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UND HELLENISTISCHE RECHTSGESCHICHTE

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MICHELE FARAGUNA (MILAN)

MAGISTRATES' ACCOUNTABILITY AND EPIGRAPHIC DOCUMENTS: THE CASE OF ACCOUNTS AND INVENTORIES

Abstract: Magistrates' *euthynai* were one of the legal procedures in the Greek city designed to ensure political stability by enforcing accountability and the rule of law. This paper focuses on a problematic class of inscriptions, namely accounts and inventories, which were clearly produced in connection with the end-of-year accounts, and looks into their potential in providing information for the mechanisms of *euthynai*.

Keywords: Athenian democracy, accounts and accountability, *polis* officials, archives, judicial procedure

1. It is well recognized that εὔθυναί, the magistrates' scrutiny at the end of their term of office, belonged to the broad set of legal procedures that, not only in the Athenian democracy but, more generally, in the Greek *poleis*, were designed to create a system of «checks and balances» and ensure political stability by enforcing accountability and the rule of law (Aesch. 3.1-23)¹. In a passage of the sixth book of *Politics* Aristotle underlines that «since many offices, even though not all, handle large amounts of public property, there must be of necessity a different office that receives accounts and also audits them, an office that manages nothing else itself. Some people call these officials *euthynoi*, others *logistai*, *exetastai*, or *synegoroi*» (*Pol.* 1322b7-12: ἐπεὶ δὲ ἔνιαι τῶν ἀρχῶν, εἰ καὶ μὴ πᾶσαι, διαχειρίζουσι πολλὰ τῶν κοινῶν, ἀναγκαῖον ἕτεραν εἶναι τὴν ληψομένην λογισμὸν καὶ προσευθυνοῦσαν, αὐτὴν μὴθὲν διαχειρίζουσαν ἕτερον· καλοῦσι δὲ τούτους οἱ μὲν εὐθύνοους οἱ δὲ λογιστὰς οἱ δ' ἕξεταστὰς οἱ δὲ συνηγόρους)².

¹ For a valuable survey of the ample range of procedures established by the Greek *poleis* to enforce the accountability of public officials and prevent individuals from acquiring too much political power within the community see Fröhlich 2013; cf. also Efstathiou 2007, 113-124. The fundamental study on public control over magistrates' activity is Fröhlich 2004. On the distrust of magistrates as reflected by many archaic epigraphic laws throughout the Greek world cf. Harris 2006.

² On Aristotle's passage see the commentary by M.E. De Luna in Bertelli – Moggi 2016, 637-640.

Having stressed that the supervision over the conduct of magistrates was to be included among the *archai* that were not only indispensable «but of higher rank, and requiring great experience and fidelity» (1322a29-33: ταύτας μὲν οὖν τὰς ἀρχὰς ὡς ἀναγκαιοτάτας θετέον εἶναι πρώτας, μετὰ δὲ ταύτας τὰς ἀναγκαιίας μὲν οὐθὲν ἦττον, ἐν σχήματι δὲ μείζονα τεταγμένας· καὶ γὰρ ἐμπειρίας καὶ πίστεως δέονται πολλῆς)³, Aristotle insists on the principle that, whatever the form of government, the power to elect and scrutinize the officials (τὸ τὰς ἀρχὰς αἰρεῖσθαι καὶ εὐθύνειν) was to rest within the *demos*' sphere of competence (1274a15-17, with reference to Solon's choice «to give the *demos* only that power which was absolutely necessary» [τὴν ἀναγκαιοτάτην ἀποδιδόναι τῷ δήμῳ δύναμιν])⁴. To what extent such line of thought is compatible with Aristotle's statement in the *Constitution of the Athenians* (8.4) to the effect that the Areopagos «watched over most and the greatest of the city's affairs» and «corrected (ἡῤῥθουνεν) wrongdoers with full authority both to fine and to punish» (καὶ τοὺς ἀμαρτάνοντας ἡῤῥθουνεν κυρία οὖσα καὶ ζημιοῦν καὶ κολάζειν), and, in the affirmative, what were respectively the precise functions of the *demos* and of the Areopagos, and in what way they interacted, remains a debated issue⁵.

Regardless of the origins of *euthynai*⁶, the system, as we know it from the classical period, was already in operation in the early fifth century. A recently published fragmentary Athenian decree pertaining to «regulations concerning the *prytaneis* and the *prytaneion*», and possibly connected to the reforms of Ephialtes, twice refers to *euthynai*, either because a magistrate (the *euthynos*?) was to examine

³ Cf. Arist. *Pol.* 1270b35-1371a6 (and 1272a33-39) where the power of the Spartan *gerousia* is criticized for being ἀνυπεύθυνος.

⁴ See also 1281b32-34: διόπερ καὶ Σόλων καὶ τῶν ἄλλων τινὲς νομοθετῶν τάττουσιν ἐπὶ τε τὰς ἀρχαιρεσίας καὶ τὰς εὐθύνας τῶν ἀρχόντων; 1282a12-14, 26-27: αἱ δ' εὐθυναὶ καὶ αἱ τῶν ἀρχῶν αἰρέσεις; 1298a3-7: κύριον δ' ἐστὶ τὸ βουλευόμενον... καὶ περὶ ἀρχῶν αἰρέσεως καὶ τῶν εὐθυνῶν; 1317b17-28; 1318b21-22: τὸ κυρίου εἶναι τοῦ ἐλέσθαι καὶ εὐθύνειν ἀναπληροῖ τὴν ἔνδειαν, εἴ τι φιλοτιμίας ἔχουσιν, «they have the power of electing magistrates and calling them to account; their ambition, if they have any, is thus satisfied».

⁵ The question revolves around the meaning of ἡῤῥθουνεν in Arist. *Ath. Pol.* 8.4 (καὶ τοὺς ἀμαρτάνοντας ἡῤῥθουνεν κυρία οὖσα καὶ ζημιοῦν καὶ κολάζειν), whether it is to be interpreted in a technical sense with regard to magistrates or merely refers to the «correction», «punishment» of «wrongdoers» in general. For a review of recent scholarship on this issue see Zelnick-Abramovitz 2011, 104-106; Poddighe 2014, 195-197; Loddo 2018, 105-113. Cf. also Wallace 1989, 53-55; Braun 1998, 41-49. For a recent analysis of Arist. *Ath. Pol.* 2.2-8.4 see Wallace 2014. For a skeptical approach to the reform of Ephialtes cf. Zaccarini 2018; Harris 2019a, 389-406.

⁶ Hignett 1952, 203-205, argues that «[t]he government of Peisistratos was probably the first which was strong enough to enforce on the magistrates respect for the laws. Peisistratos is more likely to have been responsible for the institution of the εὐθυνοὶ than Solon» but his view is hardly plausible in light of the many clauses that threaten officials with penalties in early laws; see Harris 2006.

the conduct of the *prytaneis* or «if the infinitive or imperative is in the middle voice he himself will be fined a certain amount of money if he fails to exercise his duties» (*SEG* 64.29)⁷. An almost contemporary (if not earlier) document preserving a statute (*θέσμια*) of the Attic deme Skambonidai contains on side B the text of an oath according to which some official (or officials) undertook to preserve the common funds (*τὰ κοινά*) and hand over (*ἀποδόσο*) «what they ought to» (*τὸ καθέκον*) in front of the *εὐθύνο*s (*IG* I³ 244 = OR 107, B, ll. 3-21). A further clause stated that, should he (or they) not carry out such duty, some penalty would then ensue (B, ll. 15-21: *ὅ τῃ ἄν τὸ[ν] κοινῶν : μὲ ἀποδιδῶσιν : παρὰ τὸν εὐθύνο[ν] π[ρο]---*)⁸.

Although the text unfortunately breaks off, the law from Skambonidai provides an explicit statement of what is otherwise implied by a fairly large number of fifth-century Athenian decrees (beginning with *IG* I³ 4, the «Hekatompedon inscription», B, ll. 15-17, of 485/4: [*ἐὰν δέ τις τ[ο]ύτον τι δρῶι : εὐθύνε[σθαι] ἑκατὸν*] : *δραχμῆ[σι] καὶ τὸς ταμίας : ἐὰν ἐδῶ[ι] εὐθύνεσθαι] ἑκατὸν δραχμῆ[σι]*)⁹, where the verb *εὐθύνω* appears in the passive voice and it is enjoined that magistrates neglecting the provisions of the decree «are to be penalised» (*εὐθύνεσθαι*), with the use of the verb but no mention of the *euthynoi*. Nevertheless, as maintained by A. Scafuro in a recent study of the documents, «appearances of the verb *εὐθύνεσθαι* in these different decrees imply the presence of the *euthynos*» and «[ε]ὐθύνεσθαι is not simply “to be penalized” but “to be condemned at one’s end of term *euthynai*”»¹⁰. In other words, it can be assumed that, behind the formulaic language of the decrees, the procedure of *euthynai* as a two-stage process taking place at the end of the year and involving the *euthynos* and – whether only in charges where the penalty exceeded a certain amount of money or in all charges is a matter of dispute¹¹ – the court is in these cases always implied.

