

Cronache

XXIII Symposium of Greek & Hellenistic Law

Delayed by a year due to the ongoing pandemic, the biennial Symposium of Greek and Hellenistic Law took place on 22-24 of August 2022, at a High Medieval castle on Lake Traunsee, in the breath-taking Austrian town of Gmunden. The meeting was opened by the organiser Philipp Scheibelreiter (Vienna) with a delightful talk on the (legal) history of Gmunden and the surrounding Salzkammergut region—a fitting introduction to the discussions which followed.

In the very first paper of the Symposium, Βιαιοθάνατοι *in the Phaleron cemetery mass grave: In search of the historical and legal context*, Athina Dimopoulou (Athens) explored the recently unearthed mass grave of 79 skeletons—the majority of which belonged to young adult or juvenile males—dating between the second third and the end of the seventh century BCE. Drawing on the latest preliminary field observations, the ongoing analysis of the remains, and anthropological documentation, Dimopoulou synthesised the information, situating the find in its historical context. She then examined the possible circumstances surrounding the victims' deaths, and elaborated on the ensuing legal implications. The respondent Bernhard Palme (Vienna), unfortunately, could not be there.

In the following talk, *Das Gesetz Drakons—Versuch einer Neuübersetzung ins Deutsche*, Werner Rieß (Hamburg) treated the homicide law attributed to Draco, as preserved, in part, on a fragmentary inscription. Aiming to reconstruct the contemporary context of the law based on the most recent research, Rieß drew attention to the urgent need for a new, more accurate translation of the law into German. This new translation, as proposed by Rieß, should point the way to a better understanding of a major step in the development of the Athenian statehood. Rieß pointed out how, in a rather remarkable manner, Draco's law not only aimed to regulate a blood feud by holding everyone who was causally involved in manslaughter accountable,

but also gave prominence to the possibility of *aidesis*, or reconciliation. The response was delivered by Winfried Schmitz (Bonn).

Continuing with the topic of legislation, Martin Dreher's (Magdeburg) paper, *Wie lange gelten die altgriechische Rechtsvorschriften?*, sought to categorise and discuss the different ways in which Greek legal regulations, broadly understood, have come to face their end. On the one hand, certain regulations could become obsolete through mere passage of time and, as such, would tacitly fall into desuetude; on the other, some laws are known to have been intentionally and explicitly repealed. Dreher considered, among else, whether the physical destruction of a regulation in its material form, e.g. public inscription, corresponded to a lawful end of that regulation and, if so, what this meant for the original document deposited in the civic archives. This, in turn, raised the question of accessibility of earlier, no longer valid laws. The respondent was Lene Rubinstein (London).

Subsequently, in his paper entitled *Nomoi in Thucydides*, Robert Wallace (Chicago) drew on some of his earlier work, presented in Symposium 2005, which surveyed the objections against statute laws raised by anti-democratic Athenians of the Classical period. Bringing together and examining a number of passages in Thucydides, which mention *nomoi* and/or *nomimos*, Wallace argued for the overall relevance of these passages to the idea of Athens' progressive moral decline observed from Book 1 through to 7, as well as to the vexed question concerning the authenticity of Thucydides' speeches. The response was given by Mirko Canevaro (Edinburgh).

The following contribution by Mariagrazia Rizzi (Milan), *Neue rechts-historische Überlegungen zum Gesetz des Nikophon*, dealt with the epigraphically preserved law of Nikophon—a legal enactment, which is of particular importance for our understanding of the material and formal aspects of Athenian law in the fourth century BCE. Pointing out some of the issues that still remain to be solved, Rizzi focused her attention on the authorities mentioned in the law and their functions. Having further considered some of the procedural aspects and penal provisions of the law, Rizzi concluded by examining the role of state slaves. The respondent was Adele Scafuro (Providence).

The final speaker of the first day, Carlos Sanchez-Moreno Ellart (Valencia), was, regrettably, unable to attend the meeting. His paper, *Griechisches Recht und römisches Recht im Roman Chaereas und Callirhoe von Chariton von Aphrodisias*, which examined a number of legal aspects in the

novel—in particular, the extent to which the author’s portrayal of the legal situation in the fifth century BCE Syracuse was influenced by his own contemporary and, therefore, Roman legal context—was neatly summarised by the respondent Patrick Sänger (Münster).

The second day of the meeting started with a paper by Stephen Todd (Manchester), entitled *The discovery of the Gortyn Code and nineteenth-century debates over the unity of Greek law*. Although the study of the so-called Great Code of Gortyn has traditionally focused on the contents of the inscription and the light it sheds on the legal life in Gortyn and other Cretan cities, Todd’s paper explored, instead, the impact that the discovery of the code in the nineteenth century had on contemporary scholarly debates concerned with the unity of Greek law. The response was given by Ilias Arnaoutoglou (Athens).

