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ROBIN OSBORNE

Social and Economic Implications  
of the Leasing of Land and Property  
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*Introduction*

All but a small percentage of the population of the Greek world in the classical and hellenistic periods were directly involved in agriculture. Agricultural production provided both the necessities of life and the basis for wealth. Access to land was, therefore, a fundamental social determinant. A high proportion of Athenians, at least, owned some land, but the information available does not enable us accurately to determine the distribution of property holdings across the population or to gauge, other than speculatively, the ways in which the classical distribution was arrived at.<sup>1</sup> But land was also available for leasing, let by corporate bodies or by private individuals. The economic and social impact of the availability of land to be leased depends upon a wide range of factors – the amount of land available, the terms and conditions on which it is leased, the state of the market in land for purchase, the nature of the agricultural régime and its relation to differential demand for particular types of agricultural produce, the ideological status of leased land, and so on. This paper attempts to examine those questions in four different Greek communities and to look at the ways in which the differing answers suggest the existence of quite widely divergent social structures within the broadly similar institutional framework of the classical and hellenistic Greek city.

The particular geographical focus of this paper has been determined by the evidence available. Although some reference to the leasing of land survives from a large number of Greek cities, only in the cases of Athens, Thespiai, Delos and Karthaia is the evidence rich enough even to suggest the social and economic rôle of leased property. The evidence from Athens has been well worked over in recent years, but it has been worked over most often from a narrowly legal or

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<sup>1</sup> For the situation at Athens see Lysias 34 hypoth. Colonial foundations invariably make all colonists landowners, and there was a strong ideological correlation between membership of the political community and ownership of land within it. See also D. ASHERI, *Distribuzione di terre nell' antica Grecia* (Turin, 1966)

more broadly institutional point of view.<sup>2</sup> Studies which have attempted to examine the social importance of land leasing have been rare, and they have been largely impressionistic.<sup>3</sup> Outside Athens the wealth of the Delian epigraphic corpus has attracted a large amount of scholarly endeavour which has laid a firm factual basis upon which the interpretation offered below will be founded.<sup>4</sup> Other scholars have not found the more meagre records from Boiotia and Kea worthy of the same degree of attention, and the relevance of Karthaia to the question of land leasing depends upon the interpretation of one problematic inscription.<sup>5</sup> No previous study has exploited the contrasts visible between the practices of different cities to highlight the particular part played by leased property in the economy and society of each.

Even within a single society potentially productive property available for lease was not all available on the same terms. In particular different leasing bodies operate with different requirements, while different types of property offer rather different economic and social opportunities. For these reasons public and private property are afforded distinct treatments in what follows, and the leasing of land is treated separately from the leasing of buildings.

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<sup>2</sup> For discussion of Attic land leasing from a legal point of view see D. BEHREND, *Attische Pachturkunden. Ein Beitrag zur Beschreibung der μισθωσις nach den griechischen Inschriften* (Munich, 1970), and P. KUSSMAUL, *Beiträge zur Geschichte des attischen Obligationenrechts* (Basel 1969) 37–61. For a discussion of deme leasing see D. WHITEHEAD, *The demes of Attica* (Princeton, 1986) 152–8.

<sup>3</sup> Compare e.g. H. MICHELL, *The economics of ancient Greece* (Cambridge 1943) p. 44 «Tenant farming never spread far in Greece, ... except for the state and the temples which leased their lands, individuals did not commonly rent their properties, preferring to manage them themselves ...», and J. K. DAVIES, *Wealth and the power of wealth in classical Athens* (New York 1981) p. 49 «Right from the beginning of contemporary documentation, rents from houses and farmland appear as a common constituent of the income of a man of substance», or M. I. FINLEY, *Studies in land and credit in ancient Athens* (1951), reprinted New York and Oxford 1985 p. 64 «House rental was surely a considerable operation in Athens ... it would seem that the great bulk of this activity was rental to non-citizens.»

<sup>4</sup> In particular see J. H. KENT, *The temple estates of Delos, Rheneia and Mykonos*, *Hesperia* 17 (1948) 243–338, and D. HENNIG, *Die «heiligen Häuser» von Delos*, *Chiron* 13 (1983) 411–495. These works will be cited hereafter by author's name only.

<sup>5</sup> For Thespiai see M. FEYEL, *Polybe et l'histoire de Béotie au iii<sup>e</sup> siècle avant notre ère* (1942), and R. OSBORNE, *The land leases from hellenistic Thespiai: a re-examination*, in G. ARGOUD, P. ROESCH ed. *La Béotie antique* (Paris, 1985). For Karthaia see R. OSBORNE, *Land use and settlement in classical and hellenistic Keos: the epigraphic evidence*, in J. F. CHERRY, J. L. DAVIS and E. MANTZOURANI ed. *An archaeological survey of northern Keos in the Cyclades* (forthcoming).

## 1. The leasing of public and corporate property

## A. Athens

## (i) The nature of the evidence

The Aristotelian *Constitution of the Athenians* describes the administration of leases of public land in the later part of the fourth century in ch. 47:

«Then the *poletai* are 10 in number, one is selected by lot from each tribe. They lease out all the leasings and rent out the mines to the highest bidder ... The *arkhon basileus* lists the rents of sanctuaries on whitened boards and helps to collect them. The lease of these is for ten years, and payment is made in the ninth prytany».

ἔπειθ' οἱ πωληταὶ ἑ μὲν εἰσι, κληροῦται δ' εἷς ἐκ τῆς φυλῆς. μισθοῦσι δὲ τὰ μισθώματα πάντα καὶ τὰ μέταλλα πωλοῦσι ... εἰσφέρει δὲ καὶ ὁ βασιλεὺς τὰς μισθώσεις τῶν τεμενῶν ἀναγράψας ἐν γραμματείοις λελευκωμένοις. ἔστι δὲ καὶ τούτων ἡ μὲν μίσθωσις εἰς ἔτη δέκα, καταβάλλεται δ' ἐπὶ τῆς θ' πρυτανείας (47.2,4).

Other literary evidence reveals the sanctions available against those who failed to pay their rent:

«Those who do not pay the rents of the sanctuaries of the goddess Athena, the other gods and the eponymous heroes shall suffer loss of civic rights, themselves, and their family, and their heirs, until such time as they pay.»

