

# Overcoming Legal Incapacities at Athens

## Juridical Adaptations Facilitating the Business Activity of Slaves

EDWARD E. COHEN

### ABSTRACT

*This chapter discusses (1) slaves' independent operation of businesses at Athens, (2) the use of representatives, «agents», to permit enslaved businessmen to accomplish through third parties undertakings that were otherwise impossible, and (3) in the context of the history of «agency» law, Athenian legal adaptations that largely resolved commercial difficulties arising from limitations on the legal capacity of unfree businessmen.*

*The juridical acceptance of representatives – permitting businessmen lacking legal capacity to effectuate through third parties acts and practices that would otherwise have been legally impossible – constituted for Athens a remarkable innovation, responsive to the economic and social needs of fourth-century Attic enterprise. This Athenian adaptation should not, however, anachronistically be confused with legal mechanisms conceived hundreds of years later by Roman imperial practitioners and scholars, nor should it be juridically enmeshed with Anglo-American concepts of legal «agency» developed thousands of years later.*

Scholars have long recognized the «leading role» of slaves in the commercial activity of fourth-century BCE Athens, at that time the preeminent entrepôt of the eastern Mediterranean.<sup>1</sup> Because traditional Athenian concepts of manliness (*andreia*) valorized only cultural, military and political pursuits, condemned all commerce as inherently servile, and insisted that farming alone provided a proper economic arena for the “free man” (*anêr eleutheros*), Athenian society was highly receptive to slave enterprise.<sup>2</sup> The Athenian institution of “slaves living independently” (*douloi khôris oikountes*) permitted unfree persons to conduct their own businesses, establish their own households, and sometimes even to own their own slaves – with little contact with, and most importantly, virtually without supervision from their owners.<sup>3</sup> But only minimal academic attention has been directed to the paradox of an Athenian economy dependent on slave entrepreneurs operating within a legal system that supposedly deprived slaves of all legal capacity, a system absolutely closed to slave participation (except perhaps as witnesses through torture).<sup>4</sup> Extensive evidence and multiple studies, however, have demonstrated that legal systems invariably develop mechanisms to close significant gaps that may arise between changed societal reality and traditional juridical principles.<sup>5</sup> Athens was no exception. Some years ago, in *Athenian Economy and Society: A Banking Perspective*, I set forth briefly certain legal «adaptations» seemingly developed to accommodate commercial needs arising from the new reality of fourth-century Athenian businesses (*ergasiai*) operated by slaves with little if any involvement by their masters.<sup>6</sup> These adaptations included recognition of slaves’ responsibility for

<sup>1</sup> MAFFI 2008, 207: «in Grecia il ruolo degli schiavi è indubbiamente primario nel mondo degli scambi commerciali». Cf. GARLAN 1988, 60-69; GERNET [1950] 1955, 164. On the significance of the Athenian emporion: VÉLISSAROPOULOS 1980, 31-32; GOFAS 1993, 199-200.

<sup>2</sup> See COHEN 2003; HANSON 1995, 214-219. Cf. BITROS & KARAYIANNIS 2008; THOMPSON 1983. Contempt for business activity was so high that legislation had to be passed to protect citizens from insult based on the mere fact of their working in the Agora market. Dem. 57.30: τοὺς νόμους, οἱ κελεύουσιν ἔνοχον εἶναι τῇ κακηγορίᾳ τὸν τὴν ἐργασίαν τὴν ἐν τῇ ἀγορᾷ ἢ τῶν πολιτῶν ἢ τῶν πολιτίδων ὄνειδίζοντά τινα. Cf. WALLACE 1994, 116.

<sup>3</sup> See COHEN 2000, 145-154; HERVAGAULT & MACTOUX 1974; PEROTTI 1974; PARTSCH 1909, 135 ff. The overwhelming majority of scholars identify the *khôris oikountes* as slaves (KAMEN 2011, 44), but a few (most recently ZELNICK-ABRAMOVITZ 2005 and FISHER 2006 and 2008) believe that the term (depending on context) can refer to both present slaves (*douloi*) and freed slaves (*apeleutheroi*). Cf. KLEES 2000, 15-17.

<sup>4</sup> Slaves’ lack of legal rights: HARRISON 1968-71, I, 163-172; FERRUCCI 2012, 99; RIHLL 2011, 51-52; KLEES 1998, 176-217. On the admissibility of slave testimony obtained through torture, see THÜR 1977; HUMPHREYS 1985.

<sup>5</sup> See recently the *Introduction* and various essays in BLACK & BELL 2011. Cf. R. GRILLO et al. 2009.

<sup>6</sup> On the transformation of Athenian economy and society between the late sixth and early fourth centuries BCE, see SCHAPS 2004, 111-123; 2008, 42-43; COHEN 1992, 3-25, 87.

their own business debts,<sup>7</sup> court acceptance of slaves and free non-citizens as parties and witnesses in commercial litigation (in contravention of the general rules allowing access to *polis* courts only to citizens of the *polis*), and acceptance of mercantile «agency» as a mechanism to overcome remaining legal incapacities.<sup>8</sup> I proceed to consider in detail the evidence confirming (1) slaves' independent operation of businesses at Athens and (2) the use of representatives, «agents», to permit domestic slaves and free foreign businessmen to accomplish through third parties undertakings that were otherwise legally impossible. Finally, I will discuss, in the context of the history of «agency» law, the juridical significance of Athenian adaptations intended to overcome the legal incapacity of unfree businessmen.

## 1. SLAVES' INDEPENDENT OPERATION OF BUSINESSES AT ATHENS

While innumerable Athenian slaves undoubtedly toiled under harsh and exploitative conditions – at best performing routine and repetitive domestic and agricultural labor for the benefit of their masters – many *douloi* (albeit in all probability a small minority of the unfree inhabitants of Attica) were able to acquire skills,<sup>9</sup> to obtain business knowledge,<sup>10</sup> to develop valuable contacts<sup>11</sup> – and to prosper, at the expense of free males in thrall to *andreia*. But the slaves' very importance entailed for their owners financial danger and/or financial accommodation. Overseers and managers often had detailed knowledge of household finance and sometimes controlled substantial assets: the slave *Moskhiôn*, for example, enriched himself through his complete knowledge of *Komôn*'s household affairs (Dem. 48.14-15); another *doulos* (“slave”), *Kittos*,

<sup>7</sup> For recent discussions on the legal implications of credit extended to unfree persons, see COHEN 2012; DIMOPOULOU 2012; MAFFI 2008; TALAMANCA 2008.

<sup>8</sup> COHEN 1992, 90-101.