The spotlight remained on Crete in the following talk, with David Lewis (Edinburgh) asking: *Did serfdom exist in Classical and Hellenistic Crete?* Drawing on new epigraphical material as well as some of the most recent studies on the topic, Lewis revisited the age-old debate concerning the servile status(es) on Crete and the relationship of servile groups to the land. Combining detailed legal analysis with historical, comparative and linguistic arguments, Lewis concluded that, while various local forms of slavery can be found in the Cretan documents, no serf status existed which brought with it special rights or attachment to a particular plot of land. The respondent was Alberto Maffi (Milan).

Christel Müller (Paris) followed, with her paper on *The uses of trigonia: descent, freedom and legitimacy in Greek cities from Pericles to Marcus Aurelius*. Müller began by pointing out that the most explicit use of the term *trigonia* in connection with access to the Areopagos has come down to us in the letter of Marcus Aurelius to the Athenians, dating to 174/5 CE. Parallel uses of ‘third generation’ rule, however, go at least as far back as Classical Athens, and are attested elsewhere, e.g. in Massalia or Halikarnassos. Starting with the imperial period and then going back to the Hellenistic and Classical times, Müller traced the tri-generational practices in the Greek cities through a series of case studies, demonstrating how, much like all rules, *trigonia* was subject to a wide range of applications, circumventions, and readjustments. The respondent, Sara Forsdyke (Michigan), unfortunately, could not participate.

The final speaker of the day was Anna Magnosto (Pisa) whose paper, *Leggi civiche sugli ambasciatori nel mondo greco di età classica ed ellenistica*, investigated the origins and the subsequent development of Greek laws concerned with the activity of civic envoys. Taking into account literary and epigraphic sources from various regions of the Greek world, Magnosto explored the contents of known legislation, which regulated the sending and the reception of delegations to and from other communities, as well as bestowal of honours upon them. Magnosto concluded with some considerations on the existence of shared rules concerning ambassadorial activity in the Greek world. The response was delivered by Kaja Harter-Uibopuu (Hamburg).

The third and final day of the meeting started with a paper by Andreas Victor Walser (Zürich), entitled *Noch einmal zur realen Sicherheit im Griechischen Recht: Substitutive vs. collateral*. As the title suggests, Walser's contribution revisited one of the most protracted debates in the scholarship of Classical and Hellenistic Greek law, namely, the question whether real security in a loan transaction should be understood as substitutive or as collateral. Having analysed the existing body of evidence, with a particular focus on the source material from Greek cities other than Athens, Walser argued that the two principles could in fact coexist due to the relative freedom in designing loan agreements. The respondent was Thomas Kruse (Vienna).

The second paper, *Stiftungen im antiken Griechenland: Eine selbständige Rechtsinstitution?*, by Sophia Aneziri (Athens) dealt with donations of money or real estate by private individuals to public bodies, with a view to finance a long-term project determined by the donor. In the first part of her talk, Aneziri tackled the problem of modern terminology, and the extent to which it may be applied in explaining the ancient practice. More light was then shed on the issue by looking at concrete examples of such transactions. Aneziri concluded that ancient 'endowments' of the sort confirm the lack of formalism in Greek law and represent, instead, a rich mixture of financial and administrative procedures that were widely used in the Greek world. The respondent, Maria Nowak (Warsaw), regrettably, could not attend.

The following speaker was Uri Yiftach (Tel Aviv), with his paper *Zur Romanisierung des Vertragsrechts der Papyri: A case for the stipulatio*. Yiftach first pointed out that, when it comes to stipulation, Theophilus' *paraphrasis* of Justinian's *Institutiones* as well as Greek jurisprudential litera-

ture of the Byzantine period use the verb ὁμολογέω to render the Latin *promitto*. In this particular context, Yiftach argued, ὁμολογέω takes the aorist, present, and future infinitive, rather than perfect tense, forms. Drawing on a number of papyrological sources, Yiftach investigated the extent to which this innovative usage of ὁμολογέω pervaded other clauses in late Antiquity, thus transforming the Greek contract from an account of an act performed in the past to a promise of a future undertaking. The response was given by Éva Jakab (Szeged / Budapest).

Legal papyri were also at the heart of the paper by José Luis Alonso (Zürich), concisely entitled *agraphos gamos*. Alonso sought to explain the nature of ‘writing’ that was understood as transforming a marriage from *agraphos* into *engraphos*, and the paradoxical changes that this transformation entailed. Among these changes was the father’s loss of some of the crucial aspects of his paternal power and the children’s acquisition of testamentary capacity, both seemingly connected to the so-called “laws of the Egyptians”—an amalgamation of local legal traditions, which could be resorted to in the law courts of Roman Egypt. The response was delivered by Gerhard Thür (Vienna).