⁷ (Kavvadias) – Matthaïou 2014, 58-63.

⁸ The inscription is dated *ca.* 460 in *IG* I³ and OR 106, while, according to the entry in AIO 1020, n. 1, it is datable «to the decades between the Persian Wars and *ca.* 450». Cf. Piérart 1971, 572: «La présence d’*εὐθύνο*i dans la loi du dème des Scambonides, qui est antérieure à 460, permettait d’affirmer à coup sûr que les *euthynes* existaient déjà dans la constitution d’Athènes à cette époque. L’emploi formulaire de *εὐθύνεσθαι* permet de remonter avec certitude, jusqu’en 485/4, peut-être jusqu’à l’extrême fin du VI^e siècle».

⁹ On the date of the Hekatompedon decrees cf. Stroud 2004.

¹⁰ Scafuro 2014, building on the fundamental work by Piérart 1971.

¹¹ Compare the opposing views of Piérart 1971, 529-530, 549-551 and 572 («Les *euthynes* condamnent les infractions aux lois et aux décrets, les injustices privées et publiques commises par les magistrats dans l’exercice de leurs fonctions. Si elles excèdent un taux déterminé, ces condamnations sont remises aux *thesmothètes* qui les introduisent alors devant le tribunal»); Rhodes 1981, 564, with Harrison 1971, 30-31, 208-211, and, especially, Scafuro 2014, 318-320 («Now we may hypothesize that *euthynoi* and *paredroi*... received information and accusations from volunteers, claiming that the magistrate had not carried out a task assigned by decree; then, if the *euthynos* decided that the charge was suitable, the evidence demonstrable, and the magistrate likely to be guilty, he assessed the statutory penalty and sent the case forward to court. This is a

When we consider the literary sources, fifth-century testimonies concerning the workings of the end-of-year *euthynai* are not plentiful. A passage in Antiphon's *On the Chorus Boy*, delivered in 419/8 BC, reveals that any citizen could challenge a magistrate (the *basileus* in this case) when he underwent his «accounts» and that this could also concern his behaviour in office in matters other than the management of finances (6.43: καὶ ὅτι οὐκ ἀδικεῖ αὐτοῦς, μέγιστον σημεῖον· Φιλοκράτης γὰρ οὐτοσὶ ἐτέρους τῶν ὑπευθύνων ἔσειε καὶ ἐσυκοφάντει, τούτου δὲ βασιλέως, ὄν φασι δεινὰ καὶ σκέτλια εἰργάσθαι, οὐκ ἦλθε κατηγορήσων εἰς τὰς εὐθύνας, «the strongest evidence that he did them no wrong is that Philokrates here shook down and blackmailed other officials when they presented their accounts, but despite accusing the Basileus of terrible crimes, he brought no charges against him during his accounting»). Lysias is barely relevant in this context since his career as an orator is not attested to have begun before the democratic restoration in 403/2¹². Several speeches from the Lysianic *corpus* nonetheless can in all likelihood be connected to *euthynai* procedures, not only *Against Eratosthenes* (12)¹³, *In defense of Polystratos* (20; certainly not Lysias' work and generally dated to 410/09)¹⁴, *On the charge of taking bribes* (21)¹⁵, *Against Epikrates* (27), but also *Against Nikides*, possibly concerning a γραφὴ ἀργίας, a prosecution for «idleness» (or negligence), initiated at the *euthynai* of a demarch (fr. 249 Carey; cf. 246)¹⁶. As recently

plausible hypothesis that fits the evidence. One does not need to hypothesize that fines were imposed on the spot, or by *euthynoi* during *euthynai*, without a courtroom hearing»), 325; Canevaro – Harris 2016-2017, 27.

¹² Todd 2007, 5-17.

¹³ Dover 1968, 8: «XII and XIII accuse Eratosthenes and Agoratos respectively of murder... Neither is a δίκη φόνου. Eratosthenes was one of the Thirty Tyrants, who were entitled to present themselves for εὐθύναι after the democratic restoration..., and XIII is most easily interpreted as a complaint made in that connection»; Bearzot 1997, 33-42; Todd 2007, 13-17.

¹⁴ Todd 1993, 301-302, who includes *Against Polystratos* among the speeches resulting from «*euthynai* at the end of a candidate's term of office»; cf., however, Medda 1995, 167-168, connecting the speech to an *eisangelia*.

¹⁵ Kapellos 2014, 31-39.

¹⁶ Loddo 2015, 114-117. On the νόμος ἀργίας see Schmitz 2004, 190-202, arguing on the basis of rather thin evidence for an original competence of the Areopagos in such charges. Loddo's argument implies that the second stage of the *euthynai* of demarchs, following the financial accounts, took place not locally but in front of the Athenian *euthynoi* since demarchs were not only local magistrates but also acted in many respects as «agents of the state» (cf. Whitehead 1986, 130-138). This is, however, highly speculative if not doubtful and seems to be at variance with the epigraphic evidence, where deme *euthynai* appear to be a local business (Whitehead 1986, 116-119; Fröhlich 2004, 346-355). On IG II² 1183 (from the deme of Myrrhinous or, more probably, Hagnous; cf. Wilson 2011, 79 n. 1), a key document in the discussion, see Magnoli 2004-2005. According to this inscription, the *euthynos*, having presumably conducted a preliminary assessment of the outgoing demarch's administration (cf. Arist. *Ath. Pol.* 54.2), was to introduce the case in front of the ten «elected men» (οἱ αἰρεθέντες) who

suggested by A. Efstathiou, «*euthyna* can be viewed as a preliminary investigative procedure comprised of the stages of the *logistai* and the *euthynoi*» to the effect that any complaint that arose during the second stage «was then pursued in court by a separate legal action (*dike*, *graphe*, *eisangelia*) depending on the nature of the allegation»¹⁷.

Another early intriguing example is possibly provided by a dramatic episode related by Antiphon in his speech *On the murder of Herodes* (5.69-70): in the 450s or 440s the *Hellenotamiai* were tried on a charge of embezzlement (περὶ χρημάτων αἰτίαν ποτὲ σχόντες) and all but one treasurers were condemned and executed, whereas Sosias, the tenth member of the board, was still awaiting execution when the true facts were revealed and it became clear «in what way the money had been lost» (τῷ τρόπῳ ἀπωλώλει τὰ χρήματα). Unlike the others who had died οὐδὲν αἴτιοι ὄντες, he was rescued from the Eleven by the demos (καὶ ὁ ἀνὴρ ἀπήχθη ὑπὸ τοῦ δήμου τοῦ ὑμετέρου παραδεδόμενος ἤδη τοῖς ἔνδεκα)¹⁸. Antiphon is the only source recording this episode and his narration is too vague (and, surely, too overstated) to make sense of the facts and the procedural aspects leading to the death penalty for all members of the board of *Hellenotamiai*¹⁹. Recently S.V. Tracy has suggested that the serious mishandling of the common money of the league alluded to in Antiphon's passage should be connected to the missing list of the *lapis primus*

had to vote in a secret ballot (ll. 16-18: τ[ῶ]ι δὲ εὐθύ[ν]ωι μὴ ἐξεῖναι ἐξελεῖν τὴν εὐθυναν ἐὰν μὴ τοῖς [π]λέοσι δ[ό]ξει τῶν δέκα τῶν αἰρ[ε]θέντων διαψηφίζομενοῖς [κ]ρύβδην). If he was «condemned», the official had nonetheless the right of appeal [ε]ἰς ἅπαντας τοὺς δημότας and was to be judged by the deme assembly provided that at least thirty *demotai* were present (ll. 20-22: ἐὰν παρῶσι μὴ ἐλάττους ἢ ΔΔΔ). Here it is clear that the entire procedure was carried out locally in the deme. Some possible exception could be represented by a decree of Acharnai, dated ca. 315 BC (*SEG* 43.26A), where a *ταμίαις* of the deme is honoured for having taken care of the Dionysia together with the demarch *καλῶς καὶ φιλοτίμως* and on account of the fact that he *λόγον ἀπενήνοχεν ἀπάντων ὧν δι[ώ]ικησεν πρὸς τε τὴν πόλιν καὶ πρὸς τοὺς δημότας ἐ[ν] τοῖς χρόνοις τοῖς ἐκ τῶν [νόμων] τῶν τῆς πόλεως καὶ τῶν δη[μ]οτῶ[ν]* (A, ll. 9-12). The apparently unusual control exerted by the city over deme finances has generally been explained with the financial administration of Demetrios of Phaleron (Fröhlich 2004, 353-355). It needs in any case to be observed that in this decree «central» control seems to have been confined to the financial accounts (*λόγος*), whereas it is not mentioned with regard to the second stage of the accounting procedure, namely the *εὐθυνα* (A, ll. 15-18: καὶ τὰς εὐθύναι[ς] δέδωκεν δ[ό]ξας δικαίως τεταμειυκένας καὶ τῶν [ἄλλων] ἀπάντων [ῶν] αὐτῶι προσέταξαν [Α]χαρν[εῖς ἐπιμεμέλη]ται καλῶς καὶ φιλοτ[ι]μῶς).