<sup>9</sup> Xenophon contrasts the vocationally useless “liberal education” of free persons with slaves' training in crafts or trades requiring knowledge and skill: ὁ μὲν τεχνίτας τρέφει, ἐγὼ δ' ἔλευθερίως πεπαιδευμένους (*Mem.* 2.7.4).

<sup>10</sup> Dem. 45.72 (on the business education of the great *trapezitês* *Phormiôn* who entered banking as a slave): ἐπειδὴ δ' ὁ πατήρ ὁ ἡμέτερος τραπεζίτης ὦν ἐκτίησάτ' αὐτὸν καὶ γράμματ' ἐπαίδευσεν καὶ τὴν τέχνην ἐδίδαξεν.

<sup>11</sup> See, for example, the relationship of the enslaved bank functionary *Kittos* with *Menexenos* and the son of *Sopaios*, resulting in a problematic advance of six talents to the latter duo (*Isocr.* 17.12). The possibility of purloined customers and independent business relationships is confirmed by *Pasiôn*'s insistence on a «noncompetition» covenant even in leasing his bank to *Phormiôn*, his own former slave and trusted assistant (μὴ ἐξείναι δὲ τραπεζιτεῦσαι χωρὶς Φορμίῳνι, ἐάν μὴ πείσῃ τοῦς παῖδας τοῦς Πασίῳνος; Dem. 45.31). Cf. §34.

supposedly appropriated for himself and his confederates some 36,000 *drachmas* (Isocr. 17.11-12). To avoid the possibility of such losses (and for other reasons: COHEN 1998), masters sometimes chose to enter into arrangements under which slaves maintained their own households and operated their own businesses, while paying their owners fixed sums periodically (*apophora*). These *douloi khôris oikountes* often enjoyed – in the words of an Athenian observer – considerable prosperity, and some even “lived magnificently” (*megaloprepôs*).<sup>12</sup> Thus, for example, the *douloi* Xenôn, Euphrôn, Euphraios and Kallistratos – while still enslaved – as principals operated the largest bank (*trapeza*) in Athens, that of Pasiôn. Only upon completion of the lease term did their owners “set them free” (*eleutherous apheisan*), “being quite satisfied” with how they (the owners) had been treated.<sup>13</sup> During the ten years in which the leasing arrangement had been in force (Dem. 36.37), the slaves’ only involvement with their owners appears to have been annual payment of a sizeable fixed rental (an entire talent per year) in return for the slaves’ retention of the net income resulting from operation of the bank. Pasiôn himself – while still unfree – had played a major role in his owners’ bank (Dem. 36.43; cf. 46, 48), and thereafter in his own *trapeza*. In fact, bankers often sought to ensure continuation of their banks (*trapezai*) by providing, on their deaths, for marriage of their widows to their chief slaves to whom control of the banking business frequently devolved (Dem. 36.28-29). Phormiôn (who ultimately succeeded Pasiôn as Athens’ most important financier)<sup>14</sup> – while still unfree – had been a partner in a maritime trading business.<sup>15</sup> Similarly the slave Lampis was the owner/operator (*nauklêros*) of a substantial commercial vessel: he entered into contracts with free persons (Dem. 34.5-10), lent substantial sums to customers (Dem. 34.6), received repayment of large amounts on behalf of other lenders (Dem. 34.23, 31), even received the special exemption from taxes (*ateleia*) provided by Pairisadês of Bosphoros on the export of grain to Athens,<sup>16</sup> and provided a deposition in the arbitration proceedings relating to an Athenian legal action (Dem. 34.18-19). Likewise

<sup>12</sup> [Xen.] *Ath. Pol.* 1.11: ἕωςι τοὺς δούλους τρυφᾶν αὐτόθι καὶ μεγαλοπρεπῶς διατᾶσθαι ἐνίοις.

<sup>13</sup> Dem. 36.13-14: ἐμίσθωσεν Ξένωνι καὶ Εὐφραίῳ καὶ Εὐφροῖνι καὶ Καλλιστράτῳ... τὰς παρακαταθήκας καὶ τὴν ἀπὸ τούτων ἐργασίαν ἐμισθώσαντο... καὶ ἐλευθέρους ἀφείσαν ὡς μεγάλῃ εὐπεπονθότες.

<sup>14</sup> Dem. 36.57: τοσαῦτα γάρ... χρήμαθ’ ὑμῖν ἀνεγνώσθη προσημπορηκῶς, ὅσ’ οὐθ’ οὐτοσ οὐτ’ ἄλλος οὐδεὶς κέκτηται. Πίστις μέντοι Φορμίῳνι παρὰ τοῖς εἰδόσι καὶ τοσοῦτων καὶ πολλῶ πλειόνων χρημάτων, δι’ ἧς καὶ αὐτὸς αὐτῷ καὶ ὑμῖν χρήσιμός ἐστιν.

<sup>15</sup> See Dem. 49.31, where Timosthenês, active in overseas commerce, is characterized as Phormiôn’s κοινωνός at a time when Phormiôn was still a *doulos*.

<sup>16</sup> Cf. HERVAGAULT & MACTOUX 1974, 90-91; PEROTTI 1974, 52-54.

Zênothermis, identified as a slave in Demosthenes 32, was actively engaged in maritime commerce and lending: allegedly the owner of a substantial commercial cargo, he litigated in his own name as a principal in the Athenian courts.<sup>17</sup> (He is explicitly described as one of the *khôris oikountes* residing at Athens with his wife and children [Dem. 34.37].) We also know, for further examples, of the charcoal-burner in Menander's *Epitrepontes*, a slave who lives outside the city with his wife and provides his owner with a portion of his earnings (see lines 378-380); the slave Aristarkhos, a leather-worker who is listed on the Attic *stelai* with an assortment of chattels that – in defiance of modern conceptualization – are described as belonging to the slave rather than to his master Adeimantos;<sup>18</sup> a group of nine or ten unfree leather-workers, whose leader paid their owner three obols for himself per day, two for each of the other slaves, and kept any remaining revenues (Aesch. 1.97); a *doulos* who operated his master's business for a fixed payment and was free to retain any additional income after expenses (Milyas in Dem. 27); the slave in Hypereidês, *Against Athênogenês* who operated a perfume business with substantial financing but whose only contact with his master was to provide him with a monthly accounting;<sup>19</sup> slaves operating their own businesses in the Agora and personally liable for legal transgressions without reference to their master (STROUD 1974: 181-182, lines 30-32); and numerous other slaves operating in similarly autonomous arrangements.<sup>20</sup>

But a business system utilizing slave entrepreneurs would have foundered on the Athenian legal system which – in the absence of juridical adaptation – would have denied juridical capacity to all but Athenian male citizens (a small minority of the total population).<sup>21</sup>

<sup>17</sup> Dem. 32.4: ὑπηρέτης Ἡγεστράτου. A Massilian, he borrowed money at Syracuse, claimed to have lent the funds against the security of maritime cargo, and litigated with other claimants to the collateral upon its arrival at Athens (32.9).

