
Human Rights, a Legacy from Ancient Times: Darius, Xerxes and Persian Heralds in Sparta and Athens

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Abstract

Today, one of the main concerns of mankind in the 21st century is human rights and justice. Contrary to what the Westerners try to consider themselves as the founders and founders of democracy, and the imperfect democracy of the Greek city-states and Athens at the top of it, human freedom and human rights have much older roots in the East. In this note, an attempt is made to deal with this category by relying on historical and archeological documents and specifically to examine and pay attention to the roots of law, human rights and citizenship rights. The purpose of this article is to identify contradictions in the ancient historical tradition regarding the Persian diplomatic missions to Sparta and Athens in order to explain and, if possible, level them, to obtain the most reliable interpretation of the diplomatic prehistory of the Greco-Persian wars. The article examines the ancient tradition of sending Persian envoys to Greece demanding land and water. The question of the circumstances of the visit of the envoys to Sparta and Athens is being investigated. For the first time in historiography, the diplomatic actions of Darius and Xerxes in relation to Sparta and Athens on the eve of the two Persian invasions of Greece - in 490 and in 480–479 BC are examined in detail. So, first of all, it turns out which the Persian king, Darius or Xerxes, was behind the sending of the heralds in the two leading policies in Hellas, and, in addition, what was the fate of those heralds in each of the two mentioned policies. The main contradiction in the information of ancient authors about which of the Persian kings was responsible for the sending of the Persian heralds to Sparta and Athens, finds a completely rational explanation given the stable tradition of mixing two Persian diplomatic missions to Greece. But the mention of some later authors about the expulsion of the heralds from Athens looks like an unreliable part of the ancient tradition. Meanwhile, the message of a number of authors about the execution by the Athenians not only of the heralds, but also of the translator, on the contrary, looks quite reliable.

Key words: Human rights, missions of Persian heralds to Greece, Greco-Persian wars, demand for land and water, Darius, Xerxes, Sparta, Athens.

Introduction.

The visits of the Persian heralds of Greece, who demanded land and water as symbols of obedience to the Great Kings, refer to the diplomatic prehistory of the Greco-Persian wars (for the symbolic meaning of land and water, see [1, p. 41-60; 2, p. 3-26; 3, pp. 503-515]). However, the circumstances and results of these missions receive an ambiguous interpretation both in the works of ancient authors and in modern historic studies.

The aim of this research is to identify contradictions in the ancient tradition regarding the Persian diplomatic missions in Sparta and Athens in order to explain and, if possible, level them, thus obtaining the most reliable interpretation of the diplomatic prehistory of the Greco-Persian wars.

For the first time in historiography, the diplomatic decisions of Darius and Xerxes in relation to Sparta and Athens on the eve of the two Persian invasions of Greece - in 490 and in 480–479 BC. are thoroughly examined.

Methods.

A comparative historical method, which allows within the comparative analysis of data from various narrative sources, is applied to identify the most reliable basis in the ancient historical tradition about the missions of Persian heralds to Greece and their results, as well as refute those elements of the tradition that seem unreliable.

Results and Discussion.

In favor of Darius, as the only initiator of the sending of heralds to Athens and Sparta, there was a testimony by Herodotus (VII. 133): "Xerxes did not send a herald to Athens and Sparta with the demand for land (Ἐς δὲ Ἄστυας καὶ Σπάρτησθηρκτα), and for this reason.

When Darius first sent ambassadors there, demanding obedience, the Athenians threw the Spartans into a well and ordered them to bring earth and water from there. That is why Xerxes did not send heralds to them demanding obedience (τούτων μὲν εἵνεκα οὐκ ἔπεμψε Ξέρξης τοὺς αἰτήσοντας)".

Herodotus repeated twice that Xerxes did not send heralds to Athens and Sparta, and thus deliberately draws the attention of his reader to this fact. However, there are some reports of later authors who attributed the arrival of the Persian heralds to Athens and Sparta not to the time of King Darius, but of his son Xerxes. That interpretation was first introduced by the authors of the Hellenistic period.

