

**M.I. FINLEY'S *STUDIES IN LAND AND CREDIT IN ANCIENT ATHENS*
RECONSIDERED***

Keith Hopkins Meets Moses Finley

In the 1980s the Institute of Historical Research commissioned a series of video-recordings in which senior historians were interviewed for posterity by more junior colleagues. In October 1985, Keith Hopkins, who had recently taken up the Chair of Ancient History at Cambridge, interviewed Sir Moses Finley.⁽¹⁾ There are plenty of flashes of the familiar Finley, including the accustomed linguistic tropes, as he sets Hopkins to rights in his questioning. As the hour-long interview progresses, Finley plainly tires and makes occasional slips over dates and events. He died less than a year later, in June 1986. But it remains an intriguing encounter, suggesting how Finley viewed, or wanted to view, his career in retrospect.⁽²⁾

Hopkins begins the discussion by asking Finley how his earlier experiences in America had influenced his later work as an ancient historian. Finley responds by drawing a contrast: in Britain, professional ancient historians have typically specialised in the Classics (narrowly, the Greek and Latin languages) from the age of fifteen. He concludes: 'If they learnt anything else, it was on their own.' Hopkins, through a leading question, prompts Finley into asserting that this practice is 'killing the subject.'⁽³⁾ The debate then shifts across to Finley's very different experience as an undergraduate and graduate student in the United States, after which Hopkins turns to Finley's 'relocation' to Britain in the mid-1950s. Finley explains how, '... through a series of very complicated coincidences, I had an opportunity to visit Oxford and Cambridge, for one term, to give some lectures. To my astonishment, I was offered jobs in both places, without having applied.' He relates how he was offered the Cambridge job without even knowing it existed: 'I came back to say good-bye. I was leaving for home. I was told I had been appointed. Literally.'⁽⁴⁾

The discussion moves on to consider the basis of Finley's reputation, which had led to this initial, enthusiastic acceptance in Britain, at both Oxford and Cambridge, forming the springboard for his decisive impact on the practice of ancient history. Hopkins suggests that: 'The book that made your reputation at that time, I think, was *The World of Odysseus*.' Finley replies: 'Yes and no. The book that made my reputation with people here [in Britain] was my dissertation, in fact, *Studies in Land and Credit in Ancient Athens*. *The World of Odysseus*, people like Hugo Jones were not very impressed with. They thought that it was pretty pop stuff.' Hopkins suggests: 'But it burst on the intellectual world in general?', to which Finley responds: 'Yes, that is right; but not among professional ancient historians, not in this country.' That exchange serves to shift the conversation

firmly onto Homer and the *World of Odysseus*, and thence to other matters, with no further mention of *Studies in Land and Credit*.⁽⁵⁾

That piece of dialogue might seem to be representative of the place of *Land and Credit* in the Finley story. It may be worth a footnote for having helped to establish Finley's reputation as a serious scholar at a crucial phase in his career, but with nothing like the resonances of his later work on Homer, slavery or democracy; none of which have any explicit role in *Land and Credit*. In fact, the book could be presented as being for Finley an academic digression (even a dead-end), in that, in terms of conception and presentation, it resembles nothing else he subsequently wrote. It is possible to appreciate Finley's contribution to mainstream ancient history without any detailed knowledge of *Land and Credit*.⁽⁶⁾ In what follows, no claim will be made that the book is 'the neglected key' to understanding Finley's own intellectual development and the remainder of his output. But its languishing as an undigested lump in the sequence of Finley's writings may in part be remedied by tracing through consideration of its conception, birth and afterlife.⁽⁷⁾ The discussion that follows addresses three overlapping aspects of the impact of *Land and Credit*. These are the significance of the making of the book for Finley himself, its impact on publication on contemporaries, and its influence on posterity. Lurking behind this is the relationship between *Land and Credit* and *The Ancient Economy*, which appeared twenty years later.⁽⁸⁾

The Making of *Land and Credit*

Studies in Land and Credit in Ancient Athens, 500-200 B.C.: The Horos Inscriptions (to give the full title) was published in 1952 by Rutgers University Press. Finley was then forty, an Assistant Professor at Rutgers, New Jersey, where he had been employed full-time since 1950. As stated by Finley in conversation with Keith Hopkins, *Land and Credit* originated as his doctoral dissertation, which he successfully defended in the summer of 1950. The Preface to the book makes no mention of its origins in a doctorate, but its opening sentences are revealing in terms of expressed intentions, concepts invoked, and detailed terminology.⁽⁹⁾

While working on problems of money and credit, planned as the opening section of a book on business practices in the Greek cities, I soon felt the want of a systematic modern account of the guaranty aspects of credit, apart from purely juristic studies (chiefly German) of the law of security. Since security is the external link between land, the basic form of wealth in the Greek economy, and credit, a full examination of this bond appeared essential as a prelude to the larger

work on business practices. The social and economic aspects of land-credit relationships, in particular, seemed to require consideration alongside the juristic. Ultimately, I found it necessary, for reasons of substance as well as the limitations of space, to narrow the field once again, this time to the city of Athens.... Otherwise, I have tried to be as thorough as I could....

This book is intended as the first of several volumes, which will eventually embrace the whole of the city-state world and which will examine many questions that have been excluded or merely skimmed in the present volume.

The planned book on ‘business practices’ never appeared; still less the ‘several volumes’ covering ‘the whole of the city-state world’. Both might seem to sit awkwardly with Finley’s later, professed outlook. ‘Business’, in the sense of purposeful commercial activity, makes no appearance in *The Ancient Economy*. References in the index to ‘Business practice’ relate to distinctly uncommercial thinking and activity: non-involvement of Rome’s élite directly in trade (pp.57-8); the absence of economic rationality from Cato’s *De agri cultura* (pp.110-11); the barrier between liquid resources and their productive mobilization (pp.141-5).(10) Finley’s subsequent antipathy to book-length studies of individual *polis*-states, beyond Athens and possibly Sparta, is well attested.(11) Also, being ‘as thorough as I could’ might seem at odds with Finley’s later deftness of touch, reflected in his caricature of the ‘write-all-you-know-about *x*’ approach to historical writing. On the other hand, emphasis on land as the basis of wealth and on ‘social and economic’, as opposed to ‘juristic’ considerations, prefigure the direction his interests were to take.(12)

The significance of *Land and Credit* (with its preface) for Finley’s subsequent thinking harks back to its gestation and early evolution. There are clues in Brent Shaw’s valuable account of Finley’s correspondence with Fritz Heichelheim, dating from the early 1930s.(13) The exchange began when Heichelheim, ten years Finley’s senior and already established as an authority on aspects of the ancient economy, was a lecturer at the University of Giessen. In 1933, he arrived as a refugee in Britain; after spells at Cambridge and Nottingham Universities (interrupted by internment as an enemy alien), he ended his career at the University of Toronto. It is clear from the letters that Heichelheim acted as Finley’s early supporter and sponsor; to the extent that, late in 1947, he suggested that Finley apply for a research grant at Nottingham. Finley gracefully declined, offering by way of explanation his relative age and the need to secure a full-time teaching post.

Finley (until 1946, Finkelstein) began his doctorate in 1929 at the University of Columbia, in New York City, where, aged seventeen, he had recently taken an M.A. in public law. After a brief and uninspiring encounter with professors in Renaissance and Medieval history, he transferred to Ancient history; won over, so he told Keith Hopkins, by the compelling lectures of W.L.

Westermann. In August 1932, Finley mentioned in his first surviving letter to Heichelheim (still in Germany) that he was, ‘writing [under Professor Westermann] a doctor’s dissertation on several problems of trade in Athens in the fifth and fourth centuries.’ Finley’s first paper on Greek history, ‘*Emporos, naukleros and kapelos: prolegomena to the study of Athenian trade*’, appeared three years later, in *Classical Philology*. In 1937, according to his own *curriculum vitae* (see below), he completed towards the Ph.D. written examinations in French, German, Latin and Greek, with oral examinations in ancient history and Roman law. Shortly after, the need to earn a living and subsequently the War, enforced a break in Finley’s systematic research; an interlude that lasted almost ten years, until early 1947. How those ‘gap years’ were filled has been brilliantly researched by Daniel Tompkins. If Finley was precociously young when he began his doctoral work, on its resumption, he was at 35 significantly older than the ‘standard’ Ph.D. student.(14)

Once the decision had been taken to re-enter the academic mainstream, funding was needed. Accordingly, Finley made a research proposal to the Social Sciences Research Council (SSRC), entitled ‘Business Practices in the Greek City-States’. This remarkable document has been preserved in the ‘Heichelheim Dossier’. It is effectively in seven parts: (i) a preamble, explaining the thinking behind the proposal; (ii) a detailed listing of proposed contents; (iii) an outline of a possible ‘Introduction’ to the proposed work, indicating the overall approach; summaries of aspects of Finley’s career to date, including (iv) a *curriculum vitae*, (v) courses taken and taught, (vi) publications; and (vii) a brief statement of plans for the future, concluding: ‘Ultimately, I hope that these studies will culminate in an economic history of antiquity.’

As identified by Shaw (pp.188-9), the second and third sections provide valuable insights into Finley’s developing ideas on the ancient Greek economy, locating *Land and Credit* within his wider thinking and introducing themes that were to reappear in *The Ancient Economy*. Characteristic is the emphasis in his ‘Introduction’ on the ‘non-modernity’ of the Greek economy. By way of an initial illustration, he cites an observation from the Aristotelian *Problems*: ‘*But where a loan is involved, there is no friend: for a man is a friend who does not lend but gives.*’ The italics are Finley’s, stressing the unfamiliar ancient mentality. He continues: ‘Until we are prepared to understand Greek economic institutions and thinking on their terms, to “feel into” their way of acting and thinking (to borrow the term *einfühlen* from Wilhelm Dilthey), we are examining not the economics of the Greeks but modern economics through a trick mirror....’ After castigating ‘Professor Gomme’, in his essay on ‘Traders and manufacturers in Greece’, for permitting ‘the spell of Adam Smith to bewitch the Athenians’, Finley reaffirms that ‘This [proposed] book is an attempt to re-examine certain key economic and business practices in the Greek city-states without recourse to economics.’(15)

That aim is borne out by the second section, summarising the projected content. ‘Money and credit’ come first, and at apparent length; also striking is the prominence given to ‘Bookkeeping practice and theory’. The ‘Summary and conclusion’ are characterised by ‘the absence of economic rationalism’, with specific reference to the work of Gunnar Mickwitz. Finley’s proposal to include in an Appendix, ‘Translation of a select group of documents that are either not available in English or are generally inaccessible to most students’, indicates his intended, non-specialist readership.⁽¹⁶⁾

With hindsight, the list of contents displays a lack of realism, proposing to write in twelve months what was effectively a lop-sided economic history of the entire Greek world (not just Athens), from 500 to 220 B.C. In the preamble, Finley advises that, provided he can work full-time, he will need four months to research the source material (chiefly epigraphical), followed by just eight months to write the book itself. Perhaps by way of anticipating concern over the magnitude of the task, Finley states that, ‘the subject is one on which I have been working for many years’. He is also disingenuous in suggesting that his piece from 1935 on Athenian traders, ‘was conceived as a sort of prolegomenon to the larger work’. In fact, ‘trade’ as such is one area that is only lightly sketched in the detailed proposal.

In the event, the SSRC turned down Finley’s proposal, which was instead taken up by the American Council of Learned Societies, supplying a grant, but for only nine months from January 1948. In a letter to Heichelheim from early January, Finley describes himself as being ‘pressed to finish my doctorate and obtain a teaching post while the GI program is still packing the colleges (with students and with money)...’ In a slightly earlier letter (November 1947), Finley had expressed envy for Max Weber, apparently dashing off his *Agrarverhältnisse der Altertums* in only four months, when it took him (Finley) just as long, merely to research specific problems in the works of Demosthenes.

Subsequent letters trace Finley’s struggle to reduce his over-ambitious proposal into a workable project. From April 1948, he mentions a rough draft of sixty-five pages on *horoi*, making one part of the dissertation, which he concedes, ‘bears little relationship to last summer’s outline: it covers about one sub-section.... There seems little doubt that the actual dissertation topic will be the relationship between real property and credit in the Greek cities.’ Evidently, Finley was still contemplating a study that reached beyond Athens. Then, in a letter from November 1948, he concludes that, for the substance of the dissertation, ‘the *horoi* alone are enough’; as indicated by its eventual title: ‘The Athenian *Horos*-Inscriptions: Aspects of Land and Credit, 500-200 B.C.’

In the same letter, Finley complains that he is ‘no longer a gentleman of leisure’, having gained the junior position of Lecturer at Newark College, Rutgers. This entailed the time-consuming working up of lecture courses on ‘Western Civilization’. (Finley in conversation later described the

content of these survey courses as covering ‘from primitive mud to yesterday afternoon’.) Then, in June 1950, he informed Heichelheim of the award of the doctorate, followed a month later by his promotion to Assistant Professor. The final, urgent step was the publication of what Finley described to Heichelheim as his ‘475 page monster’. After a year or so of touting around, it was taken on by Rutgers’s own University Press.⁽¹⁷⁾ This was in spite of, rather than because of, his own supervisor. When Westermann was approached by the Rutgers Press to advise on Finley’s manuscript, he concluded: ‘I must say in frankness that, in my judgment, its publication is not really imperative. It is a good doctoral dissertation.’ Perhaps he was unsympathetic towards the relative breadth of approach in the dissertation, such as Finley had been dismayed not to find in Westermann’s extended but undertheorised entry on slavery in ‘Pauly-Wissowa’ some four years previously (1936).⁽¹⁸⁾

In the event, Finley ended the Preface to *Land and Credit* with a tribute to Westermann (p.xli), ‘who long ago introduced me to the study of the ancient world and who has remained a source of inspiration and wisdom.’ But there are also warm thanks for four further scholars, covering a range of disciplines. The only mainstream Classicist was John Day (1902-61), Professor of Greek and Latin at Columbia University, already established as an ancient socio-economic historian through his *An Economic History of Athens under Roman Domination* (1946). Finley’s acknowledgement might almost seem appropriate for a research supervisor; how Day had been ‘unsparing of his time, to my great advantage, in discussing many questions that arose in the course of the work and in reading and re-reading the manuscript’. Dr. Adolph Berger (1882-1962) ‘was most helpful whenever juristic problems needed clarification’. Berger was a historian of Roman law, a refugee from Fascism and a member of the *École Libre des Hautes Études*, a college founded in New York by French wartime émigrés. Finley had written to Heichelheim in the letter of April 1948, quoted above, of his relief that his early draft on the *horoi* had survived Berger’s ‘juristic eye, since so large a part of the material and analysis is legal in character.’ He would contribute a perceptive review of *Land and Credit*.⁽¹⁹⁾

Edward Rosen (1906-85) of the City College of New York was thanked by Finley as ‘an able critic’. Rosen, who had begun a Ph.D. in Classics at Columbia under Westermann, had switched his topic to Copernicus, becoming in time an authority on early modern science. Finally, and arguably most emphatically, there is praise for A. Arthur Schiller (1897-1977) professor at the Columbia School of Law, ‘who gave me my first realization of the proper place of legal studies in the field of history and who has been a rare guide and mentor ever since’. Schiller was another Roman lawyer, with additional interests in the law codes of developing countries. Finley had come into formal

contact with Schiller during his M.A. at Columbia and for 1933/4 was his research assistant. He is singled out in the SSRC proposal as what might now be termed a ‘secondary supervisor’.(20)

It may be seen how the Preface to *Land and Credit* preserved the essentials of the original, 1947 proposal for the SSRC, now to be extended over several volumes. While the book was in press, Finley wrote to Heichelheim (July 1951) that he was ‘committed to the next volume on land and credit’. Possibly relevant here is an undated proposal found in the Finley Papers for a book on ‘The Institution of Property in Ancient Greece’.(21) What interrupted the project, at least in practical terms, was Finley’s notorious sacking by Rutgers on the last day of 1952, leaving him without a teaching-post for the next twenty months. Finley told Keith Hopkins of his fruitless efforts to find a new job, being repeatedly told by Universities and Colleges how: ‘We would never have fired you, but we are not hiring you.’(22) Writing was redirected towards an offer negotiated with the Viking Press to prepare a popular history of Greece, which never appeared; the first chapter grew instead into *The World of Odysseus*. Implicit in some of what follows is counterfactual speculation as to the likely outcome, had Finley been allowed by circumstance to continue with his original intention to write in detail on ancient Greek business practices: a sequence of books, resembling *Land and Credit* in content and presentation.(23)

Some Characteristics of *Land and Credit*

The book as published bears most of the hallmarks of its origins in a doctoral dissertation. In practical terms, the interval between awarding of the doctorate and submission of the manuscript to the printers was presumably too short to allow extensive change.(24) Its three-hundred-and-fifty pages consist of just over one hundred pages of text (pp.3-107) with an almost equal number of pages of endnotes (pp.195-300). Since the font size of the notes is appreciably smaller, the wordage is considerably greater. As will be seen, this combination of text and notes effectively bears out Finley’s claim in the Preface about being ‘as thorough as I could’. The remaining hundred-or-so pages consist of the usual apparatus of abbreviations (pp.301-3), bibliography (pp.304-8) and indexes (pp.309-32), including an index for Greek words. There are also lengthy appendices containing the texts of the *horos* inscriptions (pp.118-76, 182-93); a shorter appendix deals with W.S. Ferguson’s theory attributing legislation on *horoi* to Demetrios of Phaleron (pp.177-81). The book as a whole, now subtitled *The Horos Inscriptions*, has as its core an extended analysis of approximately 155 of these texts; a further thirty were too damaged or otherwise doubtful to be considered.

Horoi in their manifestation as straightforward boundary markers occur all over the Greek world; the security-*horoi* in question here are stones inscribed so as to indicate that the property at issue (typically, land and/or house) had been pledged as security. In this way, third parties could be warned that the property was already encumbered. According to the sparse wording on the stones themselves, four different categories of transaction were involved.(25) Two encompassed apparently straight loan operations, with the property secured against the money lent: *hupotheke*, literally ‘something put down’ (eventually emerging, *via* Roman law, as the English ‘hypothec’) and *prasis epi lusei*, approximately meaning ‘sale on (condition of) redemption’. This, Finley concluded, represented an entirely fictitious sale, to be conceived as a loan transaction: ‘The outward form... is sale, the essence is hypothecation’ (p.35). He argued that both *prasis epi lusei* and *hupotheke* normally involved substitutive as opposed to collateral security. In case of default, the creditor received the entire property in settlement as opposed to the value of the debt.

The other two categories involved a process described on the *horoi* as *apotimema*, with the apparent sense of ‘measuring off’ (p.38). In the case of so-called ‘dotal *horoi*’ (the label is Finley’s), the property measured off was set aside by a husband to guarantee return of any dowry, should that prove necessary. ‘Pupillary *horoi*’ related to *misthosis oikou*, the leasing of property of orphans. If the legal guardian were unwilling to administer the property himself, until his ward came of age, it could be leased to a third party, who guaranteed its return plus payment of agreed rent, by designating a portion of his own property.

Security-*horoi* are limited to Attica, with the exception of a small but significant number (18) from Lemnos (9), Amorgos (6), Naxos (2), Skyros (1); all of which, save for Amorgos, had been at some time under Athenian control. When Finley was writing *Land and Credit*, sporadic use of archon dates on *horoi* suggested a chronological span of about one hundred years, from 363 to 267 B.C.(26)

Taken individually, each *horos* has little to tell; typically, a handful of words, indicating the category of operation, the type of property encumbered, the name of the creditor, and a numeral (indicating the size of the obligation in drachmas). Occasionally are added an archon date (21) and the name of the depositor of a written agreement (14). It was Finley’s contention that, considered as a statistical series, the *horoi* are more revealing (p.8). His findings are summarised in four statistical tables: one for each security-operation, giving where appropriate the maximum, median and minimum figures for the debt owed against different types of property (pp.172-6). With the wisdom of hindsight, it seems remarkable that no one before Finley thought of looking systematically at the range of sums of money on the *horoi*, with their possible significance for land values and social status.(27)

Even so, the scholarly harvest would be on the thin side, were it not for the testimony of the Attic Orators, simultaneously reinforcing and cutting across the epigraphical evidence (pp.29-30): reference to *prasis epi lusei*, so frequent on the *horoi*, is virtually absent from the speeches. Finley contrives to draw the reader into his introductory chapter on ‘The Function of the *Horoi*’ (pp.10-28) by launching into the story, from Demosthenes’ forty-second oration *Against Phaenippus*, of the unnamed speaker’s five-mile hike around the boundary of Phainippos’ farm, vainly looking for *horoi*. There follow half-chapters on each of the four security types (pp.29-52), with five chapters to follow, analyzing the types of property named in the inscriptions (pp.53-73) and the different parties involved in the transactions as lenders (pp.74-117). Some twenty *horoi* name groups as creditors: demes, tribes, phratries, but chiefly eranists. According to Finley, there is no alternative to this synchronic approach: ‘Within that period of a century and a half [covered by the *horoi*], neither a distribution curve nor a correlated analysis of content and chronology seems at all possible’.

In assessing the distinctive characteristics of *Land and Credit* as a published piece of research, there is an effective control. By the kind of coincidence dreaded by researchers, while Finley was working on the *horoi* at Columbia and then at Rutgers, so was another American academic. Finley wrote to Heichelheim, in the letter from April 1948: ‘.... in the process of concentration on *horoi* I received one minor setback, about which I am quite annoyed. Meritt has a fairly sizeable number of unpublished *horoi*, all of which have been read, and will eventually appear in *Hesperia* in an article by John Fine. I wrote [to Meritt] for transcripts, with the usual promise not to publish any texts and to acknowledge properly whatever use I did make of the content. He turned me down in a letter that is self-contradictory, on the face of it.’

As early as 1942, J.V.A. Fine, Professor of Greek History at Princeton, had been approached by his colleague Benjamin Meritt, representing the American School in Athens, and by Anthony Raubitschek to edit and publish those *horoi* that had come to light in the Agora excavations. Fine agreed, but the War intervened. On resuming work in 1946, Fine realised that his original intention, a straightforward epigraphical commentary, with cross-references to the existing literature on real security, would be inadequate (p.v). This was because his own, provisional analysis of the inscriptions seemed to contradict recent work by legal historians, chiefly U.E. Paoli and I.A. Melotopoulos.(28) He went on to produce, in 1951, not an article in *Hesperia*, but a ‘Supplementary Volume’ (IX): *Horoi. Studies in Mortgage, Real Security, and Land Tenure in Ancient Athens*. The opening chapters transcribe thirty-five unpublished *horoi* from the Agora and a selection of *horoi* already published elsewhere, other than in *Inscriptiones Graecae* (pp.1-40). After an introductory discussion of security-*horoi* (pp.41-60), there are chapters for each of the four types of security operation (pp.61-166), and a concluding chapter on ‘Mortgage and Land Tenure’ (pp.167-208).

In contrast to Finley in *Land and Credit*, Fine takes an evolutionary approach to security operations in Athens, beginning with speculation on the *horoi* that fleetingly appear in the poetry of Solon: ‘Dark earth, whose *horoi* affixed in many places, I once removed’ (Aristotelian *Ath. Pol.* XII.4). Along the way, Fine persuasively takes issue with Paoli’s and Melotopoulos’ theories that creditors routinely took possession of real property offered as security. But the ‘big idea’ in his final chapter, and in the book as a whole, is that land in Attica could not be alienated, through sale or seizure of security, until the later fifth century. This is based on the absence of unambiguous evidence for sale of real property until the last decade of the fifth century. Fine argues that the upheaval of the Peloponnesian War (specifically the plague in Athens) so loosened traditional practices that real property could now formally change ownership. Previous to this, he suggests, *prasis epi lusei* constituted a device whereby property could effectively change hands, to be superseded by *hypotheke* as reflecting orthodox security operations. Whereas *prasis epi lusei* involved substitution of the whole property, *hypotheke* represented collateral security, limiting the obligation to the sum of money owed.(29)

The relative timing of Fine’s and Finley’s publications meant that Finley was just able to include the new *horoi* from the Agora in a separate appendix (pp.182-93), but could not integrate them into his own statistical analysis. It would have increased the number available by one sixth (from 180 to 220). He concluded (p.182): ‘Nothing in these texts, or in Fine’s discussion, has caused me to alter my views in any significant way.’(30) Several reviewers – notably Pringsheim, in his review of *Land and Credit* (p.223) – expressed puzzlement that two scholars, working less than fifty miles apart, could focus intensively on the same body of material, without apparently being aware of each other’s existence. Finley’s letter to Heichelheim shows that this was not quite true. Given that both Finley and Fine were dealing with an identical, though unequally sized, corpus of material, there was bound to be some overlap. Finley, for example, echoed Fine’s opposition to Paoli’s views on the possession of security by creditors. But what also struck reviewers was that the two books were significantly different in their conception, presentation, and conclusions. After commenting on the regrettable duplication of effort, Cosmo Rodewald acknowledged that, ‘their ways of approach are so different that their books are largely complementary’(p.211).