The final paper of the Symposium, *Constitutio Antoniniana: Imperial whims and scholarly assumptions*, was given by Kostas Buraselis (Athens). Having recounted the surprisingly scanty evidence for the so-called Antonine Constitution, by which Caracalla extended Roman citizenship to all free inhabitants of his empire, Buraselis embarked on a re-assessment of the apparent discrepancies between the literary testimonies and the single documentary attestation of Caracalla’s measure (*P.Giss.* 40, col. I). Buraselis revisited the famous citizenship papyrus in light of earlier, individual citizenship grants—namely, those preserved on the *Tabula Banasitana* of 177 CE—and proposed a modified reading of the crucial lacuna in lines 8-9 of the papyrus, which claims to better fit the immediate context as well as the subsequent reception of the enactment. The respondent was Lina Girdvainyte (Hamburg).

At the end of the meeting, Michele Faraguna was designated as the organiser of the XXIVth Symposium of Greek and Hellenistic Law in Milan.

Lina Girdvainyte, Edinburgh

Rendere giustizia agli stranieri nella Grecia antica. A cinquant'anni dalla pubblicazione di *Symbola* di Philippe Gauthier

Nel pomeriggio del 2 dicembre 2022, presso l'Università degli Studi di Milano, M. Faraguna ha organizzato un incontro di studio in occasione del 50° anniversario della pubblicazione del libro di Philippe Gauthier, *Symbola. Les étrangers et la justice dans les cités grecques*, Nancy 1972. A discutere il contenuto del libro, che resta un'opera di riferimento per lo studio della giurisdizione relativa ai rapporti fra cittadini e stranieri e, più in generale, per lo studio della protezione della persona e dei beni dello straniero nella Grecia dell'età classica e del primo ellenismo, sono stati invitati studiosi italiani e stranieri particolarmente interessati alle tematiche trattate nel libro in questione. P. Fröhlich (Université Bordeaux Montaigne), «1972-2022: perspectives sur les *symbola* après les *Symbola*», ha tracciato una biografia intellettuale di Gauthier e ha delineato l'influenza di *Symbola* sui lavori successivi dedicati alla medesima tematica; P.A. Tuci (Università Cattolica Milano), «La crusca e la farina. Attualità del pensiero di Philippe Gauthier sui meteci», ha ripercorso criticamente i tratti salienti della trattazione che Gauthier dedica ai meteci ateniesi nel capitolo III di *Symbola*, con particolare riguardo al ruolo svolto dal cittadino ateniese che assumeva il ruolo di *prostates* nei confronti del meteco e alle modalità di integrazione dei meteci nella comunità cittadina. A. Maffi (Milano), «Gli stranieri a processo nei *Symbola* di Gauthier», da un lato, ha preso in considerazione il cap. V di *Symbola*, in cui Gauthier si occupa di *sylai* e *asylia*, mettendolo in relazione con il lavoro di B. Bravo dedicato al medesimo tema; dall'altro, ha dedicato la sua attenzione al cap. I di *Symbola*, con particolare riguardo al ruolo attribuito da Gauthier ai *proxenoi*; M. Faraguna (Università di Milano), «Atene, gli alleati, l'impero: *symbolai* e *symbola* tra V e IV secolo», basandosi sul riesame dei documenti più significativi già presi in considerazione in *Symbola*, ha sottoposto a un serrato procedimento di verifica l'attendibilità della tesi di Gauthier secondo cui *symbolai* e *symbola* avrebbero contenuti diversi e non sarebbero quindi da considerarsi sinonimi, come invece ritenuto dalla dottrina precedente; M. Dreher (Magdeburg), «Quando e come nasce la tradizione dei cosiddetti giudici stranieri nel mondo greco?» [da remoto], ha sostenuto, anche in base a una iscrizione recentemente rinvenuta a Olimpia e databile al V secolo a.C., che la figura dei giudici stranieri risalga a un'epoca ben precedente all'età ellenistica in cui si è soliti collocarla

e sia da mettere in relazione con l'arbitrato internazionale; C. Müller (Université Paris Nanterre), «Isopoliteia, forme et contenu: réflexions à partir du chapitre 7 des *Symbola*» [da remoto], ha svolto una serie di riflessioni sul rapporto fra cittadinanza della singola polis appartenente a un *koinon* e cittadinanza federale in relazione ai trattati di *isopoliteia*, e al rapporto fra *isopoliteia* e *symbola*.

Alberto Maffi