<sup>18</sup> Stele 6.21, 31-46 (PRITCHETT, AMYX & PIPPIN 1953 = *JG I*<sup>3</sup> 426).

<sup>19</sup> The considerable scale of the business is suggested by the colossal amount of debts incurred in its operation: five talents composed of both conventional (*khrea*) and *eranos* loans (Hyp. Ath. 5.7, 14, 19 Jensen).

<sup>20</sup> In addition to the testimonia cited in the text, see, e.g., Andoc. 1.38; Telês fr. 4.b (pp. 46-47 Hense); Theophr. *Char.* 30.15; [Xen.] *Ath. Pol.* 1.10-11 («sans doute»: PEROTTI 1974, 55 n. 15); and the activities of slaves identified as μισθοφοροῦντα, many of whom may have maintained their own *oikoi* ([Xen.] *Ath. Pol.* 1.17; Xen. *Vect.* 4.14-15, 19, 23; Isae. 8.35; Dem. 53.21; Dem. 27.20-21; 28.12; Theophr. *Char.* 30.17. [Dem.] 59.31, although preserved in Athenian context, *stricto sensu* refers to a non-Athenian situation.

<sup>21</sup> Composition of Attic population: SCHEIDEL 1998, 197-198; OLIVER 2007, 79-83; MORENO 2007, 28-31; JONES 2008, 34; WHITBY 1998, 109-114.

## 2. LEGAL ADAPTATIONS FACILITATING SLAVES' BUSINESS ACTIVITY

Athenian laws did present substantial barriers to the functioning of businesses operated by slaves independently of their masters. Banking is instructive. In the Athenian *trapeza*, as in other fields,<sup>22</sup> slaves worked at menial tasks and as middling functionaries – guarding collateral, serving as clerks, providing muscular labor.<sup>23</sup> But, as we have seen, some slaves actually operated independent banking businesses (including the largest in Athens),<sup>24</sup> merely providing their owners with a portion of their profits in the form of rental payments. However – since Athenian law did not recognize businesses as artificial persons («corporations») – legal incapacity would have denied unfree persons the power to perform a number of functions critical to independent operation of a *trapeza*. Legal adaptation surmounted such incapacity.

Because only Athenian citizens had the capacity to own land in Attica,<sup>26</sup> a slave-banker would have been prevented by that proscription from foreclos-

<sup>22</sup> Numerous opportunities for self-employment of free persons in craft or trade (cf. SCHAPS 2004, 150-159) and the wide availability of remuneration for public pursuits ([Arist.] *Ath. Pol.* 49.4) left only slaves (and family members) as potential employees for the many Athenian businesses that needed the labor of individuals over a continuing period of time. «Nowhere in the sources do we hear of private establishments employing a staff of hired workers as their normal operation» (FINLEY 1981, 262-263 n. 6). At Kolonós Agoraios, the site of Athens' incipient version of a labor market, *douloi* constituted virtually all of those standing for hire: Pherekratēs fr. 142 (K-A). See FUKS 1951, 171-173; GARLAN 1980, 8-9; BISCARDI 1989.

<sup>23</sup> Demosthenes 49, detailing the functioning of the Bank of Pasiôn, illustrates the routine tasks performed by slaves. When funds are to be advanced on behalf of a prominent borrower, the bank owner (himself a former slave) orders the slave on duty to make the disbursement, and the slave proceeds to count out the funds and to write-up a memorandum detailing the relevant aspects of the transaction: ἐκέλευσε δοῦναι Φορμίωνα... χιλίας ἑπτακοσίας πεντήκοντα. Καὶ ἠρώθησε τὸ ἀργύριον Φορμίωνα· καὶ ἐγράψατο μὲν ὀφείλοντα Τιμόθεον... ὑπόμνημα δ' ἐγράψατο τήν τε χρεῖαν εἰς ἣν ἐλήφθη τὸ ἀργύριον καὶ τὸ ὄνομα τοῦ λαβόντος (29-30). Deposits of valuable goods were received and disbursed by unfree persons: ὁ παῖς ταύτας τὰς φιάλας, οὐκ εἰδὼς ὅτι ἀλλότρια ἦσαν, δίδωσι τῷ Αἰσχρίωνι τῷ ἀκολούθῳ τούτου (31). When collateral security is delivered to a bank, its receipt by slave (rather than free) employees is assumed: τίς ὁ παραλαβὼν τῶν οἰκετῶν τῶν ἡμετέρων; (51).

<sup>24</sup> Even Thompson, who sees banks as «insignificant» in the Athenian economy, recognizes the significance of «the lendable deposits (and) private resources of a tycoon like Pasion» (1979, 240).

<sup>25</sup> USTINOVA 2005, 178-179; JONES 1999, 12-13; FINLEY 1951 [1985], 275 n. 5. Associations, however, seem to have achieved a «responsabilité collective» (ISMARD 2007, 81), a «quasi legal» status (ARNAOUTOGLOU 2003, 119, 142).

<sup>26</sup> A specific and special act of the Assembly (*ekklesia*) was required to grant a non-Athenian the capacity to become the owner of Attic land, the so-called right of *enktesis*. On such grants, and their rarity, see generally PEČIRKA 1966; STELTZER 1971. A resolution of the Assembly (or other constituent body) also might grant a non-citizen the right to lease mines or agricultural land, or at least to share in the proceeds of new mines that might be delineated by that non-citizen. See *SEG*

ing on real property in Attica, a disabling incapacity in a land where *horoi* (mortgage stones) were pervasive – sprinkled over the landscape, attesting to loans secured by real-estate.<sup>27</sup> But at Athens inability to foreclose on land and buildings would not have affected only “landed loans”: real estate was provided at Athens as security for a wide variety of credit extensions, giving the lender «recourse to that property in the event that the debtor defaults.»<sup>28</sup> Maritime trade, for example, is known to have been financed through loans to persons who owned real estate at Athens<sup>29</sup> or who provided as guarantors owners of such real property.<sup>30</sup> In the sole surviving ancient contract for maritime financing,<sup>31</sup> explicit provision is made for execution against the borrowers’ real property in the event of a deficiency (*ekdeia*) after sale of the underlying maritime collateral.<sup>32</sup> Such maritime financing might properly be characterized as a loan with a right of collection “against land and dwellings” (*epi gēi kai synoikiiais*). But this right of collection against real property would not have been available to a lender lacking the capacity to own real estate. Yet through the mechanism of a formalistic intermediate loan, the utilization of Athenian citizens as agents effectively permitted noncitizens operating banks to engage freely in real-estate lending. Thus when the noncitizen Phormiōn, on undertaking operation of a bank pursuant to a lease, wanted to be able

---

37.77 (new ed. of *IG II<sup>2</sup>* 411= B. PALME, «Tyche» 2 [1987], 113-139), now republished as *IG II<sup>3</sup>* 433. Cf. LAMBERT 2012, 188-189; THÜR 2002.