Immediately apparent is that Fine in his presentation makes no concessions in terms of scholarly accessibility. As an epigrapher, he first confronts the reader with texts and detailed commentaries; gathered by Finley in appendices, with minimal comment. But crucial is the distribution of material between text and notes: footnotes for Fine, endnotes for Finley. Both authors engage closely with the extensive, pre-existing literature on real security in the ancient Greek world, which is almost exclusively juristic in character. Much of the relevant material is in German, French and Italian, with

some work in Dutch and modern Greek.(31) The result is a lot of intricate argumentation. Whereas Fine incorporates all this detail directly into his text, Finley handles it in the endnotes in bite-sized chunks; though some of them are admittedly quite big bites. Also, Fine introduces into his text stretches of untranslated Greek; but Finley includes Greek script and quotations from modern languages other than English only in the endnotes.(32)

All translations from Greek are by Finley (p.195 n.2), which prompts notice of the seemingly confident knowledge of Greek and Latin implicit in the endnotes to *Land and Credit*. Mistaking *proxenos* for *prostates* appears as an isolated slip (p.76.). This needs saying in light of later murmurings that Finley, for a Professor of Ancient History, did not know much ancient Greek. Hugh Lloyd Jones referred in a British Academy lecture on Pindar from 1982 to: ‘A distinguished ancient historian, perhaps not especially skilful in linguistic or aesthetic matters....’(33) But the reader who perseveres with the endnotes of *Land and Credit* will encounter detailed discussions of ancient lexicography, Greek orthography, textual variants and emendations, translation of key Greek terms, differing dialectical forms, correction of errors in the Greek lexicon by Liddell and Scott, quibbles over Latin headings in *Inscriptiones Graecae*, appreciation of linguistic niceties, close readings, and argument over the authenticity of individual texts.(34)

All this has implications for impact. Finley’s preference for letting the endnotes take the scholarly strain means that his text remains relatively clear and uncluttered. For the most part, skirmishing with other scholars is confined to the notes and rarely obtrudes on the text.(35) ‘Terms of art’ from Greek history are typically explained in passing. In the opening pages, the potentially perplexing *antidosis* procedure is outlined, and ‘liturgy’ is glossed as a ‘quasi-tax’ (p.3). The end-product is easily accessible to non-specialists, including modern legal historians. Geoffrey de Ste. Croix, reviewing for a non-Classical journal, commented specifically on the absence of Greek from the text (p.450). He described the book as: ‘boldly designed to appeal not only to specialists in Greek history but also to all those interested in the development of legal and economic institutions’ (but see below, p.15).

Such is not the case with Fine’s *Horoi*; but, save for the final chapter, there is not much in his account that would engage non-specialists. Symptomatic of Fine’s approach is his loose association of the *horoi* with ‘business life’ (p.42). He claims it as a virtue that, as an epigrapher, lacking ‘any formal legal training’, he can: ‘approach the subject free from all preconceived notions derived from other legal systems’ (p.vi). It may be that this statement was in part intended to distance himself from Finley’s work, when it should appear. As will be seen, Finley’s reputation in the early 1950s was primarily as a legal historian.(36)

What Fine seems to ignore is the impossibility of eradicating contemporary Anglo-American ideas involving law, land and credit. This is explicit in the title of his book, including the word ‘mortgage’, repeated throughout the text without discussion. By contrast, here is how Finley closes his introductory chapter, discussing the problem of finding English equivalents for Greek terminology (p.9; cf. pp.37, 81-2):

Above all, the word ‘mortgage’ is to be avoided. In its long historical development, and even to a substantial degree in our own day, the mortgage is a peculiarly Anglo-American instrument. Inseparable from the basic notions of equity, and particularly the equitable estate and the trust. To identify the mortgage with ancient Greek institutions, whatever similarities there may be, is to confuse and ignore essential differences in legal thinking and economic context and to evoke by association totally erroneous notions of what happened in Athens when one man borrowed from another and offered his house or land as security.

At the end of the passage, the reader is directed to a long, bibliographic endnote (p.201 n.31) on the comparative evolution of English and continental mortgages. This is instructive as a forceful, published statement from Finley about the dangers inherent in unreflective application of modern concepts and terminology in an ancient economic context.**(37)** But it also demonstrates how, throughout *Land and Credit*, Finley is in constant dialogue with modern comparative material, indicating thereby what seems different and significant.**(38)**

Before assessing the impact of Finley’s approach on contemporaries, there is the issue of the afterlife of Fine’s book. Both books were reviewed in the usual classical places; though most assessed Fine without any knowledge of Finley. The response to Fine was certainly favourable, with no deep-seated negative comments.**(39)** Typically, the bulk of each review was taken up with summarising the content of the book, chapter by chapter, with praise for a painstaking work of scholarship, concluding with an expression of either cautious support or scepticism for Fine’s theory about alienability. After that, the book seems to have sunk almost without trace, save for mentions in more technical treatments of Athenian law. Even Fine’s careful publication of the *Agora horoi* was superseded in 1991 by a re-edition from Gerald Lalonde.**(40)** The only aspect of Fine’s treatment that does occasionally resurface in the more general literature is his radical theory about the long-lasting inalienability of land in Attica. Asheri’s approving citation in his ‘Laws of inheritance’ from 1963 is a case in point (pp.2-3). ‘Fine makes an attractive, albeit circumstantial case’, writes Lalonde (p.21). The theory received a passing, disapproving mention from Finley in his paper from 1968 on ‘The Alienability of Land in Ancient Greece’ (p.238 nn.1, 10).**(41)**

There is one area in which Fine's book has a definite edge over *Land and Credit*: describing the appearance and physical fabric of the *horoi* (pp.43-6), almost entirely ignored by Finley. Some of Fine's information has surprising implications. The prime purpose of the *horoi* is naturally presumed to have been publicity, warning off possible third parties. Such was the understanding of the Greek lexicographers: 'so that no one should enter into a transaction (*sumballein*) regarding the property already held' (*Anecdota Bekker* I 285.12). But two inscriptions (Finley Nos.39, 135) have letters respectively only seven millimetres and one centimetre high: hardly conspicuous. One *horos* was inscribed on a fragment of a marble bowl (Finley No.162), which was presumably portable. Another (Finley No.2) was apparently not inscribed, but painted in black letters. If so (the *horos* itself has been lost), that has implications for the existence of a mass of painted 'inscriptions' that has disappeared forever, including those possibly on pieces of wood.(42)

Land and Credit: Contemporary Responses

Land and Credit differs significantly from the pre-existing, juristic literature (and from Fine's book) by seeking to relate legal issues to the actualities of Athenian economy and society; as Finley expressed it (above), 'What happened in Athens when one man borrowed from another....' He further suggests that the process would typically involve creation of an obligation, affixing of *horoi* in front of witnesses, repayment of the debt as agreed and removal of the *horoi*, 'all without undue fuss or fear' (p.18). Surviving law-court speeches, exciting the interest of legal historians, presumably represent a minority of instances when things went wrong. Throughout *Land and Credit*, Finley takes issue with what he regards as excessive legal formalism. He quotes with approval Wilamowitz to the effect that (p.27): 'rustic village relationships and the economy of the peasant lay at the foundation of Attic law....' Similarly, forensic speeches (p.212 n.41), 'were planned according to the logic of the courtroom (which is quite different from the logic of the law) and that kind of logic has always been *sui generis*.'(43)

In light of the direction of Finley's later career, it is the socio-economic aspects of the book that have tended to attract attention. Writing in 1975, Momigliano suggested that, when Finley moved to Britain some twenty years earlier, he was already, 'the best living social historian of Greece....'(44) But the primary focus of *Land and Credit* is 'the law' in ancient Greece. We have already seen Finley's relief that his preparatory work ('so large a part of the material and analysis is legal in character') found favour with Adolph Berger (above, p.6). Ancient law formed the basis of Finley's scholarly reputation, as it then existed.(45) It was certainly from legal historians that *Land and*

Credit received its longest and most searching reviews, engaging with the detailed content; notably from Hans Julius Wolff and Fritz Pringsheim (both the recipients of earlier, critical reviews from Finley).(46) Arguably the most positive response came from Berger in the law journal *Seminar*. Berger (thanked, as has been seen, in the Introduction to *Land and Credit*) compliments Finley on the sureness of his grasp of the discipline of Greek law, for which he considers that the book might serve as an almost complete bibliographical introduction (p.91). ‘With his new book Dr. Finley has definitely established his place among the very best writers in the domain of Greek law and its sources’ (p.87). ‘There is no section of Athenian law to which the author does not contribute some interesting remarks, be it family law, the law of succession, general principles of the law of obligations, written or oral agreements etc....’ (p.90). But he opened the review by reminding readers of Finley’s other, decisive contribution to Greek law in an earlier issue of *Seminar*: a ‘remarkable article’, reviewing at length Pringsheim’s supposedly definitive book, *The Greek Law of Sale* (1951).

The review is effectively an article in its own right, which Finley thought worthy of republication (or a substantial part of it) in his *Use and Abuse of History* (pp.147-52). Ideally, *Land and Credit* should be read in conjunction with this response to Pringsheim.(47) Finley begins by asking the then novel question (p.72): ‘What can Greek law teach us about the Greeks – their economy, their social organization, their ideological trends?’ But dominating the review is the question (p.82), ‘What is Greek?’, exploring ‘The Problem of the Unity of Greek Law’: the title of Finley’s later paper, from 1966. *Land and Credit* may then be seen as a ‘test-case’, repeatedly and forcefully addressing the non-unity of Greek law. It was envisaged that the process would continue; according to the Preface (p.xl): ‘If I am able to follow this volume with similar studies.... perhaps a firmer basis can be laid for a decisive examination of the unity (or disunity) of Greek law in the field of security.’(48)

In the event, *Land and Credit* remained the high water mark of Finley’s involvement with Greek law. There was from 1953 a detailed paper, in a *Festschrift* for the legal historian V. Arangio-Ruiz, on the legal implications of a long inscription from the Agora for 367/6, recording the sale of confiscated property by the *poletai* or official sellers. ‘Multiple charges on real property in Athenian Law’ derives in large measure (occasionally, word for word) from sections of *Land and Credit* (pp.111-13; cf. p.36).(49) Apart from papers on the inalienability of land and the unity of Greek law mentioned above, there was a final, brief return to the subject (specifically, Max Weber and Athenian law) at the end of *Ancient History: Evidence and Models* (pp.99-103): the last words Finley published during his lifetime. In ‘The Problem of the Unity of Greek Law’, he had remarked that his criticisms of unified treatments of Greek law, ‘... have not been taken seriously by the jurists, but I must add that I have never seen them answered either.’ This seems unduly pessimistic.

It could be argued that, at least in Britain and the United States, the non-unity of Greek law has effectively become the orthodox view.(50)

If law was the dominant concern in *Land and Credit*, the contribution of economy and society was still substantial. This is evident from reviews that acknowledge the breadth of the book, envisaging an audience beyond legal experts. From their different perspectives, A.R.W Harrison and Louis Gernet concluded respectively that *Land and Credit* was (p.39) ‘of first-rate importance for the social, economic, and legal history of Athens’ and (pp.121-2) ‘une contribution de grande valeur... l’ouvrage ne concerne pas moins l’histoire sociale que l’histoire du droit.’ Reception was broadly favourable and even enthusiastic. For Heichelheim, Finley was, ‘an American scholar who may, one day, rise to be considered for Greek Economic history what the great American T. Frank of Baltimore was for Roman Economic history.’(51) A part exception was the patchily lukewarm response by Geoffrey de Ste. Croix in *The English Historical Review*. Although approving of the breadth of Finley’s intended audience (above, p.11), he was critical of the presentation of so much material in endnotes, praising and preferring Fine’s inclusion of scholarly debate in the text. He concluded that, if the reader had already read Fine’s book, *Land and Credit* was still worth reading: ‘Dr. Finley... is perhaps better acquainted with Greek juristic conceptions and terminology... and makes some interesting points of his own.’(52)

The scope of the socio-economic content of *Land and Credit* is in part apparent from Finley’s follow-up paper, ‘Land, debt and the man of property in classical Athens’, which appeared a year later (1954); not in a classical journal, but in the Columbia-based *Political Science Quarterly*.(53) Briefly, its main theme is that, in so far as the *horos*-inscriptions have nothing to do with impoverished peasants, the borrowing they record should not be tied in with fourth-century ‘decline’. Rather, the *horoi* reflect ‘intra-class’ borrowing by relatively wealthy citizens for non-productive purposes. Money-lending was essentially non-institutional, credit-rating was largely a matter of gossip, and there was no market as such in landed property. Wealth was seen as desirable; not as an end in itself, but to secure for its owner freedom from economic activity. These elements appear distributed through *Land and Credit*, with differing degrees of emphasis. But both book and article culminate with the demonstration (pp.114-17; pp.74-6), combining legal process with socio-economic practices, that security in Athens was predominantly substitutive as opposed to collateral (see further, p.29).(54)

‘Land, debt and the man of property’ has been singled out as pivotal for Finley’s writings by Mohammed Nafissi in his thoughtful book, *Ancient Athens and Modern Ideology*, which embraces overlapping aspects of Weber, Polanyi and Finley.(55) Nafissi describes *Land and Credit* as (p.200) a ‘seminal text, which perhaps more than any other established Finley’s scholarly credentials and

ensured his warm reception at Oxford and Cambridge.’ But he reads ‘Land, debt and the man of property’ as marking the beginning of an important new phase in Finley’s work (from ‘Serious Apprentice’ to ‘Master Craftsman’), through association with Karl Polanyi, whom Finley had encountered in the early 1950s. Nafissi finds in the article (p.209), ‘clear evidence of Polanyian influence’, citing a letter Polanyi wrote to Finley (August, 1953), in which he suggests that (p.214), ‘In focussing on “the man of property”... the sociological significance of your *horoi* results becomes patent.’ But that extract should be read in conjunction with Polanyi’s almost contemporary review of *Land and Credit* for *The Journal of Economic History*. According to Polanyi (p.234), ‘His work represents a contribution to that secular debate on the classical Athenian economy, the so-called “oikos” controversy, and its main question: To what extent was that economy primitive and archaic, to what extent modern – that is, commercial and capitalistic?’ It should be noted that there is no explicit reference in *Land and Credit* to the ‘primitivist-modernist debate’.⁽⁵⁶⁾ Polanyi seems to be making the running; wanted somehow to assimilate Finley’s work to his own set of ideas. Much later (1982), in ‘Le document et l’histoire’ (p.713), Finley described ‘Land, debt and the man of property’ as being a ‘résumé’ of *Land and Credit*; though it is, admittedly, a highly selective summary.⁽⁵⁷⁾

There is plenty of material, scattered though *Land and Credit*, that ties in with Finley’s later writings; notably *The Ancient Economy* (see below for his insistence on the barrier between land and money in Athens). There might be mentioned the passing references to Weber in *Land and Credit*, specifically to his *Agrarverhältnisse im Altertum* (pp.65, 68, 257 n.91, 258 n.98); and not always with complete agreement (p.293 n.85). Almost thirty years later, the final chapter of *Ancient History: Evidence and Models*, on ‘Max Weber and the Greek City-State’ (pp.88-103), opened with warm appreciation of *Agrarverhältnisse*, but ended with criticism of Weber on the apparent ‘irrationality’ of aspects of the Greek *polis*.⁽⁵⁸⁾

Also suggestive in terms of impact are the suggestions for future work Finley offered in *Land and Credit* that have in some degree been met. What follows is a selection, focusing on proposals more-or-less integral to the main arguments. Finley, in contrast to Fine (above, p.10), steadfastly refused to speculate on what he called (p.7) the ‘endlessly disputed’ issue of the *horoi* in Solon’s poetry, stating his intention to confront the problem in a later article (p.199 n.23). That is in part supplied by his ‘La servitude pour dettes’ from 1965, setting Solon in a wider context.⁽⁵⁹⁾ The impression that the *horoi* referred to ‘leading figures of the community in many instances’ (p.83), which awaited ‘the new Attic prosopography’ (p.271 n.54) has been strengthened by John Davies’ *Athenian Propertied Families* from 1971 (below, p.18). Lack of any detailed study of private leasing felt by Finley (p.216 n.68) has been supplied by Robin Osborne, ‘Social and economic implications

of leasing land and property in classical and Hellenistic Greece' (1988); likewise the updating of Haussoullier (1884) on aspects of the Attic demes (p.207 n.18) by Robin Osborne, *Demos: the Discovery of Classical Attika* (1985) and David Whitehead, *The Demos of Attica* (1986). The author's *Lending and Borrowing in Ancient Athens* (1991) was in part prompted by Finley's expression (p.81) of the need for a synoptic study of all the relevant testimony on credit in Athens. The suggestion that it would be helpful if closer attention were paid to Greek property terms, especially 'visible' and 'invisible' (p.271), has been addressed by several studies.(60)

Land and Credit and Posterity

The afterlife of *Land and Credit* is here divided into four sections, loosely grouped under publishing history, reception in textbook and synoptic studies, overlap with specific studies of Athenian economy and society, and items directly engaging with its content and argument.

Reprint and Revision

The impact of *Land and Credit* on posterity is to some degree tied in with its subsequent publishing history, maintaining a scholarly presence. One of the original reviewers, David Robinson, presciently remarked that the book had no copyright (p.201). That may explain its unauthorised reissue some twenty years later (1973) by the Arno Press, a reprint house then owned by the New York Times Company. An annoyed Finley, who had not been approached in advance by the publishers, was mollified by being offered the post of advisory editor in Arno's reprint series on ancient history. In this capacity, he was able to bring back into print a range of books on ancient economic history.(61) That was not quite the end of *Land and Credit's* publishing history. In 1985 there appeared (with Finley's permission) a corrected reprint of *Land and Credit* from the Transactions Press, based at Rutgers. The publishers aimed to put back into print what were called 'Classics of Social Sciences', embracing authors as diverse as Pareto, Schumpeter, Sombart, Weber, Veblen and George Bernard Shaw. The book, which was published shortly after Finley's death, contained a new introduction (pp.vii-xxxvii), which had its own, brief history.(62)

To a graduate student at Cambridge in the late 1970s, it had seemed a useful project to rework Finley's statistical tables from *Land and Credit*, including the Agora *horoi* published by Fine and all other *horoi* that had subsequently come to light. The total of additional, usable inscriptions was about sixty, increasing by approximately one third the number available to Finley, and therefore

statistically significant as a test of his findings. Fortunately for all concerned, the new *horoi* seemed to bear out Finley's conclusions and, in certain cases, served to strengthen them (see below). At Finley's suggestion, these fresh findings were worked up for publication in 1982, along with texts of those *horoi* not printed in *Land and Credit*, in *Opus*, a new Italian journal of ancient social and economic history.⁽⁶³⁾ This article, with corrections and minor additions, later appeared (again at Finley's instigation) as an extended introduction to the Transactions edition of *Land and Credit*.

Finley had warned in *Land and Credit* (p.224 n.9) that the distribution between types of *horoi*, as indicated by *hupotheke* (7%), *prasis epi lusei* (66%), and *apotimema* (27%), might reflect chance results of excavation. In the event, the recalculated distribution remained relatively unchanged: respectively 5%, 65%, and 30%. This seemed to confirm that those inscriptions so far discovered were a representative sample.⁽⁶⁴⁾ The additional *horoi* supplied more than twenty figures for loan sums and security operations, on top of the ninety available to Finley. The revised figures for median values were (figures from *Land and Credit* in brackets): *hupotheke* 750 (525), *prasis epi lusei* 1,100 (1,050), *apotimema* 1,500 (1,700). These figures are broadly in line with the median value for non-maritime loans in the private speeches of Demosthenes: between 1,000 and 1,700 drachmas (depending on which transactions are classed as loans).

No creditor's name appeared on more than one *horos* (but see below, n.65); at least sixteen of those named on *horoi* occur in Davies' register of *Athenian Propertied Families*. V.N. Andreyev in his summary paper from 1974 on 'Some aspects of Agrarian conditions in Attica' (pp.5-25) noted that approximately half those *horoi* mentioning 'land' were found in or near the deme of the creditor. The suggestion is that lender and borrower might have been approximate neighbours. All this seemed to strengthen Finley's conclusion from *Land and Credit* that (p.83): 'we are dealing with leading figures of the community in many instances, with men who were not "professionally" involved in money-lending.'⁽⁶⁵⁾

One outcome of this reconsideration of the *horoi* deserves further consideration as having a possible bearing on Finley's overall conception of ancient economic history. The *horoi* datable by archons available to Finley gave a span of about one hundred years, from 363 to 267. More recent finds stretch the use of security *horoi* later, by about eighty years, down to 184. That might seem retrospectively to support Finley's decision to end *Studies in Land and Credit* in c.200 B.C.; as he put it (p.xl), 'when Rome and the Romans moved into the Greek world'. He went on to justify this extended time-span (pp.xl-xli). 'It is my belief that city-state economic practices were scarcely touched by the political struggles, wars and machinations set in motion by and against Philip of Macedon. Athens may have had its ups and downs, Alexander's looting of gold stocks may have

driven the price of gold downward, and the rule of the demos may have given way to the King's agents and adventurers, but the basic ways of economic life did not change in essentials.'

Those words are repeated almost *verbatim* from Finley's earlier submission to the SSRC (above, p.4). Identical sentiments (if not the exact words) were repeated some thirty years later, in the chapter 'Further Thoughts', added to the second edition of *The Ancient Economy* (p.183). Finley here sought to respond to those criticizing his relative inattention in the first edition to the changed economic circumstances of the Hellenistic world. According to Finley, '...the old Greek world... underwent no changes in the economy that require special consideration despite all the political and cultural changes that did undoubtedly occur.' That passage was singled out for surprised comment (rightly so) by John Davies, in his consideration of 'Hellenistic economies in the post-Finley era' (pp.11-12), as: 'an astonishing *aposiopesis* – I had almost said abdication'. It may be wondered whether Finley was not still mindful of his early work on security operations in Athens, and their apparent stability, from late classical through the early Hellenistic period.(66)

Textbook and Synoptic Studies

Reprinted and updated republications of *Land and Credit* may have served as 'refreshers', maintaining its profile amongst historians (though neither of the later versions of *Land and Credit* seems to have been reviewed). References to the book in Finley's own, later writings also served to keep it in the academic eye.(67) A selection of *horoi* in translation, with commentary clearly based on *Land and Credit*, is included in the 'Ancient Sources' section of Austin and Vidal-Naquet's influential *Economic and Social History of Ancient Greece* (pp.368-70). Although the book continued to be cited in 'textbook' studies of Greek economy and society, through time its presence understandably waned.(68)

The fleeting appearance of *Land and Credit* in the most recent synoptic study, *The Cambridge Economic History of the Greco-Roman World* (W. Scheidel *et al.*, eds), has already been noted (n.6). But aspects of *Land and Credit* may be matched against the idea of 'structure and performance' that is the deliberate theme of the book. The concept derives from the work of the economist Douglass North (*Structure and Change in Economic History*), quoted at beginning of the editors' 'Introduction' (pp.1-2). 'Performance' relates to scale of production, including the distribution of costs and benefits. 'Structure' encompasses those aspects of society determining production: political and economic institutions, technology, demography and ideologies. As the editors point out (pp.3-4), Finley, who focused on structural concerns, hardly engaged with performance, associated as it was with opposing sides in the primitivist-modernist debate.

Contributors to *The Cambridge Economic History* were asked by the editors explicitly to address issues of both structure and performance (p.9). This is evident in the chapter relevant to *Land and Credit* on ‘Law and economic institutions’ by Bruce Frier and Dennis Kehoe (pp.113-43). The authors consider the extent to which Greek and Roman institutional and legal frameworks impeded or fostered economic growth (p.114). Specifically, they apply the methods associated with the ‘New Institutional Economics’ (NIE), emphasizing the part played by ‘transactions costs’ inherent in economic operations, consequent on imperfect and unevenly distributed knowledge between the participants. The cost of acquiring knowledge encourages a ‘bounded rationality’, whereby individuals act rationally, subject to their ability and willingness to acquire necessary knowledge. The result may be a ‘satisficing solution’, achieving a desired goal subject to the restricted information available. ‘Above all’, they conclude (p.142), ‘NIE affords us the opportunity to reconsider institutional aspects of the ancient economy that may initially strike us as bizarre or even counterproductive.’(69)

For Frier and Kehoe, the overall issue is whether structures were developed that lowered transaction costs, so facilitating economic activity (p.127). Along the way, they note that (p.135): ‘the Greeks and Romans generally lacked the systematic public registries that are necessary for conclusive resolution of disputes over ownership, boundaries, land use, servitudes, and liens...’ We have already encountered Finley’s emphasis in *Land and Credit* on the ‘primitive’ character of Athenian record-keeping (n.56). Gernet in his review (p.123) had highlighted the apparent paradox of the crudity of security *horoi* within the context of Athenian sophistication, explaining their continued use in terms of tradition. Frier and Kehoe cite Douglass North (p.118) on the tendency for institutions to acquire a ‘life of their own’ and so endure. It might seem that the apparently imperfect mechanism inherent in the *horoi* added significantly to the transactions cost in security operations. But Finley’s negative assumption has been questioned by Rosalind Thomas, introducing the *horoi* into her discussion from 1989 of *Oral Tradition and Written Word in Classical Athens* (pp.53-9).