τοὺς δὲ μὴ ἀποδιδόντας τὰς μισθώσεις τῶν τεμενῶν τῶν τῆς θεοῦ καὶ τῶν ἄλλων θεῶν καὶ τῶν ἐπωνύμων ἀτίμους εἶναι καὶ αὐτοὺς καὶ γένοιντο καὶ κληρονόμους τοὺς τούτων, ἕως ἂν ἀποδώσιν. (Law quoted at [Dem.] 43.58; cf. Dem. 24.40).

For all other specific information about the leasing of public land we rely on epigraphic evidence. For the fifth century this is meagre: a fragment survives of a mid-fifth century decree setting out conditions of lease of property at an unknown location (IG i<sup>3</sup> 44); part of a document of c.424 recording the leasing of sanctuaries in Euböia survives, with reference to the leasing of some ten separate properties at locations widely spread over the island and apparently not listed in any geographical order (IG i<sup>3</sup> 418); from the year 418/7 the complete text survives of the leasing conditions of the sanctuary of Neleus and Kodros (IG i<sup>3</sup> 84), indicating that the *poletai* and *arkhon basileus* were already involved with the leasing of sacred land by this time; and a number of fragments of accounts from Eleusis from the last quarter of the century refer to income from leased land (including a *temenos*) and buildings (IG i<sup>3</sup> 386.147, 392.11, 394.10, 395.1,5).

The evidence from the fourth century is richer. A series of lists of leases of the property of Athena Polias and other gods are preserved, and these seem to attest decennial leasing of these properties for 343/2, 333/2 and a year at the end of

the fourth or beginning of the third century.<sup>6</sup> Although the records are by no means perfectly preserved it is possible to gain at least an impression of the scale of this leasing and of the identity of the lessees. Additionally, individual inscriptions attest the leasing out of land in a region called Nea in the 330s;<sup>7</sup> leasing of land in the area of Oropos;<sup>8</sup> and a unique agreement between the city (ἡ πόλις) and one Sokles whereby for a period of 25 years use of a piece of land (κάρπωσις) alternates between the two of them.<sup>9</sup>

Literary evidence is still less helpful about the leasing activities of corporate groups within the city. Euxitheos claims that one reason why he became unpopular at Halimous was that he was energetic in exacting rents when he was demarch (Dem. 57.63), but although this confirms the importance of the demarch in such matters it is too vague to be helpful in other respects – «many of them owed rents on sanctuaries and other things that they had snatched which belonged to the community» (ὀφείλοντας πολλοὺς αὐτῶν μισθώσεις τεμενῶν καὶ ἕτερ' ἃ τῶν κοινῶν διηρπάκεσαν). But again there is a large amount of epigraphic evidence. Part of a tribal lease of agricultural land for 10 years with some cultivation conditions prescribed survives from c. 450 (IG i<sup>3</sup> 252) and two further inscriptions relate to leasing of land by tribes in the third century. In one of these a certain Antisthenes of Lamptrai is honoured by his tribe, Erekhtheis, for suggestions he had made by which the tribe increased its revenues. In particular he had instituted annual inspections of the lands of Erekhtheis to ensure that they were being farmed according to the lease agreements (κατὰ τὰς συνθήκας) and that the boundary stones had not been moved (IG ii<sup>2</sup> 1165). In the second inscription an unknown tribe lays down lease conditions for lessees and their sureties and requires payment of rent three times a year (at the beginning of the year, at Gamelion and at Thargelion, threatening distraintment in the case of non-payment (ἐνεχυρασία) (IG ii<sup>2</sup> 1168).

Eleven inscriptions attest leasing by demes. The religious accounts of the deme Plotheia dating to around 418–413 have an entry reading «134 dr. 2½ obols from leases ([μ]ισθώσεων ΗΔΔΙΙΙΙΙΙ) (IG i<sup>3</sup> 258), and this is presumably annual income from sacred property leased out by the deme. The other 10 inscriptions are all conditions by which property is leased. Behind the similarity of type of document, and of date, for all belong to the second half of the fourth century, lies a very considerable diversity of types of property and conditions of lease. Seven of

<sup>6</sup> See M. B. WALBANK, *Leases of sacred property in Attica*, *Hesperia* 52 (1983) pp. 100–135, 177–199, 200–206, 207–231, and 53 (1984) 361–8.

<sup>7</sup> D. M. LEWIS, *Law on the Lesser Panatheneia*, *Hesperia* 28 (1959) 239–47 (SEG 18.13).

<sup>8</sup> M. K. LANGDON, *An Attic decree concerning Oropos*, *Hesperia* 56 (1987) 47–58.

<sup>9</sup> IG ii<sup>2</sup> 411. KIRCHNER compares IG xii 9 191 of the same period from Eretria, but in that case a) alternation is not involved, and b) the agreement involves improvement of the land by the lessee Khairephanes.

the ten inscriptions are leases of land, but the deme of Peiraieus leases a theatre,<sup>10</sup> and the deme of Eleusis a quarry (SEG 28.103) and a multiple dwelling in its agora (IG ii<sup>2</sup> 2500). Of the leases of land, the two from Prasiai seem to have no religious connection, and that at Aixone, called the Philleis (τὴν Φιλλεῖδα, IG ii<sup>2</sup> 2492.1) may have none,<sup>11</sup> but all the others are either explicitly described as sanctuaries (τεμένη) or can reasonably be supposed from the company they keep to be such.<sup>12</sup> The leases vary in length: 5 years for the quarry, 10 years in the deme of Rhamnous and the Peiraieus for land and at Eleusis for the multiple dwelling, forty years for the land at Aixone, and 'all time' for land at Prasiai and Teithras. Lessees at Aixone, Rhamnous and Teithras pay in a single installment, those at Prasiai and Peiraieus in two, while the lessee of the multiple dwelling at Eleusis pays in four installments. Even where the number of payments is the same the month(s) of payment vary.<sup>13</sup> Some, but not all, leases show a concern with the way in which the property will be farmed and managed, a concern which varies from ensuring that the tenant does not run off with moveable property from the buildings on the land (as at Prasiai, SEG 21.644), through anxiety that the tenant may overcrop the land and not allow biennial fallow (as at Aixone, Rhamnous and the Peiraieus) to a detailed commercial arrangement ensuring that the deme makes some profit from selling off the olive trees which it allows the tenant to cut down (Aixone, IG ii<sup>2</sup> 2492.32–43). This last inscription is a very clear example of a corporate body thrashing out conditions with a known tenant, but this was certainly not always the case: in two of these inscriptions the deme lays down general conditions in advance of leasing the property, and what actually happened is not known (IG ii<sup>2</sup> 2498, 2500).