¹⁷ Efstathiou 2007, 113-124; cf. also Rhodes 1979, 108-110. For an analysis of some fifth-century cases of *εἰσαγγελία* initiated by raising an objection at a magistrate's *εὐθυνα* see Oranges 2013, 2016.

¹⁸ See the commentary *ad. loc.* in Gagarin 1997, 209-210.

¹⁹ On references to prior trials in court speeches see Harris 2019b (p. 54 for Antiphon's passage).

of the Athenian Tribute Lists²⁰. Nonetheless, it can be surmised that the charge, being *περὶ χρημάτων*, arose at the end-of-year *euthynai* of the board and that, since the trial ended up with conviction and death penalty, it did not merely concern the management of finances (cf. Arist. *Ath. Pol.* 54.2)²¹ but some more serious crime. It becomes as a result plausible that the procedure used by the prosecutors when they accused the ten *Hellenotamiai* was *eisangelia* and that the treasurers were also accused of treason or some other crime against the *demos*²².

My final example concerns Perikles and the charge he was targeted with again on account of the *λόγοι τῶν χρημάτων* (Plut. *Per.* 32.3-4). In exactly the same way as in the procedure described by Aristotle in *Ath. Pol.* 54.2 (cf. also Hyp. 5.24; Din. 1.60)²³, he was to be tried by a court (of 1500 *dikastai*) and the prosecution could

²⁰ Tracy 2014, arguing that «[t]he conclusion appears to be inescapable that the list could not be inscribed because the money or the records of that year (or both) were lost and could not be recovered» (9 n. 42). For a lucid *status quaestionis* of the epigraphic evidence see OR 119, esp. 102-105.

²¹ Arist. *Ath. Pol.* 54.2: καὶ λογιστὰς δέκα καὶ συνηγόρους τούτοις δέκα, πρὸς οὓς ἀπαντας ἀνάγκη τοὺς τὰς ἀρχὰς ἄρξαντας λόγον ἀπενεγκεῖν. οὗτοι γὰρ εἰσι μόνοι <οἱ> τοῖς ὑπευθύνοις λογιζόμενοι καὶ τὰς εὐθύννας εἰς τὸ δικαστήριον εἰσάγοντες, κὰν μὲν τινα κλέπτοντ' ἐξελέγξωσι, κλοπὴν οἱ δικασταὶ καταγινώσκουσι καὶ τὸ γνωσθὲν ἀποτίνεται δεκαπλοῦν· ἐὰν δέ τινα δῶρα λαβόντα ἐπιδείξωσι καὶ καταγνώσιν οἱ δικασταί, δάρων τιμῶσιν, ἀποτίνεται δὲ καὶ τοῦτο δεκαπλοῦν· ἂν δ' ἀδικεῖν καταγνώσιν, ἀδικίου τιμῶσιν, ἀποτίνεται δὲ τοῦθ' ἀπλοῦν ἐὰν πρὸ τῆς θ' πρυτανείας ἐκτείσῃ τις, εἰ δὲ μὴ, διπλοῦται. τὸ δὲ δεκαπλοῦν οὐ διπλοῦται, «[They appoint by lot] also ten auditors, and ten advocates for them, with whom all men who have held office are required to deposit their accounts. These are the men who check the accounts of those subject to examination, and who introduce the examination into the court. If they prove that a man is an embezzler, the judges convict him of embezzlement and the sum determined is repaid tenfold; if they prove that a man has taken bribes and the judges convict him, an assessment for bribery is made and this sum is also repaid tenfold; if a man is convicted of misdemeanour, an assessment for misdemeanour is made, and here the simple amount is repaid if a man discharges the debt before the ninth prytany of the year, or if he fails to do that it is doubled. Tenfold payments are not doubled». For a commentary on Aristotle's *locus* see Rhodes 1981, 597-599.

²² Rhodes 1979, 110; Efstathiou 2007, 118-119: «The charge may be of different types; it could be either misuse of power or negligence in discharging people's instructions». Hansen 1975, 67 with n. 7, is non-committal and merely observes that «the information is too scanty to allow of any description». Todd 1993, 303, underlines that «[t]his story may be apocryphal» as «Antiphon's account is surprisingly short on detail, and the wording of the phrase quoted may suggest that he is hiding something», and, having posed the question of whether this was «a case of embezzlement but by somebody other than Sosias, or (as he may wish us to infer) of money being innocently misled by the confused presentation of accounts», notes that «[a]t any event, this is a striking further illustration of the two points that we have observed...: the severity, or one might almost say savagery, of penalties meted out; and the peculiar concentration of the courts on questions of public finance».

²³ For Aristotle's passage see n. 21.

result in a charge for embezzlement (κλωπή), bribery (δώρων) or misdemeanour (ἄδίκιον).

The evidence, scanty though it is, thus clearly shows that *euthynai* already in the fifth century was a two-stage process focusing both on the audit of the financial accounts and the examination of the conduct of the magistrate while in office. The only apparent difference is that during the fifth century the *euthynoi* seem to have been competent for both stages of the procedure (cf. And. 1.77-79, the decree of Patrokleides, which, however, both on the ground of language and contents is in all likelihood not genuine²⁴; Lys. 20.10), while in the fourth century the financial review became the responsibility of the λογισταί who had previously had different tasks and duties²⁵.

2. I have so far stressed that *euthynai* was a two-stage process and, from a technical point of view, this is certainly true. We must, however, allow for the fact that there was also a third stage involved, namely the yearly «transfer» (παράδοσις) of money, objects or equipment from the magistrate (or board of magistrates) demitting office to the incoming magistrate (or board of magistrates)²⁶. We must assume that both notionally and operationally this «third» stage was tightly interconnected with the other two steps of the *euthynai*²⁷. To quote an example, this clearly emerges from a

²⁴ Canevaro – Harris 2012, 100-110, esp. 105-106, whose analysis has been followed by the majority of scholars (cf. Canevaro – Harris 2016-2017, 10 n. 3 [add Dilts – Murphy 2018, VI and 140-141, *ad loc.*]). For an attempt to defend the authenticity of the decree cf. Hansen 2015, 891-892, whose arguments have been countered by Canevaro – Harris 2016-2017, 10-33, esp. 24-27.

²⁵ Piérart 1971; Scafuro 2014, 302-304, 320, pointing, however, to *IG I³ 52* (= OR 144), A, ll. 24-29, where the Treasurers of the Other Gods indeed have to hand in their accounts to the *logistai* («members of a board of thirty who served as accountants for the treasury») and suggesting that this «may have been restricted to those magistrates who handled imperial coffers».

²⁶ For a recent enlightening study of the παράδοσις see Fröhlich 2011, with a thorough analysis of the fourth-century and early-Hellenistic documentation from Oropos and Thespias.