Specialist Studies of Athenian Economy and Society

The broad theme of Thomas’ book is the complex interaction of oral and written, characteristic of Classical Athens (p.2), where texts often functioned as an aid to memory (p.21). Finley had included in *Land and Credit* a section on ‘Written Agreements’ (pp.21-7), investigating whether written contracts routinely existed, though mentioned on only a minority of *horoi*. ‘The question merits closer study...., for it is part of the broader question of the extent to which written documents had become an integral part of Athenian practice by the fourth-century B.C....’ Although Thomas shares

Finley's view that there were not written agreements behind all security *horoi*, she challenges Finley (and Fine) on the perceived 'inadequacy' of the *horoi*. They are instead to be seen as a reflection of widespread non-written methods of validation and the relatively undeveloped use of the written word (p.59 n.68). So Finley, who did not appreciate the possibilities of proof without writing (p.35 n.68), was wrong to see absence of protection against fraud as behind the brevity of the inscriptions (p.58).(70)

Thomas identifies security *horoi* as epitomizing the blending of written and non-written elements in the ancient use of documents, providing 'an extreme case where the mixture in fact explains the curious character of the written inscriptions' (p.55). Existence of a debt was marked by the physical presence (and location) of the *horos* stone, presumably set down with witnesses present, plus a 'slight written addition'. She associates the *horoi* with material objects from the Middle Ages, 'used as mnemonic aids or symbols of a transaction' (cf. pp.28-9). Though writing might be present, that was secondary to the object itself and the memory of the witnesses (pp.56-7). This helps to explain the elliptical nature of the inscription, never intended as a complete record of the transaction.

Like Finley, Thomas sees a developing relationship between oral and written: *horoi* recording written agreements are associated with the increasing use of contracts in the fourth century as society became more 'document minded' (p.56; cf. pp.23, 30, 36, 41, 43). Projecting the process backwards, she suggests that the bare word *horos* (as found on innumerable stones) might occasionally have indicated a security operation (pp.57-8). Dependence on essentially visual and oral evidence could arguably have been seen by contemporaries as sufficiently effective, compared with unfamiliarity of the written word (p.29; cf. pp.35, 38, 41); all the more so, given the absence of cursive signatures (p.41).(71)

Finley had written despondently in *Land and Credit* about the possibility of manipulating *horos* inscriptions on the basis of their geographical distribution. 'Although an analysis of the *horoi* which would reveal the ratio of rural to urban holdings and the relative frequency in the various demes and districts would have been desirable, such a study has proved to be impossible for several reasons' (p.59). He goes on to cite the imbalance created by intensive excavation of the urban, Agora area and the tendency of stones to be moved away from their original locations. Division of the surviving *horoi* among the demes in which they were found would in only four cases have provided more than three inscriptions; too few for meaningful analysis.(72)

Robin Osborne in *Demos: the Discovery of Classical Attica* (1985) acknowledged the problems raised by Finley but considered that the additional inscriptions not available to him justified a reassessment of the evidence (pp.59-60, 205). He also pointed out that *horoi* found in the Agora are unlikely to have travelled from outside the city. Some outcomes are much as expected: *horoi* of land

alone have a ‘strong bias’ towards the countryside; *horoi* of houses alone are found exclusively in Athens and in the ‘rather exceptional demes’ of Eleusis and the Peiraieus. But houses with land ‘have an even stronger bias towards the countryside than land alone.’ However, *horoi* of land alone are strongly represented in the area of the plain of Eleusis, which ‘may reflect a different pattern of land exploitation as a result of the proximity of the city.’ Origin of creditors and location of the properties offered as security are interpreted as evidence for fragmentation of holdings: local creditors regularly appear in conjunction with land and house(s) and for house(s) alone, but rarely for land alone. ‘It seems that those mortgaging land alone would always have had further land associated with their residence, and would be able to find a creditor where they resided.’ The sensible suggestion is that the holdings most readily encumbered were those most distant from the residence.(73)

Osborne’s deductions from the *horoi* are in the context of arguments that point towards the fragmentation of property holdings for wealthy Athenians, with owners choosing to live either in the city or in local communities. However, Nicholas Jones in *Rural Athens under the Democracy* (2004) has redeployed the wording and location of the *horoi* so as to support the existence of farmstead-residences through Attica (pp.34-40). On his reading, *horoi* marking land alone are evenly distributed between rural and urban areas; those marking a house alone are nearly all from urban contexts; those marking land plus house are unequally distributed between countryside (one third) and city (two thirds). Jones’ conclusion in favour of individual farmsteads modifies Finley’s passing observation in *Land and Credit* that (p.62), ‘In large parts of central and eastern Europe, farmers have lived in communities and travelled miles to their fields in antiquity as in modern times.’(74)

Geographical location of the *horoi* forms a significant part of Kirsty Shipton’s argument in her book *Leasing and Lending: The Cash Economy in Fourth-Century BC Athens*, from 2000. This study calls for systematic attention through its extensive overlap with *Land and Credit*. Overall, Shipton deploys the testimony of security *horoi*, mine leases and leases of non-private land to explore the extent of the Athenian ‘cash economy’, questioning Finley’s conception of the ‘embeddedness’ of the ancient economy (see below, p.25). Shipton uses cumulative evidence of citations of individual leasers and lenders to establish an ‘index of prominence’ (pp.19-20), from ‘A’ (liturgists and those otherwise demonstrably wealthy) down to ‘F’ (individuals appearing only once, in the three sets of documents). As she carefully comments (p.20; cf. p.52), the ‘F’ rating, ‘marks a lack of information.... It does not, of course, imply that the “F-rated” man lacked wealth or social distinction or that he was politically inactive.’ On the basis of her calculations she suggests that those citizens involved with the mines were of significantly higher wealth and status than land-leasers and *horos*-lenders (pp.39-51, 111-16); thereby calling into question Finley’s conclusion in

Land and Credit (pp.80-1) that the world of the *horoi* is that of the wealthier (even wealthiest) Athenians (pp.52, 54-5).

The fragility of Shipton's conclusions has been in part demonstrated by Nikolaos Papazarkadas in his important study from 2011 of *Sacred and Public Land in Ancient Athens*. In a 'Catalogue of lessees and guarantors of polis-controlled *temene*' (pp.299-325), he identifies a methodological flaw in Shipton's analysis, whereby numbers of land-lessees allocated to the 'F' category have been inflated (p.299). His careful re-examination of the material (p.319) results in figures for elite involvement (17%) that are very close to Shipton's for mine-lessees (19%).(75)

Papazarkadas agrees that, in her treatment of the *horoi*, Shipton demonstrates 'commendable caution' (p.299) in her distribution of lenders between categories, compensating for the frequent omission of patronymics from the inscriptions. But other questions present themselves, relating to handling the *horoi* and to the work in general.(76) Overall, there is her statement, regarding the *horoi*, that (p.18 n.9): 'a fourth century dating for the body as a whole is universally accepted by both editors (Fine, Finley, Millett) and others (including Osborne and Byrne)'. In fact, 'Millett' (above, p.18) reported a spread by archon date from 363 to 184, with no evidence of fourth-century clustering. This has significant implications for Shipton's argument about the relative status of those involved in mine-leasing and *horos*-lending: '...the evidence which has survived strongly suggests that wealthy men were much less important in the loans *horoi* than in the silver mines' (p.52). Her figures, relating to liturgists, total 19 (12%, where $n = 159$) for the mines, and only 4 (4%, where $n = 89$) for *horoi*. But liturgies were abolished by Demetrios of Phaleron in c.310, giving an approximate span of only 60 from 170 years for liturgists to appear in the *horoi*. Arbitrarily assuming an even distribution of *horoi* through time would suggest an 'equivalent' n for *horos*-lenders of 25, giving a figure for liturgists on *horoi* of 13%. The figure may serve as an illustration of the perils of comparing like with unlike.(77)

Shipton also questions Finley's contention that the *horoi* reflect 'intra-class' credit, with the wealthy lending to their temporarily embarrassed peers. She suggests that this, 'ignores the question of "patronage" whereby a wealthy demesman might well lend to a less wealthy, even a poor, fellow demesman. Given the importance of "face to face" relationships in a culture heavily based on local ties it is surprising to ignore the very real possibilities of co-operation between men of different, possibly markedly different, status' (p.26; cf. pp.55, 60, 73). Certainly, Andreyev had already pointed out (above, p.18) that approximately half the *horoi* relating to land have been found in the deme of the lender. But beyond supposition, postulating patron-client relations that are arguably at odds with the democratic ethos, Shipton offers no supporting evidence for 'inter-class' lending. In fact, as she goes on to suggest, the testimony of the Orators does supply cases of the wealthy lending

to each other, while the offering of real security (as she puts it) ‘argues against the debtors being extremely indigent’.(78)

Elsewhere (pp.88-90), the patterns Shipton detects from the *horoi* for preferences in security on the part of different types of lenders add detail to the picture. Notably (p.90), ‘that the creditor from a city deme is twice as likely to accept property outside Athens than the creditor from a non-city deme is likely to accept city-based property.’ Earlier (p.72), she had indicated the apparent favouring by groups of eranists of property outside the city as security. Shipton is careful to indicate the limitations of such ‘micro-analysis’ (p.88): the necessarily small numbers of inscriptions involved, demotics not reflecting domicile, find-spots (not always accurately recorded) not indicating original location; also (pp.89-90) how acceptance of a particular type of security need not reflect rational economic choice. But, overall, the calculations are suggestive of a mixture of ‘neighbourly’ lending with transactions that connect different part of Attica, including city and country.

Less fruitful are Shipton’s thoughts on the implications for economic activity of the categories of security on offer, with specific reference to the ‘cash economy’. Specifically, there is the suggestion that the ‘types of security offered reveal a wide range of economic areas which will have benefited, at least indirectly, from the loans: agriculture, mineral extraction, retail trade and manufacture are all involved’ (p.87; cf. p.90). It is not apparent what this adds to our understanding of the range of economic activity, where agriculture predictably tops the list. Appearance in the *horoi* of workshops with or without slaves might seem approximately to reflect their appearance in the literary record. On the other hand, the presence of only two shops (*kapeleia*) in the *horoi* very likely under-represents the significance of ‘retail trade’. A stall in the Agora could not be offered as real security (cf. *Land and Credit* p.69). The further idea that ‘manufacture (hence possibly trade)’ may have been facilitated ‘directly or indirectly’ by loans recorded on the *horoi* needs some qualification. The well known problems in connecting borrowing with productive credit are not appreciably advanced by Shipton’s formulation: ‘Given the silence of the *horoi* themselves about the immediate purposes of the loans, we cannot confidently claim... that the loans were for “non-productive” purposes... [W]e have no grounds for assuming that the loan raised by Pantainetos to fund the purchase of a silver mine workshop (Dem. 37.4) was unusual’ (p.87 n.31). The ‘grounds’ are arguably the patterns of lending and borrowing that emerge from the totality of the ancient testimony.(79)

Lending and Leasing begins and ends by questioning Finley’s identification of a ‘wall’ in the Athenian economy between land-ownership and money-based activities: metics with their money were unable to own land, at the heart of larger-scale credit-relations (pp.1-2, 93-5). This she correctly identifies as ‘a prominent theme in his work’ (p.1), which had its origins in print in *Land and Credit* (pp.77-8, p.264 n.17): ‘The economic history of Athens might well be written with this as

the point of departure' (cf. pp.22, 43, 83-4). The argument is re-stated in *The Ancient Economy* (p.48): 'This wall between the land and liquid capital was an impediment in the economy, but, the product of a juridically defined and enforced social hierarchy, it was too firmly based to be torn down.'**(80)**

This represents a clear case of the concept of an 'economy embedded in society'; responses to which reflect divergent approaches to the Finley model. For Shipton, her detailing of the economic activity of wealthy Athenians in leasing and lending suggests that (p.95), 'Finley's wall separating landed citizens from the world of liquid cash had to a large extent broken down in fourth-century Athens.... Nor does it make sense to think of different social groups being involved in distinct areas of the economy.' But implicit in Finley's model are substantial disposable funds in the hands of those citizens appearing on the *horoi*. Also, the almost complete absence of metics as lessees of mines and non-public land might seem to support the idea of an ongoing divide.**(81)**

In *Lending and Borrowing* (pp.225-9), I tried to show that the barrier, as identified by Finley, might relatively easily be breached by use of a citizen-agent. There is one clear-cut case (Dem. XXXXVI.6), whereby the citizen Pasion was set down as the lender of eleven talents owed to the bank being leased by him to the non-citizen Phormion. But it seemed to me that this remained the exception, given the range of sources of credit open to citizen-borrowers, before having to fall back on impersonal loans from metic bankers and moneylenders. In this way, the land/money barrier was not necessarily an 'impediment' in the way described by Finley.**(82)** But for Edward Cohen, in his *Athenian Economy and Society, A Banking Perspective*, use of citizen agents was commonplace; so placing metic-and-slave-banking at the heart of the Athenian experience (pp.133-6). By the same token (p.190), he downgraded mutuality as the basis of credit between citizens. The citizen-agent idea is singled out by Frier and Kehoe (above, p.20) as evidence for the 'ongoing relationship between principals and agents' in the Greek world: 'bankers found many ways around this law [about land ownership] by channelling such loans through Athenian citizens' (pp.129-30). Their summary of the organization of the 'Athenian banking industry' is based exclusively on Cohen's book, which has come to be cited as central to the supposedly successful reaction against the 'Finley model'. By way of balance, John Davies, contributing to the same volume ('Classical Greece: Production'), describes the extent to which a 'rudimentary banking system' and lending mechanisms in general facilitated gainful activity as 'an unresolved and contentious matter' (p.355).**(83)**

Direct Engagement with the Content and Argument of *Land and Credit*

Undoubtedly the most sustained (and potentially telling) engagement with the substance of *Land and Credit* over recent decades has been in a sequence of papers by Edward Harris.⁽⁸⁴⁾ At issue are two aspects of real security, both at the heart of Finley's analysis: the different forms of security transaction employed by the Athenians, and the practice of substitutive as opposed to collateral security. Both have significant implications for overall conceptions of Athenian economy and society.

In a pair of important papers, Harris has argued that the three-fold, formal distinction between types of security operation (*hupotheke*, *prasis epi lusei*, *apotimema*), maintained by Finley, should be discarded. In 'When is a sale not a sale?' from 1988 (pp.356-8), Harris pointed out that Finley (like Fine) was unable to demonstrate any practical difference between transactions designated by *hupotheke* and *prasis epi lusei*.⁽⁸⁵⁾ He argues instead for 'essentially one form of security which is referred to by two or more kinds of expression' (p.358). 'Two or more' seems to refer forward to Harris' discussion of a 'double *horos*' (Nos.80a and 81A), that twice reads *hupokeimenes epi lusei*. He declines to treat this hybrid as either a third category of transaction (surely rightly) or as an error of inscribing (p.359). Rather, he wields Ockham's Razor, preferring to envisage, not three forms of security with three expressions, but (as elsewhere with Athenian legal procedure) one basic procedure with several modes of expression (pp.359-61).

Harris proceeds to demonstrate how, in a range of Athenian literary texts involving loan transactions, creditors were presented as owner of the security, indicating that 'the act of pledging a security could be regarded as a sale' (p.364). But other passages seem equally emphatically to describe the borrower as retaining ownership (pp.366-7). Harris argues that this divergence is a function of the absence from Athens (as opposed to Rome) of any formal procedure for agreeing the ownership of security. 'Because there was no legally prescribed method of resolving the question, each person naturally tended to answer it in the way which was most advantageous to himself. And so the creditor regarded himself as owner of the security, and the debtor acted as if it belonged to him' (p.367). This perspective explains why creditors, when inscribing *horoi* with third parties in mind, overwhelmingly preferred the language of sale. In the context of a law-court speech, with its circumstantial detail, the need to assert apparent ownership might seem less pressing.⁽⁸⁶⁾

In the companion paper from 1993, '*Apotimema*: Athenian terminology for real security', Harris builds on the testimony of the Lexicographers, notably Harpocration (s.v. *apotimetai*), to question the reasoning behind Finley's effective restriction of *apotimema*-type transactions to dotal and

pupillary security. He thereby takes the argument in his earlier paper, merging *hypotheke* and *prasis epi lusei*, ‘one step further’ to embrace *apotimema* (p.75).

Finley had suggested that the circumstances of dowry and inheritance operations, where the return obligation was fixed, were appropriate to the idea of ‘measuring off’ the security in advance, linguistically present in *apotimema* (above, p.8). Harris argues that Finley’s failure to account for the appearance of *apotimema* (and *timema*) in other contexts is a ‘serious weakness’ in his analysis (pp.76-7).⁽⁸⁷⁾ He questions Finley’s formulation that, with *hypotheke* and *prasis epi lusei* transactions, ‘the property comes first and the money second, so to speak’; that is, the size of the loan offered is determined by the perceived value of the security on offer. By contrast (to quote Finley again, pp.51-2), what distinguished *apotimema* was that ‘a more or less precise determination was made at the time the agreement was reached, fixing the property that would be accepted as a substitute for the debt.’ Harris objects that: (i) *apotimema* in a lease guaranteed payment of rent, not return of the leased property; (ii) that there is no *a priori* reason why security on offer should determine the size of the loan; and (iii) the available evidence contradicts Finley’s view that *apotimema* fixed the property accepted as substitute for the debt (p.78). Harris points instead to the inherent difference between loaning and leasing. With the latter, there is no comparable danger of the property being alienated or otherwise ‘disappearing’; a lessee defaulting on his rental payments could be ejected by process of law (*dike exoules*), with property pledged by *apotimema* defraying lost rent (cf pp.88-9). He concludes (p.87) that *apotimema* should be understood as ‘a general term for real security, while the other terms are appropriate only in the restricted context of loans.’⁽⁸⁸⁾

As Harris himself indicates in his later ‘Response to Gerhard Thür’ (p.190), his merging of types of credit has found general favour. What are its implications for the central themes of *Land and Credit*? A possible response would be to read Harris’ deconstruction of legal categories as a radical extension of a tendency already apparent in the book. Here are Finley’s words (p.8):

It is a reasonable hypothesis that the Athenians had some purpose in maintaining this terminological distinction, and I have therefore clung to it throughout. At the same time, I should indicate that I am by no means convinced that the distinctions were very sharp in the fourth and third centuries BC. I find in the sources definite indications that the three types (that is, the uses of the three basic terms) tended to merge into each other... Here and there in the present volume, some of these indications will be noted. But since the conception I have indicated is still a rather tentative one, I shall retain the distinction among the three terms quite rigorously throughout the book.’⁽⁸⁹⁾

Also striking (with reference to Harris' approach) is an observation in Finley's review of Pringsheim's *Greek Law of Sale* (p.90): 'Finally, legal terminology and legal institutions are never so perfectly adjusted that a change in one necessarily indicates a change in the other, or that lack of change always corresponds.... It would be a bold jurist indeed who would argue that loans are legally something different in the state of Maine from elsewhere in the United States because the inhabitants of that state speak of "hiring" money, not of "borrowing" money.'

However, the fact remains that, whatever his misgivings, Finley (to use his phrase) 'clung to' the operational distinction between categories, which formed the basis for ordering the appendices of *horos* inscriptions (p.118). The gap in method that remains between Finley and Harris may be demonstrated by the former's comment on Demosthenes XXXVII (p.33): 'No summary can begin to give the flavour of this speech, and certainly not a summary in translation. Seller and lender, rent and interest, your property and my property – the words tumble after each other and in place of each other with complete impartiality.'.... But the virtue of Harris' re-interpretation is to demonstrate that the words (here and elsewhere) not at all impartial or imprecise, but have been chosen to have an appropriate rhetorical effect on the listener or viewer.(90)

Harris' collapsing of *hupotheke* and *praxis epi lusei* is not particularly problematic for *Land and Credit*, since Finley made no substantive distinction between those categories.(91) Necessarily more disruptive for Finley's presentation is the concept of all-embracing *apotimema*. But paradoxically this might seem to strengthen a major theme of the book: the primacy in Athens of substitutive as opposed to collateral security. Crucial is a sentence in Harris' *apotimema* paper (p.87, my italics): 'The two actions implied by the verb *apotiman* – evaluating and setting apart – are performed *in all three cases where security is found*.' The practice of substitutive security would encourage initial negotiation of appropriately valued security: neither too large for the borrower/lessee nor too small for the lender/lessor. The process is set out in some detail in Finley's account of the 'two common elements that tie together the different uses of *apotimema*' (pp.46-6; cf. p.52).

However, in his 'Afterthoughts' to the reprint from 2006 of 'When is a sale not a sale?', Harris withdrew his previous endorsement of substitutive security as characteristic of Athenian practice (p.356). His thinking is amplified in the 'Response to Gerhard Thür' (pp.189-94), where the approach is two-sided. Finley had in *Land and Credit* closely associated the limited role of collateral security with the absence of any effective market in real property (see below). Harris cites *inter alia* his own work on specialization of labour in Classical Athens (over 170 occupations attested) in support of the idea of 'extensive commodity exchange in local and regional markets' (p.191). From the other side, he cites six pieces of ancient testimony for collateral security 'overlooked by Finley' (pp.192-4).(92)

It was certainly Finley's contention that security in Athens was essentially substitutive, as demonstrated by the last words of *Land and Credit* (p.117): 'In Athens, the very idea of collateral is to all intents and purposes unknown even in the fourth and third centuries B.C. To explain this fact, as the lawyers have done, by the weakness of the law of hypothecation is inadequate. Weak law can be corrected. First the society must perceive that it is weak, however. This Athens, unlike Stuart England, did not do, because their law of hypothecation was fully adequate to the prevailing practice, the latter in turn geared to the level of money and credit of the era.'(93) The reference to Stuart England is to a 'landmark judgment' by Lord Nottingham, the seventeenth-century Chancellor, that, in case of default, the lender's right was to the money owing, and not the property offered as security (p.115).

This is not the place to assess in detail the effectiveness of Harris' overall critique of *Land and Credit*. That calls for a designated paper, engaging with individual texts, with particular reference to the inclusive interpretation of *apotimema* and collateral as opposed to substitutive security. What follows is by way of indicating possible avenues of approach.

What is typical? The possibility needs at least to be explored whether the texts cited by Harris as indicating collateral security do so as something out of the ordinary. If collateral security was the norm, why mention it?(94) By the same token, are there any occasions where substitution is singled out, as if exceptional? It should be noted that Finley did not deny the existence of *any* cases of collateral security from Athens or elsewhere, though his language makes it clear that he regarded it as very much the exception.

Which comes first, value of security or value of loan? The answer might be: 'it depends', a crucial factor being physical divisibility. With an indivisible pledge, the size of loan might be equated to the maximum the pledged item will support. Alternatively, the pledger might incrementally offer the lender a series of small items until a loan of the desired size is offered. With real security, there might be restricted room for manoeuvre. With land, or even slaves in a workshop, it is possible to see how an amount appropriate to a desired loan-sum might be 'measured off'. But it is difficult to see how that might take place with a house. Even in the case of landholdings, the tendency for wealthier individuals to own a series of relatively small plots (as noted by Polanyi in his review of *Land and Credit*, p.235) might encourage a particular type of 'measuring off': matching an appropriately sized plot (or combination of properties) to the approximate loan-sum sought. There is a further complication contingent on substitution: provided the borrower were confident of repaying, he might settle for a loan-sum less than the security warranted in order to minimise interest payments.(95)

How are we to conceive of markets and valuation? The evidential support for the existence of fully fledged markets in Athens offered by Harris in ‘Response to Gerhard Thür (pp.191-2) is necessarily in shorthand form. The relationship between Finley’s denial of ‘an enormous conglomeration of interdependent markets’, Harris’ ‘extensive commodity exchange in local and regional markets’, and a possible Athenian market in real property, needs to be clarified and further explored. Similarly, the relationship between property-valuation and price-fixing markets needs closer consideration. This places the debate arising out of *Land and Credit* back at the heart of the ancient economy.(96)

Part way through his interview with Keith Hopkins, with which this paper began, Finley reflected retrospectively on what he deliberately termed ‘proper historical writing’ and the part he had played in fostering it. He drew a specific contrast with the production of ‘forty-page articles’ on the detail of historical narrative: ‘You offend nobody. You are acknowledged as a good scholar. It is easier.’ He favoured instead the writing and teaching of history that was (as formulated by Hopkins) ‘morally and politically committed’ and even ‘socially subversive’. He emphatically agreed that his own preferred way forward was harder and made more enemies. The language is admittedly provocative, but ongoing experience suggests that something of that committed approach was already present in *Land and Credit*.

*This article has its origins in a paper given at a meeting of the Lawrence Seminar (29-31 May, 2012) in the Classical Faculty, Cambridge University. The Seminar addressed ‘The Impact of Moses Finley’, responding to the centenary of Finley’s birth. I am grateful to the organizers of the Seminar (Daniel Jew, Robin Osborne and Michael Scott) for inviting me to speak and allowing me to choose my subject. I also thank those present for their pertinent questions and thoughtful comments. Robin Osborne has subsequently acted as a prompt and incisive reader. Aspects of the article necessarily reflect my personal, though intermittent contact with Finley, who supervised my doctoral research from 1976 to 1983. I have supplied selective annotation needed to help inform non-Classicists.

A shortened version of this article will appear as a chapter in the published papers of the Lawrence Seminar. I thank the anonymous readers for the Cambridge University Press for their advice.

(1) Recordings in the series ‘Interviews with Historians’ (co-founded by Alastair Reid and Pat Thane) are available as individual DVDs from the Institute of Historical Research (store.london.ac.uk). All recordings have been edited down to thirty-five minutes. The account of the Finley interview in my text is taken from a transcript of an unedited version of the interview.