One fragmentary inscription seems to relate to leasing of land by a territorial community that was not a deme: the residents of Salamis (IG ii<sup>2</sup> 1590a with Arch. Eph. 1930 59–60). This community seems to have leased out at least four pieces of agricultural land in the early fourth century for rents of 2½, 16, 34 and 80 dr. Men of the demes of Eleusis, Anagyrus, Peiraieus and Perithoidai are attested as lessees or sureties.

One inscribed lease by a phratry survives. Dating from 300/299 this lease is very closely comparable in its terms to the leases of land by demes: a piece of land called Sakine is leased for ten years, the rent payable twice a year, and cer-

<sup>10</sup> For this document see IG ii<sup>2</sup> 1176 with R. STROUD, CSCA 7 (1974) 292–3.

<sup>11</sup> IG ii<sup>2</sup> 2497 and SEG 21.644.

<sup>12</sup> Temenos is explicit in IG ii<sup>2</sup> 2493 and SEG 32.225 from Rhamnous, and in IG ii<sup>2</sup> 2498. The land described in the lease from Teithras (PLEKET, Epigraphica I [1964] no. 41) is surrounded by a *heroon*, a Herakleion, land of the hero Datulos and a *temenos* of Zeus.

<sup>13</sup> At Teithras Elaphebolion, at Aixone Hekatombaion, at Rhamnous Gamelion, at Prasiai Metageitnion and (?) Mounikhion, at Peiraieus Hekatombaion and Posideion, and at Eleusis, for the tenement house, Hekatombaion, Posideion, Mounikhion and Elaphebolion.

tain details of the cultivation régime prescribed. The only exceptional feature of the lease is that the lessee is given the option of purchasing the land during, or at the end of, the lease for a stated amount.<sup>14</sup>

Four leases of property by corporate bodies whose *raison d'être* was religious survive. All date to the second half of the fourth century. Three are leases of buildings and in two cases the building is called a «temple» (ἱερόν) and is clearly the place at which the religious group met.<sup>15</sup> The third case concerns a group of buildings, a workshop, a house next to it and a small building «near the dung-heap/privy» (ἐπὶ τοῦ κοπρῶνος).<sup>16</sup> The fourth lease is of a garden, but specifically grants permission to build.<sup>17</sup> Two of the leases are for «all time», one for 30 years and one for 10 years. Two cases demand two payments in the year, the other two just one. The garden rent is just 20 dr. a year, the «temples» have rents of 50 and 200 dr. and the assorted buildings a rent of 54 dr.

The long inscription relating to the settling of an internal quarrel within the *genos* of the Salaminioi twice refers to income «from the leasing» and «from the leasing of land at the Herakleion» (SEG 21.527.25,84). A fourth-century document of the devotees of Bendis refers to the renting of a house, and another fragment relating to the same cult group some two or three centuries later seems to refer to the renting of something «to the Athenians» (IG ii<sup>2</sup> 1361; SEG 19.125.5 ἐμισθῶσαν Ἀθηναίους). As a counter, it should be noted that a third-century document from a cult group specifically forbids the renting out of the property of the god (IG ii<sup>2</sup> 1289).

In addition there exists from the late fourth century a series of inscriptions recording the «sale» of property by demes and religious bodies, on the proceeds of which a 1% tax is raised for Athena. Although the terminology of sale is used there are certain peculiar features to these transactions, and in particular an odd periodicity to the prices, which may be best explained by regarding the transactions as leasing, not selling.<sup>18</sup> If this is correct then very considerable additional evidence is available on the scale of property leasing by demes and religious corporations.

<sup>14</sup> IG ii<sup>2</sup> 1241. The purchase price is 5000 dr. but, since the inscription only envisages purchase at the end of the period of the lease, the lessee has, effectively, to pay out the sum of both rent and purchase price (6000 dr. + 5000 dr. = 11 000 dr.) if he wishes to buy the land.

<sup>15</sup> IG ii<sup>2</sup> 2499, 2501.

<sup>16</sup> IG ii<sup>2</sup> 2496. For the problem of the identity of the *meritai* of the Kytherians see M. H. JAMESON, The leasing of land at Rhamnous, in *Studies in Attic epigraphy history and topography* presented to Eugene Vanderpool, *Hesperia Supplement XIX* (Princeton, 1982) 72–4, and D. WHITEHEAD, The demes of Attica (Princeton, 1986) 147–8.

<sup>17</sup> PLEKET, *Epigraphica I* (1964) no. 43.

<sup>18</sup> The case is argued in more detail by R. OSBORNE, *Demos: the discovery of classical Attika* (Cambridge 1985) 56–59.

## (ii) The scale of the leasing of public and corporate property

Scanty though it is, the evidence of public leasing in the fifth century implies that public land was already being leased out on a considerable scale. Two features in particular suggest this: first, the existence of an administrative structure for leasing that is essentially similar to that operative in the fourth century, as revealed by the lease of the sanctuary of Neleus and Kodros (IG i<sup>3</sup> 84); second, the way in which leasing seems to have been adopted as the solution of the problem of what to do about the tracts of land in Euboia which came into public control (IG i<sup>3</sup> 418). Together these imply that the Athenians expected to exploit the land on which temples and shrines stood by leasing it out to private individuals, and that they had devised a more or less standard system for doing so.