With regard to Sparta, the earliest reference to the heralds of Xerxes is found in Polybius when he recounted the speech of the Akarnanian ambassador Lyciscus in 210 BC. in Sparta: "Why, citizens of Lacedaemon, it seems to you, your ancestors at the time when Xerxes brought an ambassador to you demanding water and land, threw the Persians into the well and, throwing earth at them, offered to inform Xerxes that he received everything he demanded, water and land?" Stobaeus cites the message of the Hellenistic historian Theseus (Theseus FHG. IV. F. 2 = Stob. Flor. VII. 70) that the pestilence occurred in Lacedaemon as a result of the murder of heralds sent by Xerxes demanding land and water as a condition of enslavement. An oracle was given to deliver them if some of the chosen Lacedaemonians were killed by the king. Then Bules and Sperhes came to the king with the aim of being killed. The same admiring their valor, he let them go. The lexicon "Suda" under the heading "Xerxes" speaks not only of Sparta, but also of Athens, and the actions of the Athenians against the Persian heralds are presented in a completely different perspective: after the death of Father Darius and remembering the story of Marathon, he set out on a campaign against Hellas and, above all, sent heralds demanding land and water.

The Athenians drove out the ambassadors from the city, and whoever gave advice to obey, they stoned, and his wife and children, the Spartans, having thrown them into the well, covered with earth. When God was angry, he sent a disease: an oracle was given to compensate Xerxes in justice for the heralds. Bules and Sperhes traveled to Persia to do justice. He was surprised and released them alive and the disease stopped. However, elsewhere under the heading "Datis" the lexicon "Suda" already gives information regarding the initiator of the mission: Datis and Artaphernes, the leaders of the Persians after the destruction of Mardonius, were sent to Hellas to test the cities, demanding land and water. The islanders gave everything: the Athenians, being depressed, drove out the ambassadors, the Lacedaemonians promised to give both: and throwing them into a well, they filled them up, saying that they were giving what was required. So, despite the difference in who was the sender of the heralds, both messages of the lexicon give essentially identical information: the Athenians expelled the ambassadors, and the Spartans killed them, throwing them into a well and filling them with earth. One gets the impression that the mention of Xerxes by Stobaeus and the lexicon "Suda" as the sender of heralds is explained by the fact that it was to this king that Sperhes and Bules made their trip, which Herodotus told about in detail. The validity of this conclusion shows that elsewhere the lexicographer, using the same source, speaks of responsibility for the sending of the ambassadors of the military leaders of Darius - Datis and Artaphernes. It is not possible to comment on Polybius' message. Perhaps the historian followed the tradition of mixing two Persian diplomatic missions to Greece, Darius and Xerxes. This is a fairly typical mistake made by ancient authors. This is especially evident if we turn to the history of the ambassadors to Macedonia, who demanded land and water. Herodotus says that the ambassadors killed by the Macedonians were sent by Megabazus, the commander of Darius I, to King Amyntas I (V, 17-21), however, in a later ancient tradition, it is said that the ambassadors were sent by Xerxes to king Alexander I (Speusipp., Ep. ad Philip. 8; Syncell. Chron. 469).

And if with regard to the fate of the heralds in Sparta, all the authors generally agree with Herodotus that the Spartans threw the ambassadors into the well and covered them with earth, then regarding their fate in Athens they give information that is fundamentally different from Herodotus. According to C. Beloch, only the embassy to Sparta, sent by Xerxes and dating back to 481 BC, was real. [4, S. 40, Anm. 6]. This point of view was accepted by C. Hignett and others [5, p. 87; 6, p. 97-98], however, subjected to reasoned criticism of R. Sealey [7, p.13-20].