²⁷ Fröhlich 2004, 413-414: «Pour les magistrats ayant responsabilité de fonds publics, comme pour ceux qui ont la garde de biens publics (par exemple d'objets consacrés dans un sanctuaire), la *paradosis* faisait partie des obligations dont ils devaient s'acquitter à leur sortie de charge». In Kallias' decree, the newly established Treasurers of the Other Gods, after «taking over» (παραδεχσάσθων) from the officials in a *paradosis*-operation the treasures of the gods in the presence of the *boule*, were to «inscribe everything on a single stele, god by god», and for the future (τὸ λοιπὸν) «inscribe on a stele and give an account of the treasures in hand and the income of the gods and anything expended during the year to the *logistai*, and undergo their *euthynai*» (ἀναφραφόντων ἡοὶ αἰεὶ ταμίαι ἐς στέλεν καὶ λόγον διδόντων, τῶν τε ὄντων χρεμάτων καὶ τῶν προσιόντων τοῖς θεοῖς καὶ ἐάν τι ἀ[π]αναλίσκεται κατὰ τὸν ἐνιαυτὸν, πρὸς τοὺς λογιστάς, καὶ εὐθύνας διδόντων (*IG I³ 52* = OR 144, A, ll. 18-27)). Although this is

honorific decree from the deme Acharnai in Attica where the ταμίας Phanomachos is praised for having rendered the accounts for his financial administration both to the *polis* and to his fellow *demotai* (καὶ λόγον ἀπενήνοχεν ἀπάντων ὧν δι[ώικησ]εν πρὸς τε τὴν πόλιν καὶ πρὸς τοὺς δημότας) and for having deposited with the Acharnians the balance of his financial administration (διοικήσεις), namely 329 drachmai (καὶ τὸ περι[δόν] ἀργύριον παρ' ἑαυτῶι ἐκ τῆς διοικήσεως κατ[αβέ]βληκεν Ἀχαρνεῦσ[ι]ν), so that it appeared that he had correctly carried out his duties as ταμίας (καὶ τὰς εὐθύνα[ς] δέδωκεν δόξας δικαίως τεταμιευκέσαι) (SEG 43.26, A, ll. 8-15).

We do not know on what account the drafter of the decree used in this particular case the verb καταβάλλω, but it is clear that it was a synonym of the more technical term παραδίδομι and that the act of «depositing» the surplus of the *dioikesis* must in actual fact have corresponded to a *paradosis* of the funds from one magistrate to his successor²⁸. It must moreover be underlined that in the succession of public acts performed by Phanomachos the «transmission» of the funds (*paradosis*) comes after the λόγος as a result of the operation of presenting the accounts. The two operations, both being a legal obligation – though probably separate and distinct from a formal and technical point of view –, in other terms went hand in hand and, at least when they concerned the management of money only, were carried out before the more general *euthynai*, which thus become the third stage in the sequence of public actions²⁹.

3. Keeping in the background what has so far emerged with regard to the institutional organization of the end-of-term demittal of office, it is now time to bring into the picture some inscriptions recording lists and accounts that are clearly the epigraphic reflection of the procedures we have briefly examined. The body of epigraphic documents from Athens, Delos, Delphi, Rhodes, Boeotia and a number of cities in Asia Minor bearing lists, accounts and inventories, as is well known, is massive and extremely varied in form, style, contents, nature and purposes³⁰.

not explicitly stated, the yearly inventory list compiled by the treasurers must have been in turn functional to the *paradosis* of the gods' properties to the new incoming board.

²⁸ On the verb καταβάλλω and its implications in this decree see Chr. Feyel, *BE* 2011, 342-344 (no. 222).

²⁹ Fröhlich 2004, 413-414; 2011, 206 and 224-227 («Il y a donc un lien, temporal et technique, entre *paradosis* et reddition de comptes. Toutes les deux s'appliquent à des magistrats sortis de charge, portent sur les responsabilités, notamment financière. Les magistrats sont déchargés de leurs responsabilités après s'être soumis tant à la reddition de comptes qu'à la *paradosis*»), with some qualifications with respect to the handing over of objects or other goods to be stocked before being sold and turned into money.

³⁰ For a broad overview of the many questions posed by the *corpus* of epigraphic accounts and inventories in respect to their nature, purposes and functions see Knoepfler 1988 and Boffo 1995, 115-123. Among the more recent works I have found useful insights in Dignas 2002 and Scott 2011, 240-242, the latter stressing the «impassé of functionality

Moreover, it extends over a long span of time from the fifth century to the late Hellenistic period and beyond, so that its use turns out to be extremely problematic and the documents difficult to handle. In his fundamental book on *Le contrôle des magistrats* in the Greek cities, for instance, P. Fröhlich justified his choice to use epigraphic accounts and inventories only sparingly with the fact that the extant inscriptions, besides forming an immense body of texts from a quantitative point of view and being «les sources les plus délicates à utiliser», raise a number of methodological problems in as much as «il n'est pas évident que tout compte gravé doive être considéré comme un document issue d'une reddition de comptes», and it is never sufficiently clear whether such accounts were, as a rule, comprehensive documents aiming at offering an accurate and as much as possible detailed overview of the magistrates' administration or rather mere extracts with no pretence to completeness, in other words whether they were meant to be legal documents or primarily had a symbolic or religious character³¹.

The fundamental questions therefore revolve around the «relationship between the procedures for enforcing accountability and the extant documents» and were lucidly asked by J.K. Davies some twenty years ago: «Who decided which sets of accounts should be cut in stone for permanent display? By what criteria?...What relation do the texts cut on stone bear to the texts on *grammateia* or *pinakes* or *sanides* which we hear of from *Ath. Pol.* or the orators? Indeed at the extreme, how sure can we be that the inscribing of *stelai* was a functional act rather than one driven by ornamental or ritual or symbolic reasons?»³². At the end of his essay, Davies' answer to the question was to suggest that our documents «had very little to do with public accountability» and «far more to do with affirming the principles on which the Athenian public administrative system was based» since they are extremely seldom referred to in the speeches of the orators and there is hardly any

vs. symbolism» in recent scholarship. For a discussion of some of the problems and further bibliography see below.

³¹ Fröhlich 2004, 5-6, 325-329.

³² Davies 1994, 201-202; cf. also Hamilton 2000, 3-5, 345-348, stressing the lack of system in the Delian and Acropolis inventories, though also noting that, from a practical point of view, this «must not have mattered: the auditors apparently were able to manage despite the chaos». For a more nuanced position see R. Osborne-P.J. Rhodes, *Greek Historical Inscriptions, 478-404 BC*, Oxford 2017, xv: «Though in theory the purpose of a published text is that it should be available to be read, some texts were published in such a way that they were not easy to read, and the purpose of a lengthy inventory of items received by one board of treasurers from its predecessors and transmitted to its successors may have been to serve a symbolic demonstration that the board had done its duty as much as to furnish material for an investigator who wanted to check that none of the items had disappeared. Nevertheless, some other texts were laid out in ways designed to aid intelligibility; and we think that it would be a mistake to make too much of the symbolic aspect of inscription and too little of the notion that texts were published so that they could be read».

proof that they were actually used: «it was the *Gestalt* which mattered, not the minute and barely legible details»³³.

Against this background, it is undeniable that the effort of bringing the evidence of epigraphic accounts into the picture may appear overambitious. There is no question that the extant body of texts is far from being coherent and, sometimes, not even congruent³⁴, suffice to compare the extremely elegant, but remarkably brief accounts for Pheidias' statue of Athena Parthenos (*IG I*³ 453, 455-460 = OR 135) or for the building of the Parthenon (*IG I*³ 436-451; cf. OR 145)³⁵ with the *poletai*-records (*Agora XIX*, P 1-56) or the very long and detailed records of the overseers of the dockyards (ἐπιμεληταὶ τῶν νεωρίων; *IG II*² 1604-1632) or the *rationes operum* of the Eleusinian *epistatai* (*IG II*² 1666, 1670-1683; cf. Clinton 2005, nos. 143, 145-166, 169-174, 177-178) or the strikingly extensive records from the sanctuary of Apollo in Delos spanning from the fifth century (the earliest document going back to 434-432 BC [*J.Délos* 89 = *IG I*³ 402 = OR 147]) to ca. 140 BC. From the point of view of this paper, the fact however remains that some series of the preserved public accounts do seem to incorporate records of trials and other institutional transactions which unquestionably have a legal character and which it would be incorrect to neglect or leave aside. The boundaries between what is «legal» and what is «symbolic» or «religious» thus turn out to be blurred.

4. The only possible solution to the «functionality vs. symbolism» conundrum is, in my opinion, consequently to explore the potential of epigraphic accounts in providing information for the mechanisms of *euthynai*. In what follows I will in particular use two sets of documents as case studies, namely the accounts of the Athenian amphiktyons and *naopoioi* from Delos, and the Athenian navy records (*IG II*² 1604-1632). My approach is in particular inspired by the conclusions of a recent article by V. Chankowski on the accounts of the Delian *hieropoioi*, where the author convincingly argued that the relationship between records written on perishable materials, such as wooden tablets (δέλτοι, λευκώματα, πέτευρα), papyrus and lead, and the texts «published» on stone must be conceived in different terms from what had been previously assumed: the former were not only, or not primarily, used to produce draft or short-lived, temporary documents to be, at a later stage,

³³ Davies 1994, 211-212.