(2) Hopkins, whose close acquaintance with Finley dated back to his years as an undergraduate and graduate student in Cambridge (1955-61), knows the appropriate questions to ask and how to ask them. The overall impression is of an interview that is collusive rather than inquisitorial; but the body-language of both interviewer and interviewee is instructive. Finley’s approach to history is the focus of an interview by François Hartog from 1981; included in Finley’s *Myth, mémoire, histoire* pp.253-65.

(3) Echoing Finley’s more formal statement from 1960: ‘Ancient history is unique in western history... in that its practitioners are by long tradition often men not in the first instance historians but men trained in language and literature who call themselves classicists... Their general historical views, like their economic ideas, are in a sense fixed in their schooldays....’ (‘Generalizations in Ancient History’ pp.71-2). Ignoring the issue of gender, it may be doubted whether, by 1985, such early specialising was overwhelming. In Part I of the Cambridge Classical Tripos for that year, 24 students out of 86 are listed as taking the ‘Intensive Greek’ paper, intended for those entering the first year without any formal qualification in the Greek language. According to Pat Easterling, who with John Killen was instrumental in introducing the beginners’ Greek course into Cambridge Classics in 1972, Finley provided valuable advice about the political manoeuvring needed to secure

approval for their proposals from the University's General Board. Hopkins' own career, traditionally educated in Classics at school and university, but subsequently a Lecturer and Professor in Sociology, might seem to challenge Finley's pessimism.

(4) Adam Sisman, in his biography of Hugh Trevor-Roper (pp.264-5), supplies something of the circumstances. He describes how Trevor-Roper, seeking a successor to R.H. Dundas, the Classics don at Christchurch, wrote to Isaiah Berlin, asking about Finley's politics. Although impressed with Finley (then staying at New College, in Berlin's old set of rooms), he was not prepared to consider appointing a member of the Communist Party. Satisfied with Finley's credentials, after a 'tremendous struggle' (Trevor-Roper's phrase), he secured for him the offer of a Studentship (Fellowship) at Christchurch.

(5) The UK edition of *The World of Odysseus* (Chatto & Windus) appeared in 1956, after Finley's move to Cambridge in 1954. Its 'respectability' was presumably meant to be enhanced by a faintly uncomprehending foreword by Maurice Bowra, then Warden of Whadham College. Robin Osborne, in his paper to the Lawrence Seminar, traces the early, muted response to the book in Britain. 'Hugo Jones' is better known as A.H.M. Jones, Finley's close colleague in the Cambridge Faculty and at Jesus College, where both were Fellows (Finley from 1957). Finley pays Jones, his predecessor as Professor of Ancient History, a warm tribute ('fifteen years of close co-operation and friendship') at the end of his own inaugural lecture from 1971, *The Ancestral Constitution*. In fact, Trevor-Roper was one 'professional historian' who did respond enthusiastically to *The World of Odysseus*, as demonstrated by a letter from June 1956 to the art historian Bernard Berenson (*Letters from Oxford* pp.198-9): 'I think it is wonderfully good; fresh and clear and illuminating: I have never read anything so fresh and exciting on the Homeric age.... I really recommend his book to you.' Berenson seems to have been less impressed. A year later, he wrote to the archaeologist Axel Boëthius: 'There appeared recently a book about the *Odyssey* which talked of it as a sociological document only. It had a fabulous success and the American author was at once offered chairs in Oxford as well as Cambridge' (quoted by Finley in 'The World of Odysseus Revisited' p.142, who adds: 'Berenson's information was not free from inaccuracy...')

(6) Literally a footnote in W. Scheidel, I. Morris and R. Saller (eds), *The Cambridge Economic History of the Greco-Roman World* (p.360 n.151), where the reference is specifically to consideration of *eranos* or 'friendly' loans in *Land and Credit* (pp.85-7). C.R. Whittaker, in Finley's memoir for the British Academy (p.462) describes *Land and Credit* as: 'in many ways the kind of

specialist monograph which Finley had criticised, although some scholars still think it to be his finest work.’ The book is passed over in the admittedly impressionistic memoir by George Watson of ‘The man from Syracuse’: ‘A handful of articles saved him’ (pp.133-4); likewise (save for inclusion in a list of Finley’s publications) in Jack Cargill’s ‘Memorial Address for Sir Moses Finley’, which explicitly assesses ‘Finley as an ancient historian’ (p.65); no mention in Claude Mossé, ‘Moses Finley ou l’histoire ancienne au présent’.

(7) *Land and Credit* seems awkwardly assimilated into Vidal-Naquet’s early appreciation of Finley’s work: ‘Économie et société dans la Grèce ancienne: l’oeuvre de Moses I. Finley’. After an initial mention about method (p.114), comment concerning the non-commercial world of the *horoi* is tacked on the end (pp.142-4).

Ian Morris’ inclusion of *Land and Credit* in his ‘Foreword’ to the reissue of *The Ancient Economy* (pp.xvi-xvii) seems oddly conceived. Finley is presented as gathering the evidence of the *horoi* in order ‘to prove his point’ that Athens ‘could not be called a market economy’, which appears to reverse the deductive process. Morris may have been misled by a note in *The Ancient Economy* linking *Land and Credit* to the absence of a land-market (p.235 n.60). Morris also sees the *horoi* as recording reasons for borrowing, which is never the case. Finally, Finley on the use of *eranos* loans between *philo*i as the ‘characteristic way for Athenians to raise cash’ suggests to Morris that ‘his vision of the Athenian economy was consistent with Polanyi’s redistributive model’. In fact, Finley is nowhere explicit about *eranos*-lending as the dominant process (‘a common practice’, p.85); which might, in any case, seem more consistent with reciprocity than redistribution (which follows immediately in Morris’ account: ‘in the classical Athenian system, reciprocity was the basis of interactions...’).

(8) The impact of Finley’s *The Ancient Economy* was the subject of Alessandro Launaro’s paper to the Lawrence Seminar.

(9) References to the Preface follow its repagination in the ‘Transactions Edition’ of *Land and Credit* from 1985; see p.18. Circumstances and precise date of publication (July 7, 1952) are noted in the review by David Robinson (p.201).

(10) References to ‘business’ in the text and notes of *Land and Credit* are guarded: pupillary *horoi* (below, p.8) as indicative of ‘a “business” activity’ (p.83); the possibility that *eranos* loans might be

used ‘to raise money for “business” purposes’ (p.273 n.65; cf p.293 n.83); criticism of R.J. Bonner as presenting ‘a misleading picture... of business practices generally in Athens’ (p.215 n.61).

(11) In general terms in ‘The ancient city’ (p.20): ‘... I believe that the history of *individual* ancient towns is a *cul de sac*, given the limits of the available (and potential) documentation...’ The attack memorably made on P.M. Fraser’s *Ptolemaic Alexandria* in the Gray Lectures for 1983 in Cambridge is reproduced almost *verbatim* in *Ancient History: Evidence and Models* (pp.62-4). The logic behind Finley’s choice of target was his view that, among these ‘pseudo-histories’ (his own phrase), Frazer’s volumes were the best of a thoroughly bad lot. (See Peter Garnsey’s paper to the Lawrence Seminar, ‘Finley and other scholars’, for Finley’s ‘outrageous attack’ on Fraser.)

(12) Compare Brunt’s closing comment in his review of Finley’s selective study of *Ancient Slavery and Modern Ideology* (p.72): ‘One will continue to pine for the larger canvas the master could paint’. The thoroughness of *Land and Credit* is singled out by Adolph Berger in his sympathetic review (see below, p.14): ‘even the smallest detail is not neglected’ (p.88).

Exploring further the centrality of land among property types: *Land and Credit*, pp.53-4. Highlighting socio-economic as opposed to juristic concerns: ‘Legally it may be sufficient to probe no further, but socially and economically the important point is the nature of the loan itself...’ (p.83); criticism of Schulthess on *misthosis oikou* (see below) through his ‘exclusive concern with juristic questions’, with the suggestion that a study of its ‘social and economic implications’ would be ‘well worth making’ (p.234 n.6). Notable is Finley’s labelling of David Hume as (p.299 n.32): ‘perhaps the first modern student of ancient economic and demographic problems’.

(13) Brent D. Shaw, ‘The early development of M.I. Finley’s thought: the Heichelheim dossier’. What follows in the text owes a heavy debt to this important article. The collected Heichelheim correspondence is held in the Thomas Fisher Rare Book Library, the University of Toronto. The survival of this dossier is all-the-more important, given the apparent loss of Finley’s papers prior to his departure for Britain in 1954 (as suggested by Daniel Tompkins, ‘The world of Moses Finkelstein’ p.97).

(14) Detail in Tompkins’ ‘The world of Moses Finkelstein’, with his contribution to the Lawrence Seminar: ‘Moses Finley’s early development: 1927-1947’, and the ‘Editors’ Introduction’ to Finley’s *Economy and Society in Ancient Greece* (pp.ix-xiii).

(15) Finley's early engagement with formal economics is explored in an as-yet-unpublished paper by Richard Saller, 'The young Moses Finley and the discipline of economics'.

(16) Some of this is foreshadowed in Finley's earlier paper from 1935 on Greek traders. Although, as Shaw and Saller observe in their 'Editors' Introduction' (p.xiii), the approach is 'more or less traditional... predominantly a philological exercise', Weber and Hasebroek are briefly associated with Oertel, Pöhlmann and Pringsheim (pp.320-22) in criticizing the application to Greek antiquity of modern economic concepts and terminology. Several motifs from the SSRC proposal recur as themes in Finley's later work; not least the concept of 'business practices' (see above, p.2). The assimilation of loan to gift twice reappears in *Land and Credit*: 'this queer ethical principle' (p.85; cf. p.106). Gomme's 'Traders and manufacturers' is again singled out for criticism in Finley's contribution on 'Classical Greece' in the debate on *Trade and Politics in the Ancient World* at the International Conference on Economic History of 1962: 'a schoolboy version of Adam Smith' (p.12). Bookkeeping crops up in *Land and Credit* (p.22), criticizing Schwahn for applying 'modern bookkeeping techniques' (p.257 n.17), and identifying *Ath. Pol.*'s elaborate description of recording accounts (XLVII.2-XLVIII.2) as being 'taken for granted by every young file clerk today' (p.206 n.17). References in *The Ancient Economy* focus on non-modern aspects of Greek and Roman accounting (pp.110-11, 116-7, 142). Mickwitz on the absence of economic rationality is thrice cited in *Land and Credit*: in criticism of Heichelheim (p.250 n.38); in support of Max Weber (p.257 n.91); and with regard to the accounting assumptions of Demosthenes: 'The starting point for a reconsideration of this whole question must be, in my judgment, two articles by Gunnar Mickwitz, "Economic Rationalism" and "Betriebsführung"' (p.271 n.48). The references are repeated and extended in *The Ancient Economy* (pp.211 n.6, 233 n.43, 239 n.33).

(17) H. Michell in his review of *Land and Credit* (p.252) thought it strange that the book was printed in Germany (by J.J. Augustin of Glükstadt). As I recall, Finley explained that the printers had been expropriated by the Nazis, then extensively re-equipped (the company re-established itself in America). In the early 1950s, the original German concern apparently offered favourable terms for printing a text that included inscriptions with varieties of Greek script.

(18) The disappointment was publicly expressed; Finley's guarded review of Westermann's 'Sklaverei' (*Real-Encyclopädie* Suppl. 6, cols. 894-1068) appeared in *Zeitschrift für Sozialforschung* 5 (1936) 442. In *Ancient Slavery and Modern Ideology* (pp.52-5), he tells of his intention, unsuccessfully trying to flash warning signals to Westermann, in advance of the eventual

(posthumous) publication of *The Slave Systems of Greek and Roman Antiquity* (1955). Westermann's downplaying of Finley's thesis is quoted in an unpublished paper by Glen Bowersock, 'Westermann's role in the development of ancient history in America' (p.9)

(19) In the notes to *Land and Credit* (p.238 n.26), Day is credited with an apparently unpublished restoration on a Naxian *horos*; Berger is thanked for detailed references to the terminology of real security in the *Digest* (p.196 n.12).

(20) On Rosen: Philip P. Weiner, 'Remembering Edward Rosen'. Rosen's paper from 1956 on 'The invention of eyeglasses' is deployed comparatively in Finley's 'Technical innovation and economic progress in the ancient world' (p.181). There is an anticipatory hint of this paper in *Land and Credit*: p.59 (with 250 n.38) on the absence of significant 'technological improvement' in Greek agriculture. On Schiller: Peter Stein's obituary, 'A. Arthur Schiller'.

(21) Contents of the Finley Papers, held in the Cambridge University Library, are listed by Riccardo di Donato, 'Appendici dalla Carte di Moses I. Finley'.

(22) Finley's treatment and experience are placed in the context of other academics by Ellen W. Schrecker, *No Ivory Tower*, esp. pp.161-93.

(23) Though as early as 1947, Finley had written to Heichelheim that had had 'an understanding with Little, Brown and Company for a general work on ancient history, a so-called trade book for the layman rather than a textbook....'

In a valuable essay on *The World of Odysseus*, 'A gift from whom?', Simon Hornblower remarks (p.18) on the 'so dry a title' of *Studies in Land and Credit*, noting how the preface 'had set out a programme of academic research of a very different and more ordinary sort from what Finley eventually went on to do, including a thankfully never written "book on the business practices in the Greek cities".' Hornblower suggests that Finley's decision to 'change direction' from 'more conventionally technical writings', aiming at a 'semi- and non-specialist readership' was bound up with the personal experiences that preceded the move to Britain. Finley himself, in his interview with Hartog from 1981 (see n.2) explained how his earliest articles from 1934-5 were 'assez traditionnels'; but that writing reviews for the *Zeitschrift für Sozialforschung* had caused him to express himself differently. 'Je me souviens de cette phrase d'Oppenheim, l'assyriologue, parlant de

ces collègues: «Il leur suffirait d'une ronéo et de 50 exemplaires.» Je n'ai pas voulu écrire ainsi' (p.261).

(24) It may be that Finley learned from the experience. By the 1970s, his advice to graduate students was: 'Minimum effort on the dissertation, consonant with certainty of the doctorate being awarded; then maximum effort in conversion into a major book.'

(25) What follows conforms to the conventional interpretation of the *horos*-terminology, as found in *Land and Credit*; for a re-interpretation, see p.26.

(26) Anomalous are two Lemnian *horoi* (Nos.103 and 105 in Finley's 'Appendix I') respectively dated by their original editor (Segre) to the early and later fifth century. Finley advised caution in adopting the dating of at least the earlier inscription (p.200 n.26); subsequent (inconclusive) bibliography in Cargill, *Athenian Settlements* (p.189 n.9), as part of his summary of the content of the Lemnian *horoi* (pp.188-92). He includes his own, detailed re-readings (pp.240-6) of Nos.104, 105, 115, 190A and also offers a revised text of AD 28 (1973) pl.492a. Eleven *horoi* from Lemnos are reprinted and discussed by N. Salomon, *Cleruchie di Atene* (pp.162-75). The Lemnian *horoi*, with five stones not known to Finley, have been re-edited by E. Culasso Gastaldi, 'Lemnos. I cippi di garanzia'; for other recently published *horoi*, see below, Appendix I.

(27) As Finley wrote to Heichelheim in November 1947: 'Then, when I did a simple operation that for some strange reason no one else seems to have thought of doing, namely, tabulate all the existing *horoi*, I discovered all sorts of points that have escaped everyone from Hitzig to Paoli who has dealt with this material. Just one illustration: in the case of the *misthosis oikou*, the *horoi* as a rule do not include a sum of money, whereas in all other types they do.'

(28) The relevant studies are U.E. Paoli, 'La "datio in solutum" nel diritto attico', 'Ipoteca e *apotimema* nel diritto attico', and I.A. Melotopoulos, '*Praxis epi lusei*'.

(29) This schema could conceivably account for the discrepant testimony of the *horoi* and the Orators (p.9), with *praxis epi lusei* on so many inscriptions antedating surviving law-court speeches that routinely refer to *hupotheke* (but see Todd, *The Shape of Athenian Law* pp.253-4). The developmental approach, based on the differing length of *horos* inscriptions, is pressed implausibly

far by L.R.F. Germain, ‘*Les horoi*’; for criticism, see Millett, ‘The Attic *horoi* reconsidered’ (pp.xix-xxii).

(30) Finley does engage briefly with Fine in the final footnote of his parallel piece from 1953, ‘Multiple charges on real property in Athenian law’. Neither reviewed each other’s book. As a graduate student, I asked Finley whether, after the publication of *Land and Credit*, he had any contact with Fine. He told me about having briefly met Fine while on a visit to America (presumably in 1972, to deliver the Sather Lectures). Fine, who had been seriously injured in a car crash, wanted to talk about his son (J.V.A. Fine Jnr) and his important work as a historian of the early Balkans.

(31) Finley’s selective bibliography of books and articles cited several times contains items in German (46), English (25), French (11), Italian (4), Dutch (3), and modern Greek (1).

(32) Michell in his review mildly protested at Fine’s long quotations in Greek (p.252): ‘This will confound, or at least bother, the non-expert and layman....’ Representative of Finley’s longer endnotes: p.209 n.26 (public notice), p.200 n.8 (critical bibliography on hypothecation), p.204 n.12 (*antichresis*), p.218 n.81 (*chreophulakes*), p.226 n.21 (non-Athenian sale-registers), p.228 n.33 (*prater*), p.234 n.10 (*misthosis oikou* as permissive), p.275 n.5 (Greek associations), p.288 n.56 (fictitious hypothecation), p.296 n.20 (absence of laws relating to hypothecation). Sample quotations in languages other than English: Greek: p.295 n.13; French: pp.240 n.42, 250 n.38; German: pp.226 n.20, 233 n.53; Italian: pp.238 n.25, 248 n.19, 263 n.5.

(33) H. Lloyd Jones, ‘Pindar’ (p.59), referring in a footnote to Finley’s chapter ‘Silver Tongued?’ in his *Aspects of Antiquity* (p.43). Finley, in conversation with Hopkins, told of Westermann instructing him, prior to beginning his research, to devote time to learning Latin and Greek. He gave it about a year, later marrying his Latin tutor, Mary Moscovitch. It is true that, in a letter from April 1947 (personally communicated by Dan Tompkins), Westermann advised Finley that, even if he agreed to supervise Finley’s thesis, ‘I cannot accept any responsibility in respect to getting a position for you. There are too many handicaps. Lack of sufficient ability in handling Greek and Latin is decisive, in itself, in making it impossible for me to recommend you as a primary candidate for a position in ancient history.’ But Westermann’s linguistic standards were presumably exacting. Carefully deployed, relatively little ancient Greek may be made to go a surprisingly long way.

What of modern languages? Finley in his SSRC proposal claimed he was ‘able to handle the following languages easily: Latin, Greek, German French, Italian, Dutch’. Modern Greek is not

mentioned. It might seem significant that in *Land and Credit*, a work notable for its thoroughness, Finley stated that Melotopoulos' important study (in Greek) of *praxis epi lusei* 'was not available to me' (p.230 n.39). But there are references to other Greek writings: Pappulias (p.203 n.7) and Sontis (p.266 n.26). The seeming suggestion that Finley's knowledge of French might be deficient, from Robin Lane Fox ('Sex, gender and the other in Xenophon's *Anabasis*' p.211), countered by Simon Hornblower ('A gift from whom?' p.19), seems hard to sustain in light of his early linguistic training. According to Tompkins, he 'excelled in French' while at Syracuse. Possibly Finley's earliest review for a Classical journal (1951) was of Chantraine's French commentary on Xenophon's *Oikonomikos*. It is clear, however, that he had no knowledge of Russian. A pupil who had learnt Russian while on national service, translated and summarised for Finley's benefit, amongst other things, Gluskina's review of Fine's *Horoï* and *Land and Credit*.

(34) **Ancient lexicography:** pp.54; 197 n.13; 211 n.27; 224 n.11; 240 n.41; 240 n.42. **Greek orthography:** p.198 n.20. **Textual variants and emendations:** pp.228 n.29; 236 n.14; 242 n.46; 262 n.1; 262 n.3; 267 n.30; 275 n.1; 287 n.49; 281 n.27; 294 n.4; 299 n.30; 31; 40; 110; 195 n.2; 211 n.27; 228 n.29; 228 n.31; 233 n.51; 236 n.14; 245 n.63; 245 n.1; 255 n.76; 272 n.52; 273 n.61; 273 n.66; 275 n.1; 275 n.3; 281 n.17; 283 n.38; 285 n.42; 286 n.46; 287 n.49; 294 n.4. **Translation of Greek terms:** pp.214 n.55 (*oikema*); 221 n.4 (*tithemi, hupotithemi*); 224 n.16 (*epi*); 241 n.44 (*apotimao*); 242 n.51 (*apo*); 252 n.45 (*chorion*); 258 n.98 (*ergodates, ergolabes*); 273 n.61 (*enechuron*); 277 n.12 (*hoi meta*); 286 n.47 (*sumballein*); p.280 n.23 (*apographe*); 280 n.24 (*engue*); 290 n.63 (*eranarches*); 296 n.21 (*epidaneizein*); 222 n.6 (*enechurazo*); 232 n.48 (*apoluo*); 236 n.14 (*oikos*); 205 n.12 (*antichresis*). **Dialectical forms:** p.4. **Errors in Liddell and Scott:** pp.197 n.13 (*horos*); 228 n.33 (*prater*); 270 n.46 (*propoles*), cf. *Ancient Economy* p.235 n.63; 297 n.21 (*epidaneizein*). **Latin headings in *Inscriptiones Graecae*:** pp.196 n.12; 119; 266 n.23; 290 n.70. **Close readings etc:** pp.5; 11; 222 n.4; 224 n.16; 231 n.231; 233 n.1. **Authenticity:** pp.235 n.10; 244 n.58; 249 n.28; 256 n.89; 263 n.3.

Something of Finley's early 'philological approach' (and its limitations) may be appreciated from a pair of unpublished items in the author's possession. A projected 'thesaurus' (Finley's word) of some two-hundred, handwritten pages, gathers annotated references to Greek terms (fully accented) relating to aspects of economy and society (beginning with *agein*, ending with *oneomai*). 'I abandoned the plan before long', writes Finley in his covering note. But two of the collected entries, on *echein* and *kratein*, provided raw material for what appears to be a linguistic appendix to Finley's dissertation, on the disputed phrase *echein kai kratein*, appearing on several *horoï*. Finley

stated his intention of publishing (p.204 n.11) ‘a detailed analysis of the phrase’, which never appeared. The piece that survives is printed as Appendix II to this paper.

(35) Berger in his review reflects on the content of Finley’s endnotes (p.90): ‘The notes are indispensable for the understanding of the author’s method and ideas. Not only references to the sources and extensive quotation of texts, terminological and etymological remarks, bibliographical references and other materials generally found in footnotes are packed into those pages. But, what is more important, they document the author’s critical attitude towards nearly all the books and articles cited.’ As examples of Finley’s sharp criticism may be cited his dismissal of Schönbauer on publicity: ‘Presumably intuition remained his guide’ (p.209 n.26); questioning Wyse’s ‘firm belief that Isaeus never had a client who was in the right’ (p.211 n.34); observing that ‘Ziebarth always saw in ancient Athens a replica of modern Hamburg’ (p.275 n.5); remarking that Reinach on *eranos* loans to raise capital for business purposes, ‘gives us *Hamlet* without the Prince of Denmark’ (p.292 n.83); noting that Erich Bayer on Demetrius of Phalerum and supposed legislation concerning *horoi*, ‘contributes nothing but his enthusiasm to the discussion’ (p.177).

(36) Berger, after noting the ‘strange coincidence’ of the near simultaneous publication of Fine’s and Finley’s books, comments on Fine (p.92). ‘To my great astonishment, I found in the Foreword (p.vi) some statements which might be repeated here verbatim....’ (he quotes Fine as in the text; see below, n.38). Fine’s positivism approximates to Martin Frederiksen’s well-known reaction to Finley’s *Ancient Economy*, offering the alternative of ‘collecting and interrogating it with an open mind’ (‘Evidence and models’ p.175). Todd in *The Shape of Athenian Law* (p.254 n.23) points out that Fine’s evolutionary model closely matches that associated with the development of real security in Roman law.

(37) Finley’s concern over inappropriate, modern terminology may be traced back, *via* the proposal to the SSCR, to his ‘*Emporos, naukleros and kapelos*’ (see p.4). It is also to the fore in his review from 1951 of Chantraine’s edition of Xenophon’s *Oeconomicus*, criticizing the concept of ‘capitalization’ applied to the ancient Greeks. The criticism is repeated in *Land and Credit* (p.239 n.28) as one of several attacks on economic anachronism (cf. pp.236 n.16, 256 n.89, 262 n.3). By the same token, Finley draws appropriate conclusions from the non-existence of Greek words for modern concepts: ‘real security’ (p.54), ‘contractor’, ‘entrepreneur’ (p.258 n.98), ‘broker’, ‘seller of land’ (p.270 n.40).

(38) The point was appreciated by Berger (p.92): ‘Moreover, his conversance with Anglo-American legal concepts enables him accidentally to compare ancient legal situations with modern law and to warn of an inappropriate application of English juristic terms to Greek institutions.’ Cases in point: criticism of Bonner on use of American rules of evidence (p.217 n.75); English terms of ‘association’ and ‘society’ having the notion of juristic personality (p.89).