Should we trust Herodotus that, firstly, the Persian envoys to Athens were sent only by Darius, but not Xerxes, and, secondly, that they were really executed, and not expelled from the city, as evidenced by late tradition. In general, as you know, the authority of Herodotus in antiquity was so great that subsequent writers deliberately considered it a dignity to provide information that was absent in the work of the "father of history", to correct it,

and even better prove its unreliability. One of the first who chose that path was Ctesias of Cnidus (FGrHist. 688. T 8; 13; F. 16. 62), that path was followed by Plutarch in his biographies, and especially in the treatise "De Herodoti malignitate". Therefore, it is natural to believe that the information about the fate of the ambassadors, which contradicts the information of the "father of history," originates from the anti-Herodotus tradition. But at the same time, is it unreliable?

First of all, let us turn to the information of the "father of history" about the Persian embassy in Athens. Herodotus (VII. 133) reported that when Darius had previously sent ambassadors to Athens, demanding obedience, the Athenians threw them into the baratron (πρότερον Δαρείου πέμψαντος ἐπ' αὐτὸ τοῦτο, οἱ μὲν αὐτὰ τοὺς Without a doubt, the Athenians decreed the execution of the heralds at their national assembly. This is evidenced by the method of execution called by Herodotus (VII. 133) - throwing into a baratron (τὸ βάραθρον).

According to one of the interpretations given in the lexicon "Suda" (s. V. Τὸ βάραθρον), a baratron was called a pit, like a well, where criminals were normally thrown; in the same pit there were hooks, both above and below. According to another interpretation, presented in the scholias for the comedy of Aristophanes "Plutus", in Athens there was some very deep hole, akin to a well, on the sides studded with various swords, and criminals were thrown at these swords. Other evidence confirms that throwing into the baratron was precisely the method of execution for those who were sentenced to death by the Athenians (Schol. Ar. Plut.). In the same lexicon "Suda" there are other messages related to the baratron. So, it is noted that the baratron is a deep place where the Athenians threw criminals, akin to the Caeadas chasm among the Lacedaemonians, and in another message, a link is evidently made to the courts by demes: the baratron is a pit where the people of Hippothontis threw those sentenced to death. Thucydides (I. 134) reports about a similar method of execution practiced by the Spartans, when he tells about the death of the Spartan commander Pausanias: "The Spartans were going to cast his body into the Caeadas, a chasm into which they throw malefactors, but they changed their minds and buried him somewhere in the neighbourhood." In addition, the fact that execution by throwing into a baratron was common in Athens at the beginning of the 5th century BC other ancient authors also testify. According to Plato, the Athenians initially sentenced Miltiades himself to throwing himself into the baratron, however, after they canceled the decision. Plutarch (Arist. 3.3), reporting about the rivalry between Themistocles and Aristides, conveys the words of the latter, allegedly uttered in the ecclesia: "Aristides could not restrain himself and, leaving the Assembly, said that the Athenians would not be safe until throw them both - Themistocles and himself - in the baratron". A number of scholars question the fact that it was a method of execution, and they believe that the bodies of the executed were already thrown into this pit, thus denying their burial. This point of view is supported, for example, by D.S. Allen [8, p. 218].