<sup>27</sup> SHIPTON 2000, 25-28, 117-128 (“Horoi Database”). The numerous Athenian *horoi* «maintain almost complete silence about the reasons for the indebtedness they publicized» (FINLEY 1981, 70).

<sup>28</sup> SUNDAHL 2014, 223. For the Athenians, all loans were either “landed” (*engeia*) or “maritime” (*nautika*). Usage in Hellenistic Egypt confirms that this division between “landed” and “maritime” goods was perceived as an all-encompassing categorical partition. There the stereotypical Classical Greek phrase ἔγγαια καὶ ναυτικά was replaced by a new verbal formula permitting «plus brièvement la saisie de ‘tous les biens’ de la partie coupable, sans comporter de précision sur la nature de ces biens» (GAUTHIER 1980, 205).

<sup>29</sup> See, for example, Pasiōn’s bank’s loans to Menexenos (Isocr. 17.12) whose family owned substantial real property and was deeply involved in the litigation over the assets of Dikaiogenēs, a large estate consisting primarily of realty (Isae. 5.43), much of it subject to creditors (5.21).

<sup>30</sup> In the maritime financing described at Dem. 33.7, for example, the bank of Hērakleidēs obtains the guarantee of the unnamed speaker who is clearly an Athenian citizen (HANSEN 1984, 82; ERXLEBEN 1974, 476). Since he was himself a financier, although self-described as committing only “moderate” assets to maritime trade (Dem. 33.4), his ownership of at least his own residence seems likely. Dem. 32.29 also envisions the possible involvement of citizen guarantors in maritime-finance disputes.

<sup>31</sup> Preserved at Dem. 35.10-14. Despite early attacks by SCHUCHT (1892; 1919, 1120 ff.), this document is now generally accepted as genuine. See BRESSON 2008, 67-71; LANNI 2006, 156, n. 41; PURPURA 1987, 203 ff.

<sup>32</sup> Dem. 35.12: καὶ ἐάν τι ἐλλείπη τοῦ ἀργυρίου, ὃ δεῖ γενέσθαι τοῖς δανείσαισι κατὰ τὴν συγγραφὴν, παρὰ Ἀρτέμωνος καὶ Ἀπολλοδώρου ἔστω ἢ πράξις τοῖς δανείσαισι καὶ ἐκ τῶν τούτων ἀπάντων, καὶ ἐγγείων καὶ ναυτικῶν, πανταχοῦ ὅπου ἂν ᾦσι.

to execute on those loans which the bank had extended “against land and dwellings” (*epi gēi kai synoikiiais*), he arranged for the bank owner, his former master, to retain nominal ownership of these receivables, in form as a debtor of the bank, so that “he might be able to execute” against such real property.<sup>33</sup>

Similarly, only citizens could provide a bond for dealings with *polis* authorities – a potentially lucrative area of profit for banks. Yet when Pasiôn wanted to employ bank funds to provide a bond of seven talents for a client (Isocr. 17.42-43), neither the bank (not a cognizable «person» for legal purposes) nor he himself (since not a citizen) could effectuate the bail directly. But the problem was surmountable by agency: the banker utilized the citizen Arkhestratos to accomplish the pledge, and the court accepted this representation.<sup>34</sup>

Contractual arrangements with slave businessmen would have had meaning (because legally enforceable) only if slaves could be parties to commercial litigation. In general, however, in the absence of special arrangements (such as those arising from interstate treaty or connected with residence rights obtained by foreigners), the Hellenic cities allowed access to their courts only to their own citizens.<sup>35</sup> But in mercantile matters there is significant evidence that the Athenian courts substantially disregarded incapacity because of personal status – and allowed slaves full court access, as parties and as witnesses. This acceptance is best attested in the important “commercial maritime” cases and courts (*dikai empirikai*), where «standing» was accorded without regard to the personal status of litigants.<sup>36</sup> In the case of slaves, this represented a unique accommodation, for (with the exception of testimony in cases of murder, perhaps only against the alleged murderer of their master) slaves were otherwise absolutely deprived of the right even to be witnesses in legal proceedings.<sup>37</sup> “Commercial maritime” disputes, however, were not the only cases encompassed in the special procedural category of “monthly cases” (*dikai emmēnoi*). “Banking cases” (*dikai trapezitikai*) are also denominated by Aristotle as among these “monthly cases” (*Ath. Pol.* 52.2). Although little is known with certainty as

<sup>33</sup> Dem. 36.6: οἷός τ' ἔσοιτο εἰσπράττειν ὅσα Πασίων ἐπὶ γῆ καὶ συνοικίαις δεδανεικῶς ἦν.

<sup>34</sup> Isocr. 17.43: Πασίων δ' Ἀρχέστρατόν μοι τὸν ἀπὸ τῆς τραπέζης ἐπὶ τὰ τάλαντων ἐγγυητὴν παρέσχεν. On the requirement that providers of bonds be citizens, see WHITEHEAD 1977, 93; GAUTHIER 1972, 139-140.

<sup>35</sup> See COHEN 1973, 59-62; GERNET [1938] 1955, 181-182; GAUTHIER 1972, 149-156. Even the right to reside at Athens may have been granted initially through a procedure in which the foreigner did not directly participate: LEVY 1987, 60.

<sup>36</sup> COHEN 1973, 69-74, 121; GERNET [1938] 1955, 159-164; MCKECHNIE 1989, 185. Specifically regarding *douloi*, GARLAN notes: «Surtout à partir du IV<sup>e</sup> siècle, il fallut enfin adapter empiriquement ses capacités juridiques aux fonctions économiques qui lui étaient confiées» (1982, 55). Cf. PAOLI [1930] 1974, 106-109.

<sup>37</sup> See above n. 4.

to the nature of “banking cases”,<sup>38</sup> there is no reason to assume criteria of standing or evidence substantially different from those of the «allied sphere» (HARRISON 1968-1971, I, 176) of commercial maritime cases. Strikingly, the clearest example of a slave having the right to testify and participate in an Athenian court, that of Lampis the *nauklêros* in Demosthenes 34, involves a *doulos* who provided credit to a borrower who was the recipient of a number of other loans – some of which may have been provided by bankers.<sup>39</sup> And Pankleôn, engaged in commercial pursuits in a fuller’s shop, seeks to avoid a court action (Lys. 23) on the grounds that he is a Plataian, only to be met by the plaintiff’s introduction of evidence that he is in fact a slave. Of course, the plaintiff’s presentation of proofs of servitude would justify pendency of the case only if slaves actually could be parties to business-oriented lawsuits.