Paradigmatic for Finley was John H. Wigmore, ‘The pledge-idea: a study in comparative legal ideas’ (p.221 n.2): ‘Wigmore’s article may still be read with great profit, especially for his demonstration of the values and limitations of the comparative method’. Interestingly, Wigmore presumes the early absence of credit (p.322): a view later opposed by Mauss. Finley’s use of the comparative method through *Land and Credit* repays disentangling. The Preface contains a statement of intent (p.xxxix): ‘Although I have not hesitated to turn to non-Athenian materials on occasion for clues and analogies, I have rigidly followed the rule of drawing no conclusions from anything but Athenian sources.’ That is borne out by material mainly in the endnotes: hints about *prasis epi lusei* outside Attica (p.31), from Tenos, Sardis and Olynthus (p.226 n.21), and from Doura-Europos (p.225 n.19); Dio Chrysostom’s *Euboean* and *Rhodian Orations* on non-registration of security transactions (p.209 n.25; cf.p.229 n.35, 2); non-appearance of *apotimema* in a bronze tablet from Terina in S. Italy (p.234 n.5); ‘dowry register’ from Mykonos (p.242 n.50); debt-moratorium from third-century Ephesus (p.297 n.20); Alkiphron on bankers in Athens as ‘not evidence for the period under discussion’ (p.270 n.46); hypothecation of private property for public purposes on Delos and Keos (p.279 n.17); sale of ship and cargo, in case of default, in a Delphic inscription (p.298 n.28).

Citation in *Land and Credit* of suggestive modern analogies: the American law on ‘pledge of bulky goods’ as ‘strikingly like the *horoi*’ (p.213 n.46); a ‘striking analogy’ to *prasis epi lusei* as being security not sale in ‘early English mortgage’ (p.230 n.39); Plato on credit sale associated with nineteenth-century attitudes to interest-free loans (p.292 n.81); law of modern Mykonos relating to agricultural tenants furnishing own doors (p.261 n.120); *enechuron* as both pledge and execution equated to German *Pfand* (p.28). Significant modern contrasts: modern forms of public notice including the German *Grundbuch* (p.206 n.16); ancient urban real estate of little value compared with ‘modern American practice’ (p.61); modern European practice, whereby partible inheritance is countered by one heir buying out the others using land as security, unknown from Greek *poleis* (p.271 n.51).

Finally, Finley suggested reversing the comparative process by using law from Greece as a demonstration that substitutive security may be combined with its possession by the debtor (p.206 n.15): ‘a neat illustration of the need for a consideration of Greek law in order to check

generalizations that seem valid when, as is customary, comparative studies are limited to Romanic, Germanic, and English jurisprudence’.

(39) Fine and Finley were reviewed together by Dorjahn, Gluskina, Michell, Rodewald, and Wolff; they were reviewed separately by Gertrude Smith. Representative are the comments on Fine by Hopper (p.134): ‘This is a book worthy of all attention’; Forbes (p.109): ‘This is a work of great importance and value to Greek legal studies’; and Oliver (p.104): ‘an indispensable book’. For Pringsheim’s positive appreciation, see n.46.

(40) Lalonde’s re-editing was in the context of publishing all types of *horoi* from the Agora excavations. Technical treatments in English tend to favour Finley’s synchronic over Fine’s evolutionary approach: A.R.W. Harrison, *The Law of Athens* Vol.I pp.253-304 (esp. pp.269-70); S.C. Todd, *The Shape of Athenian Law* pp.250-5. Walter Scheidel in his paper to the Lawrence Seminar on ‘Measuring Finley’s impact’ mentioned the ‘halo effect’, whereby Finley’s subsequent reputation refocused attention back onto *Land and Credit*. Fine’s only other book, a substantial textbook of Greek history from 1985 (*The Ancient Greeks: A Critical History*), seems not to have made much lasting impact.

(41) Finley adopts a *reductio ad absurdum* approach (p.158): ‘What are we asked to believe.... that land was handed down rigidly within each “family” until the time of Solon, or even down to the latter years of the Peloponnesian War as some now argue?.... Are we then to believe that from some original date.... no migrant ever acquired land in Attica and no “Athenian” family ever lost some or all of its holding?’ It seems likely that the absence from the pre-Peloponnesian-War literature of any reference to exchanging of land is a reflection of source-survival (no Attic Orators). Reviewers of Fine (Rodewald, p.213; Hopper, p.136) pointed out that a similar argument from silence would rule out a range of activities, including the pledging of movable property, presumed by Fine (p.90) to have preceded land as security. Fine’s speculative suggestion, that buying and selling of land may have given rise to the court cases that in turn stimulated forensic oratory, seems not to have received support. It may be noted that Fine’s hypothesis about alienation of property forms the point-of-departure for Gernet’s exploration from 1955 of ‘*Horoi* hypothécaires’: ‘we owe Fine a great deal’ (p.310 n.1). Gernet’s previously unpublished work on ‘le droit hypothécaire’ (antedating Fine and Finley) has been made available by Andrea Taddei, *Louis Gernet e le tecniche del diritto Ateniese* (pp.146-82).

(42) Fine (pp.44-6) suggests that smaller-scale inscriptions may have been made prominent by being affixed to the wall of a building. In any case, it might have been regular practice that a potential borrower be required to take an oath (as recorded in Demosthenes 52.5) concerning the existence or otherwise of security-*horoi*. Fine, after a thorough discussion of the inconsistent linguistic evidence (pp.56-60), comes down tentatively against wooden *horoi*. But might the tapering he observes in the fabric of several *horoi* (p.45) be in imitation of the rough shaping of baulks or planks of wood, prior to being driven into the ground?

(43) In the endnotes, Finley repeatedly opposes Paoli's approach to Athenian law, 'with its intricate legal constructs, including the introduction of hypothetical and fictitious stages in the history of the institutions in order to overcome the absence of essential documentation' (p.200 n. 28; cf. pp.202 nn.1-2, 224 n.9, 236 n.13, 237 n.23). Finley told the author how, on an early visit to Italy, he was unexpectedly invited to a sumptuous dinner in Paoli's considerable mansion. The host (it was their first meeting) smiled at Finley, wagged his finger, said '*apotimema*' several times, then nothing else all evening.

(44) The context was a review of three of Finley's books (*Democracy Ancient and Modern*, *The Ancient Economy*, *The Use and Abuse of History*), entitled 'The Greeks and us'.

(45) According to David Robinson in his review of *Land and Credit* (p.202) Finley was, 'already a leading light on the social, economic, and juristic aspects of security operations.' The legal thread might be traced back to Finley's earliest academic publication, 'Mandata Principum' from 1934, written while Finley was research-assistant to Arthur Schiller, and originating from his Roman Law Seminar. If the approach seems traditional ('a thorough examination of all the available references', p.150), some twenty years later, the burden of Finley's review of H.J. Wolff's *Roman Law*, in *The American Journal of Comparative Law* (1952), was that Roman law should be socially and historically contextualised.

(46) Pringsheim had earlier contributed a detailed review of Fine's book, for which his welcome was unreservedly warm (p.348): 'Es ist ein Freude, dieses Buch zu besprechen'; a little less so for Finley (p.223): 'Es ist nicht ganz leicht, von diesem wichtigen und gelehrten Werke angemessen zu berichten.' The recurring theme is that not all the answers found by Finley are necessarily secure. Wolff subsequently produced papers in the early 1950s on *misthosis oikou* ('Verpachtung von Mündelvermögen in Attika') and *apotimema* ('Das attische apotimema') that engaged with material

from Fine and Finley. (Wolf on *apotimema* is conveniently summarised by Harris, ‘*Apotimema*’ pp.82-5.)

(47) Pringsheim’s book receives piecemeal, critical attention in *Land and Credit*: pp.203 n.4, 215 n.62, 224 n.15, 268 n.39, 269 n.45, 270 n.46.

(48) That message from the Preface (where the testimony of the Ptolemaic papyri is expressly rejected) recurs throughout the book: pp.187 n.17, 210 n.26, 221 n.1, 226 n.20, 226 n.21, 275 n.5, 276 n.5, 295 n.8. It is also the key criticism in Finley’s two reviews from 1957 of J.W. Jones’ *Law and Legal Theory of the Greeks*. Distinctive aspects of Ptolemaic money and credit were subsequently addressed by Sitta von Reden, *Money in Ptolemaic Egypt* (2007).

(49) The inscription has been re-edited with translation and commentary by Rhodes and Osborne (No.36), and with additional bibliography (p.56) by Merle K. Langdon, *Poletai Records* (pp.76-78). Its significance for Fine and Finley centres on the multiple encumbrance of a single property. Combining Finley’s legal and Homeric interests is ‘Marriage, sale and gift in the Homeric world’ (1955).

(50) Harrison, in the introduction to his definitive *The Law of Athens* (p.viii) takes up a position on the disunity of Greek law almost identical to Finley (with specific reference to real security, p.258). Todd in his synoptic study of *The Shape of Athenian Law* explicitly rejects the ‘Greek law’ approach (pp.15-16), identifying the law of Athens as a member of what he terms ‘the Greek family of legal systems’. Significantly, David Cohen thought it advisable to address in his editor’s introduction (p.1) the apparently heterodox title of Gagarin and Cohen’s *The Cambridge Companion to Greek Law*. Michael Gagarin’s contribution, ‘The unity of Greek law’ is actually a reaffirmation of Finley’s position (though offering the possibility of shared aspects of legal procedure). It may be noted that Fine began his review of Pringsheim’s *Greek Law of Sale* (p.437) by expressing doubt as to the existence of ‘Greek law’ earlier than the third century BC; but the critique was not sustained. It is ironic, given the restricted access of Fine’s *Horoi* (p.10) that he should close his review of Pringsheim’s book with a forceful complaint about its exclusivity.

(51) Tenney Frank (1876-1939) is remembered as author of *An Economic History of Rome* (1927) and general editor of the multi-volume *An Economic Survey of Ancient Rome* (1933-40). However

well meant, is to be doubted whether Finley found Heichelheim's comparison flattering. Frank was also the author of 'Race mixture in the Roman Empire' (1916), with its theme of 'race suicide'.

(52) In an earlier, unsigned notice of *Land and Credit* in *Economica*, de Ste. Croix praised Finley's 'most courageous attempt to present an analysis intelligible to the non-specialist', but concluded that 'his manner of presentation leaves something to be desired'. The criticism hit home. In a letter to de Ste. Croix from April 1954, Finley expressed warm appreciation for the former's interest in his work, then asked, 'Would you let me know why you wrote in *Economica* that my presentation leaves much to be desired?' The later, longer review supplied some kind of answer.

(53) The place of publication may weaken Wilfried Nippel's otherwise attractive suggestion (made at the Lawrence Seminar) that 'Land, debt and the man of property' had the effect of guiding a wider classical readership back to *Land and Credit*.

(54) Though it should be noted that, in *Land and Credit*, Finley did not, as later, discount the overall idea of 'fourth-century decline': 'clearly a time of increasing poverty for many Greeks' (p.63). One section of Dan Tompkins's paper to the Lawrence Seminar, on the impact of the agricultural crisis in the United States in the 1930s, supplies some context for a sentence in *Land and Credit* (p.87). On the non-productive purpose behind Athenian borrowing, Finley wrote: 'Psychologically, their approach was one of grief and despair, the atmosphere that is associated with "mortgaging the old homestead".' (The phrase is repeated in *The Ancient Economy*, p.117.)

(55) Judiciously reviewed by Tompkins in 'Weber, Polanyi, and Finley'; the book can fruitfully be read in conjunction with the review by von Reden. Overlapping material in the companion article by Nafissi, 'Class, embeddedness, and the modernity of Ancient Athens'.

(56) A single passage shares the primitivist-modernist terminology. 'The character of public land records and the forms of public notice are a valuable index of the size and complexity of a community and the level of its economy and its law. The range is a wide one, from primitive reliance upon the knowledge of neighbors... to the elaborate network of title and deed registers in the modern world. With rare exceptions, the Greek city-states stood much nearer the primitive than the modern' (pp.13-14). Elsewhere, different motives and circumstances of borrowing are indicative of 'the fundamental, qualitative differences to be found in the Greek institution, differences rooted in the profoundly un-modern character of the city-state economy' (p.81). The phraseology there is in

line with Finley's later stance as an 'anti-modernist'; perhaps more accurately as an 'anti-anti-primitivist', but never a paid-up 'primitivist'.

(57) Later still (1985) in the adaption of 'Le document et l'histoire' as a chapter in *Ancient History: Evidence and Models* (pp.113-4).

(58) Appearances of Weber in *The Ancient Economy*: pp.26, 117, 122, 125, 138-9, 182, 192, 205 n.4, 229 n.91, 239 n.32. Nafissi in *Ancient Athens and Modern Ideology* (p.211 n.9) reasonably questions whether 'Finley's passing reference to Weber' (actually, five references) is sufficient to warrant my description of *Land and Credit* as 'Weberian' (*Lending and Borrowing* pp.13-14). In fact, my phrase 'thoroughly Weberian in the breadth of its treatment' was meant to indicate (admittedly not very clearly) the modelling of institutions that seems characteristic of *Land and Credit*: 'The guiding methodological principle... concentration on basic patterns of economic behaviour rather than the exceptional instances...' (p.xxxix). Tompkins, who questions Nafissi's identification of a Polanyian turning-point for Finley ('Weber, Polanyi, and Finley', pp.128-30), has also indicated Finley's use of Weber, without citing him by name, with regard to slavery and a 'spectrum of statuses' ('The World of Moses Finkelstein' p.105). The significance of Weber with regard to *Land and Credit* was noted in an otherwise idiosyncratic review by Livio Stecchini (p.267).

Symbolic of typical rather than exceptional is Finley's treatment of the behaviour of the father of Ischomachos, as reported by Xenophon (*Oecon.* XX.22), buying up and improving land abandoned in the Peloponnesian War: 'a moralistic tale absolutely unique in Greek literature that proves the great rarity of land speculation, if anything' (p.270 n.46). Michell in his review (p.251) correctly identifies this as a distinction between Finley and Fine (p.195), who sees it as typical. The passage is again highlighted in *The Ancient Economy* (p.236 n.69), against Claude Mossé (*La fin de la démocratie Athénienne* pp.35-67) as being 'famous because it is cited so regularly that one drifts into the illusion that this case of a single Athenian gentleman, possibly fictitious, was a universal Greek phenomenon.' John Davies in 'Classical Greece: production' (in Scheidel, Morris and Saller, *Cambridge Economic History of the Greco-Roman World*) twice cites the Ischomachus passage (pp.351, 361): 'It is hard not to detect a strong hint of a Protestant ethic'.

(59) Arising out of Solon's legislation is a hint (p.250 n.35) of the 'class *versus* status' debate, later to loom larger: 'The current connotation of the word "class" validates the objection raised against the commonly used phrase, "Solonic classes"; cf. *Ancient Economy* (pp.46-51).

(60) Notably by Gernet, ‘Choses visibles et choses invisibles’ (1956), Gabrielsen, ‘*Phanera* and *aphanes ousia* in classical Athens’ (1986), Cohen, *Athenian Economy and Society* pp.191-207. Finley makes several suggestions for studies to clarify terminology: the difference between *sungraphe* and *sunthekai* (p.217 n.73); *prater* (p.228 n.33); *sumballein* (p.286 n.46).

Other of Finley’s more-or-less fulfilled suggestions, more peripheral to the main themes of *Land and Credit*, include: re-examination of Lemnian *horoi* (p.200 n.26), by E. Culasso Gastaldi, ‘Lemnos. I cippi di garanzia’ (2006); ‘freedmen’s bowls’ and the role of *eranos* loans in manumission (p.292 n.23), by E.A. Meyer, *Metics and the Athenian Phialai-Inscriptions* (2010); the conflict between Apollodorus and Phormion (p.263 n.3), by Jeremy Trevett, *Apollodorus, Son of Pasion* (1992); economic and social aspects of dowry (p.266 n.26), by David Schaps, *Economic Rights of Women in Ancient Greece* (1979).

(61) Some individual had already anticipated Arno in bringing *Land and Credit* ‘back into print’. A visit to Thornton’s bookshop in Oxford in the early 1970s brought to light a bootlegged copy of *Land and Credit*. Someone had borrowed the Ashmolean copy, photocopied every page, then had them bound up (by Maltbys, of Oxford). Plainly, the book had made quite an impact on at least one person in Oxford. A bemused Finley, when shown him this item, speculated as to who it might have been, willing to go to the trouble and expense. Unfortunately, it is not possible to assess the impact on Albert Einstein of the copy of *Land and Credit* sent to him by Finley, in January 1953, in thanks for his unsuccessful efforts to find him academic funding (Finley correspondence, held in Darwin College, Cambridge).

(62) Not all errors were detected and corrected. For a further handful (all of them minor), see the close of Robinson’s review of *Land and Credit* (p.202); to which add Nicostratus’ capture, not in war, but by pirates (p.84).

(63) The journal, subtitled *Rivista Internazionale per la Storia economica e sociale dell’antichità*, then edited by Carmine Ampolo and Giuseppe Pucci, has been wryly referred to as the ‘Journal of Finley Studies’.

(64) The last thirty years have seen the discovery and publication of a further forty or so *horoi*; see Appendix I.

(65) Hieron of Rhamnous is cited by Osborne (*Demos* p.247 n.43) as appearing as the creditor on two *horoi*; in fact, the references seem to be to the same *horos*. However, more recent discoveries may record the same creditor on three different *horoi*; see below, Appendix I, Nos.11, 12, 27.

The section on *prasis epi lusei* from the Transactions introduction (pp.xiv-xviii) develops a debate between Finley and Pringsheim over transference of ownership. According to Pringsheim, this could not occur without full payment of the purchase price. Subsequent discovery of a *horos* (No.12A), whereby a purchaser used the purchased property as security for the unpaid part of the purchase price, seemed to tell decisively against Pringsheim. (At the time of writing, I was unaware that Arnold Kränzlein had already discussed the implications of this *horos* in ‘Eine atypische *prasis epi lusei*’.) The possible significance of the hybrid phrase *hupokeimenes epi lusei*, twice inscribed on a double *horos* (Nos.80A and 81A), is discussed below (p.26).

(66) Gluskina and Robinson in their reviews of *Land and Credit* objected to Finley’s rejection of significant change in the *polis*-economy from the Hellenistic period. Recent publications of the Liverpool-based project on Hellenistic Economies have highlighted the distinctive qualities of post-Classical economy and society: Z. H. Archibald, J.K. Davies, V. Gabrielsen and G.J. Oliver (eds), *Hellenistic Economies* (2001).

(67) *Land and Credit* appears in *The Ancient Economy* as demonstrating the impossibility of basing calculations on surviving evidence for the size of Athenian land holdings (p.230 n.5) and concerning the non-rationality of investment in land in Attica (p.235 n.60). In his final publication, *Ancient History: Evidence and Models* (1985), in the chapter on ‘Documents’ (p.44), by way of illustrating the desirability of moving away from the study of isolated inscriptions, Finley cites his statistical analysis of the *horoi*; how this demonstrates against ‘generations of historians’ that they had been wrongly cited as evidence ‘for a steady decline in the Athenian peasantry in the fourth century’.

(68) *Land and Credit* appears in the ‘Supplementary Bibliography’ to the second edition (1957) of Michell’s *The Economics of Ancient Greece*, briefly (p.178) in French’s *Growth of the Athenian Economy* (1964) and with limited discussion (pp.154-6) in Isager and Hansen’s *Aspects of Athenian Society* (1975). There is no mention in Migeotte’s recent synoptic study of *The Economy of the Greek Cities* (2009).

(69) The reader is referred to E.G. Furubotn and R. Richter, *Institutions and Economic Theory* (1998). Frier and Kehoe draw most of their material from Roman private law as being ‘more easily cognizable’ (p.114 n.6).

(70) Thomas similarly criticizes Finley’s misplaced emphasis in seeing the *poletai* procedures as ‘impermanent’ and ‘unreliable’ (p.54); likewise, ‘Finley’s incredulity’ at Apollodorus’ argument in court is described as a ‘highly literate interpretation’ (p.56 n.135). Her criticism of the view of dependence on oral witnesses as indicative of ‘village economy’ is directed against Pringsheim (p.41), but might apply equally to Finley, in line with his approving quotation of Wilamowitz (above, p.13).

(71) Thomas’ formulation approaches the ‘symbolic use’ of writing (pp.17, 45, 51); even those who could not otherwise read might deduce that an inscription with more than the single word *horos* (the ‘shape’ of which could be recognised) might indicate encumbrance. Faraguna’s impressive study of the evidence for land registers in ancient Greece as a whole (‘A proposito degli archivi nel mondo greco’) has relatively little that is directly focused on classical Athens.

(72) As pointed out by Lalonde (p.18) none of the *horoi* found in the Agora that mark private property cannot have originated from that public space.

(73) Osborne also suggests (p.60) that the complete absence of *horoi* for houses alone outside urban areas implies that all houses belonging to the wealthy either had no land attached or were not suited to security.

(74) In detail, Jones (p.37) queries Finley’s identification (p.60) of *chorion* as a building lot, favouring instead *oikopedon*. He also questions Finley’s suggestion (p.61) that urban real estate normally had ‘little, if any, monetary value’ (p.38). Against Osborne (p.39), he argues that *horoi* indicating multiple properties (e.g. ‘house and gardens’) might indicate ongoing occupation. Osborne makes a brief but effective general rejoinder in ‘Rural Athens’, his review of Jones’s book.

(75) With *Sacred and Public Land in Ancient Athens*, Finley’s *Land and Credit* achieves the status of a ‘good-luck charm’. Papazarkadas begins his study by advising how (p.vii), ‘The title of this monograph... is deliberately reminiscent of Finley’s epoch-making *Land and Credit in Ancient Athens*. Yet, scope and approach are considerably different and my emulation is primarily a

talismanic expression of admiration.’ In fact, Papazarkadas in his opening pages addresses (p.4): ‘A single statement in Finley’s seminal *Land and Credit in Ancient Athens*’, which ‘has cast a long shadow on all subsequent discussion’, whereby sacred landholdings are assimilated to public estates (cf. p.7 for the ‘Finley dogma’). If Papazarkadas’ book has an overall theme, it is the distinctive character of sacred land (p.202). His approach does differ from *Land and Credit* in largely avoiding wider issues of the relationship between sacred and public lands and the *polis* economy. Though it may be noted that the epigraphic record for sacred realty and rentals ends in about 200 B.C. (pp.242-3), broadly corresponding with the ending of security *horoi* and Finley’s engagement in *Land and Credit*.

(76) This is not the place to engage in detail with the arguments of Shipton’s overlapping treatments of credit relations in Athens (in addition to *Leasing and Lending: ‘Money and the élite in classical Athens’* and ‘The private banks in fourth-century B.C. Athens’). But her observation (p.1 n.3) that Millett has been ‘heavily influenced by Finley’s minimalist interpretation of the significance of lending by institutions such as the private banks’, might be modified by the hope that I have also been influenced by a close scrutiny of the ancient testimony.

(77) Shipton is throughout her study scrupulous in reminding the reader of the relatively small numbers on which her suitably tentative conclusions depend (p.54, 59 twice, 62, 69, 74 twice). But I must take issue with her statement that (p.56 n.19; cf. p.74), ‘I can see no justification for the claim [by Millett] that eranists would tend to be led by very wealthy men like Neoptolemos of Melite...’ In *Lending and Borrowing*, I wrote that Neoptolemos, ‘gives an insight into the kind of person who might be sought to head an *eranos* collection’ (p.159). That was preceded by the literary evidence for those reported to have taken a hand in organizing *eranoi*: the philosophers Arcesilaus and Speusippus, Demosthenes, and (outside Athens) Epaminondas.

(78) On the absence of patronage from democratic Athens I am necessarily *parti pris*: Millett, ‘Patronage and its avoidance in classical Athens’; compare R. Zelnick-Abramovitz, ‘Did patronage exist in Classical Athens?’ and N.F. Jones *Rural Athens under the Democracy* (pp.59-85). Gallant’s arguments in *Risk and Survival* (pp.143-69) for deme-based patronage are met in detail by Arnaoutoglou, ‘Associations and patronage in ancient Athens’. The types of community and political patronage detected by Mossé in ‘Les relations de “clientèle”’ are not relevant here.

Of course, figures from *horoi* at the lower end of the scale (90 drachmas in one case) may reflect poorer borrowers; but modal values are appreciably higher (see Millett, ‘The Attic *horoi*

reconsidered' p.xxxv n.11). As Finley observed in *Land and Credit* (p.87), most Athenians who needed to borrow on security would have had to resort to pledging.

(79) Shipton suggests (p.87) that borrowing on security of (say) a mining workshop, even if the loan were not directly invested in the productive process, would enable the borrower 'to continue his mining by providing resources to subsidise some other economic objectives.' But the argument could be applied to virtually any loan that enabled the borrower to carry on working: a 'pay-day' loan to provide the bus fare to work. Her argument (p.83) that defaulting on the security of a mining workshop would mean that 'some particular areas would directly benefit', through use of the workshop by the creditor himself or by some lessee or vendee, presumes that the workshop lay idle while acting as security.

(80) Appendix II to *Lending and Borrowing* (pp.224-5) traces awareness of the barrier, *via* Weber, as far back as Böckh.

(81) Shipton mentions (p.45): 'Athenian citizens who formed the vast majority of the silver mine and public land lessees.' Apparently only one metic (an *isoteles*) appears in the mine-leases; there are four metic-lessees (one an *isoteleis*) of non-private land. Papazarkadas, *Sacred and Public Land* (pp.323-5) supplies a succinct discussion, concluding that, 'Only a few metics would have been able to break through the ideological barriers'.