In the light of this we should be wary of seeing the extensive leasing of sacred land by the city attested by the fourth-century evidence as a new development. It may be that fourth-century practice was more thorough and more systematic, but it is certainly clear that it was not new. What the fourth-century evidence does is allow some, speculative, quantification of public land leasing. Of the various lists of sacred property leased out in the later part of the fourth century which survive in part, the earliest, WALBANK'S Stele 1, contains as extant some 49 leases, and the probability is that the stele originally recorded between 100 and 150 leases.<sup>19</sup> All the leases are of property associated with major cults of the city – Athena, Artemis Agrotera, Artemis Brauronia, Zeus Olympios and so on, that is, probably, all the cults whose property was directly administered by the city. The 28 best preserved leases on stele 1 yield 6,422 dr. at least in rent, implying perhaps a total rent yield from all the properties of about 5 talents. Since however the rents vary from about 90 dr. to 681 dr. within stele 1 alone, and from about 40 dr. to about 742 dr. in all the records of leases of these properties, and since there are some signs that large and small rents were not evenly distributed over the records, these sums must be treated with caution.<sup>20</sup> That a very large amount of land is in question is, however, not in dispute. If rents are assumed to be in the order of 8% of capital value then land to the value of some 60 talents will have been rented out in these transactions.<sup>21</sup> Nor were sacred properties alone leased out by the

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<sup>19</sup> See M. B. WALBANK, *Leases of sacred property in Attica. Part IV, Hesperia* 52 (1983) 207–31.

<sup>20</sup> Thus none of the 17 rental figures preserved in fragments aI, fI, dII, fII or cIII of stele 1 exceeds 200 dr. but fragments bII, eII and eIII yield the following figures: 300, 450, 84–97, 410, 51, 636, 350, 681, more than 125, 600+, 240+, 600+. It may be that at some rather earlier period the separate authorities for separate sanctuaries had gone about dividing up sacred land for lease in different ways.

<sup>21</sup> Although if the Hekatostai lists are lists of leased properties the idea that an 8% figure was common is given something of a boost it is clear that there was no standard rent. Nevertheless rents are unlikely, on the basis of the instances we do possess, to have varied very much on either side of 8%.



city: it is clear that the territory called Nea was leased out on acquisition, and leasing may also have played a part in the disposition of land at Oropos.<sup>22</sup>

The evidence of property leasing by tribes, demes, phratries, religious organisations and other corporate bodies is ill-distributed through time. The vast majority of the evidence relates to the second half of the fourth century. Since, however, the inscriptional evidence for the activities of such corporations generally clusters in this period positive signs are required before assuming that the survival of inscribed records correlates closely with the existence of the practice of leasing. The Plotheia inscription from the late fifth century shows that demes, at least, were already engaged in leasing out (sacred) property at that time (IG i<sup>3</sup> 258).

Many of the corporate leases extant are leases of single pieces of property, and carry no explicit information about the extent of leasing. What is clear even from such evidence is that even small groups possessing only the land on which their cult centre stood bothered to lease out that property – and bothered to record the fact on stone! – even when the annual rent amounted to just 20 dr. This strongly suggests that leasing out property was normal practice. At the same time, however, the enormous variation in detail from lease to lease in terms of length of tenancy, frequency and time of payment, liability for tax (*eisphora*), and conditions imposed, indicates that corporations did not simply adopt a standard formula for property leasing but constructed each property lease anew, making it up to some extent as they went along, sometimes, as is clear at Aixone, in consultation with the tenant-to-be. The *ad hoc* nature of the provisions further supports the belief that property leasing was a thoroughly familiar practice.

Particularly revealing for the scale of corporate leasing is the honorific inscription for Antisthenes of Lamptrai moved by the tribe Erekhtheis. It is clear from this (ii<sup>2</sup> 1165) that Erekhtheis had long leased out its lands, long enough indeed for slack practices to develop which allowed tenants to break the conditions laid down by the leases without punitive measures being taken and to alter the boundaries of the land leased (presumably either in the interests of their own private property or against the interests of neighbouring tenants, perhaps especially at moments when tenants changed). That such abuse significantly eroded the income of the tribe implies both that the number of properties involved was quite large, and that the way in which the tenant farmed the property significantly affected what could be expected in rent the next time that property was leased out.

If the «sales» of property yielding a 1% tax (*bekatosié*) are indeed leases then the scale of corporate property leasing in the late fourth century becomes even

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<sup>22</sup> LANGDON (op. cit. n. 8) thinks that the leases referred to in the document he publishes are the result of the public apportionment of the territory of Oropos, but it is possible that his inscription represents the groundwork for such an apportionment, and that the tenants referred to are private tenants in existing occupation.

more striking. There is clearly something very special about the transactions, which are overseen by the city, in a way that normal corporate leases are not, and are listed in strict tribal order of demes and with demes and religious corporations listed separately. The high proportion of properties said to be on marginal land (*eskhatiai*) might suggest that the land involved here had not previously been exploited and hence not previously leased out. This is further supported by the small value of many of the plots and by the absence of buildings on them. At all events corporate bodies seem to have found some 300–400 properties to rent out with a total capital value of perhaps 200–300 talents. If this is property additional to that routinely leased by corporations then the implication must be that routine leasing involved property the value of which was at least of a similar order of magnitude. It is noteworthy that the market could absorb so much additional land – an indicator, perhaps, of the profitability of agriculture in the late fourth century.

### (iii) Motives for leasing public and corporate property

#### a) The lessor

The advantages to a corporate body of leasing out its property are well illustrated by the lease of the sanctuary of Egretes in 306/5 (IG ii<sup>2</sup> 2499):

«Gods. The associates leased the temple of Egretes to Diognetos son of Arkesilos of the deme Melite for 10 years at a rent of 200 drachmai each year for him to use the temple and the buildings built therein in a way befitting their sacred status. Diognetos is to plaster those walls that need it, and build and construct anything else when he wants to. At the end of his ten years he is to depart taking the wood, tiles and door-frames, but he is not to move anything else. He is to look after the trees growing in the sanctuary, and if any is lost he is to replace it and hand over the same number. Diognetos is to pay the rent each year to whoever is the steward of the associates at the time, half, being 100 drachmai, at the new moon of Boedromion and the rest, that is 100 drachmai, at the new moon of Elaphebolion. Whenever the associates sacrifice to the hero during Boedromion Diognetos is to provide the building where the shrine is, unlocked and roofed, together with the oven, and benches and tables to a total of two sets of three couches. If Diognetos does not pay the rent at the stated times or does not do the other things written in the lease the lease is to be invalid and he is to be deprived of the wood, tiles and door-frames and the associates may rent the property to anyone else they want to. If any special tax is raised the associates are to pay it according to the valuation. Diognetos is to have the lease inscribed on the stone pillar which stands in the shrine. The lease is to begin with the archonship of the archon after Koroibos.»