Yet there remained a barrier to slaves’ participation in court proceedings: a fundamental Athenian legal principle that a party to an action must personally present his case in court.<sup>40</sup> Since many slaves did not speak Greek as their native language, linguistic ineptitude would often have prevented them from competently representing themselves in litigation, effectively depriving them of access to juridical process. Here too, Athenian law adapted to the needs of commerce and allowed slaves and former slaves (and even free non-Greeks) to be represented by speakers fluent in Greek.<sup>41</sup> Thus the banker (and ex-slave) Phormiôn, whose Greek was poor, was permitted to use Demosthenes to speak for him in an important commercial matter in which he was a defendant.<sup>42</sup> In Demosthenes 34, where the slave Lampis, a ship-owner and financier, is prominently involved as a principal (see above), with the court’s acquiescence the plaintiff receives forensic support from at least one, and possibly two “friends”.<sup>43</sup> In another commercial maritime case, Demosthenes 56,

<sup>38</sup> On the *dikai trapezitikai*, see GERNET [1938] 1955, 176-177.

<sup>39</sup> For Lampis’s advance of 1,000 *dr.*, see Dem. 34.6 and THOMPSON 1980, 144-145. At Dem. 34.5 Lampis is termed the οἰκέτης of Diôn, at 34.10 the παῖς of Diôn. For his clear testimonial capacity, see 34.31.

<sup>40</sup> «Das attische Recht... verlangte darüber hinaus grundsätzlich, daß jeder Litigant seine Sache auch rednerisch in eigener Person verfocht», WOLFF 1968, 111-112. Cf. RUBINSTEIN 2000: 18 : «The assumption that an Athenian litigant was expected not only to plead his own case but also to plead it alone, at least in principle, has been fundamental to most recent scholarship on Athenian legal proceedings.» In agreement: BAUMAN 1990, 7; CHRIST 1998, 37.

<sup>41</sup> BLASS asserts that in commercial cases Athenian courts commonly permitted presentations by representatives (rather than by parties), since many tradespersons were not Greek by birth (1893, 584).

<sup>42</sup> The orator opened his presentation by noting Phormiôn’s ἀπειρίαν τοῦ λέγειν, καὶ ὡς ἀδυνάτως ἔχει Φορμίων (Dem. 36.1).

<sup>43</sup> Dem. 34.52: καλῶ δὲ καὶ ἄλλον τινὰ τῶν φίλων, ἐὰν κελεύητε.

the court permits Dareios to speak on behalf of Pamphilos who was unable to present his own case (BLASS 1893, 584).

Agents were employed sometimes merely for the principal's convenience.<sup>44</sup> Stephanos was dispatched to represent a banker's interests at Byzantion (Dem. 45.64), and the money-lending Dêmôn sent Aristophôn to Kephallênia to resolve a commercial maritime dispute (Dem. 32.10-12). Timotheos «appointed Philondas as his agent to sail to Macedon» (MORENO 2007, 281) to handle a timber transaction (Dem. 49.26). But because Athenian law sharply restricted the rights and privileges of even free non-citizens, slave businessmen would have had frequent need of «representatives» or «agents» in the conduct of their businesses. Thus Pasiôn is attested as retaining the citizen Agyrrhios of Kollytos as a confidential representative in litigational matters (Isocr. 17.31 ff.). Phormiôn, before obtaining his freedom, used the citizen Timosthenês in the conduct of his maritime operations (above, n. 15). During his early years of banking activity, before obtaining citizenship, perhaps while still a slave,<sup>45</sup> Pasiôn utilized the citizen Pythôdoros “to do and say all things” for him.<sup>46</sup> Similarly, the son of Sopaïos (a plutocratic and free, but foreign businessman visiting Athens) used the citizen Menexenos, scion of one of the «wealthiest and most distinguished» Athenian families (DAVIES 1971, 145), to overcome various legal incapacities: Menexenos deals with the provision of surety required of non-citizens in the polemarch's court (Isocr. 17.12, 14) and appears to have represented this foreigner generally in legal and business matters.<sup>47</sup>

### 3. LEGAL SIGNIFICANCE OF ATHENIAN JURIDICAL ADAPTATIONS

This free use of representatives – permitting businessmen lacking juridical capacity to effectuate through third parties acts and practices that would otherwise have been legally impossible – constituted for Athens a remarkable legal innovation, responsive to the economic and social needs of fourth-century

---

<sup>44</sup> A number of individuals carried out tasks with which their principals did not wish to be openly connected. See LOFBERG 1917, 48-59.

<sup>45</sup> Pasiôn played an important role in the banking business of his masters (Dem. 36.43, 48). JONES (1956, 186) has even suggested that Pasiôn, while still a slave, was entirely responsible for the operation of the bank. Although it is always assumed that he was manumitted prior to the events described in Isocr. 17 (cf. DAVIES 1971, 429-430), in fact we do not know when he obtained his freedom.

<sup>46</sup> Isocr. 17.33: ὑπὲρ Πασίωνος ἅπαντα λέγει καὶ πράττει.

<sup>47</sup> Cf. Isocr. 17.9: βουλόμενος εἰδέναι σαφῶς τὸ πρᾶγμα προσπέμπω Φιλόμηλον αὐτῷ καὶ Μενέξενον; 12: λέγει... ὡς ἐγὼ καὶ Μενέξενος... ἕξ τάλαντ' ἀργυρίου λάβοιμεν παρ' αὐτοῦ.

Attic enterprise. This Athenian adaptation should not, however, anachronistically be confused with legal mechanisms conceived hundreds of years later by Roman imperial practitioners and scholars, nor should it be juridically enmeshed with Anglo-American concepts of «agency» developed thousands of years later. Such metachronism permeates a recent essay by Edward Harris who searches in vain for the Greek word for «business agent».<sup>48</sup> Since slaves operating businesses independently at Athens could incur debt for which they (and not their masters) were personally responsible (COHEN 2012), and could directly enter into legally enforceable contracts, *douloi* at Athens had no need for the type of artificial and highly complex «agent» ultimately created by the modern Common Law system in which «*B*, authorized by *A*, may go through a transaction on behalf of *A*, with *C*, with the result that all the effects of the transaction, all the rights and liabilities created by it, will take effect between *A* and *C*, *B* having no concern whatever with them and acting merely as a conduit pipe».<sup>49</sup> Nor should we expect to find in Athens the modernistic «business manager» that Harris purports to identify at Rome.<sup>50</sup> Similarly, we should not search for the «mandate» and «commercial agency» conceptualizations adopted in modern times by jurisdictions that have «received» the Civil Law – adaptations intended to ameliorate the absence in Roman Law of the Anglo-American conception of «agency», a relatively recent Common Law innovation intended to expedite the conduct of commerce in the modern world.<sup>51</sup> But Athenian law, precisely because it had not developed rigorous systems of juridical requirements for the creation of obligations,<sup>52</sup> was able

---

<sup>48</sup> HARRIS 2013, 107. Harris even attempts proleptically to inflict on the Athenians a contractual system analogous to the «elaborate classification of contracts» ultimately devised by Roman Law (HARRIS 2013, 105).