(82) For what it is worth, when I tentatively put this alternative formulation to Finley, he replied: 'I wish I'd thought to put it like that'. But perhaps he was being kind to a graduate student.

(83) So for Nafissi (in *Ancient Athens and Modern Ideology*), Cohen on banking is one of a trio, alongside Osborne on interdependent markets ('Pots, trade and the archaic Greek economy') and Loomis on flexible wage rates (*Wages, Welfare Costs and Inflation in Classical Athens*) that serves to 'check' the Finley approach (p.255; cf. pp.268, 271). Gorski, through his reviewing of Nafissi, concludes in turn that Athens was 'exceptionally capitalistic' (p.412). These are matters on which more might yet be said.

(84) 'When is a sale not a sale? The riddle of Athenian terminology for real security revisited' (1988), *Apotimema: Athenian terminology for real security in leases and dowry arrangements*'

(1993), and ‘Response to Gerhard Thür’ (2008). ‘*Hypotheca* in Roman Law and *hypotheke* in Greek Law’ (2012) summarises the essential argument in ‘When is a sale not a sale?’.

In ‘Women and lending in Athenian society: a *horos* re-examined’ (1992), Harris demonstrated through a *horos* (No.114A, not originally available to Finley) the possibility that women in Athens might participate in financial operations involving sums of money far greater than those supposedly allowed by law. (Supplementary information in Harris and Tuite, ‘Notes on a *Horos* from the Athenian Agora’.) Wolff in his review of *Land and Credit* (p.417) regretted that Finley had not more to say about women and the law, citing his observation (p.78), based on the Tenos ‘land register’ of about apparent Hellenistic ‘loosening of the severe restrictions under which women were placed in the classical period’. Finley went on to note the involvement of women as lenders in four non-dotal *horoi* from Amorgos (Nos.8, 9, 102, 155). He added that in ‘the texts from other islands and from Athens not a single *horos* names a woman in any context other than dowry’ (cf. pp.50, 265 n.62, 266 n.23). In view of the fuller information supplied by the Amorgian *horoi*, he declined to speculate on possible legal complications (‘including property rights of women’) behind the brevity of Athenian inscriptions: absence of evidence should not to be read as evidence of absence.

(85) Finley had noted between the two categories ‘an interesting statistical distinction’ (p.24). Whereas 5 from 10 stones marking *hypotheke* mentioned a written document (*sunthekai*), only 8 from 102 indicating *prasis epi lusei* did so. He tentatively suggested that the former, possibly being more flexible, involved terms and conditions encouraging the use of a written agreement (cf. p.30). Harris (pp.356-7) rightly observed that this speculation does not get us very far. In fact, it might be thought that the lower median figure for *horoi* indicating *hypotheke* (see p.18) would be less likely to prompt a written agreement. However, I am not sure whether Harris’ *reductio ad absurdum* argument (‘Would Finley have asserted that the absence of the name of the creditor from a *horos* must be explained by the fact that the creditor had no name?’) accounts for the disproportionate figures for *sunthekai*.

(86) There is an apparent anomaly: the twelve *horoi* that refer to *hypotheke* as opposed to *prasis epi lusei*. Harris points out that on two of these *horoi*, the creditor added the strengthening phrase *echein kai kratein*, which he translates as ‘on condition that he who has received the security is the owner’ (p.378 with n.11), rejecting Finley’s version (p.204 n.11), ‘to have and have power’. See now Finley’s previously unpublished piece on *echein kai kratein* (Appendix II) which might seem to anticipate several points raised by Harris.

This a necessarily abbreviated account of a detailed and ultimately wide-ranging paper, including at its heart (pp.370-7) a close reading of Dem. XXXVII (identified by Kent in his review of Fine's *Horoi* as crucial, p.88). M.S. Youni ('À propos de quatre inscriptions Olynthiennes') interprets fourth-century loan agreements from Olynthos as supporting Harris' association of *hupotheke* with *prasis epi lusei*.

(87) In fact, Finley does mention (pp.45-6), citing Harpocration, the handful of occasions on which *apotimema* occurs outside dotal and pupillary operations. For use of *apo* without *timaio* in apparent *apotimema* transactions: p.242 n.51.

(88) Again, there is a possible anomaly (matching *hupotheke* on *horoi*, as above): three inscriptions deploy the terminology of *prasis epi lusei* with regard to repayment of dowries (Nos.21A, 49, 82). Harris explains this in terms of 'a dissenting faction', which preferred to view the dowry as a loan as opposed to its enduring conception as a gift (pp.90-1). One might also mention two *horoi* which employ *apotimema* terminology with respect to apparent loan transactions (Nos.32, 163; cf. 162).

In this unavoidably brief summary of Harris' paper, no account is taken of his analysis of Dem. XLI.7-10; a key text, also used to counter Finley's assertion that no legislation is known from Athens with specific reference to real security (pp.92-5).

(89) Compare: 'And, as already indicated, the three terms will be assumed to indicate three distinct forms of security and they will be treated separately. Whether or not the distinction along them was rather shadowy by the fourth century BC can be determined only after a full discussion of all aspects of the problem, and above all the legal' (pp.28-9; cf. pp.29, 112, 222 n.5). On imprecision in 'legal' language: p.31 (Greek terminology of sale); p.108 (relating to multiple creditors); p.203 n.7 (with reference to Dem XXXVII.17-18); p.233 n.7 (against Pringsheim's attempts to distinguish clear categories with respect to maritime security; cf. p.225 n.17). Fine also saw potential blurring (p.62): 'The possibility must not be excluded that that these verbs (*hupotithenai*, *hupokeisthai*) might have merely a general significance, signifying any type of contract in which real security was involved'.

(90) I readily accept that Harris' approach to the apparent discrepancy in terminology between *horoi* and Orators is preferable to my own explanation in the 'Introduction to the Transaction Edition' (p.xiv, with Harris p.357 n.27). Prompted by the double *hupokeimenes epi lusei horos*, I emphasised that neither *horos*-inscribers nor law-court speakers were concerned with legal precision. Though

my n.21 might seem to line up with Harris' approach, it never occurred to me to abandon underlying categories. Fine in his review of Pringsheim in part anticipates Harris' agent-based perspective (p.439): '...in two orations of Demosthenes (XXXIII; XXXVII) the creditors speak of purchasing the security. This is only natural, since the creditors (purchasers) are the speakers.' But he continues: 'If the pleas of the debtors had been preserved, then of course, the talk would have been of the selling of real estate as security.'

(91) Todd (*Shape of Athenian Law* p.255), with reference to 'When is a sale not a sale', sees Harris' model ('certainly plausible') as providing 'an attractive explanation of the existence of multiple mortgages along the lines that Finley originally proposed....'

(92) On division of labour and Harris cites his 'Workshop, household and marketplace'. The six texts in question are: Dem. XXVIII.18; *horoï* Nos.146 and 147; *SIG*³ 976.64-8 (grain law from Samos, 200-150 BC); *SIG*³ 672.64-6 (decree from Delphi, 162-60 BC); *SIG*³ 364.32-41 (law from Ephesus about debt). In fact, none of these texts is passed over by Finley, as a glance at the 'Index of Sources' for *Land and Credit* will confirm; specifically: pp.95, 99-100, 107-8; pp.293 n.1, 294 n.7, 298 n.28.

(93) At greater length: pp.113-7; cf. pp.46-7: 'the fundamental Greek conception of real security was one of substitution'.

(94) So Finley suggested: pp.294 n.7, 298 n.28. Of six texts indicating collateral security, cited by Harris as overlooked by Finley, three are from outside Athens. That need not be problematic so long as, following Finley's practice, the material is seen as corroborative of the Athenian testimony. On Harris' conception (opposing Finley's formulation) of 'The Spirit of Greek Laws' see his 'Solon and the spirit of the law' pp.4-5.

(95) To be sure, Harris identifies loan-sums in the literary sources of pre-determined value (pp.80-1). The tendency of figures on the *horoï* to express sums in round figures of hundreds of drachmas may have something to contribute to the argument: Millett, 'Introduction to the Transactions edition' p.xxxiv n.11.

(96) I take this opportunity to dissent from Harris' formulation in 'When is a sale...?' (p.377 n.81) that: 'Even P. Millett, who takes a primitivist view of the Athenian economy, admits that "The easy

availability of credit was essential to the smooth functioning of Athenian society...’ It is precisely because of the extent and complexity of credit and other relations that I do *not* take a primitivist view of Athenian economy and society.

Appendix I

Recently Published *horoi* (1982-2008)

Reprinted below are texts and reports of security *horoi* that have been published between the closing of Appendix II to my introduction from 1982 to the reissue of *Land and Credit* and the most recent volume available of *Supplementum Epigraphicum Graecum* (*SEG*) from 2008. The grand total of entries is approximately 48. Excluding bare reports, doubtful cases and currently hopeless fragments, the usable total is closer to 30: still a significant increase on the 250 or so available in 1982. The distribution of recent discoveries deserves comment. Nothing significant has emerged from the Agora excavations; there has been a sprinkling of finds from the various demes. Notable is the concentration of finds and reports from Rhamnous (13): the result of systematic excavation. There have also been significant clusters of finds from the Kerameiokos (3), Koropi (3), Laureion (3) and, outside Attica, from Lemnos (4).

Organization of the material presents a problem. There is nothing now to be gained by continuing with the practice adopted by Finley and subsequently by me, inserting newly discovered *horoi* into Finley's original catalogue (Appendix I of *Land and Credit*) by adding As, Bs, Cs, etc. After some hesitation, given the uncertainty over the significance of the Greek terminology (above, pp.26-9), I have decided to relinquish the conventional ordering by apparent security types. The inscriptions and reports of inscriptions therefore appear, numbered 1 to 48, in order of appearance in *SEG*, with checklists to follow by way of compensation. It should be stressed that this interim catalogue, dependent almost entirely on reports from *SEG*, is intended only as a convenient listing. Descriptions of each inscription are taken over, almost *verbatim*, from the editors' accounts, to whom gratitude is owed. Those seeking detailed information about individual inscriptions are urged to consult the original publications. I have not pursued possible prosopographical connections, nor have I normally given even approximate dates for *horoi*, save when a legible archon name is inscribed.

The catalogue and checklists are followed by a brief notes on aspects of these recent discoveries with possible implications for *Land and Credit*.

The following entries for *horoi* in *SEG* appear to be 'doublets':

No.5: *SEG* 41 127 = *SEG* 43 55

No.6: *SEG* 41 128 = *SEG* 43 57(?)

No.35: *SEG* 54 255 = *SEG* 57 166

No.37: *SEG* 55 287 = *SEG* 56 220

No.1) *SEG* 35 136 [1985] 309/8 B.C. (T. Karagiorga-Stathakopoulou, *AD* 33 (1978) [1985] B.30, no photo; cf. *AR* 32 (1985/6) p.16)

Eleusis: rough stone found in excavations at intersection of Aischylos and Pankalos Streets.

ὄρον (*sic*) . . . μυλῶνος καὶ τῆς κατασκευῆς τῆς περὶ τὸν
μυλῶνα πεπραμένων ἐπὶ λύσει...ἐπὶ Δημητρίου ἄρχοντος

No.2) *SEG* 38 165 [1988] (M. Petritake, *AD* 35 (1980) B [1988] p.67, no photo; Peiraieus Museum no.4630. Cf. *AR* 35 (1988/9) p.16)

Glyphada: unworked stone built into wall near section of ancient road excavated along Themistokles Street.

[ὄ]ρος
[χω]ρίου κ(α)ὶ ο[ικίας πεπρα]-
[μέν]ων ἐπὶ λ[ύσει - - -]ΩΝ
4 [- - -]ΑΗΓ [- - - - - - - - -]

No.3) *SEG* 39 200 [1989] (I. Tsirigote *AD* 37 (1982) [1989] B.55, with photo)

Ano Voula: unworked, rough stone built into a retaining wall for an ancient road, excavated at Twenty-First Street and Alkyonidai. Stroud: ‘The inscription faces into the road so that it can be read from the side and appears to be in its original position, perhaps defining the property that lay behind it.’

ὄρος χωρίο
ἀποτίμημα
Ευπεταῖος
4 ΗΗ

l.3: name in genitive or demotic?

No.4) *SEG* 39 201 [1989] (E. Morou-Kapokake, *AD* 39 (1984) [1989] B.47-8, printed in majuscules)

Marathon: fragment of a stone built into a later building near the remains of two ancient farming structures excavated at Sepheri.

ὄρ[ος]
 χωρί[ο]
 ὑποκει-
 μένο
 XXX

No.5) *SEG* 41 127 [1991] (B.C. Petrakos, *EAH* (1992) [1993] p.3, with photo; repeated as *SEG* 43 55: B.C. Petrakos *PAAH* (1992) [1995] p.38 no.8, inv. No.1105)

Rhamnous: rough stone, unworked except for inscribed surface, found in the fort northeast of the shrine of Aphrodite.

[ὄρος] οἰκίας
 [πε]πραμένης
 ἔρανισταῖς
 4 τ[ο]ῖς Ξενοπείθου

No.6) *SEG* 41 128 [1991] 314/3 B.C. (B.C. Petrakos, *EAH* (1991) [1992] p.6; no text or photo; may be identical with No.12 = *SEG* 43 57?)

Rhamnous: report of discovery at the fortress of a ὄρος οἰκίας, with archon name Nikodoros.

No.7) *SEG* 41 129 [1991] 239/8 B.C. (B.C. Petrakos, *PAAH* (1990) [1993] pp.30-31 no.14, no photo; inv. no.885)

Rhamnous: two joining fragments of a stele of ‘Pentelic’ marble found in excavations inside the east gate of the fort.

ἐπὶ Λυσί///ου
 ἄρχοντος ὄρος
 οἴκου ὑποκειμέ-
 4 νου δρα [] []
 Ἄριστόνωι ///
 Εἰτεαίωι

No.8) *SEG* 41 130 [1991] (G.V. Lalonde, *Agora* XIX no. H112, with photo; *Agora* I 7498)

Agora: large, roughly cubic block of grey limestone, found in the Agora Excavations.

[- - - -]Ι. . ΑΣ[- - - - - -]
 [- - -ξρ]γαστηρίο[υ- - -]
 [- - -πεπ]ραμέν[ω]ν[- - -]
 4 [- - - - - -].[- - - - - -]
vacat

No.9) *SEG* 41 131 [1991] (G.V. Lalonde, *Agora* XIX no. H119, with photo; *Agora* I 6710)

Agora: fragment of gray and white veined stone found in the Agora Excavations.

ὄ[ρος- - -]
 χωρ[ίου- - -]
 προ[ικὸς- - -]
vacat?

Classified by Lalonde as ‘uncertain’.

No.10) *SEG* 41 132 [1991] (G.V. Lalonde, *Agora* XIX no. H130, with photo; *Agora* I 1974)

Agora: fragment of grey schist found in the Agora Excavations.

[ὄρ]ος[- - -]
 [- - -]Η[- - -]
 [- - -]ΟΣΧ[- - -]

Classified by Lalonde as ‘uncertain’

No.11) *SEG* 43 56 [1993] 319/8 (or 204/3?) B.C. (B.C. Petrakos, *PAAH* (1992) [1995] pp.36-8, no.7; inv. no.1139)

Rhamnous: unworked stone found in excavations, probably in its original position, built into the west terrace wall of the end of the South Road.

ἐπ' Ἀπολλοδώρου ἄρχοντος
 ὄρος χωρίου πεπραμένου
 ἐπὶ λύσει φράτερσι τοῖς μετ' Ἀντι-
 4 φίλο ΗΗ

No.12) *SEG* 43 57 [1993] 314/3 B.C. (B.C. Petrakis, *PAAH* (1991) [1994] pp.55-57, no.25, with photo; inv. no.1034. May be identical with No.5 = *SEG* 41 128)

Rhamnous: roughly worked stone, found in excavations between the gymnasium and the East Gate of the fort.

ἄρχων Νικόδωρος·
 ὄρος οἰκίας πεπραμέ-
 νης ἐπὶ λύσει φράτερ-
 4 σι τοῖς μετὰ Ἀντιφίλο
 []Δ[]

No.13) *SEG* 44 82 [1994] 273/2 BC (M. Oikonomakou, *AD* 45 (1990) [1995] B.78, with photo; Museum of Laureion inv. no.244. Cf. *AE* 1993 [1995] 211-14)

Thorai (Kiteza Kalyvion): rectangular marble plaque found in an excavation of an ancient farm building. The plaque was probably built into the wall of a building. Lunate sigmas throughout (text from *SEG* as printed from *AE*, correcting errors in *AD*).

ἐπὶ Γλαυκίππου ἄρχοντο(ς)
 ὄρος χωρίου καὶ προι-
 κὸς Πυθύππει Μνησάρχου
 4 Ἄλαέως θυγατρὶ ΧΗ
 τοῦτο ἀποτιμᾶι ὅσωι πλ-
 ἔονος ἀξιόν ἐστιν ἢ τοῖ-
 ς χρείσταις ὑπόκειται

No.14) *SEG* 45 164 [1995] (J. Sickinger, *Hesperia* 64 (1995) pp.333-6, with photo; American School of Classical Studies inv. no. 1 47)

Unknown provenance, but possibly Teithras: thin, narrow slab of marble, tapering towards its bottom, rough-picked on all sides.

ὄρος χω-
 ρίο πεπρα-
 μένο ἐπὶ λύ-
 4 σει Χ
 Ἄριστο-
 Γένει

Stroud: ‘Sickinger [prints] χωρίου and πεπραμένου but the ph[oto] clearly shows the text as we print it.’ On this basis, P. Gauthier (*BE* (1996) p.166) is minded to dismiss from Sickinger’s list of fourteen Athenians named Aristogenes (c.400-200 B.C.) those dating from after the mid-fourth century.

No.15) *SEG* 45 1186 [1995] (J. Cargill, *Athenian Settlements* pp.245-6)

Lemnos, unknown provenance, in corner of ephor’s office in the Museum at Myrina; noted by D. Harris and reported by Cargill.

Non-stoichedon; no loan-sum; creditor: apparently the Attic tribe Akamantis. Cargill (p.246): ‘...since a tribal cult center is attested on Lemnos, and since a tribal cult center on Samos could make loans, such new evidence would not seem to cause any problems of historical interpretation.’

No.16) *SEG* 45 1189 [1995] (D. Hatzis, *AD* 28 B2 (1973) [1977] p.520, with photo but no text; text reconstructed, with assistance of photographs by D. Harris, by J. Cargill, *Athenian Settlements* pp.244-5).

Lemnos, Hephaistia: ‘brown poros, soft stone, deeply carved, rough picked back, roughly hewn sides, irregular shape’ (Harris).

ὄρος οἰκίας
 πεπραμέν-
 ης ἐπὶ λύσ-
 4 ει ΜΙΟ χύτρ-
 οἰς τοῖς πε-

ρὶ Γνάθιον
 Ἄφι(δναῖον): Γ^Α: ἄρ-
 8 χων Εὐ-
 μηλίδης
vacat

Cargill (p.245): ‘No parallels in other known horoi exist for the archon date in the nominative case (lines 7-9) [see now No.12] or for the formula ΜΙΟ χύτροις... of lines 4-7... [M.B.] Wallace suggests a whimsical collective name, Μ(ε)ιοχύτροις (which I would render as...“pot lighteners” or some such)...’ (Cargill). L. Beschi (*SEG* 49 1167) suggests (ὀλ)ιοχύτροις = ὀλιγοχύτροις, ‘che, per metafore, potrebbe indicare persone di povere rosorse.’

No.17) *SEG* 45 1190 [1995] (R.S. Stroud, *Hesperia* 40 (1971) p.170 n.24)

Lemnos, Myrina Museum

Stroud: ‘an unpublished horos stone, which I saw in April 1963 outside the Myrina Museum, is also dated in lines 1 and 2 by the archon.’ Cargill, *Athenian Settlements* (p.246): ‘My current guess for Stroud’s stone is Myrina Mus. 2189, based entirely on Harris’ summary of an entry in the Museum’s inventory book (p.67): “Ε[ΠΙ] Α]ΡΧΟΝΤΟ[Σ ΟΡΟΣ ΧΩ ΚΑΙ ΑΠΟΤΙΜΗ 11 lines” [*sic!*].’

No.18) *SEG* 48 171 [1995] (B.C. Petrakos, *PAAH* (19980 [2000] p.36; inv. no.2158)

Rhamnous: report of a ὄρος οἰκίας from the 4th century BC, found in Area PZ of the fortress; no further details or photo.

No.19) *SEG* 48 172 [1998] (J. Ellis Jones and S.D. Lambert, *ZPE* 125 (1999) pp.131-6 no.1, with photo; Laureion Museum inv. no.32)

Laureion, Agrileza, from the washery’s SW sedimentation basin: fragment of ‘Agrileza marble’, a slab of roughly triangular shape, broken on all sides, but preserving the left end of a six-line inscription on a smooth face. Stoichedon.

ὄρ[ος - -
 -]
 πεπ
 4 [ραμέν-

ἐπί]
 λύσε[ι -]
 τωι, E[-]-
 8 ωι Ἄπα[τουρίωι?]
 Διφιλ[-]
vacat

In l.1 the editors tentatively suggest restoring ἐργαστηρίου; Kakavoyiannis (*SEG* 55 288) argues for *χορίου*. They also suggest that there were four creditors (see No.20), without demotics, and the amount of the loan recorded at the end of l.6.

No.20) *SEG* 48 173 [1988] (J. Ellis Jones and S.D. Lambert, *ZPE* 125 (1999) pp.131-6 no.2, photo.)
 Laureion, Agrileza, from a pile of loose rubble outside the washery: fragment of ‘Agrileza marble’ of roughly pentagonal shape, broken on all sides.

[ὄ]ρο[ς- -πε]-
 [πρ]αμέν[-ἐπ]-
 ἰ λύσει A[-]-
 4 ιου ἐραν[ιστα]-
 [ἰ]ς XXX
vacat

The editors tentatively suggest ἐργαστηρίου in l.1 and speculate that this loan might have been made by the same set of creditors as in No.19 (*SEG* 48 172), if Ἄ[πατουρ]ίου ἐραν[ιστα] ἰς can be restored in ll.3-5. Kakavoyiannis (*SEG* 55 289) rearranges opening lines and argues for *χορίου*.

No.21) *SEG* 48 174 [1988] 240/39 B.C. (B.C. Petrakos, *PAHH* (1998) [2000] p.31, no photo or text; inv. nos. 1266 + 2154)

Rhamnous: brief report of discovery in excavations in area PΔ of the fortress of a fragment of a *horos* stone dated to the archonship of Athenodoros 240/39 B.C.

SEG 51 316: Petrakos (*PAAH* (1999) [2002] pp.26-7, with photo; inv. no.2260) reports fragment of stone plinth in the telesterion of the fortress inscribed in large letters Στρο[μβίχου, comparing it with the same name (Petrakos, Δῆμος τοῦ Ραμνοῦντος II no.394), by the same cutter, which he relates to

two security *horoi* from the fortress: (i) archonship of Athenodoros (240/39 B.C.) including the phrase παρὰ Στονβίχῳ Ῥαμνους[ιωι], inv. No.1266; for *horos* (ii) see No.29.

Nos.22 and 23) *SEG* 49 1168 [1999] 3rd cent. B.C. (L. Beschi, *ASAA* 70-1 (1992/3) [1998] pp.263-7, with photo)

Lemnos, Hephaistia, in the ruins of the church of St. Meletene, Pounta: irregular block of limestone. Two texts inscribed on the same stone.

I

ἐπὶ Φανοκλέου[ς ἄ]ρχο[ντος ὄρο]ς
 χωρίῳ καὶ οἰκίας καὶ τῶν προσόντω[ν]
 τῷ χωρίῳ καὶ τει οἰκίαι ὑποκειμένων
 4 Ἀγαθοκλεῖ Φιλίππου τραπεζίτει καὶ
 Πολυφίλῳ Ἀρχεδήμου Ἀλαι(εῖ) ἀργυρίου
 Δραχ(μῶν) ΗΗ εἰς τὴν ταφὴν Ἡδέας ὥστε
 ἔχειγ (*sic*) καὶ κρατεῖγ (*sic*) κατὰ συνθήκας
 8 τὰς κειμένας παρὰ Δρκοντίδε[ι] Ἀρχαγάθου
 Φπεαρρίῳ

II

ἐπὶ [-----]
 [ἄ]ρχοντος δραχμ[-----]
 κατὰ συνθήκας [κειμένας παρὰ]
 4 Λυσιστράτῳ Φυλασίῳ

No.24) *SEG* 50 186 [2000] (M. Oikonomakou, *AD* 52 (1977) B.1 [2002]; Laureion Museum inv. no.896; cf *AE* 2001 [2003] pp.159-60 no.1 = *SEG* 51 163)

Anaphlystos (Anavyssos): fragment of a stone plaque, found in a field near the geometric cemetery at Agios Pantelmon.

ὄρος χω[ρίου]
 πεπραμ[ένου]
 ἐπὶ λ]ύσε[ι]
 4 [Διο]γνή[τῳ]

Oikonomakou identifies the creditor (1.4) with Δίογνητος Ἀναφλύστιος, *PA* 3856. Stroud: ‘Equally possible would be [Θεο]γνή[τωι], although this name is less common in Attica.’