³⁴ On the lack of uniformity within the same series of the accounts from Delphi see, for instance, Bousquet 1988, 34-35, 145-153, emphasizing that «[i]l faut avoir manié et relu les pierres elles-mêmes pour se rendre compte que la série n'est pas uniforme et que sa publication sur pierre est due à des décisions prises à des moments différents, pour des "dossiers" divers, et avec quelque arbitraire, pour ne pas dire capricieusement» (34).

³⁵ For a review of the preserved epigraphic fragments related the building programme on the Acropolis in fifth-century Athens cf. Marginesu 2010, 28-35, which needs to be integrated by Pitt 2015 and Foley – Stroud 2019. For the relationship between building accounts and *euthynai* see Epstein 2013.

«monumentalized» on a *stele* and discarded³⁶, but represented in the first place registers containing separate records for the different funds and chapters of the complex administration of the sanctuary, in some cases designed to be publicly displayed in the agora³⁷. *Leukomata* were thus used to record outlays from the *κατὰ μῆνα* fund, in other words from the fund for the monthly current expenses, while *peteura* were used as registers for accounts, lists of contracts, lists of assets offered as security as well as for lists of offerings handed over at the *paradosis* (*I.Délos* 372, A, ll. 114-116: *κα[ῖ] τῶι γράψαντι τὸν λόγον καὶ τὰς παραδόσεις τῶν ἱερῶν ἀναθημάτων καὶ τὰς μ [[—]] ἰσθώσεις τῶν ἱερῶν τεμένων ΗΗΓ· μόλυβδο[ν] ΔΗΓ· δέλτου κυπαρίσσης Δ· καὶ τῶι γράψαντι ΔΓ· πέτευρα τῶι λόγῳ καὶ ταῖς συγγραφαῖς καὶ τ[ῆ]ι παραδόσει ΕΠΙΙ; 442, A, l. 204: πέτευρα ταῖς π[α]ραδόσεσιν ΓΠΙ). The mention of records on *πέτευρα*, «tablets», for the *παράδοσις* is of particular interest as it again shows that *euthynai* and *paradosis* were operationally parts of the same integrated process. The inscribed accounts published on the *stelai* were thus drawn up by assembling diverse sets of documents in order to produce a summative balance-sheet of all the financial activities and transactions (revenues, expenses, contracts, loans, leases) carried out in the sanctuary.*

5. The relationship between documents on perishable media and inscriptions did not in conclusion only work in one direction: wooden tablets (or, alternatively, papyrus) could be used for safekeeping as archival records, as notices for posting and public display, as copies of the inscribed accounts for storing in a repository or as draft copies for the documents to be inscribed and these different types of documents interacted in the context of a complex administrative system³⁸.

What is, moreover, important in our perspective is, as we have seen, that the inscribed annual accounts in some cases contain records of trials connected with the administrative functions and areas of responsibility of the magistrates³⁹. It can be surmised that before being incorporated in the end-of-year final *λόγος* of the outgoing board they were in turn kept on file in a separate register alongside the other categories of documents and records. An interesting example to this effect is provided by the accounts of the *amphiktyons* of Delos of 377-373 BC (*I.Délos* 98 = RO 28 = Chankowski 2008, no. 13; cf. pp. 194-195 for the date). It is clearly a financial document recording the «actions» (l. 2: *τάδε ἔπραξαν Ἀμφικτύονες Ἀθηναίων*) carried out by the board while in office. On the side of the revenues, together with interest payments on loans to cities and individuals, rents for the lease of sacred estates (*μισθώσεις τεμενῶν*) and buildings (*οικιῶν μισθώσεις*), are also

³⁶ Davies 2003, 325.

³⁷ Chankowski 2013.

³⁸ On writing media and their different uses in the Greek world see also Faraguna 2015, 1-3.

³⁹ For records of trials in the literary and epigraphical sources see Harris 2013b; Faraguna 2015, 8-12.

listed receipts from legal proceedings, i.e. collections from confiscated estates following some denunciation and pledges seized from «those who have lost court cases» (A, ll. 25-27: εἰσεπράχθη μνηυθὲν παρὰ Πύθωνος Δηλίου ΧΗ· ἐκ τῶν ἐνεχῶρων τῶν ὠφληκότων τὰς δίκας, τιμῆς κεφάλαιον ΧΙϞΗΗΗΔΔΔΔΓ), while on side B, following a catalogue of cities and individuals in arrears with the payment of interests for their loans, an entry concerns the exaction of substantial fines (10.000 drachmai each) imposed, together with perpetual exile (ἀειφυγία), on seven individuals who had been condemned for impiety (ἀσέβεια) having dragged the Athenian amphiktyons from the temple of Apollo Delios and beaten them up (B, ll. 24-31)⁴⁰. The expression τ[ίμημα] τὸ ἐ[π]ιγε[γ]ραμμένον most probably alludes to the amount of the penalty proposed in the plaint (γραφή) (cf. Dem. 58,43: φανερώς ἀφῆκε τῆς γραφῆς, ἐφ' ἧ δέκα τάλαντ' ἐπεγράψατο τίμημα, «[Theocrines] then openly released him from the *graphe* for which he had designated a ten-talent fine»)⁴¹. It can therefore be inferred that the amphiktyons kept in their archive the records of the trials for which they had been responsible and then used them for their financial implications in connection with their *euthynai*. The accounts they presented on leaving office appear then to have been the result of the assembling of different sets of records pertaining to their various activities.

Likewise, the tasks of the board of ναποιοί, created around 360 to oversee the construction of a new temple of Apollo Delios, often caused them to be involved in legal proceedings, primarily arising from the supervision they exerted on the work of the contractors and on the building operations, in connection to which they are several times attested as imposing fines⁴². The few inscriptions preserved are all dated to the mid-340s and seem to refer to a period of disruption of their normal activities⁴³. In particular, *SEG* 51.1001 (= Chankowski 2008, no. 55), a fragment published in 2001 which was recognized by V. Chankowski as joining the accounts of the secretary of the *naopoi* of 345/4 (*I.Délos* 104-24), relates the case of a judicial dispute for the embezzlement of sacred money (χρήματα) belonging to

⁴⁰ On this episode see Chankowski 2008, 249-253.

⁴¹ On the meaning of ἐπίγραμμα cf. Bertrand 2002, 175-177; Scheibelreiter 2017, 233-235, listing other examples of the use of the term in connection with δίκαι.

⁴² On the functions of the *naopoi* and the distribution of tasks between the three members of the board cf. Chankowski 2008, 238: «Les actes des années 346/345-345/344 suggèrent une répartition des tâches entre les naopes et leur secrétaire. L'acte 54 (*ID* 104-22) distingue les amendes infligées par les naopes des amendes infligées par le secrétaire (a, l. 12-13). Cette distinction se retrouve dans 55 (*ID* 104-24, l. 15-17). En 345/344, le secrétaire Philistidès était manifestement chargé d'inspecter les pierres posées. Le amendes qu'il a infligées aux entrepreneurs ne se rapportent qu'à des défauts de pose. Mais il existait d'autres types de contestations, dont les comptes des hiéropes de l'Indépendance fournissent des exemples. Il est donc possible que les naopes aient veillé au respect de toutes les règles des contrats, tandis que le secrétaire inspectait les matériaux».

⁴³ Chankowski 2001, 179-183; 2008, 237.

Apollo⁴⁴. The reconstruction of the succession of events recounted in the report of the secretary Philistides is uncertain in the details owing to the fragmentary state of the text: according to the editor, Philistides himself was accused at the *euthynai* by the *naopoioi* of the year before (346/5) of having misappropriated the property of Apollo of which they claimed they had transferred possession to him (or to the entire board) as recorded on the *stele* (ll. 47-48: γ]ράφουσιν ἔχοντας εἰς τὴν στ[ήλην....]; cf. *IG II²* 1622, ll. 444-456, where it is noted that Euthymachos, being ταμίας ἐς τὰ νεώρια, had received equipment from the trierarchs καὶ οὐκ εἰσήνεκε γρά[ψας] ἐν τῇ στήλῃ). He then countered the charge by bringing a παραγραφή (l. 45: [πα]ρεγρα[ψ]άμην)⁴⁵ and succeeded in the ensuing trial to prove that the person responsible for the theft was someone else, possibly one of the members of the board of *naopoioi* who had accused him. In particular, it can be surmised that following the successful *paragraphe*⁴⁶ the culprit was introduced before the *boule* and then

⁴⁴ Chankowski 2001, 183-191.