<sup>49</sup> BUCKLAND & MCNAIR 1965, 217.

<sup>50</sup> Even Harris recognizes that these alleged «business managers» were «not agents in the modern sense» (2013, 106). Harris, however, erroneously asserts that «the *actio institoria* permitted free business managers to carry out various transactions» (2013, 106 n. 9). In fact, «most of the ancient evidence suggests that, in the early history of the *actio institoria*, only dependent people (slaves and persons-in-power) could be appointed as business managers... (at all times) the overwhelming majority of business managers were slaves» (AUBERT 1994, 417). On the Roman *gestores* and *institores*, slave businessmen often operating largely independently of their masters, see MAFFI 2008, 206-207; PETRUCCI 2002, 105-114, 118-127; CERAMI, DI PORTO & PETRUCCI 2002.

<sup>51</sup> See NORTH 1997; HOLMES & SYMEONIDES 1999. Roman law, however, even in antiquity struggled to produce adaptations to meet through representational innovations the business requirements of a far-flung empire with considerable overseas commerce. The *praetor* introduced various *actiones* – alien to Roman conceptualization but essential to commerce – viz. the *actio de peculio*, the *actio institoria*, and the *actio exercitoria*. See *Dig.* 14.1.3 and 7; 14.3.5.11; 14.3.13 pr.). Cf. MICELLI 2001, 205 ff. and n. 38; WACKE 1994; PUGLIESE 1957.

<sup>52</sup> «The basis of Athenian contractual commitment was agreement» (DIMOPOULOU 2014, 265). In concurrence: AVILES 2011, 26-27; PHILLIPS 2009, 105. For the fullest documentation of this

easily to give legal effect through representatives even to commitments that might not be undertaken directly by principals – provided that the representatives themselves had the capacity to effectuate those undertakings. A person whom another has appointed (*synistê*: Dem. 49.26) in Athenian context to perform a task may in English, for reasons of clarity, be denominated an «agent», but that term must be understood in Athenian context – not as an analogue to the homonymous «free agent» of 21st-century sports or the «talent agent» of 21st-century Bollywood – or any other «agent» of an alien system.

---

paradigm see GAGLIARDI 2014. Some scholars believe that such consensual arrangements were legally binding only if buttressed by the presence of witnesses or by the swearing of oaths: see THÜR 2013.

## BIBLIOGRAPHY

- ARNAOUTOGLOU 2003  
I. ARNAOUTOGLOU, *Thusias heneka kai sunousias. Private Religious Associations in Hellenistic Athens*, Athens.
- AUBERT 1994  
J. AUBERT, *Business Managers in Ancient Rome: A Social and Economic Study of Institores, 200 BC- AD 250*, Leiden.
- AVILES 2011  
D. AVILES, 'Arguing against the law'. *Non-literal Interpretation in Attic Forensic Oratory*, «Dike» 14, 19-42.
- BAUMAN 1990  
R. BAUMAN, *Political Trials in Ancient Greece*, London.
- BISCARDI 1989  
A. BISCARDI, *Contratto di lavoro e 'misthosis' nella civiltà greca del diritto*, «RIDA» 36, 75-97.
- BITROS & KARAYANNIS 2008  
G. BITROS & A. KARAYANNIS, *Values and Institutions as Determinants of Entrepreneurship in Ancient Athens*, «Journal of Institutional Economics» 4, 205-230.
- BLACK & BELL 2011  
A. BLACK & G. BELL (eds.), *Law and Legal Institutions of Asia: Traditions, Adaptations and Innovations*, Cambridge.
- BLOSS 1893  
F. BLOSS, *Die attische Beredsamkeit III.1: Demosthenes*, Leipzig.
- BRESSON 2008  
A. BRESSON, *L'économie de la Grèce des cités, II: Les espaces de l'échange*, Paris.
- BUCKLAND & MCNAIR 1965  
W. BUCKLAND & A. MCNAIR, *Roman Law and Common Law*, 2nd edition revised by F. Lawson, Cambridge.
- CERAMI, DI PORTO & PETRUCCI 2002  
P. CERAMI, A. DI PORTO & A. PETRUCCI, *Diritto commerciale romano*, Torino.
- CHRIST 1998  
M. CHRIST, *The Litigious Athenian*, Baltimore.
- COHEN 1973  
E. COHEN, *Ancient Athenian Maritime Courts*, Princeton.
- COHEN 1992  
E. COHEN, *Athenian Economy and Society: A Banking Perspective*, Princeton.
- COHEN 1998  
E. COHEN, *The Wealthy Slaves of Athens: Legal Rights, Economic Obligations*, in: H. JONES (ed.), *Le monde antique et les droits de l'homme*, Brussels, 105-129.
- COHEN 2000  
E. COHEN, *The Athenian Nation*, Princeton.
- COHEN 2003  
E. COHEN, *The High Cost of Andreia at Athens*, in: I. SLUITER & R. ROSEN (eds.), *Andreia and Ancient Constructs of 'Manly Courage'*, Leiden, 145-165.
- COHEN 2012  
E. COHEN, *Juridical Implications of Athenian Slaves' Commercial Activity*, in: B. LEGRAS & G. THÜR (eds.), *Symposion 2011: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 213-223.
- DAVIES 1971  
J. K. DAVIES, *Athenian Propertied Families, 600-300 B.C.*, Oxford.