The Associates of Egretes by this lease both ensure that their sanctuary is properly looked after, and also secure a regular income of 200 dr. a year. Not

only do they remove the need for some specialist caretaker, they also finance their own activities. Harpokration quotes Didymos as saying that sacrifices were regularly paid for by rents, not by piety.<sup>23</sup>

Different corporations seem to have put more stress on the income to be gained from renting the property out, or on the caretaking responsibilities of the lessee. The Associates of Egretes lease for ten years and expect to change tenants at the end of that period. The leases which specify how the property is to be managed, and more particularly those which specify farming methods, enforce biennial fallow and either enjoin planting of trees or at least forbid their removal, seem generally to be for relatively short periods (i.e. ten years).<sup>24</sup> In these cases much of the value of the property evidently resides in its agricultural potential, and the implication of the concern to maintain that potential is that the maintenance of the value of the property is important to the leasing body. In other instances the lease is made for very long periods or even for 'all time'. Such leases, for fixed rental, are clearly short-sighted if high income is the chief priority, but they obviously made for worry-free caretaking.<sup>25</sup>

In one deme lease it is made very clear that the decision to lease a property to a particular individual was also motivated by a desire to honour the individual concerned. The deme of Teithras seems to have reviewed its property leasing activities in the middle of the fourth century, and the outlines of the discussion that took place on that occasion are visible behind the resulting decree (SEG 24.151):

«In the year of when Euthippos was demarkh, the demesmen of Teithras decided on the proposal of Eudikos: in order that the property belonging to the demesmen of Teithras in common might be safe and that the demesmen of Teithras may know what belongs to them and what the income from it is, the demarkh is to inscribe the names of all who have leased corporate property once for all time. The demesmen of Teithras decided, on the proposal of Pandios: since Xanthippos is a man good about the corporate property of the demesmen of Teithras, the demesmen of Teithras have voted to lease to Xanthippos that plot of land at Teithras whose neighbour ... for all time ...»

Some conflict, or at least competition, is visible here between the desire of demesmen to exploit their corporate property in a profitable way and ensure that it

<sup>23</sup> Harpokration s. v. ἀπό μισθωμάτων: Δίδυμός φησιν ὁ γραμματικὸς ἀντὶ τοῦ ἐκ τῶν τεμενικῶν προσόδων. ἐκάστῳ γὰρ θεῶν πλεῖθρα γῆς ἀπένεμον, ἐξ ὧν μισθουμένων αἱ εἰς τὰς θυσίας ἐγίνοντο δαπάναι· οὐ γὰρ κατ'εὐσέβειαν ἔθυσον τὰ ἱερεῖα, ἀλλὰ μισθοῦμενοι. But this may be pure guesswork, since it is not the explanation of the one occurrence of the phrase ἀπό μισθωμάτων in the orators, Isokrates 7, Areopagitikos, 29: οὐδὲ τὰς μὲν ἐπιθέτους ἐορτάς, αἷς ἐστίασιν τις προσεῖη μεγαλοπρεπῶς ἦγον, ἐν δὲ τοῖς ἀγιωτάτοις ἱερῶν ἀπὸ μισθωμάτων ἔθυσον.

<sup>24</sup> IG ii<sup>2</sup> 1241, 2493, 2498 and SEG 32.225 are all for 10 years.

<sup>25</sup> IG ii<sup>2</sup> 2496, 2497, and PLEKET, Epigraphica I (1964) no. 41 are for all time. So, very curiously, is the private lease, Inschriften von Olympia no. 18.

is not a wasting asset, and the desire to use corporate property as a resource for honouring distinguished members of the deme. In the event Xanthippos is rewarded for his services with regard to the common property of the demesmen by being granted some of that property on a perpetual lease. The grant of property on lease by a deme must therefore be seen as something very positively regarded, so worth having by the lessee that it can be construed as a privilege by the corporate body granting it. Corporate lessor and lessee are seen as mutually beneficent.

#### b) The lessee

But what was in it for the lessee? The advantages offered to the lessee of corporate property depended on the nature of the property leased, the terms of the lease, and the relations between the leasing body and the lessee. Leased property is described in various terms, in general it seems to have offered either agricultural or residential or mercantile/manufacturing possibilities – or a combination of these. Written from the standpoint of the lessor the inscribed documents offer little explicit evidence of the lessee's motives. The enquiry must therefore proceed indirectly, deducing from the nature and identity of the lessees the nature and identity of their interests.

The city itself leased property in the fourth century for periods of ten years, although in the fifth the sanctuary of Neleus and Kodros had been leased for 20 years. WALBANK has suggested that we have fragments of leases of sacred property by the city at an interval of ten years and again some 30 or 40 years later, but there is no clear overlap between the surviving portions of the inscriptions involved and hence it is not possible to assess the extent to which leases were renewed.<sup>26</sup> Of the 86 renters who appear in the fragmentary inscriptions 15 belong to or are connected with families which performed liturgies (17.5%), and 4 are metics (2 from families which achieved citizenship). The small number and peculiarly high status of the metics is notable, and suggests that land leased by the city did not provide an attractive way for foreigners resident at Athens, who could not purchase land, to gain a foothold in agriculture. Given that metics involved in agriculture are not unknown<sup>27</sup> their comparative scarcity here demands an explanation. Only personal sureties were demanded, not real property, and metics were not thus excluded *de facto*.<sup>28</sup> Part of the explanation may lie in the period of

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<sup>26</sup> In what follows I have leant heavily on the work of WALBANK, cited in n. 6 above. It is important to note how small a proportion of the total number of liturgists in any one generation we know of, even in the fourth century: see J. K. DAVIES, *Athenian Propertied Families* (Oxford, 1971) p. XXX.

<sup>27</sup> Cf. IG ii<sup>2</sup> 10.10, 18, 20, 22, 25.

<sup>28</sup> The one exception to this is IG ii<sup>2</sup> 2498.3–6 which demands real security for any sum over 10 dr. This lease is from the Peiraieus, and the demand for real security may have been designed specifically to exclude non-Athenians.

the lease: 10 year leases may have been too long term to contemplate for all but the most determinedly resident of foreigners. But part of the explanation may well also lie in social convention: the lands involved are intimately connected with religious cults central to the citizen community. The interest of those not actively part of that community may not have been encouraged.