No.25) *SEG* 51 161 [2001] (B.C. Petrakos, *PAAH* (1999) [2002] pp.29-30 no.2, with photo)

Rhamnous: unworked, schist stone, found in excavations in the buildings at the south gate of the fortress.

ὄρος οἰκίας ἀποτίμημα προικὸς
Ἄριστ<ι>οῖ Ἄριστωνύμου Παλληνέως
Θυγατρὶ ν ΧΓΓΙ

Petrakos suggests the incomplete number in line 3 was finished in paint to some higher figure: ΧΓ^ΑΓΙ or ΧΓ^ΗΓ^ΑΙ or ΧΓ^ΗΓΙ. For Ἀριστίων Ἀριστωνύμου Παλληνεύς he notes *PA* 2198; Traill *PAA* 202210.

No.26) *SEG* 51 162 (M. Salliora-Oikonomakou, *AE* (2001) [2003] pp.163-6 no.4, with photo; Laureion Museum inv. no.899. Previously reported in *SEG* 48 168)

Thorikos: limestone slab, found in mining workshop at the Mexa mining property. ‘The text [printed in *AE*] bears so little relation to the spacing clearly revealed in the excellent ph[oto] that we are reluctant to perpetuate error by reproducing it here; there are no major discrepancies in content between it and the following, which we read from the ph[oto].’

Θεοί
ὄρος ἐ[ρ]γαστη-
ρίου καὶ οἰκί-
4 ας καὶ κήπου
καὶ ἀνδρα-
πόδων καὶ
Εὐθυδίκη-
8 ς Ἐπιχαρίνο
Ἐλευσινίο
Θυγατρὸς ἐ-
[π]ικλήρου

No.27) *SEG* 51 164 [2001] 315/14 B.C. (B.C. Petrakis, *PAAH* (1999) [2002] p.29 no.1, with photo; inv. no.2228)

Rhamnous: unworked, rough stone, broken into two parts, found in excavations in the buildings of the south gate of the fortress.

ἄρχων Πραξιβουλος· ὄρος οἰκίας
πεπρ[α]μένης ἐπὶ λύσει φράτεροι τοῖς με-
τὰ [Ἀντι]φίλου

Antiphilos appears on two other security *horoi* from Rhamnous of 319/8 (**No.11** = *SEG* 43 56) and 314/3 (**No.12** *SEG* 43 57): Petrakos, *Δῆμος τοῦ Ραμνούτου* II nos.186, 187. For the name at Rhamnous: *ibid.* Nos.114, 123, 168, 218

No.28) *SEG* 51 165 [2001] (B.C. Petrakos, *PAAH* (1999) [2002] p.30 no.4, with photo; inv. no.2230)

Rhamnous: rough stone found built into a wall of an inner room in a building at the south gate of the fortress.

[ὄρος χωρίο πεπρ]αμένο ἐ[πὶ λύσει - - -]
[- - - - - - - - -] ΔΔΔΔ || |

No.29) *SEG* 51 166 228/7 B.C. (Petrakos (*PAAH* (1999) [2002] pp.26-7, no text, no photo; inv. no.1265)

Rhamnous: one of two security *horoi* reported from the fortress; for (i), see No.21, with *SEG* 51 316. For (ii), from archonship of Leochares, Petrakos supplies the solitary phrase *παρὰ Στρομβίχων* *Ραμνουσί(ων)*.

No.30) *SEG* 51 167 [2002] (B.C. Petrakos, *PAAH* (1999) [2002] no.3, no photo; inv. no.2236)

Rhamnous: limestone block, found in the buildings at the south gate of the fortress. once inscribed with a security *horos* text that has been completely erased [*sic*]. Petrakos observes that other such *horoi*, erased after the debt was discharged, have been found in the fortress. [Cf. *SEG* 51 161, No.32]

No.31) *SEG* 52 160 [2002 (B.C. Petrakos, *PAAH* (2001) [2004] p.12 no.10)

Rhamnous: unworked stone found in excavations in houses in the fortress.]

[ὄρος ο]ικία[ς] πεπραμένης ἐπ[ὶ λύσει]

Φράτερσιν τοῖς

μετὰ Θεομνήστ[ου]

4 Η

Petrakos suggests that Theomnestos is the son of Protarchos, *Δῆμος τοῦ Ραμνοῦντος* II no.264

No.32) *SEG* 52 161 [2002] (B.C. Petrakos, *PAAH* 92001) [2004] p.617 n.9; inv. no.2352)

Rhamnous: complete cornerstone found in excavations in houses in the fortress. ‘It once carried the text of a security horos in 4 lines, now almost completely erased’.

[ἐπὶ τοῦ ---]μου ἄρχο[ντος ---]

Petrakos suggests Theophemos as archon (245/4), but opts for a 1st century date on the basis of lettering.

No.33) *SEG* 54 253 [2004 (M. Oikonomakou, *AE* 143 (2004) [2007] pp.170-1, with photo; inv. no.Λ548)

Trikorythos: intact roughly dressed plaque of grey limestone found (as was No.34) in excavations of a farmhouse in the northeast sector of the great swamp ca. 20 m. from the Marathona-Kato Souli road. Oikonomakou notes extensive traces of an earlier inscription. Stroud: ‘We read from the ph[oto] χωρίο and print ll.3-4 as they are on the stone, not in one line as ed. pr.’

[ὄ]ρος χωρίου τι-

μῆς ἐποφειλ-

ομένης XX

4 Εὐκλείδει Ἀφιδ-

ναί

ll.3-4 may be corrected to read ἐνοφειλ | ομένης, by analogy with *Land and Credit* Nos.3 and 12A.

No.34) *SEG* 54 254 (M. Oikonomakou, *AE* 143 (2004) [2007] pp.172-3, with photo)

Trikorythos: intact plaque of grey limestone, found in the same place as No.33.

ὄρος χωρίο ἀπο-
τίμημα παισὶν
Ἄισχύτου Εἵτεαίο

Oikonomakou notes that the location of the deme Eitea is probably at Grammatiko in east Attica, only 3-4 km. from the findspot for this *horos*.

No.35) *SEG* 54 255 (P. Platonos-Yiota, *Αχαρωαί* p.436, with photo, no text) [Apparently identical with *SEG* 57 166]

Kato Kifisia: brief mention of discovery of a marble security *horos*, dated to the fifth century B.C., near the southern precinct of a late Roman estate located at Thebaidos and Seneka Streets. Text from *SEG* reconstructed from photo.

ὄρος
χωρίου (πε)πραμέν-
ου ἐπὶ λύσει Ἄνδ-
4 ρομένει Παιονί-
δει XXXX

No.36) *SEG* 54 256 [2004] (M. Salliora-Oikonomakou, *Sounion* p.169 no.124; Laureion Museum inv. no.34)

Laureion (Sounion), Agrileza: fragment of a marble plaque, found at the silver-mine site excavated in 1977-8 by the British School briefly mentioned with no text by J.E. Jones, *AR* 31 (1984/5) 122.

[ὄρος ἐργας]-
[τηρίου καὶ]
[ἀνδρα]πόδ[ων]
4 [πεπρ]ραμέν[ων]
[ἐπ]ὶ λύσει Ἄ-
[- -]δου: ἔραν-
[ισταῖ]ς: XXX

No.37) *SEG* 55 287 (W.-D. Niemeier, *AA* (2004.2) p.268, with photo, no text) [Apparently identical with *SEG* 56 220]

Kerameikos: brief report of discovery of security *horos* in front the Dipylon Gate. ‘Of the property of Nikeratos of Hagnous in the value of 7,000 dr.’

SEG 56 220 (K. Halloff, *MDAI(A)* 121 (2006) pp.229-31 no.6, with photo; inv. no. I 544)

Kerameikos: plaque of large crystallised marble with brown patina (‘pentelischen’) found in excavations in May 2003 in the Dromos.

ὄρος χωρίο
ἀποτιμήμα-
τος Νικηράτο
Ἄγνωσίο παισ[ι]
ΤΧ

No.38) *SEG* 55 290 [2005] (U. Knigge, *Kerameikos* XVII 168 no.446, photo and drawing; text in majuscules without word divisions.

Kerameikos: intact, roughly dressed marker of ‘Hymettian stone’, found in the excavations under Bau Z3.

ὄρος
χωρίο πε-
πραμένο
4 ἔρανισταῖς
ἐπὶ λύσει
ΗΗΗΗ[]

Cf. *SEG* 56 222, where republication noted by K. Halloff (*MDAI(A)* pp.231-2, no.7, with photo), who suggests date in first half of fourth century on basis of –ο for –ου in ll.2-3.

No.39) *SEG* 56 225 [2006] before 338 B.C. (K.Hallof, *MDAI(A)* 121 (2006) pp.2278 no.4, with photo; inv. no. I 455)

Kerameikos: small fragment of grey marble, broken at left and below, found in excavations in 1962/3 in the Sacred Way in front of the Antidosis Façade. The archaeological context provides the suggested date.

[ὄρος] χωρίου
 [πεπρα]μένου
 [ἐρανισ]ταῖς το-
 4 [ῖς περ]ὶ Διονυ-
 [σ-----]

Halloff suggests (without autopsy) that this stone may be joined with *IG II/III² 2755 (Land and Credit No. 99)* supplying: ὄρος [- - -] πεπρ[αμέν - - | - - -

No.40) *SEG 56 227* [2006] (O. Kakavoyanni, *AD 55* (2000) B1 [2009] p.130)

Koropi: marble marker found in excavations near a small temenos at the site called Bota (*Μπότα*) south of the highway linking Vari and Koropi. Kakavoyanni cites C. Doumas, *Μεσογαία* (Athens 2001) p.130, to the effect that the stone comes from Merenda.

ὄρος χωρίου
 καὶ οἰκίας πεπ-
 ραμένων ἐπ-
 4 ἰ λύσει Ξενο-
 τίμωι Ἰκαίρεϊ
 προικός Μνη-
 σιστράτηι Χ

No.41) *SEG 57 165* [2007] (D. Schilardi, *Mesogeia to Argosaronikos* pp.605-8)

Marousi (Athmonon): preliminary report of excavation of Late Roman farmstead in large building plot of Lamda Development, east of the Olympic Stadium. The site had already been in use in the Classical period, as suggested by finds including a security *horos*, transferred to the Archaeological Collection of Kifisia.

ὄρος χωρίου πεπραμένου ἐπὶ λύσει ΧΧΗΗ

No.42) *SEG 57 166* [2007] (M. Platonos. *AD 56-59* (2001-2004) B1 [2010] p.409) [Possibly identical with No.35 = *SEG 54 225*]

Kato Kifisia: Platonos reports a boundary stone found to the NW of the Roman House excavated at Seneca Street, with photo, no text.

No.43) *SEG 57 167* [2007] (D. Lionis, *Αττικής Οδού Περιήγηση* p.192 no.5)

Koropi: a boundary stone broken on all sides, found in the Classical farmstead excavated in the site called Liotrivi (*Λιοτρίβι*).

ὄρος χωρίο
κα ΑΟΠΝΩ ήμι-
σειήν πεπρα-
4 μένων ἐπὶ λύ-
σει ἐπανισταῖς
τοῖς μετὰ Με-
νεκράτος

Papazarkadas: the genitives of ll.1, 6-7 suggest a 4th century B.C. date.

No.44) *SEG 57 169* [2007] (D. Lionis, *Αττικής Οδού Περιήγηση* 192 no.4)

Koropi: a fragmentary boundary stone found built into the foundation of a wall of the Classical farmstead mentioned in No.43 = *SEG 57 167*.

ὄρος [χωρίου]
πεπ[ραμένου]
ἐπὶ λ[ύσει]

The restoration in l.1 of χωρίου seems difficult to justify, save on the grounds of probability.

Nos.45 and 46) *SEG 57 170* [2007] (G. Steinhauer, *Attikes Hodoi Periegesis* 167, ph.)

Kantza: brief mention of two boundary stones of properties offered as security found in the late Roman farmstead at the junction of Spaton and Leontariou Streets; no texts, photo of one stone.

No.47) SEG 56 32 [2006] (K. Kaza-Papageorgiou (ed.), Άλιμος: όψεις της ιστορίας της πόλις και του δήμου pp.127, 130, 133, with photo)

Euonymon and Halimous: information of an unpublished security *horos* ‘recording at least one house’.

No.48) SEG 55 964 [2005] (L.I. Marangou, *Άμοργός II. Οι άρχαϊοι πύργοι* (Athens 2005) p.166 with n.449)

Arkesine, Chorio: Marangou points out that an inscription of seven lines discovered by Emmanuel Ionnidis in 1857 in an ancient tower, which may be included among the unidentified inscriptions in the Αρχαιολογική Συλλογή Άμοργού, is possibly a *horos* inscription. This is on the basis of the vocabulary of the text: [έ]νεχύρων, ύποκει[μένων], άρχεράνωι. (But ένεχύρων is not known from any other security *horos*.)

Checklists

Findspots

Attica:

Agora of Athens: No.8, No.9, No.10

Anaphlystos (Anavyssos): No.24

Ana Voula: No.3

Eleusis: No.1

Euonymon and Halimous: No.44

Glyphada: No.2

Kantza: No.45, No.46

Kato Kifisia: No.35, No.42 (identical with No.35?)

Kerameikos: No.37, No.38, No.39

Koropi: No.40, No.43, No.44

Laureion (Agrileza): No.19, No.20, No.36

Marathon: No.4

Marousi (Athmonon): No.41

Rhamnous: No.5 (=12?), No.6, No.7, No.11, No.12 (=5?), No.18 (reported), No.24 (reported),

No.27, No.28, No.39, No.30 (‘completely erased’), No.31, No.32

Teithras(?): No.14

Thorai: No.13

Thorikos: No.26

Trikorythos: No.33, No.34

Lemnos:

No.15, No.16 (Hephaistia), No.22 (Hephaistia), No.23 (Hephaistia)

Terminology of Security

hupotheke (4)

No.4, No.7, No.13 (with *apotimema*), No.22 (Lemnos)

praxis epi lusei (23):

No.1, No.2, No.5 (without *epi lusei*), No.8, No.11, No.12, No.14, No.16 (Lemnos), No.19, No.20, No.24, No.27, No.28, No.31, No.34, No.35, No.36, No.38, No.39 (without *epi lusei?*), No.40 (dotal), No.41, No.43. No.44

apotimema, dotal (3)

No.9, No.13 (with *hupotheke*), No.25

apotimema, pupillary (3)

No.34, No.37, No.39

apotimema, other (2)

No.3, No.17 (Lemnos, reported)

times enopheilomenes (1)

No.33

uncertain (12)

No.6 (reported), No.10 (fragment), No.15 (reported), No.21 (reported), No.23 (fragment), No.29 (reported); cf. No.21), No.30 (reported), No.32 (reported), No.45 (reported), No.46 (reported; cf. No.45), No.47 (reported), No.48 (reported)

Archon dates

- No.11: Apollodoros, 319/8 or 204/3 B.C., but probably the former (cf. *Land and Credit* no.13)
 No.27: Praxiboulos, 315/4 B.C. (cf. *Land and Credit* Nos.11, 14, 27, 76, 85)
 No.6: Nikodoros, 314/13 (cf. *Land and Credit* No.13); may be identical with No.12
 No.12: Nikodoros, 314/3 (cf. *Land and Credit* No.13)
 No.1: Demetrios, 309/8 B.C. (cf. *Land and Credit* No.71)
 No.13: Glaukippos, 273/2 B.C.
 No.21: Athenodoros, 240/39 (reported)
 No.7: Lysias, 239/8 B.C.
 No.29: Leochares (228/7 B.C.)
 No.32: name of archon lost save for]*mou*
 No.16: Eumelides (Lemnos)
 No.22: Phanokles (Lemnos)
 No.17: reported (Lemnos)
 No.23: name missing (Lemnos)

Agreements

- No.22: deposited with Drakontides son of Archagathos Phrearrios
 No.23: deposited with Lysistratos Phulasios
 No.21 (reported): deposited with Stonbichos Rhamnousios
 No.29 (reported): deposited with Strombichos Rhamnousios

Creditors Other than Individuals

- Eranists: No.5, No.20, No.36, No.38, No.39, No.43
 Members of phratry: No.11, No.12, No.31; members of phratry headed by Antiphilos (No.11), who
 is identified in two other security *horoi* from Rhamnous of 319/8 (No.12) and 314/3 (No.27)
tois chrestais (?): No.13
 Athenian tribe of Akamantis? : No.15
 MIOchutrois(?) *tois peri Gnathion Amphi(dnaion)*: No.16
 Agathokles, son of Philip, the banker and Poluphilos son of Archedemos of Halaieus: No.22
 (Lemnos)

Sums of Money Guaranteed

50 dr.: No.16, from Lemnos (*prasis epi lusei*)

100 dr.: No.31 (*prasis epi lusei*)

200 dr.: No.11 (*prasis epi lusei*); No.3 (*apotimema*); 200 dr. of silver: No.22, from Lemnos (*hypotheke*)

400 dr., at least?: No.38 (*prasis epi lusei*)

1,000 dr.: No.14 (*prasis epi lusei*); No.40 (*prasis epi lusei* with dowry)

1,100 dr.: No.13 (*apotimema*)

2,000 dr.: No.33 (unpaid purchase price)

2,200 dr.: No.41 (*prasis epi lusei*)

3,000 dr.: No.36 (*prasis epi lusei*); No.20 (*prasis epi lusei*)

4,000 dr.: No.35 (*prasis epi lusei*)

7,000 dr.: No.37 (*apotimema*)

uncertain: No.12 (*prasis epi lusei*)

?? drachmas (figure missing): No.23

uncertain (at least 1,011 dr?): No.25 (*apotimema*)

uncertain (-----]ΔΔΔΔ): No.28 (*prasis epi lusei*)

Security Offered

Land: No.4, No.11, No.12, No.14, No.24, No.28 (conjectured), No.34, No.35, No.37, No.38, No.41, No.43 (gratuitous?)

No.43: land and ΑΟΗΝΩ *hemiseien*

Land and house: No.2, No.13, No.40

Land and house and what is present (*ton prosonton*) in the land and house: No.22

House: No.5, No.6 (= No.12?), No.7, No.12, No.16, No.18 (reported), No.24, No.27, No.31

House(s): No.47 (reported)

ergasterion: No.8, No.19 (conjectured), No.20 (conjectured)

ergasterion (conjectured) and slaves: No.36

ergasterion and house and garden and slaves: No.26

Mill and equipment: No.1

Some Notes on Recently Published *horoi*

As observed by the original editor, Petrakos, the apparent archon date on No.11 of 319 B.C. challenges W.S. Ferguson's theory (*Klio* 11 (1911) 268-70) that the practice of dating security *horoi* by eponymous archons was the direct result of legislation under Demetrios of Phaleron from 315/14 (see *Land and Credit* pp.177-181 with Millett's 'Introductory Essay' pp.ix-x).

Sums of money guaranteed are broadly in line with figures on previous *horoi*, save that one Lemnian *horos* (No.16) records the lowest sum to date: 50 dr. in a *prasis epi lusei* transaction. A *horos* from Eleusis (No.1) records, for the first time, a 'mill and mill equipment' offered as security.

For the first time, the same creditor (Antiphilos) apparently appears on more than one *horos* (Nos.11, 12, 27), all from Rhamnous. The editors of No.20 (Ellis Jones and Lambert) tentatively suggest that the loan recorded might have been made by the same set of creditors as in No.19, provided Ἀ[πατουρ]ίου ἐραν[ίστα | ἴς can be restored in ll.3-5. On No.22, a Lemnian *horos*, there are two 'firsts'; a banker appears as joint-creditor and the purpose of the loan is recorded: to pay for a funeral.

The editor of No.39 (Hallos) suggests (plausibly, but without autopsy) that this stone from the Kerameikos may be joined with *IG II/III*² 2755 (*Land and Credit* No. 99), so supplying: ὄρος [- - -]
πεπρ[αμέν - - | - - -

Appendix II

The following piece is an unpublished Appendix from Finley's doctoral thesis (pp.437-9); see above, n.34. In the original, Greek script is handwritten.

D. ἔχειν καὶ κρατεῖν

Horoï 1, 2, and 10 contain a special clause setting up the condition that the creditor *echein kai kratein*, a phrase which I have indicated in Chap. III, at note 10 [*Land and Credit* p.204 n.11], should be rendered "have and have power," not "own and possess." This three-word phrase appears with some frequency in Greek texts and there has been a tendency to see it as a legal term (e.g., Hitzig, Pfandrecht 9). In my judgment, that approach arises from a misconception of Greek legal terminology, stimulated by the great stress laid by German Romanists on the Roman-law dominium and the Germanic distinction between Besitz and Eigentum, an emphasis which led Wenger, Recht 218, to protest: "Das römische Besitzrecht ist ein Steckenpferd juristische Schematisierung und Theoretisierung bei römische und moderne Juristen geworden... ein allderdings subtilen Kunst." Cf. J. Gaudemet, "Méthode historique et droit romain," RHD 24/5 (1946/7) 68-95, at p. 69: "Une étude neuve des texts montrerait que le droit 'absolu' du propriété est, dans une large mesure, la creation d'interprètes, dominés par les idées philosophiques du XVIII^e siècle."

Aristotle, Constitution of the Athenians 56.2, writes that, upon assuming office, the archon announced by herald ὅσα τις εἶχεν πρὶν αὐτὸν εἰσελθεῖν εἰς τὴν ἀρχήν, ἔχειν καὶ κρατεῖν μέχρι ἀρχῆς τέλους. Here, conceivably, ἔχειν καὶ κρατεῖν could be rendered "remain in possession and ownership," though no distinction is implied between two different legal relationships to the property. In speaking of the gods, Andocides, On the Mysteries 1.137, however, uses the two terms synonymously: ἐν οἷς ἔχοντες μὲν τὸ σῶμα τοῦμόν, κρατοῦντων δὲ τοῦ βίου καὶ τῆς οὐσίας τῆς ἐμῆς, εἶτα ἔσωζον; Even more decisive because the context is a juristic one is Isaeus, On the Inheritance of Kiron 8.2: ... τῶν χρημάτων ὧν Κίρων μὲν καταλέλοιπεν, οὗτοι δ' ἔχουσι βιασάμενος καὶ κρατοῦσι. Isaeus is speaking of a property illegally held, hence there can be no question of κρατεῖν meaning "to own" nor of any genuine difference between the verbs. In the Pantainetos case, Nikobulus reports how, during his absence, Pantainetos had failed to fulfill the contractual terms of the loan and Euergos (Nikobulus' fellow-creditor) had thereupon taken possession of the mill and slaves that secured the loan. The precise language is ([Demosthenes], Against Pantainetos 37.10):

τὸν δ' Εὐεργον ἔχοντα καὶ κρατοῦνθ'... There can be no question that genuine ownership had not passed to the creditors, merely possession and use; see the analysis of the case in Chap, IV, sect. 2. [*Land and Credit* pp.32-5].

Though *κρατεῖν* has many shadings, the central idea is always “to rule,” “to be master of,” “to have power over.” In certain contexts, that idea becomes “to own”, but only because of the context not because of any technical meaning assigned to the term. Liddell-and-Scott has as one definition, “in Law, possess a title to.” The earliest illustration, however, is P. Tebt. 319, line 19 (dated in the third century after Christ). For uses of *κρατεῖν* in security contexts in which ownership clearly has not passed to the debtor, see Herodotus 2.136, [Demosthenes], Against Lacritus 35.12, and Against Timotheus 49.11; the latter is a particularly significant text because possession remains with the debtor. Somewhat related conceptually are the uses of *κρατεῖν* for an enemy’s control over land, which prevents it being farmed: Lysias, frag. 25 (Thalheim), Xenophon, Memorabilia 2.7.2.

That ἔχειν has an enormous range of connotations, like the English “have,” needs no demonstration. Two points may be worth noting. One is that ἔχειν may indicate full ownership, again when the context so requires, as in the phrase οἱ ἔχοντες for “the wealthy” (e.g., Xenophon, Hellenica 5.2.7). The other point is that ἔχειν may mean “to have” in a juristic sense, without actual physical possession, as in Demosthenes Against Spudias 41.10 (quoted in Chap. IV, note 110 [*Land and Credit* p.245 n.61]), on which see Burgkhardt, Adversus Spudiam 39-30. For a valuable parallel, see Rabel, “Nachgeformte Rechtsgeschichte” XXVII 323, note 3, on the meanings of ἀφίστημι.