- DIMOPOULOU 2012  
A. DIMOPOULOU, *Le rôle des esclaves dans l'économie athénienne: réponse à Edward Cohen*, in: B. LEGRAS & G. THÜR (eds.), *Symposion 2011: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 225-236.
- DIMOPOULOU 2014  
A. DIMOPOULOU, ἄκυρον ἔστω: *Legal Incapacity in Greek Inscriptions*, in: M. GAGARIN & A. LANNI (eds.), *Symposion 2013: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 249-275.
- ERXLBEN 1974  
E. ERXLBEN, *Das Kapital der Bank des Pasion und das Privatvermögen des Trapeziten*, «Klio» 55, 117-134.
- FERRUCCI 2012  
S. FERRUCCI, *Schiavi banchieri: identità e status nell'Atene democratica*, in: A. DI NARDO & G. LUCCHETTA (eds.), *Nuove e antiche schiavitù*, Pescara, 98-109.
- FINLEY 1951 [1985]  
M. FINLEY, *Studies in Land and Credit in Ancient Athens*. With new introduction by P. Millett (1985), New Brunswick.
- FINLEY 1981  
M. FINLEY [B. SHAW & R. SALLER (eds.)], *Economy and Society in Ancient Greece*, London.
- FISHER 2006  
N. FISHER, *Citizens, Foreigners, Slaves*, in: K. KINZL (ed.), *A Companion to the Classical Greek World*, Malden, 327-349.
- FISHER 2008  
N. FISHER, 'Independent' Slaves in Classical Athens and the Ideology of Slavery, in: C. KATSARI & E. DAL LAGO (eds.), *From Captivity to Freedom*, Leicester, 121-146.
- FUKS 1951  
A. FUKS, Kolonos misthios: *Labour Exchange in Classical Athens*, «Eranos» 49, 171-173.
- GAGLIARDI 2014  
L. GAGLIARDI, *La legge sulla omologia e i vizi della volontà nei contratti in diritto ateniese*, in M. GAGARIN & A. LANNI (eds.), *Symposion 2013: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 177-214.
- GARLAN 1980  
Y. GARLAN, *Le travail libre en Grèce ancienne*, in: P. GARNSEY (ed.), *Non-Slave Labour in the Greco-Roman World*, Cambridge, 6-22.
- GARLAN 1988  
Y. GARLAN, *Slavery in Ancient Greece, Ithaca* (originally published as *Les esclaves en Grèce ancienne*, Paris 1982).
- GAUTHIER 1972  
PH. GAUTHIER, *Symbola. Les étrangers et la justice dans les cités grecques*, Nancy.
- GAUTHIER 1980  
PH. GAUTHIER, *Études sur des inscriptions d'Amorgos, I: Biens 'terrestres' et biens 'maritimes'*, «BCH» 104, 197-205.
- GERNET [1938] 1955  
L. GERNET, *Sur les actions commerciales en droit athénien*, «REG» 51, 1-44 (reprinted in *Droit et société dans la Grèce ancienne*, Paris 1955, 173-200).
- GERNET [1950] 1955  
L. GERNET, *Aspects du droit athénien de l'esclavage*, «Archives d'histoire du droit oriental» 1950, 159-187 (reprinted in *Droit et société dans la Grèce ancienne*, Paris 1955, 151-172).
- GOFAS 1993  
D. GOFAS, *Μελέτες ιστορίας του ελληνικού δικαίου των συναλλαγών*, Athens.
- GRILLO ET AL.  
R. GRILLO ET AL. (eds.), *Legal Practice and Cultural Diversity*, Farnham.
- HANSEN 1984  
M. V. HANSEN, *Athenian Maritime Trade in the 4th Century B.C.: Operation and Finance*, «C&M» 35, 71-92.
- HANSON 1995  
V. HANSON, *The Other Greeks: The Family Farm and the Agrarian Roots of Western Civilization*, New York.
- HARRIS 2013  
E. M. HARRIS, *Were there Business Agents in Classical Greece? The Evidence of Some Lead Letters*, in: U. YIFTACH-FIRANKO (ed.), *The Letter: Law, State, Society and the Epistolary Format in the Ancient World*, Wiesbaden, 105-124.
- HARRISON 1968-1971  
A. R. W. HARRISON, *The Law of Athens, I-II*, Oxford.
- HERVAGAULT & MACTOUX 1974  
M.-P. HERVAGAULT & M.-M. MACTOUX, *Esclaves et société d'après Démosthène*, in: *Actes du colloque 1972 sur l'esclavage*, Paris, 57-102.

- HOLMES & SYMEONIDES 1999  
W.H. HOLMES & S.C. SYMEONIDES, *Representation, Mandate, and Agency: A Kommentar on Louisiana's New Law*, «Tulane Law Review» 73, 1097-1159.
- HUMPHREYS 1985  
S. HUMPHREYS, *Social Relations on Stage: Witnesses in Classical Athens*, «History and Anthropology» 1, 313-373.
- ISMARD 2007  
P. ISMARD, *La construction du fait associatif en droit athénien et les limites de la notion de personnalité juridique*, «Dike» 10, 57-83.
- JONES 1956  
J. JONES, *The Law and Legal Theory of the Greeks*, Oxford.
- JONES 1999  
N. F. JONES, *The Associations of Classical Athens*, Oxford.
- JONES 2008  
N. F. JONES, *Politics and Society in Ancient Greece*, Westport.
- KAMEN 2011  
D. KAMEN, *Reconsidering the Status of Khôris Oikountes*, «Dike» 14, 43-53.
- KLEES 1998  
U. KLEES, *Sklavenleben im klassischen Griechenland*, Stuttgart.
- KLEES 2000  
U. KLEES, *Die rechtliche und gesellschaftliche Stellung der Freigelassenen im klassischen Griechenland*, «Laverna» 11, 1-43.
- LAMBERT 2012  
S. D. LAMBERT, *Inscribed Athenian Laws and Decrees 352/1-322/1 BC: Epigraphical Essays*, Leiden.
- LANNI 2006  
A. LANNI, *Law and Justice in the Courts of Classical Athens*, Cambridge.
- LÉVY 1987  
ED. LÉVY, *Métèques et droit de résidence*, in: R. LONIS (ed.), *L'Étranger dans le monde grec*, Nancy, 47-67.
- LOFBERG 1917  
J. LOFBERG, *Sycophancy in Athens*, Chicago.
- LURSSSEN 2008  
O. A. M. LURSSSEN, *Comparative Study on Agency*, PhD Diss., University of Arizona.
- MAFFI 2008  
A. MAFFI, *Economia e diritto nell'Atene del IV secolo*, in: E. M. HARRIS & G. THÜR (eds.), *Symposion 2007: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 203-222.
- MCKECHNIE 1989  
P. MCKECHNIE, *Outsiders in the Greek Cities in the Fourth Century BC*, London.
- MICELLI 2001  
M. MICELLI, *Sulla struttura formulare delle "actiones adiecticiae qualitatis"*, Torino.
- MORENO 2007  
A. MORENO, *Feeding the Democracy: The Athenian Grain Supply in the Fifth and Fourth Centuries BC*, Oxford.
- NORTH 1997  
M. NORTH, *Qui Facit per Alium, Facit per Se: Representation, Mandate, and Principles of Agency in Louisiana at the turn of the Twenty-First Century*, «Tulane Law Review» 72, 279-326.
- OLIVER 2007  
G. J. OLIVER, *War, Food, and Politics in Early Hellenistic Athens*, Oxford.
- PAOLI [1930] 1974  
U. E. PAOLI, *Studi di diritto attico*, Milano.
- PARTSCH 1909  
J. PARTSCH, *Griechisches Bürgerschaftsrecht*, Leipzig.
- PEČIRKA 1966  
J. PEČIRKA, *The Formula for the Grant of Enktesis in Attic Inscriptions*, Prague.
- PEROTTI 1974  
E. PEROTTI, *Esclaves χωρὶς οἰκοῦντες*, in *Actes du colloque 1972 sur l'esclavage*, Paris, 47-56 (translation of *Una categoria particolare di schiavi attici, i χωρὶς οἰκοῦντες*, «RIL» 106 [1972], 375-388).
- PETRUCCI 2002  
A. PETRUCCI, *Profili giuridici delle attività e dell'organizzazione delle banche romane*, Torino.
- PHILLIPS 2009  
D. PHILLIPS, *Hypereides 3 and the Athenian Law of Contracts*, «TAPhA» 139, 89-122.
- PRITCHETT, AMYX & PIPPIN 1953  
W. K. PRITCHETT, D. AMYX & A. PIPPIN, *The Attic Stelai. Part 1*, «Hesperia» 22, 225-299.
- PUGLIESE 1957  
G. PUGLIESE, *In tema di actio exercitoria*, «Labeo» 3, 308-343.
- PURPURA 1987  
G. PURPURA, *Ricerche in tema di prestito marittimo*, «Annali del Seminario Giuridico dell'Università di Palermo» 39, 189-337.