The basis for this conclusion is the study of the handwritten tradition of Xenophon (Hell., I, 7, 20), who mentioned 406 BC in the context of his story about the Arginus case the decree of Cannonus (τὸ Καννωνοῦ ψήφισμα), which prescribed the execution of criminals with the subsequent throwing of the bodies of the executed into the baratron (ἀποθανόντα εἰς τὸ βάραθρον ἐμβληθέναι). However, J. Whitehorn believes that the interpretation of throwing into the baratron as a method of execution is correct, and those sentenced to death were thrown into the pit alive [9, p. 91]. The researcher adopts the amendment to Xenophon's text (based on the Xenophon's scholia to Aristophanes: Ξενοφῶν δὲ εἰς τὸ βάραθρον ἐμβληθέντα ἀποθανεῖν καὶ τὴν οὐσίαν ἀπολέσαντα). Considering this, the translation of the decree of Cannonus seems to be different: "If anyone dares to insult the Athenian people, and if he is found to be guilty of insults, he must be put to death by being thrown into a baratron (ἀποθανεῖν εἰς τὸ βάραθρον ἐμβληθέντα)". The amendment was made to approve the Xenophon's and later authors' statements about the baratron. However, the explanation for this contradiction between the different versions of the term «baratron» can be quite simple considering the reference to the Cannonus' decree which was applied to the end of the 5th century. BC. By that time, the Athenians could interpret the meaning of a decision of a public assembly in a different way. It can be assumed, that the bodies of executed criminals were thrown into the baratron instead of ordinary people. Aristophanes (Eccl. 1089–1091) mentions the Cannonus' decree in an ironic way. His character of a young lad is inciting to have sex with two old women, he says: «Cannonus' decision comes into force here/ I have to sleep with each (τοῦτ' ἰδὲ τὸ πρᾶγμα κατὰ τὸ Καννωνοῦ σαφῶς / ψήφισμα, βινεῖν δὲ με διαλελημμένον) / After all, I cannot paddle with two oars». Recalling this part of Aristophanes's text, J. Whitehorn supposes that the comedigraph compared punishments of a man sentenced to death and a young lad forced to sleep with two old women in a context of the Cannonus' decree [ibid, p. 97]. The time when the decree of Cannonus appeared is not mentioned in source. According to R. Bonner and G. Smith, Cannonus' law could be dated approximately of 508-507 BC. In this case it could be connected with reforms of Cleisthenes [10, p. 208]. Athenian ostracons show that Cannonus, the son of Sibyrtius from deme Lamptrai, was a candidate for expel during one of the ostracophorias in 480–470. BC. [11, S. 57]. Miltiades could be charged under the Cannonus' law and sentenced to death by throwing off into baratron in 489 BC. Thus, according to the Cannonus' law, primarily state criminals must be thrown into the baratron. Probably the demands of the Persian heralds were declared as an insult to Athenian people.

It can be assumed that the appearance of the Persian heralds in Athens in 491 BC with the land and water claims

set a precedent for an adoption of the decree which was suggested by Cannonus. According to Pausanias *Periegesis*, Miltiades, the son of Cimon, was the perpetrator of the execution of the Persian heralds (Paus., III, 12, 7): It was this Talthybius whose wrath at the murder of the heralds, who were sent to Greece by king Darius to demand earth and water, left its mark upon the whole state of the Lacedaemonians, but in Athens fell upon individuals, the members of the house of one man, Miltiades, the son of Cimon. Miltiades was responsible for the death of those heralds who came to Attica, at the hands of the Athenians». (ἐγγεγόνει δὲ καὶ τῶν κηρύκων τοῖς ἔλθοῦσιν ἐς τὴν Ἀττικὴν ὁ Μιλτιάδης ἀποθανεῖν αἴτιος ὑπὸ Ἀθηναίων). It can be considered that the society of classical antiquity, which is reflected in the Pausanias' text, seeks to attribute all actions directed against the Persians to Miltiades alone, who is the future "the hero of Marathon" and possibly the next victim of the Cannon's psephism. Herodotus did not report anything about the role of Miltiades in the execution of the Persian envoys, nor in the "wrath of Talthybius". Taking the role of Miltiades in the execution of the Persian heralds into account, it is possible that he was the one who offered this death penalty (according to Cannonus' decree, which already existed) to ecclesia. Therefore, it is not clear whether Cannonus himself or Miltiades proposed in the Athenian people's assembly the execution of heralds sent by Darius I to Athens.

