco, fostering the impression that Athenians had an insufficient regard for truth and good faith and nullifying any advantage that might have been gained by their initial friendly overtures, would not have commended Athens to Artaphernes.³⁰ But no treaty had been concluded, and however much the Athenians subsequently annoyed the satrap in Sardis (as with their refusal to re-instate Hippias [5,96] and, more seriously, with their swift support for the Ionian revolt [5,97,3]) they were not in breach of any formal agreement.

Thus far I have concentrated almost exclusively on earth, though water too figures in the legends of Neleus' ploy to gain control at Miletus and of the Cretan-Iapygians' settlement in Bottiaia. How significant is the symbolism of this element? Men whose home is a land of deserts must be acutely aware that riches and prosperity are the gift of the waters. Throughout a large part of the Persian Empire productivity depended on irrigation, and control of water resources was naturally an important element in the organization of the empire. The point is illustrated by Herodotus' strange account of an 'ancient Aswan High Dam project' in Central Asia (3,117),³¹ significantly concluding the section on tribute. The connection between Persian dominion and water control was clear to Polybius (10,28,2–4).³² While in practical terms sovereignty over land could hardly fail to entail control of its water resources there is a solemn comprehensiveness about the pairing appropriate to such symbolic action.³³

30) Some eighty years later, in 425/4, the Persian king similarly had reason to complain of inconsistency in his dealings with Sparta: πολλῶν γὰρ ἐλθόντων πρέσβεων οὐδένα ταῦτὰ λέγειν (Thuc. 4,50,2).

31) I owe the description to Alan Griffiths's discussion, *Kissing Cousins: Some Curious Cases of Adjacent Material in Herodotus*, in: Luraghi (above, n. 14), 161–78, esp. 173–8. Greek appreciation of Persian regard for rivers (cf. Hdt. 1,138,2) is well illustrated by the inscription honouring the Tearos with which Herodotus credits Darius (4,91), improbable as its content is. See also Asheri's note on 3,117,1 (the English version in *A Commentary on Herodotus Books I–IV* by D. Asheri, A. Lloyd, and A. Corcella [Oxford, 2007] adds nothing here to the note in the original Mondadori commentary [1990]).

32) See further P. Briant, *From Cyrus to Alexander* (Winona Lake, Indiana 2002), 415–17, 806–8. Cf. Plut. *Alex.* 36,4, citing Deinon (FGrHist 690 F 23) on water from Nile and Danube in the Royal Treasury.

33) Grimm (above, n.26) 167–8, adduced a threefold symbolism (earth, water, and grass) from the subjugation of Hungary under Arpád: "In dem alten liede

Bearing in mind the fact that Herodotus does not mention demands for earth and water before the reign of Darius, we might consider the possibility that the great organiser introduced this procedure, adapting an easily intelligible Greek practice for use in Europe. Adaptation of a procedure familiar for the sale of land would suit Darius's reputation as a 'shopkeeper' (κόπηλος, 3,89,3). The period of Persian westward expansion ended with Plataea, and Persian requests for earth and water had ceased to be part of current experience by Herodotus' time. It is unlikely that he could get reliable information about the ceremonies involved, but by the late sixth century enough must have been known about the workings of the Empire for politicians in communities likely to be absorbed into it to have a good idea what submission would entail, and detailed negotiations could follow the celebrations deemed appropriate to the occasion. Such is the scene at the Macedonian court, when the delegation sent by Megabazus paid with their lives for inappropriate behaviour in mixed company (5,17–21).

Earth and water provide the basis of peace and prosperity; the symbolism suggests a well considered policy of reconciliation. "The link between the Great King and agriculture was ... one of the constituent elements of Achaemenid royal ideology."³⁴ The ideology of imperialism presupposes that the empire's subjects are more prosperous under its dominion than they would be if left to struggle on and bicker among themselves. In seeking to adjust to an Achaemenid perspective we would do well to bear that point in mind.

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von der Ungarn einwanderung, Arpads gesandter füllt sich eine flasche Donauwasser, nimmt ein wenig *erde* und *gras* ... und trägt es zu Arpad nach Siebenbürgen, der nun kraft dieser symbole nach Ungarn zieht und das land behauptete". (In the old song about the Hungarian migration Arpád's envoy fills a flask with Danube water, takes a little *earth* and *grass*, and carries this to Siebenbürgen for Arpád, who now by virtue of these symbols advances to Hungary and claims the land as his.)

34) Briant (above, n.32) 234.