⁴⁵ On παραγραφή see Harrison 1971, 106-124; Harris 2015; Maffi 2017, discussing earlier bibliography.

⁴⁶ Harrison 1971, 119: «We can then say with some confidence that argument and voting on a παραγραφή were quite distinct from argument and voting on the issue of substance»; Harris 2015, esp. 17-19 and 32-34, who examines the role of the legal procedure of *paragraphe* in the context of an analysis of the meaning of *symbolaion* in the law about maritime suits and again makes a strong case for the *paragraphe* and the maritime suit being two separate trials, concluding his argument in the following way: «If a plaintiff brought a maritime case, and the defendant did not dispute the admissibility of the case, both the substantive issue... and the amount of the damages would be discussed and decided at one trial. If a plaintiff brought a maritime case, and the defendant denied the admissibility of the suit by bringing a *paragraphe*, there would first be a trial about the *paragraphe*. One of the issues that might be discussed would be whether an actionable liability (*symbolaion*) existed on the part of the defendant... If the defendant who brought the *paragraphe* won his case, the plaintiff's case was ruled inadmissible, and that was the end of the dispute. If the court rejected the *paragraphe*, another trial would have taken place about the original suit... At this trial, the plaintiff would have cited the verdict at the previous trial to prove that liability existed and possibly reviewed the main points of his case, then concentrated on proving the exact amount of the damages owed by the defendant»; Maffi 2017, XIII-XVII, holding the view that «il fatto che, a fronte di un'unica istruttoria, nel dibattito il convenuto parli per primo sembrerebbe un indizio che rafforza la tesi, come si è visto autorevolmente sostenuta in dottrina, secondo cui la sentenza che chiudeva il processo paragrafico non decideva nel merito, ma statuiva soltanto sull'ammissibilità o meno della *paragrafe*». Contra Talamanca 2017, arguing that there was only one trial and that after litigants had delivered their speeches the court had to choose between the *enklema* of the plaintiff and the *paragraphe* of the defendant (116-17: «mi sembra che si debba trovare qui lo spunto per una diversa ipotesi sulla struttura del processo paragrafico... nel senso di considerare l'*agon* nel giudizio paragrafico come quello che si instaura fra l'*enklema* dell'attore e la *paragrafe* del convenuto. In questo modo il tribunale elastico era posto dinanzi all'alternativa o di accogliere l'*enklema* dell'attore, e condannare così il convenuto al *timema* in quello

judged by a *dikasterion*, [παρὸν κ]αὶ ἀπολογούμενος, being sentenced to a fine of 1000 drachmai.

Such reconstruction of the events remains highly speculative, especially because, as is well known, no other instance of the use of *paragraphe* in a *public* charge is attested (the editor nonetheless maintains that «[l]e *rhô* en début de ligne est certain» and no other restoration appears to be possible)⁴⁷. I am therefore quite surprised to see that this new fragment seems to have received little scholarly attention⁴⁸. Assuming that the restored text is plausible, we can at any rate infer that the question of the missing «sacred property» surfaced at the *euthynai* of Philistides and of the board for which he was the secretary, and after the person responsible for the act of embezzlement was finally identified and it turned out that it was a public official, he was charged before the Council by means of an *eisangelia*. Since the proposed penalty exceeded the limit for which the Council was competent, the case was referred to the court (cf. [Dem.] 47.43: καὶ ἐπειδὴ ἐν τῷ διαχειροτονεῖν ἦν ἡ βουλή, πότερα δικαστηρίῳ παραδοίη ἢ ζημιώσειε ταῖς πεντακοσίαις, ὅσου ἦν κυρία κατὰ τὸν νόμον, «and when the Council was at the stage of voting by a show of hands, whether to refer the case to the court or to penalize Theophemus with five hundred drachmas, as much as it was authorized by law to impose»). Moreover, the formula παρὸν καὶ ἀπολογούμενος, signalling that the convicted *naopoios* (?) was present and defended himself before the court, and the note on the amount of the penalty (*I.Délos* 104-22 = Chankowski 2008, no. 54, b, ll. 3-10; 104-26 = Chankowski 2008, no. 29, C, ll. 1-10), in some other documents also supplemented by the name of the court where the charge was adjudicated and by the number of votes against the defendant and in his favour (Chankowski 2008, no. 29, C, ll. 2-10; *I.Délos* 104-26bis = Chankowski 2008, no. 30, C': [ψήφω]ν αἰ [τ]ε[τρυπημέ]ναι Η, αἰ δὲ πλ[ή]ρε[ις] ΗΗ]Η^ρΔΔΔΔΓΙΙΙ), are a strong indication that the information on this judicial dispute came from an archival record about the trial and it was then incorporated and merged into the *lógos* presented by Philistides⁴⁹.

The inscription of the final accounts rendered by the Athenian *naopoioi* in Delos in the fourth century thus appears in a new light: our analysis has shown that, far from having a merely «symbolic» significance, the accounts turn out to be remarkably accurate and detailed financial records combining together various

espresso, o di far propria la *paragrafe* del convenuto stesso, e conseguentemente dichiarare irricevibile l'azione»).

⁴⁷ Chankowski 2001, 178 and 183-184. The term could, however, be used in the inscription without a technical meaning: for some instances see Thür – Koch 1981, 84, with notes, incorrectly quoted by Chankowski to the opposite effect.

⁴⁸ For an exception see Ph. Gauthier, *BE* 2002, 686 (no. 309), expressing some doubts: «V. Ch. note que ce texte offre le premier témoignage épigraphique sur la *paragraphe* à Athènes et que ce témoignage est tout à fait original dans notre documentation... En effet, ici il s'agit d'une action publique, mettant en cause des magistrats à propos de fonds sacrés. C'est pourquoi on eût aimé que cet *unicum* reposât sur des bases plus sûres».

⁴⁹ Stumpf 1987; Faraguna 2006, 200-201.

information drawn from different registers, presumably on perishable material (as suggested by *I.Délos* 104-24 = Chankowski 2008, no. 55, ll. 8-10: εἰς σανίδ]ια ἐν οἷς οἱ λόγοι, τὸ μὲ[ν] ἐν τῷ Δηλίῳ, τὸ δ' ἐν [πόλει ἀνά]λωμα ν Γ[Τ], «pour les planchettes portant les comptes, l'une à Délos, l'autre sur l'Acropole, dépense: 5 drachmes ¼ d'obole»), bearing on different aspects of their administration. In this perspective, they offer valuable insights into the mechanisms underlying the procedure of *euthynai*.

6. It remains to compare the picture emerging from the classical Delian documentation, limited though it is, with the evidence offered by the yearly *tabulae* of the Athenian overseers of the dockyards (ἐπιμεληταὶ τῶν νεωρίων), spanning in time over more than fifty years from 377/6 to 323/2 (*IG* II² 1604-1632)⁵⁰. Although the beginning of the series is clearly to be connected with the establishment of the Second Athenian League, some much briefer and less detailed lists of triremes and, in one case, of crews, organized again by trireme, are preserved already for the second part of the fifth century (respectively *IG* I³ 498-500 [ca. 435-410] and 1032 [dated «towards the end of the fifth century or the beginning of the fourth»])⁵¹.

Formally (and typologically), the naval lists are *paradosis*-documents providing an updated register of all triremes and gear (wooden and hanging) possessed by Athens, with information concerning their condition and rating, which the outgoing *epimeletai* were handing over and officially «transferring» to their successors. This clearly appears from *IG* II² 1607, ll. 1-3 ([ἐπὶ Ἀστείου ἄρχοντος τάδε παρέδοσαν οἱ ἐπιμεληταὶ οἱ ἄρχοντες ἐ]ν τοῖς νεωρίοις [the names of the ten members of the board are then recorded]), and 1611, ll. 1-2 ([τά]δε ἀν[έγραψαν] νεωρίω[ν ἐπιμεληταὶ – – – – –]ν ὄντα ἐν τοῖς νεωρίοις καὶ [τ]ὰ ἐκπε[π]λευκότα καὶ τὰ ὀφειλόμενα), where, although with some significant variation in the *restored* formulaic structure, the headings are at least partly preserved (cf. also 1627, ll. 46-48: [τ]ὰδε παρελάβομεν καὶ ἀπολάβομεν σκευὴ κρεμαστὰ ἐν νεωρίοις, and *passim*). *IG* II² 1611, to quote an example, thus first comprises a section where

⁵⁰ For a number of fragments of naval records found in the Athenian agora after the publication of the volume containing the *tabulae magistratum* of *IG* II² by Kirchner in 1927 cf. *SEG* 45.145-148 with Gabrielsen 1999. As shown by Laing 1968, 245 n. 4 (cf. 253), many of the fragments published by Kirchner as separate inscriptions in fact belong together: thus 1604 and 1605 «are very probably two parts of the same stele»; similarly 1613 and 1614 «form the upper and lower parts respectively of a stele 1.91 m. in height» bearing the records for the year 353/2 (or 352/1). The same applies to 1615, 1617, 1618 and 1619 which «are four parts of a single document». 1620 and 1621 in turn «are from a single stele and should be dated together, probably in 348/7». On the contrary, in *IG* II² 1611 and 1612 «the separate stocktaking of equipment in the dockyards in both 1611.42-46 and 1612.47-84 is a good indication that they are records from different years» (Gabrielsen 1994, 232 n. 31). For a study of *IG* II² 1622 see Simonsen 2008.