Later sources, which are not reflected in the Herodotus' work, tell that the Athenians executed the translator (ἐρμηνεύς, διγλωσσός). Plutarch in his biography of Themistocles says: «Praise is given to his treatment of the translator accompanying those who were sent by the King to demand earth and water as tokens of submission (τὸ περὶ τὸν διγλωσσὸν ἔργον ἐν τοῖς πεμφθεῖσιν ὑπὸ βασιλέως ἐπὶ γῆς καὶ ὕδατος αἴτησιν, ἐρμηνέα γὰρ ὄντα). The interpreter was arrested, and had him put to death by special decree, because he dared to prostitute the speech of Hellas to Barbarian stipulations. (συλλαβὸν διὰ ψηφίσματος ἀπέκτεινεν ὅτι φωνὴν Ἑλληνίδα βαρβάρους προστάγμασιν ἐτόλμησε χρῆσαι)» (Plut. Them. 6). This information makes it possible to date the execution of the translator to the time of Xerxes' campaign. However, a number of modern scholars suggest that Plutarch retells the episode, which dates from 491 BC, because Themistocles already held the office of the Athenian Eponymous archon in 493/2 BC. [12, p. 476–477; 13, p. 64–65; 14, p. 85].

It is significant that Plutarch talks about the role of Themistocles in the execution of the translator, however, he does not say anything about the execution of the Persian heralds themselves, noting only that this translator was among the royal emissaries – ἐν τοῖς πεμφθεῖσιν ὑπὸ βασιλέως. Even if we accept the tradition of the execution of the translator, could the death penalty of the translator and the emissaries belong to the same event? In an article on the murder of Persian heralds, L.-M. Wery argued that Plutarch's story represents the Athenian version of the events and could match the history [12, p. 468-488]. According to the researcher, the heralds of Darius were not put to death, but only the translator. However, Dominique Lenfant, in her recent article disagreed with this opinion and insisted that Plutarch's work was rather his own invention or of other authors of his time [15, p. 23–40]. Further, the researcher refers to another work by Plutarch, «De defectu oraculorum», which says the following: «And yet at the time of the Persian Wars many had gained a high repute, that Apollo of Ptoan no less than that of Amphiaraus; Mys, as it seems, made trial of both. The prophetic priest of this oracle, accustomed in former times to use the Aeolic dialect, on that occasion took the side of the barbarians and gave forth an oracle such that no one else of those present comprehended it, but only Mys himself, since it is quite clear from the inspired language used by the prophetic priest that it is not for barbarians ever to receive a word in the Greek language subservient to their command» (Mor. 412a). Mys in the Herodotus' work (VIII. 133-135) is mentioned as a Mardonius ambassador, sent by the Persian commander to various Greek sanctuaries in order to obtain oracles. At the same time, the translator executed by the Athenians is also called «Mys».

In a scholia «Persians» by Aeschylus the execution of the translator by Samos dates back to the time of Darius I (Schol. Aesch. Pers., 15): «Two years after this event, he [Darius] sent a basket to the Athenians, so they would give their land and water there and make him the ruler of the earth and the sea. They threw the Persian ambassadors alive into the well and stoned their guides. Mys, a Samossian who translated Persian letters to the Athenians, according to some people, was killed, and, according to others, was deprived of his rights».

Aelius Aristides in his «Panathenaic oration» tells about executions of heralds and execution of a translator, referring these events to the time of the reign of both kings. Ritor states: «And above all, the heralds' detour was undertaken in Hellas under him and by the king after him, regards to land and water » (καὶ πρῶτον μὲν ἢ τῶν κηρύκων περίοδος ἢ γιγνομένη κατὰ τὴν Ἑλλάδα ὑπ' ἐκείνου τε καὶ τοῦ μετ' ἐκείνον βασιλέως περὶ τῆς γῆς καὶ τοῦ ὕδατος ἀπὸ ταύτης τῆς πόλεως ἤρχετο). Further, the author makes comments on the fate of the emissaries of the king: «they killed the ambassadors, but gave another decision the translator of the letters, and since he was a Hellenic, he might have a court, but they killed him on the grounds that he had come to serve as the voice of the barbarians. The punishment came upon him too: they did not consider him as a worthy settler of their city, and the translator naturally became an enemy of the Hellenes. So, they threw him into the barathron to make someone else announce their answer to the king, let him know anything from the ambassadors» (80). Thus, even the late Classical antiquity does not support the version of the execution of the Darius' ambassadors by the Athenians, which is quoted twice in the text of the lexicon «Suda». Similarly, if we consider the appearance of the name of Xerxes in the role of sender of the Persian envoys to Athens as a mistake and confusion of information about two embassies to Greece, then information of Herodotus cannot be discredit. However,