Nothing is known of the lessees of tribal property, but a considerable amount can be deduced about lessees of deme property. Metics figure here not at all. All deme properties are leased to members of the deme in cases where it is possible to tell, with one exception: of the four men who lease the theatre at the Peiraeus two do come from Peiraeus but two come from other demes.<sup>29</sup> Only one of the lessees of deme property is otherwise known, but the case of Xanthippos strongly suggests that local prominence should not be excluded for other lessees.<sup>30</sup> All of this suggests that the leasing out of their property by the demes was essentially a local affair, decided upon at local meetings and not widely advertised. Many of the rents are round figures – 3,400 dr. for the Peiraeus theatre, 600 dr. for the Eleusis *sumoikia*, 150 dr. for the Eleusis quarry: only the Aixone land at 152 dr. suggests that the demes were awarding leases as a result of closely competitive auctions.

The leases by corporate bodies other than demes are more difficult to assess. There is no telling whether or not those who take the leases are members of the leasing body. However it is clear that some religious properties did attract lessees who were not by origin from close to the site of the property, and men of liturgical status are found among these non-local lessees. Given the very close formal parallels between the leases of deme property and those of the property of religious corporations it may well be that membership of the body is a more significant factor than local links with the property leased. Regular sums of rent are again normal here.<sup>31</sup>

Further support for this proposition may come from the records of the «sales» taxed at 1%.<sup>32</sup> Here the vast majority of properties leased by demes are taken by men probably or certainly from the deme in question, but in cases where a religious or non-deme territorial body is responsible for the leasing the proportion

<sup>29</sup> IG ii<sup>2</sup> 1176 with STROUD (op. cit. n. 10 above). The list of all-time lessees from Teithras (AM 49 [1924] p. 1 ff.no. II) includes a property with 2 lessees, one from Teithras and one not. It is perhaps most likely that the man from Oa is heir to the original lessee from Teithras. On all this see R. OSBORNE, *Demos: the discovery of classical Attika* (Cambridge, 1985) 54–56 and Table 3.

<sup>30</sup> On Moirokles, lessee of the quarry at Eleusis, see OSBORNE (op. cit. n. 29) 55, 84, 104.

<sup>31</sup> 600 dr. per year for the land of the phratriy of the Dyaleis in IG ii<sup>2</sup> 1241; 200 dr. a year for the *hieron* of Egretes in IG ii<sup>2</sup> 2499, 50 dr. for the *hieron* of Hypodektes in IG ii<sup>2</sup> 2501, and 20 dr. for the garden of the hero in PLEKET, *Epigraphica I* (1964) no. 43. But the *meritai* of the Kytherians rent their buildings at 54 dr. a year (IG ii<sup>2</sup> 2496.).

<sup>32</sup> See further OSBORNE, (op. cit. n. 29) 56–9 and Table 4.

of men from the deme where the property is sited is significantly lower. This is despite the fact that the degree of central supervision of these transactions must have meant that the existence of the land to be leased must have been generally known. The range of prices paid is very large, much wider than for other leased property in Attica. The favouring of round numbers is one of the peculiar features of the transactions. The proportion of men of liturgical status is slightly lower than among the lessees of sacred property leased by the city (here 11.5%), but a further 18.5% of the lessees are known from other contexts and can be deduced to be men of some wealth. These wealthy men show an interest even in small plots of land.

The evidence for the scale of leasing reviewed above suggests that there was a very great deal of public and corporate property available to be leased. The evidence here examined suggests that there was no shortage of demand for that land from men of wealth and, at least local, status. At the same time the individual negotiation of lease conditions and the round figures which frequently recur among rents suggest that competition for this land was in effect restricted. None of the leases show any sign of the imposition of formal controls on who could take up the lease. Such controls as there were seem rather to have been informal: corporate bodies made little or no attempt to advertise the availability of land and proceeded in part at least by behind the scenes activity among their own members. Just as bringing in as much rent as possible was not the only consideration of the bodies leasing property, so increasing their productive potential was not the only motive of lessees. Some properties, indeed, seem to have given little scope for economic exploitation: it is far from clear what is in it for the lessee of the sanctuary of Egretes, for instance. But although the lessees were in some instances at least doing the corporate leasing body a favour, in other cases, as at Teithras, the corporate body could bestow a lease of its property as an honour, and taking on such leases seems to have conferred additional status within the group.

Two points must be stressed in conclusion: that the leasing of public and corporate property was socially conservative; and that such leasing was, nevertheless, economically important. Leasing was socially conservative because it offered additional resources to those already well founded on property of their own, and it offered local honour to those already of high standing within the community. Public and corporate property almost certainly was not available to give the poor an economic boost, and it was not a means by which outsiders could make an impression on a corporation. But leasing was economically important because a very large amount of cash changed hands regularly, for individual properties and, more importantly, for the totality of public and corporate property leased out. There may have been an element of donation in the leases of some small religious properties, but the degree of negotiation present in some leases, notably that from Aixone, suggests that lessees expected to recoup their rent, and more, by

working or occupying the property leased. The desire to make money may not have been in the front of the minds of all lessees in these transactions, but there is little doubt that most of them both expected to make money and did so in fact. Some may have wanted more crops for their own use; liturgists and all keen to better themselves socially by conspicuous expenditure, will have welcomed the possibility of an extra source of cash income.<sup>33</sup>

Corporate groups, and perhaps particularly those with religious associations, might be thought inevitably to create bonds of loyalty and obligation leading to just the pattern of intermeshed social and economic motives among lessees of corporate that I have just described. To get a better impression of the particular forces operative in Athenian society it is helpful to observe patterns of leasing corporate property in two other Greek cities, Thespiai and Delos.

### B. Thespiai

#### (i) The evidence

Six stones survive with inscriptions relating to the leasing of land at Thespiai between the 240s BC and the early second century BC, providing eight leases or series of leases.<sup>34</sup> The leases are all in some sense leases of property by the city rather than by any independent corporation, but there is no standardised organisation. Thus three of the leases are in the hands of a permanent commission, two are controlled by the *hiararkhai*, two by special commissions (occasioned in one

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<sup>33</sup> For the demands on Athenian rich see R. OSBORNE, *Pride and prejudice, sense and subsistence: exchange and society in the Greek city*, in J. RICH, A. WALLACE-HADRILL ed. *City and countryside in the ancient world* (forthcoming).