⁵¹ On *IG* I³ 1032 and the procedures for the recruiting of crews by trierarchs at the end of the fifth century see Bakewell 2008, esp. 146-157.

overall numbers of hulls and equipment (the so-called *arithmos*-formula) taken in stock by the board were given, and then offered a detailed and analytical inventory of ships and, separately, individual items of equipment, one by one, arranged according to the harbour and «class» to which they belonged, starting from those which happened to be at hand in the dockyards (νεώριον) and in the storehouse (σκευοθήκη). This section was then followed by a list of the triremes that were already at sea when the board took office and, finally, a register of «debts», i.e. items of equipment that trierarchs had not returned and, as a result, were still «owed» (τὰ ὀφειλόμενα; ll. 2 and 15-16)⁵².

It needs emphasizing that the totals given by the *epimeletai* in the *arithmos*-formula often also include ships and equipment that only existed «on paper», in so far as not all vessels were effectively usable (and some had possibly even been lost) and not all the equipment was really in stock and some was, for instance, either «owed» or, again, had been damaged or lost. As noted by V. Gabrielsen, the summative numbers provided in the accounts are, in other words, «gross totals for bookkeeping purposes», thus expressing potential and not net figures. Some ships or items of equipment are indeed recorded only because they had been involved in various legal cases⁵³. This fact is of crucial importance since it illuminates the rationale underlying the documents: as in the case of the Athenian *naopoioi* in Delos, the information incorporated in the registers was selected with the purpose of providing a breakdown of all administrative transactions undertaken by the board of the *epimeletai* during their term of office, especially for their financial consequences and the ensuing legal obligations. Even triremes and gear that could not be physically returned had to be registered in the books, and this because they were part of *diadikasiai* and court judgments. The inference is thus inescapable that the *tabulae* of the overseers of the dockyards were drawn up with a view to accountability and in connection with the end-of-year *euthynai*.

Again, it can be assumed that the catalogues were compiled drawing information from different sets of documents. It may well be that in some cases the overseers used the records of the previous year and simply copied *verbatim* the entries drawn up by their predecessors but the information ultimately rested on the διάγραμμα, the «central register of all naval material delivered by the *epimeletai* to trierarchs», from which the copy recording the materials assigned to each trierarch was compiled ([Dem.] 47.36: ἀπήτουν αὐτὸν τὸ διάγραμμα τῶν σκευῶν, «I demanded [from the syntrierarch Theophemos] the inventory of the equipment»), and «a primary list of equipment belonging to each hull containing also detailed specifications about the ‘value’ (τιμὴ) related to each of them»⁵⁴. It presumably noted the ships with their name, rating and naval architect, the items of equipment

⁵² For the structure of the inventory see J. Kirchner, *ap. IG II² 1611*, 200-202; Gabrielsen 2013, 64-66.

⁵³ Gabrielsen 1994, 126-128, 146-149.

⁵⁴ Gabrielsen 1988, 73-77.

issued, and the monetary value of the hull and gear, i.e. «the sums to be paid in case compensation was claimed by the state»⁵⁵. V. Gabrielsen has for instance brilliantly observed that in *IG II² 1629*, ll. 945-948 (ταύτης κατέβαλε Φαίαξ τὸ ἀπλοῦν : ΠΠ : ἀποδέκταις τοῖς ἐπὶ Χρέμητος ἄρχον), as a part of the naval lists for 325/4, the entry, which is repeated almost *verbatim* from the document of the year before (326/5), cannot have been copied directly from the *stèle* because the amount there inscribed is 1500 drachmai (*XI^Π*; 1628, ll. 424-427). The *epimeletai* must have therefore used as their master copy another document (in all likelihood the *διάγραμμα*) written on perishable material⁵⁶.

Besides using the *διάγραμμα* as the basis for their accounts, the overseers of the dockyards also incorporated in their inventories information they found in other registers. In their records there are for instance references to a remarkable number of decrees, both of the *boule* and of the assembly, 20, excluding repeated references, and 46 in total if multiple mentions are included: decrees assigning triremes to generals; decrees granting triremes and various gear to trierarchs; decrees ordering the sale of gear; a decree proposed by Demades about trierarchs in debt benefitting from voluntary contributions to the «grain fund» (σιτωνικά) to reduce the amount of their debt, etc.

The accounts also frequently refer to trials and legal cases concerning matters within the responsibility of the *epimeletai*, who thus acted as the *εἰσαγόουσα ἀρχή* (cf. [Dem.] 47.26: ὡς δὲ τοῦτό μου εἶποντος οὐκ ἀπεδίδου, ὕστερον αὐτῷ περιτυχῶν περὶ τὸν Ἑρμῆν... προσεκαλεσάμην πρὸς τε τοὺς ἀποστολέας καὶ πρὸς τοὺς τῶν νεωρίων ἐπιμελητάς· οἱτοὶ γὰρ εἰσήγον τότε τὰς διαδικασίας εἰς τὸ δικαστήριον περὶ τῶν σκευῶν, «but in as much as he refused to give it up at my request, later when I chanced upon him near the Hermes..., I summoned him before the dispatchers and the overseers of the dockyards. For these were the magistrates who at that time were introducing the adjudications concerning ship's equipment into court»). Revealingly, *δικαστήρια* are repeatedly mentioned in the naval catalogues: *IG II² 1608*, a, l. 18 (the context is lost); 1613, ll. 166-239, esp. 166-170; 1623, ll. 6-13, 26-34, 65-71, 98-123; 124-143, etc.; 1628, *passim*.

The legal disputes settled in court generally arose from the obligation imposed on the trierarchs to hand over the trireme seaworthy and the naval equipment in a proper state of repair and, ideally, in the same condition as they had received it. The overseers of the dockyards, together with a *dokimastes*, inspected the triremes and reported their findings to the *boule*, which was «the principal judicial authority in naval matters»⁵⁷. If there was damage to the trireme or it was lost, the trierarch could be held financially responsible. In case of damage or loss at sea, the trierarch in turn

⁵⁵ Gabrielsen 1994, 136.

⁵⁶ Gabrielsen 1988, 74.

⁵⁷ Rhodes 1972, 117-121, 153-158 (the quotation is from p. 154); Gabrielsen 1994, 136-139.

could claim that this had occurred owing to a storm (or in battle) and present an excuse (σκήψις) demanding to be exonerated from liability⁵⁸.

The matter was then treated at a hearing in court in a *διαδικασία*: *IG* II² 1629, ll. 746-749: αἶδε τῶν τριήρων καὶ τετρή τῶν σκηφθειςῶν κατὰ χειμῶνα ἔδοξαν ἐν τῷ δικαστηρίῳ κατὰ χειμῶνα διαφθαρῆναι («the following triremes and quadriremes that have been adjudicated for storms were found by the court to have been lost in a storm»; cf. 771-780, 796-799: ἐν τῷ δι[κα]στηρίῳ κατὰ χειμ[ῶ]να ἀπολωλέναι; 1613, ll. 202-206; 1631, ll. 116-120, 141-143, 148-152). In 1620, ll. 32-74, the *διαδικασία* concerning the trireme *Δημοκρατία* is styled as «concerning some injustices» (περὶ ἀδικημάτων) and was adjudicated between the two trierarchs and the board of ἐπιμεληταὶ τῶν νεωρίων. If the restorations in ll. 58-74 are correct, the decision may have gone against the trierarchs who are recorded as owing naval equipment. If the trierarch was convicted he had to formally accept by means of an ὁμολογία the obligation to replace the ship or pay compensation for it, while retaining in the latter case the old hull, with the exception of the prow (1623, ll. 6-13, 26-34; 1628, ll. 610-615: τῶν ὁμολογησάντων ἐν τῷ δικαστηρίῳ καινὰς ἀποδῶσειν τριήρεις καὶ τοὺς ἐμβόλους ὀφείλουσι τῇ πόλει, τὰς δὲ τριήρεις ἀποδεδόκασι[ν]).