information about the execution of the heralds and their translator (some authors call his ethnicity as a Samossian and even give his name, which is obviously false, Mys) by the Athenians, must not be rejected without a deeper investigation. Let's get back to the information given by the orator Aeschines, who is not a very reliable source of the past events by the way. But in this particular case, the situation looks completely different. Aeschines in his speech «Against Ctesiphon» declares about Xerxes (132): «He is not the king of the Persians – he who channeled Athos, he who bridged the Hellespont, he who demanded earth and water of the Greeks, he who dared to write in his letters that he was the lord of all men from the rising of the sun unto its setting (...ὁ μὲν τῶν Περσῶν βασιλεύς, ὁ τὸν Ἴθω διορύξας, ὁ τὸν Ἑλλησποντον ζεύξας, ὁ γῆν καὶ ὕδωρ τοῦς Ἑλληνας αἰτῶν, ὁ τολμῶν ἐν ταῖς ἐπιστολαῖς γράφειν ὅτι δεσπότης ἐστὶν ἀπάντων ἀνθρώπων ἀφ' ἡλίου ἀνιόντος μέχρι δυομένου), is he not struggling now, no longer for lordship over others, but already for his life?». Aeschines kept a mention not only about the letters of the king to the Greeks, which the Samossian could translate in Athens, but saved the small part from such letter, which is definitely authentic, and it could hardly become known to the orator unless from an official Persian document. However, Aeschines' reference contains two such passages in the letter, which are reflected in the ancient Eastern literature. Firstly, this is the reference to the king as «the ruler of all nations» – δεσπότης ἐστὶν ἀπάντων ἀνθρώπων. To our knowledge, such definition is no longer found in the ancient Greek literature in relation to the Great King of Persia, however, in the ancient Persian royal inscriptions, king Darius calls himself as «a king of countries and all nations» – xšāyaθiya dahyūnām vispazanānām (DNa 2 D; DSe 2 D; DZc 2 D) [16, p. 208]. Secondly, the term «from the rising of the sun unto its setting» (ἀφ' ἡλίου ἀνιόντος μέχρι δυομένου), denotes the limits of the ruler's authority, but finds parallels with not ancient Persia, but already the Assyro-Babylonian period [17, p. 135-136; 3, p. 510-511]. Thus, Aeschines mentions an expression that was probably borrowed by the Achaemenids from the Assyrians, it can be assumed that the Xerxes's letters to the Greeks reflect the bureaucratic language of the Babylonian scribes and may have been written originally in Akkadian. The letters, which are referred by Aeschines, not necessarily addressed to the Athenians, but if we take into consideration that Xerxes's texts often reproduce clichés found in the texts of his father Darius, it can be assumed, that the letters delivered to Athens by Persian heralds and read in ecclesias by the translator, are identical in content to the letters of Xerxes. In any case, the presence of the translator among the heralds looked quite reasonable in terms of their communication with the Greeks, even if the king's letters had already been translated into ancient Greek. Finally, the absence of any information about the translator in the short message by Herodotus does not allow us considering this information as a fiction of later authors.

Conclusion.

Thus, the general contradiction in the information of ancient authors about the Persian kings, Darius or Xerxes, who were responsible for sending the Persian heralds to Sparta and Athens, finds a completely rational explanation even if we are taking into account the stable pattern of mixing of two Persian diplomatic missions to Greece. The mention by some later authors about the exclusion of the heralds from Athens looks like an unreliable part of the Classical antiquity literature. Meanwhile, the message of a number of authors about the execution of the heralds and the translator by the Athenians looks quite reliable.

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