- RIHLL 2011  
T. E. RIHLL, *Classical Athens*, in: K. BRADLEY & P. CARTLEDGE, *The Cambridge World History of Slavery*, I: *The Ancient Mediterranean World*, Cambridge, 48-73.
- RUBINSTEIN 2000  
L. RUBINSTEIN, *Litigation and Cooperation: Supporting Speakers in the Courts of Classical Athens*, Stuttgart.
- SCHAPS 2004  
D. SCHAPS, *The Invention of Coinage and the Monetization of Ancient Greece*, Ann Arbor.
- SCHAPS 2008  
D. SCHAPS, *What Was Money in Ancient Greece?*, in: W.V. HARRIS (ed.), *The Monetary Systems of the Greeks and Romans*, Oxford, 38-48.
- SCHUIDEL 1998  
W. SCHUIDEL, *Addendum*, in: P. GARNSEY (ed.), *Cities, Peasants and Food in Classical Antiquity*, Cambridge, 195-200.
- SCHUIDEL 2007  
W. SCHUIDEL, *Demography*, in: W. SCHUIDEL, I. MORRIS & R. SALLER (eds.), *The Cambridge Economic History of the Greco-Roman World*, Cambridge, 38-86.
- SCHUCHT 1892  
H. SCHUCHT, *De documentis orationibus Atticis insertis et de litis instrumentis prioris adversus Stephanum orationis Demosthenicae*, Diss. Königsberg.
- SCHUCHT 1919  
H. SCHUCHT, *Ueber die Echtheit attischer Rednerurkunden*, «Philologische Wochenschrift» 39, 1120-1128, 1143-1151.
- SHIPTON 2000  
K. SHIPTON, *Leasing and Lending: The Cash Economy in Fourth-Century B.C. Athens*, London.
- STELZER 1971  
E. STELZER, *Untersuchungen zur Enktesis im attischen Recht*, Diss. Munich.
- STROUD 1974  
R. S. STROUD, *An Athenian Law on Silver Coinage*, «Hesperia» 43, 157-188.
- SUNDAHL 2014  
M. SUNDAHL, *Secured Credit in Athens: Reopening the Debate*, in: M. GAGARIN & A. LANNI (eds.), *Symposion 2013: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 223-238.
- TALAMANCA 2008  
M. TALAMANCA, *Risposta a A. Maffi: Economia e diritto nell'Atene del IV secolo*, in: E.M. HARRIS & G. THÜR (eds.), *Symposion 2007: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Vienna, 223-228.
- THOMPSON 1979  
W. THOMPSON, *A View of Athenian Banking*, «MH» 36, 224-241.
- THOMPSON 1980  
W. THOMPSON, *An Athenian Commercial Case: Demosthenes 34*, «Tijdschrift voor Rechtsgeschiedenis» 48, 137-149.
- THOMPSON 1983  
W. THOMPSON, *The Athenian Entrepreneur*, «AC» 51, 53-85.
- THÜR 1977  
G. THÜR, *Beweisführung von den Schwurgerichtshöfen: Die Proklesis zur Basanos*, Vienna.
- THÜR 2002  
G. THÜR, *IG IP 411: Pacht- oder Werkvertrag?*, in: M. SCHERMAIER, J. RAINER & L. WINKEL (eds.), *Iurisprudentia universalis, Festschrift für Theo Mayer-Maly zum 70. Geburtstag*, Cologne, 779-784.
- THÜR, FORTHCOMING  
G. THÜR, *Misuse of the Statutes on homologein, Ancient and Modern*, in: *Use and Abuse of Law in the Athenian Courts*, UCL, 16-8 april 2013.
- USTINOVA 2005  
Y. USTINOVA, *'Lege et consuetudine': Voluntary Cult Associations in the Greek Law*, in: V. DASEN & M. PIÉRART (eds.), *Ἰδιὰ καὶ δημοσίᾳ. Les cadres "privés" et "publics" de la religion grecque antique*, Liège, 177-190.
- VÉLISSAROPOULOS 1980  
J. VÉLISSAROPOULOS, *Les naulères grecs*, Geneva.
- WACKE 1994  
A. WACKE, *Die adjektivischen Klagen im Überblick. Erster Teil: Von der Reeder- und Betriebsleiterklage zur direkten Stellvertretung*, «ZRG RA» 111, 280-362.
- WALLACE 1994  
R.W. WALLACE, *The Athenian Laws of Slander*, in: G. THÜR (ed.), *Symposion 1993: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, Cologne, 109-124.
- WHITBY 1998  
M. WHITBY, *Athenian Grain Trade in the Fourth Century B.C.*, in: H. PARKINS & C. SMITH (eds.), *Trade, Traders*

*and the Ancient City*, London, 102-128.

WHITEHEAD 1977

D. WHITEHEAD, *The Ideology of the Athenian Metic*, Cambridge.

WOLFF 1968

H.J. WOLFF, *Demosthenes als Advokat. Funktionen und Methoden des Prozeßpraktikers im klassischen Athen*, Berlin.

ZELNICK-ABRAMOVITZ 2005

R. ZELNICK-ABRAMOVITZ, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*, Leiden-Boston.