Since the *corpus* of the *tabulae curatorum navalium* is very substantial and a discussion of even a small number of these documents would exceed the limits of this paper, I would like to examine more in detail an extensive entry from *IG* II² 1613 (which formed a single *stele* together with 1614)⁵⁹, in particular the section from ll. 166 to 239, which may provide some insights into the nature and purposes of the naval records in relationship to εὔθυναί and which, as far as I am aware, has not been analysed in depth since an article by U. Köhler published in 1881⁶⁰.

The entire section concerns seven vessels (*Syntaxis*, *Thraseia* [*Epicharidou*], *Eutyches* [*Lysikleidou*], *Logche*, *Kallist[to]*), *Eutychia* [*Epigenous*], *Strategis* [*Amyntou*]) and is arranged in three subsections signalled by three headings. The *arithmos*-formula at ll. 224-226 ([ἀριθ]μὸ[ς] τριήρων καὶ [σκευῶ]ν τῶν διαδεδικασ[μένω]ν· τριήρεις ΓII) offers the clue for understanding what the three subsections have in common, namely the fact that the seven triremes and their equipment were all made the subject of a *diadikasia* because they had been severely damaged (or lost). Concerning the first four triremes in the list (*Syntaxis*, *Thraseia*, *Eutyches*, *Logche*), their trierarchs had been acquitted in court and «they had handed over on the *stele*» (ll. 166-170: [ἀπὸ] το[ύ]των [τούσδε] ἐν τῷ δικαστη[ρίῳ] ἀποπε]φευγότας καὶ πα[ραδόντας] ἐν τῇ στήλῃ [παρέ]δομεν). Two among the seven ships (*Eutychia*, *Strategis*) were adjudicated in a *diadikasia* in a prior year (under the archonship of Diotimos, probably in 354/3) as having been utterly

⁵⁸ For the legal implications of this procedure with regard to the notion of ἐπιείκεια cf. Harris 2013a, 274-301, esp. 298-300.

⁵⁹ See above n. 50.

⁶⁰ Köhler 1881.

damaged in a storm, with their trierarchs consequently being exonerated from any responsibility (Il. 203-206: [δ]ιεδικάσθησαν κα[ὶ] ἔδοξαν] κατὰ χειμῶνα δ[ιαφθαρήναι]), while the remaining one (*Kallist[to]*) had been «payed off» (ἐξετείσθησ[αν]; the plural, clearly not congruent with what follows, remains somewhat puzzling) and we must assume that the trierarch had fulfilled the obligation to pay compensation for its loss.

The meaning of the first heading ([ἀπὸ] το[ύ]των [τούσδε ἐν] τῷ δικαστη[ρίῳ ἀποπε]φευγότας καὶ παρα[δόντας] ἐν τῇ στήλῃ [παρέ]δομεν) is to some extent problematic but the interpretation must be that the overseers in charge had handed over to their successors the «file» pertaining to the four triremes, although such «surrender» was merely on paper because the four hulls and their gear could not have been physically transferred nor received in a παράδοσις-παραλαβή transaction since, as we have seen, they had been badly damaged (and perhaps even no longer existed; cf. Il. 224-226: [ἀριθμ]ὸ[ς] τριήρων καὶ [σκευῶ]ν τῶν διαδικασ[μένω]ν· τριήρεις ΓII). Notwithstanding the fact that the trierarchs are described as «in possession» (ἔχουσι) of the equipment, this must also again be true only nominally⁶¹, so that the expression πα[ραδόντας] ἐν τῇ στήλῃ cannot refer to the σκεύη being concretely returned to the dockyards but rather to their still being registered in the books as a part of the administrative praxis of the *epimeletai*. It can as a result be suspected that the magistrates who drew up the accounts mechanically repeated the entry of their predecessors who had originally issued the material to the trierarchs. Similarly, the entries in *IG II² 1622*, Il. 448-452 ([ὧν] ἔλαβε παρὰ [τῶν] τριηράρχων [καὶ οὐκ] εἰσήνεκε γρά[ψας] ἐν τῇ στήλῃ) and 1631, Il. 410-415 (τάδε ὀφείλουσιν οἱ τῶν νεωρίων ἐπιμεληταὶ οἱ ἐπ' Ἀντικλέους ἄρχοντος καὶ ὁ γραμματεὺς αὐτῶν τῶν σκευῶν, ὧν γράψαντες εἰς τὴν στήλῃν οὐ παρέδοσαν ὄντα ἐν τοῖς νεωρίοις) make a note of the fact that the naval officials had recorded on the *stèle* that they had «transferred», returned the equipment to the dockyards, but this, in actual fact, had not happened since they had refused to hand it over and held on to it. The *paradosis* was evidently only nominal, on paper, but for this very reason it still needed to be recorded in the books.

It thus emerges that the accounts of the *epimeletai* were not meant to provide a register of the effective force of the Athenian navy. Rather, the information collected in their catalogues was selected in order to show that they had performed their administrative duties in a correct manner, regardless of the fact that such information was at times clearly redundant, if not unnecessary. The accounts were in other words drawn up with a view to accountability. We may wonder why the *epimeletai* did not simply cross out the ships lost in a storm from the διάγραμμα but the answer is probably that they had been involved in legal proceedings and this needed to be noted in case somebody should raise an exception at their εὔθυναί.

⁶¹ I would like to thank Professor Vincent Gabrielsen for pointing this out to me (*per ep.*) and for generously sharing with me his thoughts about this inscription.

7. In conclusion, tying up the threads of the argument, the analysis of the accounts of the Athenian *naopoioi* in Delos and the overseers of the dockyards in Piraeus has revealed that these were complex documents constructed by assembling information drawn from various registers and records from the magistrates' archives. The focus was primarily on financial administration since such documents were produced for the purpose of presenting the end-of-year accounts (λόγοι). It remains unclear how selective they were in relationship to the accounts of the day-to-day administration written on perishable material but they certainly were accurate documents, hardly with a merely symbolic significance. We have seen that in one revealing case an entry was not mechanically copied from the *stele* of the year before but surely from the διάγραμμα, the «central register» of ships and naval equipment kept and, we must presume, periodically updated by the naval overseers (*IG II² 1629*, ll. 945-948). *SEG 51.1001* (= Chankowski 2008, no. 55) refers to the *stele* of the previous board of *naopoioi* in the context of a trial for misappropriation of sacred property. The inscribed records of the ἐπιμεληταὶ τῶν νεωρίων frequently mention διαδικασίαι concerning damage or loss of triremes and equipment. As underlined by E.M. Harris, in case of acquittal these records ensured «protection against any further legal action»⁶². In [Dem.] 47.18 and 22 Theophemos is chastised for defying the decrees and the laws and for «weakening confidence in the magistracies and in the words inscribed on the *stelai*» (ἀπίστους δὲ τὰς ἀρχὰς κατέστησεν ὑμῖν καὶ τὰ γράμματα τὰ ἐν ταῖς στήλαις) by not returning naval equipment, while he, together with his syntrierarch Demochares of Paiania, «had had their names inscribed upon the *stele* as owing equipment to the city» (γεγραμμένους οὖν αὐτοὺς ἀμφοτέρους ἐν τῇ στήλῃ ὀφείλοντας τὰ σκεύη τῇ πόλει). The records engraved on the *stelai* clearly were not devoid of legal value and could be quoted as proof of an obligation. They were thus not mentioned simply for symbolic or rhetorical purposes but as evidence to be used in judicial proceedings.

On the other hand, it must be noted that the picture emerging from the naval lists is to some extent less clear-cut. Here, as we have seen, references to the *stele* occur mostly in relationship to a «nominal» *paradosis* of equipment which, in actual fact, had not been returned and, from the point of view of the overseers of the dockyards, was still outstanding (and the matter therefore still pending). In administrative terms, they nonetheless still needed to be accounted for in the magistrates' books. Although such references do not seem to make sense if the purpose of the records was to provide a complete inventory of the material effectively available to be used for military purposes, they are also highly revealing since they cogently show that the *tabulae curatorum navalium* were designed as documents first and foremost functional to be presented as accounts of the magistrates' administrative actions on the occasion of their *euthynai*.

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⁶² Harris 2013b, 156-157.

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