<sup>34</sup> The evidence is laid out in more detail, along with the argument for the interpretation adopted here, in OSBORNE (op. cit. n. 5). In the following section IT is used to refer to P. ROESCH ed. *Thespies de Béotie I: les inscriptions* (forthcoming). The following concordance may be of use:

IT 44–7: reverse of IG vii 1739–41, published with additions by A. PLASSART in *Mélanges Navarre* (Toulouse, 1935) 339–360.

IT 49–52: IG vii 1739–42 with additions and emendations by A. PLASSART (op. cit.) and M. FEYEL, *BCH* 60 (1936) 408 note 2.

IT 53: A. KERAMOPOULLOS, *Arch. Delt.* 14 (1931–2) 26–7, republished with corrections by M. FEYEL, *BCH* 61 (1937) 217–235.

IT 54: A. KERAMOPOULLOS, *Arch. Delt.* 14 (1931–2) 12; republished with corrections by M. FEYEL, *BCH* 60 (1936) 175–183 A.

IT 55: A. KERAMOPOULLOS, *Arch. Delt.* 14 (1931–2) 19; republished with corrections by M. FEYEL, *BCH* 60 (1936) 175–83 B.

IT 56: G. COLIN, *BCH* 21 (1897) 553–68 no. 2, corrected by M. FEYEL, *BCH* 58 (1934) 501–5, *BCH* 60 (1936) 176, and P. ROESCH, *Thespies et la confédération béotienne* (Paris, 1965) 191 note 2.

IT 57: P. ROESCH, *REA* (1966) 77–82 no. 15

IT 62: P. JAMOT, *BCH* 19 (1895) 379 f.; republished with corrections by M. HOLLEAUX, *REG* 10 (1897) 26–49 (= HOLLEAUX, *Études I* [1938] 99–120).

case by the need to purchase the land in the first place) and one is too fragmentary to give information. Land associated specifically with certain gods and land not so associated appear side by side in the same inscription, with no apparent distinction between <public> and <sacred> land. Length of lease varies not only between leases but within a single lease – thus land said to be <of the Muses> is leased on the same stone by the same body for periods of 40, 25 and 6 years (IT 54.11 ff.). The pattern of the inscriptions is, however, basically the same: the conditions on which land is to be leased are laid down, conditions relating to payment and provision of sureties rather than to agricultural practice or what the lessee does with the property, and then lessee(s) and sureties are listed together with the amount of rent paid. In two cases the lease ends with the total income from that set of leases. In the case of land purchased and then leased we are provided with the purchase price and rental figure for both the pieces of land involved.

## (ii) The scale of leasing

Together the inscriptions, as preserved, attest the leasing out of some 130 and more plots of land. Four leases give totals for the value of the particular lands it leases per year: IT 53 has rents totalling 1974 dr., IT 54 rents from the land of Hermes of 2222 dr., IT 55 rents from land of the Muses of 591 dr., and IT 62 rents of 1701 dr. 1 Ob. Clearly a lot of land was available to be leased.

Land plots vary greatly in size. The certain and complete figures of the earliest lease (IT 44–7) are all close to 100 dr., but subsequent leases have wide variations: IT 48–52 have a range of 3 to 92 dr., mean 51 dr., median 53 dr.; IT 54 a range of 22–150 dr., mean 75 dr., median 68 dr. for land of the Muses, and of 44 to 375 dr., mean just over 100 dr., median 67 dr. for land of Hermes; IT 56 has a range of 6 to 171 dr., mean 59 dr., median 50.5 dr.; and IT 57 a range of 4 dr. 3 ob. to 21 dr., mean 9 dr., median 10 dr.

Despite the number of plots leased and the size of some individual plots, doubt has been cast on how permanent a feature of Thespian life the leasing of public land was because of the absence of a uniform procedure for renting land. In particular the way in which early documents refer to sureties as *prostatai* and later ones, except for one that is itself a renewal of earlier leases (IT 56), refer to sureties as *enguoi* has been thought to suggest that the later leases using *enguoi* represent the leasing of that land for the first time. Certainly, land was still being acquired to lease out (IT 62) but this does not establish anything about the antiquity of the practice of leasing cult land. Given that Thespians acquired the epigraphic habit only in the later third century, the absence of lease documents from before that time does not in itself constitute an argument against earlier leasing of public land. Given that *engnos* appears alongside *prostates* once even in the earliest inscription, and given the frequent misfit between general conditions and



record of actual leases the fluidity of the terminology may represent nothing more important than slowly changing popular usage being even more slowly reflected in official documentation.

(iii) Motives for leasing

a) The lessor

The general lease conditions from Thespiai show much less concern that at least some of those from Attica with the way in which the property leased is treated: in one case there is a clause related to trees on the land (IT 54.4) and in another permission is granted to build on the land (IT 55.24–6), but in general no detailed description of the resources of the land are given and no provision for their maintenance. There is some concern with the area of the land: IT 53 originally gave the areas of all the plots of land leased in it, and IT 62, where land is purchased, establishes a rent per plethron for one of the plots of land. This piece of land is then leased for exactly the rent so calculated – down to the last obol.

All of this might suggest that the authorities leasing the land were not particularly concerned to raise the maximum possible amount for each plot of land leased and hence neither employed the auction nor concerned themselves about degradation. However in one other respect they take a very hard line with lessees: in the event of a lessee failing to pay the rent the property is to be released and, if the rent raised by the releasing does not match the rent which the defaulting lessee was to pay the defaulting lessee is to be liable for the difference. This clause would seem to have two effects: it would discourage speculative undertakings to pay rent at an inflated level, and it would discourage over-exploiting the land to the extent that both one's own ability to pay the rent was put in jeopardy and the land was made unattractive to subsequent tenants. It may be, therefore, that whereas various corporate authorities in Attica sought to prescribe good agricultural practices, the authorities at Thespiai secured the same result by making the financial consequences of malpractice particularly severe.