Bibliography

- V.N. Andreyev, 'Some aspects of agrarian conditions in Attica in the fifth to third centuries B.C.' *Eirene* 12 (1974) 5-46.
- Z. H. Archibald, J.K. Davies, V. Gabrielsen and G.J. Oliver (eds), *Hellenistic Economies* London, 2001.
- Ilias Arnaoutoglou, 'Associations and patronage in ancient Athens' *Ancient Society* 25 (1994) 5-17.
- D. Asheri, 'Laws of inheritance, distribution of land and political constitutions in ancient Greece' *Historia* 12 (1963) 1-21.
- M.M. Austin and P. Vidal-Naquet, *Economic and Social History of Ancient Greece* London, 1977 (revised translation by M.M. Austin of *Economies et sociétés en Grèce ancienne* Paris, 1972).
- Adolph Berger, review of Finley's *Land and Credit* in *Seminar (An Annual Extraordinary Number of the Jurist)* 10 (1952) 87-93.
- Glen W. Bowersock, 'Westermann's role in the development of ancient history in America' (unpublished paper).
- Peter Brunt, review of Finley's *Ancient Slavery and Modern Ideology* in *Classical Review* 31 (1981) 70-2.
- Jack Cargill, 'A Memorial Address for Sir Moses Finley' *The Journal of the Rutgers University Libraries* 48 (1986) 65-74.
- Jack Cargill, *Athenian Settlements of the Fourth Century B.C.* Leiden, 1995.
- Pierre Chantraine (ed.), Xenophon, *Économique* Paris, 1949.
- Edward E. Cohen, *Athenian Economy and Society. A Banking Perspective* Princeton NJ, 1992.
- E. Culasso Gastaldi, 'Lemnos. I cippi di garanzia' *ASAtene* 84 (2006) 509-50.
- John K. Davies, *Athenian Propertied Families 600-300 B.C.* Oxford, 1971.
- John K. Davies, 'Hellenistic economies in the post-Finley era' in Z.H. Archibald *et al.*, eds, London, 2001, 11-62
- John K. Davies, 'Classical Greece; Production' in W. Scheidel *et al.* (eds), *The Cambridge Economic History of the Greco-Roman World* pp.333-61.
- John Day, *An Economic History of Athens under Roman Domination*, Columbia NJ, 1946; reprinted New York NY, 1973.
- [G.E.M. de Ste. Croix], review of Finley's *Land and Credit* in *Economica* 20 (1953) 93.

G.E.M. de Ste. Croix, review of Finley's *Land and Credit* in *The English Historical Review* 68 (1953) 450-1.

Riccardo di Donato, 'Appendici dalla Carte di Moses I. Finley' *Opus* 6-8 (1987-89) 259-321.

Alfred P. Dorjahn, review of Fine's *Horoi* and Finley's *Land and Credit* in *Classical Philology* 49 (1954) 269-70.

Michele Faraguna, 'A proposito degli archivi nel mondo greco: terra e registrazioni fondiarie' *Chiron* 30 (2000) 66-150.

Stefano Ferrucci, 'La ricchezza nascosta. Osservazioni su aphanes e phanera ousia'

John V.A. Fine, *Horoi. Studies in Mortgage, Real Security, and Land Tenure in Ancient Athens*, *Hesperia* Supplement IX, American School of Classical Studies at Athens, 1951.

John V.A. Fine, review of Pringsheim's *The Greek Law of Sale* in *American Journal of Philology* 73 (1952) 437-41.

John V.A. Fine, *The Ancient Greeks: A Critical History* Harvard MA, 1985.

M.I. Finley [Finkelstein], 'Mandata Principum' *Tijdschrift voor Rechtsgeschiedenis* 13 (1934) 150-69.

M.I. Finley [Finkelstein], 'Emporos, naukleros and kapelos: prolegomena to the study of Athenian trade' *Classical Philology* 30 (1935) 320-36.

M.I. Finley, review of Chantraine's Xenophon, *Économique* in *Classical Philology* 46 (1951) 252-3.

M.I. Finley, 'Some considerations of Greek law: a consideration of Pringsheim on sale' *Seminar (An Annual Extraordinary Number of the Jurist)* 9 (1951) 72-102.

M.I. Finley, review of Wolff's *Roman Law* in *American Journal of Comparative Law* 1 (1952) 316-17.

M.I. Finley, *Land and Credit in Ancient Athens, 500-200 B.C.: The Horos Inscriptions* New Brunswick NJ, 1952 (reprinted New York, 1973; corrected reprint with introduction by P. Millett, New Brunswick NJ, 1985)

M.I. Finley, 'Multiple charges on real property in Athenian law. New evidence from an Agora inscription' in *Studi in onore di V. Arangio-Ruiz* Vol.3, Naples, 1953, 473-91.

M.I. Finley, 'Land, debt and the man of property in classical Athens' *Political Science Quarterly* 68 (1953) 249-68; reprinted in (and cited from) Finley, *Economy and Society in Ancient Greece* London, 1981, 62-76.

M.I. Finley, 'Marriage, sale and gift in the Homeric world' *Revue internationale des droits de l'antiquité* 2 (1955) 167-94; reprinted in (and cited from) Finley, *Economy and Society in Ancient Greece* 233-45.

M.I. Finley, *The World of Odysseus* (Foreword by Maurice Bowra), London, 1956.

M.I. Finley, review of Jones' *Law and Legal Theory of the Greeks* in *Law Quarterly Review* 78 (1957) 253-6.

M.I. Finley, Review of Jones' *Law and Legal Theory of the Greeks* in *The Cambridge Review* 78 (1957) 365-6.

M.I. Finley, 'Generalizations in Ancient History' in L. Gottschalk (ed.), *Generalizations in the Writing of History* Chicago IL, 1963; reprinted with revisions (and cited from) Finley, *Use and Abuse of History* 60-74.

M.I. Finley, 'Classical Greece' *Deuxième Conférence internationale d'histoire économique Aix-en-Provence*, 1962, Vol.I *Trade and Politics in the Ancient World*, Paris and the Hague 11-35 (reprinted, New York NY, 1979).

M.I. Finley, 'La servitude pour dettes', *Revue historique de droit française et étranger* 43 (1965) 159-84; translated as (and cited from) 'Debt-bondage and the problem of slavery' in Finley, *Economy and Society in Ancient Greece* 150-66.

M.I. Finley, 'Technical innovation and economic progress in the ancient world' *Economic History Review* 18 (1965) 29-45; reprinted in (and cited from) Finley, *Economy and Society in Ancient Greece* 176-95.

M.I. Finley, 'The Problem of the Unity of Greek Law' in *Atti del I° Congresso Internazionale della Società Italiana di Storia del Diritto*, Florence, 1966, 129-42; reprinted in, and cited from, Finley, *Use and Abuse of History*, 134-60.

M.I. Finley, 'The alienability of land in ancient Greece: a point of view' *Eirene* 7 (1968) 25-32; reprinted in, and cited from, Finley, *The Use and Abuse of History* 153-60.

M.I. Finley, *Aspects of Antiquity: Discoveries and Controversies* London, 1968.

M.I. Finley, *The Ancestral Constitution* Cambridge, 1971; reprinted in (and cited from) Finley, *The Use and Abuse of History* 34-59.

M.I. Finley, *The Ancient Economy* London, 1973 (second edn with 'Further Thoughts', London, 1985; reissued with 'Foreword to updated edition' by Ian Morris, Berkeley CA, 1995.)

M.I. Finley, 'The World of Odysseus Revisited' *Proceedings of the Classical Association* 71 (1974) 13-31; reprinted in (and cited from) *The World of Odysseus* (2nd edn) London, 1977, 142-58.

M.I. Finley, *The Use and Abuse of History* London, 1975.

M.I. Finley, *Democracy ancient and Modern*, Rutgers NJ, 1975.

M.I. Finley, 'The ancient city: from Fustel de Coulanges to Max Weber and beyond' *Comparative Studies in Society and History* 19 (1977) 305-27; reprinted in (and cited from) Finley, *Economy and Society in Ancient Greece* pp.3-23.

M.I. Finley, *Ancient Slavery and Modern Ideology* London, 1980; reprinted with introduction by Brent D. Shaw, Princeton NJ, 1998.

M.I. Finley, *Economy and Society in Ancient Greece* Brent D. Shaw and Richard Saller (eds), London, 1981.

M.I. Finley, *Mythe, mémoire, histoire. Les usages du passé* Paris, 1981.

M.I. Finley, 'Le document et l'histoire économique de l'antiquité' *Annales. Économies, Sociétés, Civilisations* 5-6 (1982) 697-713.

M.I. Finley, *Ancient History: Evidence and Models*, London, 1985.

Sir Moses Finley Interviewed by Keith Hopkins, 18th October 1985 (unpublished transcript, The Cambridge History Faculty).

P.B.R. Forbes, 'Athenian law of property' (review of Fine's *Horoi*) *Classical Review* 3 (1953) 109-11.

Tenney Frank, 'Race mixture in the Roman Empire' *American Historical Review* 21 (1916) 689-708.

Tenney Frank, *An Economic History of Rome* 2nd edn Baltimore, 1927.

Tenney Frank, *An Economic Survey of Ancient Rome* 5 vols, Baltimore, 1933-40.

P.M. Fraser, *Ptolemaic Alexandria* 3 vols, Oxford, 1972.

Martin Frederiksen, 'Evidence and models' (review of Finley's *The Ancient Economy*) *Journal of Roman Studies* 65 (1975) pp.164-75.

A French, *The Growth of the Athenian Economy* London, 1964.

Bruce Frier and Dennis Kehoe, 'Law and economic institutions' in W. Scheidel, I. Morris and R. Saller (eds), *The Cambridge Economic History of the Greco-Roman World* 113-43.

E.G. Furubotn and R. Richter, *Institutions and Economic Theory: The Contribution of the New Institutional Economics* Ann Arbor MI, 1998.

Michael Gagarin, 'The unity of Greek law' in Gagarin and Cohen (eds), *The Cambridge Companion to Greek Law* 29-40.

Michael Gagarin and David Cohen (eds), *The Cambridge Companion to Greek Law* Cambridge, 2005.

T.W. Gallant, *Risk and Survival in Ancient Greece. Reconstructing the Rural Domestic Economy*, London, 1991.

L.R.F. Germain, 'Les horoi: exposé de la method literal et des resultants obtenus' *Symposion* 1971 (Vienna, 1975), 333-46.

Louis Gernet, review of Finley's *Land and Credit* in *Iura* 4 (1953) 361-6; reprinted in Gernet's *Les Grecs sans miracle* 121-9.

Louis Gernet, 'Horoi' in *Studi in onore di Ugo Enrico Paoli*, Florence, 1955 345-353; reprinted as 'Horoi hypothécaires' in Gernet's *Droit et institutions en Grèce antique* 251-64; translated as (and cited from) 'Mortgage horoi' in Gernet, *The Anthropology of Ancient Greece* trans. J. Hamilton and B. Nagy, Baltimore and London.

Louis Gernet, 'Choses visibles et choses invisibles' *Revue philosophique* 146 (1956) 79-86 (reprinted in Gernet's *Anthropologie de la Grèce antique* second edn, Paris, 1982, 227-38; translated as 'Things visible and things invisible' in Gernet, *The Anthropology of Ancient Greece* trans. J. Hamilton and B. Nagy, Baltimore and London.

Louis Gernet, *Les Grecs sans miracle* (Riccardo di Donato, ed.) Paris, 1983.

L.M. Gluskina, 'New works on the history of land relationships and credit in ancient Attica' [in Russian], (review of Fine's *Horoi* and Finley's *Land and Credit*) *Vestnik Drevnej Istorii* (1957) 154-667.

A.W. Gomme, 'Traders and manufacturers in Greece' in his *Essays in Greek History and Literature* Oxford, 1937, 42-67.

P.S. Gorski, review of Nafissi's *Ancient Athens and Modern Ideology* in *Contemporary Sociology* 36 (2007) 411-13.

Edward Harris, 'When is a sale not a sale? The riddle of Athenian terminology for real security revisited' *Classical Quarterly* 38 (1988) 351-381 (reprinted with 'Afterthoughts' in Harris' *Democracy and the Rule of Law* 207-39).

Edward Harris, 'Women and lending in Athenian society: a *horos* re-examined' *Phoenix* 46 (1992) 309-21 (reprinted in Harris' *Democracy and the Rule of Law* 163-206).

Edward Harris, 'Apotimema: Athenian terminology for real security in leases and dowry arrangements' *Classical Quarterly* 43 (1993) 73-95 (reprinted with 'Afterthoughts' in Harris' *Democracy and the Rule of Law* 207-39).

Edward Harris, 'Workshop, household and marketplace' in P. Cartledge, D. Cohen and L. Foxhall (eds.), *Money, Labour and Land: Approaches to the Economy of Ancient Greece* Cambridge, 2002, 67-99.

Edward Harris, 'Solon and the spirit of the law in Archaic and Classical Greece' in J. Blok and A. Lardinois (eds), *Solon of Athens: New Historical and Philological Approaches* Leide, 2006 (reprinted in, and cited from, Harris' *Democracy and the Rule of Law* 3-28).

Edward Harris, *Democracy and the Rule of Law in Classical Athens* Cambridge, 2006.

Edward Harris, 'Response to Gerhard Thür' in E. Harris and G. Thür (eds), *Symposion 2007: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* Vienna, 2008, 189-200.

Edward Harris, 'Hypotheca in Roman Law and *hypotheke* in Greek Law' in B. Legras, ed. *Transferts culturels et droits dans le monde grec et hellénistique* Paris, 2012, 443-31.

Edward Harris and Kenneth Tuite, 'Notes on a *horos* from the Athenian Agora' *Zeitschrift für Papyrologie und Epigraphik* 131 (2000) 101-5 (reprinted in Harris' *Democracy and the Rule of Law* 347-54).

A.H.R.W. Harrison, review of Finley's *Land and Credit* in *The Classical Review* 4 (1954) 39-41.

A.H.R.W. Harrison, *The Law of Athens Vol.I The Family and Property* Oxford, 1968.

François Hartog, 'Entretien avec Moses Finley' in Finley, *Mythe, mémoire, histoire* 253-65.

B. Haussoullier, *La vie municipale en Attique* Paris, 1884.

R.J. Hopper, review of Fine's *Horoi* in *American Journal of Archaeology* 57 (1953) 134-6.

Simon Hornblower, 'A gift from whom?' (review of Finley's *World of Odysseus*) *Times Literary Supplement* 24 December 2004, 18-19.

Signe Isager and Mogens H. Hansen, *Aspects of Athenian Society in the Fourth Century B.C.* Odense, 1975.

J. Walter Jones, *The Law and Legal Theory of the Greeks* Oxford, 1956.

Nicholas F. Jones, *Rural Athens under the Democracy* Philadelphia PA, 2004.

Arnold Kränzlein, 'Eine atypische *prasis epi lusei*' in F. Horak und W. Waldstein (eds), *Festgabe für Arnold Herdlitzka* Munich, 1972, 161-66.

Gerald V. Lalonde, *Horoi* in *The Athenian Agora* Vol. XIX, *Inscriptions* Princeton NJ, 1991, 1-52.

Robin Lane Fox, 'Sex, gender and the other in Xenophon's *Anabasis*' in Lane Fox (ed.), *The Long March. Xenophon and the Ten Thousand* Yale CT, 2004, 184-214.

Merle K. Langdon, *Poletai Records* in *The Athenian Agora* Vol. XIX, *Inscriptions* Princeton NJ, 1991, 53-144.

Hugh Lloyd Jones, 'Pindar' *Proceedings of the British Academy* 68 (1982) 139-63; reprinted in (and cited from) *Greek Epic, Lyric, and Tragedy. The Academic Papers of Sir Hugh Lloyd Jones* Oxford, 1990, 76-79.

W.T. Loomis, *Wages, Welfare Costs and Inflation in Classical Athens* Ann Arbor MI, 1998.

Andrew Meadows and Kirsty Shipton (eds), *Money and its Uses in the Ancient Greek World* Oxford, 2001.

I.A. Melotopoulos, '*Prasis epi lusei*' *Polemon* 4 (1949) 41-72.

Elizabeth A. Meyer, *Metics and the Athenian Phialai-Inscriptions, A Study in Athenian Epigraphy and Law* Stuttgart, 2010.

H. Michell, 'Land tenure in ancient Greece' (review of Fine's *Horoi* and Finley's *Land and Credit*) *The Canadian Journal of Economics and Political Science* 19 (1953) 245-53.

H. Michell, *Economics of Ancient Greece* (2nd edn) Cambridge, 1957.

L. Migeotte, *The Economy of the Greek Cities from the Archaic Period to the Early Roman Empire* Berkeley CA, 2009 (translated by Janet Lloyd from *L'Économie des cités grecques* 2nd edn, Paris, 2007).

Gunnar Mickwitz, 'Economic rationalism in Graeco-Roman agriculture' *English Historical Review* 52 (1937) 577-89.

Gunnar Mickwitz, 'Zum Problem der Betriebsführung in der Antike Wirtschaft' *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 32 (1939) 1-25.

Paul Millett, 'The Attic *horoi* reconsidered in the light of recent discoveries' *Opus* 1 (1982) 219-49; reprinted as (and cited from) an introductory essay to the corrected reprint of Finley, *Land and Credit in Ancient Athens* New Brunswick NJ, 1985, vii-xxxviii.

Paul Millett, 'Patronage and its avoidance in classical Athens' in A. Wallace-Hadrill (ed.), *Patronage in Ancient Society* 15-48

Paul Millett, *Lending and Borrowing in Ancient Athens* Cambridge, 1991.

Arnaldo Momigliano, 'The Greeks and us' *New York Review of Books* 16th October, 1975.

Ian Morris, 'The Athenian economy twenty years after *The Ancient Economy*' (review of Cohen's *Athenian Economy and Society*) *Classical Philology* 89 (1994) 351-66.

Ian Morris, 'Foreword to updated edition' of Finley's *The Ancient Economy* 1995, ix-xxxvi.

Claude Mossé, *La fin de la démocratie athénienne. Aspects sociaux et politiques du déclin de la cité grecque au IV^e siècle avant J.-C.* Paris, 1962 (reprinted New York, 1979).

Claude Mossé, 'Moses Finley ou l'histoire ancienne au présent' *Annales. Histoire, Science, Sociales Sciences* 37 (1982) 997-1003.

Claude Mossé, 'Les relations de "cliènteles" et le fonctionnement de la démocratie athénienne' *Metis* 9-10 (1994-5) 143-50.

Mohammed Nafissi, 'Class, embeddedness, and the modernity of Ancient Athens', *Comparative Studies in Society and History* 46 (2004) 378-410.

Mohammed Nafissi, *Ancient Athens and Modern Ideology. Value, Theory and Evidence in Historical Sciences: Max Weber, Karl Polanyi and Moses Finley* London, 2005.

Douglass North, *Structure and Change in Economic History*, New York NY, 1981.

- James H. Oliver, review of Fine's *Horoi* in *The American Journal of Philology* 74 (1953) 104-7.
- Robin Osborne, *Demos: the Discovery of Classical Attika* Cambridge, 1985.
- Robin Osborne, 'Social and economic implications of leasing land and property in classical and Hellenistic Greece' *Chiron* 18 (1988) 279-323.
- Robin Osborne, 'Pots, trade and the archaic Greek economy' *Antiquity* 70 (1996) 31-44.
- Robin Osborne, 'Rural Athens' (review of Jones's *Rural Athens under the Democracy*) *Classical Review* 55 (2005) 585-7.
- U.E. Paoli, 'Ipoteca e *apotimema* nel diritto attico' *Studi di diritto attica* Florence, 1930, 141-94.
- U.E. Paoli, 'La "datio in solutum" nel diritto attico' *Studi italiani di filologica classica* 10 (1933) 181-212.
- Nicholas Papazarkadas, *Sacred and Public Land in Ancient Athens* Oxford, 2011.
- Karl Polanyi, 'Wealth, money, and credit' (review of Finley's *Land and Credit*) *The Journal of Economic History* 13 (1953) 233-5.
- Fritz Pringsheim, *The Greek Law of Sale* Weimar, 1950.
- Fritz Pringsheim, review of Fine's *Horoi* in *Gnomon* 24 (1952) 348-33.
- Fritz Pringsheim, review of Finley's *Land and Credit* in *Gnomon* 25 (1953) 223-31.
- Peter Rhodes and Robin Osborne (eds), *Greek Historical Inscriptions 404-323 B.C.* Oxford, 2003.
- David M. Robinson, review of Finley's *Land and Credit* in *The Classical Weekly* 47 (1954) 201-2.
- Cosmo Rodewald, review of Fine's *Horoi* and Finley's *Land and Credit* in *Journal of Hellenic Studies* 74 (1954) 211-13.
- Edward Rosen, 'The invention of eyeglasses' *Journal of the History of Medicine* 11 (1956) 13-46, 182-218.
- Richard Saller, 'The young Moses Finley and the discipline of economics' unpublished paper.
- N. Salomon, *Cleruchie di Atene* Pisa, 1997.
- David Schaps, *Economic Rights of Women in Ancient Greece* Edinburgh, 1979.
- W. Scheidel, I. Morris and R. Saller (eds), *The Cambridge Economic History of the Greco-Roman World* Cambridge, 2007.
- W. Scheidel, I. Morris and R. Saller, 'Introduction' to W. Scheidel, *et al.* (eds), *The Cambridge Economic History of the Greco-Roman World* 1-12.

Ellen W. Schrecker, *No Ivory Tower: McCarthyism and the Universities* New York, 1986.

Brent D. Shaw, 'The early development of M.I. Finley's thought: the Heichelheim Dossier' *Athenaeum* 81 (1993) 177-99.

Kirsty Shipton, 'The private banks in fourth-century B.C. Athens: a reappraisal' *Classical Quarterly* 47 (1997) 396-422.

Kirsty Shipton, 'Money and the élite in Classical Athens' in Meadows and Shipton (eds), *Money and its Uses in the Ancient Greek World* 129-44.

Kirsty Shipton, *Leasing and Lending: The Cash Economy in Fourth-Century BC Athens* London, 2000.

Adam Sisman, *Hugh Trevor-Roper. The Biography* London, 2010.

Gertrude Smith, review of Fine's *Horoi* in *University of Chicago Law Review* 20 (1952) 176-80.

Livio Stecchini, review of Finley's *Land and Credit* in *Journal of Political Economy* 61 (1953) 266-8.

Peter Stein 'A. Arthur Schiller', *Iura* 28 (1977) 316-9; reprinted in B.S. Bagnall and W.V. Harris (eds.), *Studies in Roman Law in Memory of A. Arthur Schiller* Leiden, 1986, xv-xviii.

Andrea Taddei (ed.), *Louis Gernet e le tecniche del diritto Ateniese* Pisa, 2001.

Rosalind Thomas, *Oral Tradition and Written Word in Classical Athens* Cambridge, 1989.

S.C. Todd, *The Shape of Athenian Law* Oxford, 1995.

Daniel P. Tompkins, 'The world of Moses Finkelstein: the year 1939 in M.I. Finley's development as a historian' in (M. Meckler, ed.), *Classical Antiquity and the Politics of America: from George Washington to George W. Bush* Waco TX, 2006, 95-126.

Daniel P. Tompkins, 'Weber, Polanyi, and Finley' (review of Nafissi's *Ancient Athens and Modern Ideology*) *History and Theory* 47 (2008) 123-36.

Jeremy Trevett, *Apollodorus, Son of Pasion* Oxford, 1992.

Hugh Trevor-Roper, *Letters from Oxford* (R. Davenport-Hines, ed.) London, 1988.

Pierre Vidal-Naquet, 'Économie et société dans la Grèce ancienne: l'oeuvre de Moses I. Finley', *Archives européennes de sociologie* 6 (1965) 111-48.

Sitta von Reden, *Money in Ptolemaic Egypt. From the Macedonian Conquest to the End of the Third Century B.C.* Cambridge, 2007.

Sitta von Reden, review of Nafissi's *Ancient Athens and Modern Ideology* in *Gnomon* 80 (2008) 413-20.

Andrew Wallace-Hadrill (ed.), *Patronage in Ancient Society*, London, 1989.

George Watson, 'The man from Syracuse: Moses Finley 1912-1986' *The Sewanee Review* 112 (2004) 131-7.

Max Weber, *Agrarverhältnisse im Altertum* in *Handwörterbuch der Staatswissenschaft* 3rd edn, 1909, Vol. 1, 52-188; reprinted in *Gesammelte Aufsätze zur Sozial- und Wirtschaftsgeschichte* Tübingen, 1-288; translated as *The Agrarian Sociology of Ancient Civilizations* by R.I. Frank, London, 1976.

Philip P. Weiner, 'Remembering Edward Rosen' *Journal of the History of Ideas* 47 (1986) 159-61.

W.L. Westermann, *The Slave Systems of Greek and Roman Antiquity* Philadelphia PA, 1955.

David Whitehead, *The Demes of Attica 508/7 – ca. 250 BC. A Political and Social Study* Princeton NJ, 1986.

C.R. Whittaker, 'Moses Finley 1912-1986' *Proceedings of the British Academy* 94 (1996) 459-72.

J.H. Wigmore, 'The pledge-idea: a study in comparative legal history' *Harvard Law Review* 10 (1896/7) 321-50, 389-417; 11 (1897/8) 18-39.

Hans Julius Wolff, *Roman Law: An Historical Introduction* Norman OK, 1951.

Hans Julius Wolff, review of Fine's *Horoi* and Finley's *Land and Credit* in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, romanistische Abteilung* 60 (1953) 411-25.

Hans Julius Wolff, 'Verpachtung von Mündelvermögen in Attika' in *Festschrift Hans Lewald* Berne, 1953, 201-8.

Hans Julius Wolff, 'Das attische Apotimema' in *Festschrift für Ernst Rabel* H. Dölle et al (eds) Vol.II, Tübingen, 293-33.

M.S. Youni, 'À propos de quatre inscriptions Olynthiennes. Quelques remarques sur la "Sûreté réelle" au 4^{ème} s. av J.C.' *Tekmeria* 2 (1996) 133-41.

R. Zelnick-Abramovitz, 'Did patronage exist in Classical Athens?' *L'Antiquité Classique* 69 (2000) 65-80.

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