Explicit reference to the ends to which the money from the rents was put occurs only in one lease (IT 53). Here the dedication of the money to the Muses is recorded and its use to pay for sacrifice of oxen at the penteteric Mouseia games prescribed. The same lease concludes its list of leases of land sacred to Hermes by giving the total of the rents <from the lands sacred to Hermes, the ones devoted to the oil fund for anointing> (κεφαλὰ τᾶς μισθώσιος τῷ ἐνιαυτῷ τᾶς γᾶς τᾶς ἰαράς τῷ Ἔρμαο τᾶς ἐν τῷ ἐληοχρίστιον).

b) The lessees

There is no equivalent at Thespiai to the liturgical class at Athens. However, the prosopographical information available from the late third and early second century is relatively rich with the names of a large number of magistrates, and an

even larger number of ephebes, preserved. More importantly still Thespiai regularly demanded that those who leased land provided personal sureties and thus the leases themselves provide names of men certain to be of some considerable financial status. On the basis of this information it is possible to be confident that the lessees themselves were of high status within the community.

Three features of the lists of lessees are noteworthy: the degree of repeated leasing and multiple leasing; the contrast between the high degree of repetition of names within a single lease and the tiny degree of repetition of names from one lease to another; and the way in which members of leasing commissions themselves take up leases.

In IT 48–52 5 of the 11 lessees whose names are well preserved lease more than one plot; in IT 54 7 of 20, and in IT 56 7 of 15. The last lease is particularly interesting since it is the renewal of an earlier lease. 20 of the 24 plots have their lease renewed by the former lessee or his next of kin, and only four new names appear – three of them with clear connections with existing lessees. Yet although two men appear in some capacity on more than one inscription, no one leases property in more than one of these leases. Two members of commissions in charge of leasing themselves take up leases on that land: Antiphaon in IT 44–7, and Parmenias in IT 62, who is the man who leases what is by far the largest property, at an annual rent of 1451 dr. Further, Athanias, member of the commission in charge of IT 48–52 seems to be the father of one of the sureties there.

From all this it would appear that the appeal of particular leased land was limited to a particular section of wealthy society, but that within that section the appeal was strong enough to make renewal of leases normal even after a period of (probably) 20 years. Since two of the leases (at least) deal with land <of the Muses> and yet have, apparently, no overlap in personnel, it appears that cult connections are not the limiting factor. Given that some of the lands are explicitly said to be all in the same area (e.g. IT 53.3,69; IT 62.10,18) and others may reasonably be assumed to be in the absence of distinct locations being specified, it seems not unlikely that the limiting factors are local: wealthy men are keen to get hold of and hang on to land near their existing interests, but they are not interested in land in other areas. Something of the eagerness to acquire local land may be gauged from the frequency with which men lease more than one plot: this is particularly notable in IT 57 where, if the rents are annual rents, the plots in question seem to be tiny, yet one man takes up leases on 5 of the seven plots listed in the extant fragment of the lease.

Most of the plots of land seem to be plain arable land with no facilities. Plots of land with animal shelters on them (*aulai*) seem regularly to fetch higher rents, but they are few and far between (IT 54.28,34,38,46; IT 62.11). There can be little doubt that with very few exceptions the potential of the properties leased was purely agricultural. Something of the possibilities for the lessees may emerge from IT 62. Here we are given both the purchase price and the rent of two prop-

erties. The larger property is bought with its year's (*epikarpie*) and with a steading (*aula*). On the assumption that the two plots, which are both in the same area (Aloia – a name derived from threshing activities?) – although they have no common neighbours, stand on land itself of comparable worth, it is possible to deduce by comparing areas, prices and rents both the price effectively paid for the standing crop on the larger piece of land, and the price for and the effective rent of the steading. From this it emerges that the crop was worth 5760 and the steading 2696 dr. Rent was payable for the steading at 330 dr. *per annum* (12.25% of its value), but for the land only of the smaller plot rent is paid at 9.2%. Put like this there is some reason to believe that the presence of a building on the land, whether because it made it possible more effectively to use the land for animals during at least part of the year or because of the convenience value of having storage facilities and shelter, was worth paying above the odds for. Even more strikingly, on the assumption of a grain price of about 5 dr. a *medimnos* for wheat at this time, the price for the crop implies that this land was producing a crop *equivalent* to something in the order of 1000 kg. wheat per hectare. Although the new lessee did not need to produce at that rate in order to pay his rent it must surely be imagined that any tenant of land such as this will have intended to farm that land very intensively.

Supporting cult activity by renting sacred land may well have had as much in hellenistic Thespias as it had in classical Attica, but the Thespias evidence points rather more strongly towards the incorporation by wealthy men of leased public land into their overall agricultural strategy. The constraints on their behaviour with regard to the land they leased seem to have been economic rather than social. The relationship between leasing body and lessees seems to have been a blunt and business-like one: there is a considerable difference between the negotiated settlement of the Aixone lease and the way in which rent is set at 2 dr. per *plethron* by the commission in IT 62 and the lessee pays that if he wants to take the land. Nice round figures are not entirely absent from the Thespias leases, but from first to last irregular sums are much more common.<sup>35</sup> It cannot be assumed that these are the result of competitive bidding (that is not how the very irregular sum of 250 dr. 1 obol is arrived at in IT 62), but they are reasonably regarded as the result of driving a hard bargain.

<sup>35</sup> Thus IT 44–47 has prices of 97 dr., 100 dr., 53 or 103 dr., 100 dr., 52 or 102 dr. and 101 dr.; IT 48–52 has prices of 74 dr., 58 dr., 53 dr., 22 dr., 70 dr., 64 dr., 44 dr., 92 dr., 80 dr., 3 dr., 38 dr., 20 dr. and 9 dr.; IT 54 has prices of 22 dr., 82½ dr., 92 dr. 1 ob., 90 dr. 4 ob., 68 dr., 32 dr., 63 dr., 102 dr., 128 dr., 90 dr., 54 dr., 56 dr., 51 dr., 59 dr., 60 dr., 60 dr., 64 dr., 60 dr., 131 dr., 340 dr., 44 dr., 375 dr., 71 dr., 52 dr., 70 dr., 50 dr., 105 dr., 80 dr., 120 dr.; IT 55 has a lease at 121 dr.; IT 56 has prices of 171 dr., 99 dr., 49 dr., 88 dr., 99 dr., 12 dr., 36 dr., 160 dr., 52 dr., 56 dr., 26 dr., 6 dr., 20 dr., 30 dr., 22 dr., 8 dr., 57 dr., 90 dr.; IT 62 has leases at 1451 dr. and 250 dr. 1 ob.; IT 57 has prices of 4 dr. 3 ob., 8 dr. 4 ob., 10 dr. 7 ob., 12 dr., 9 dr., 10 dr., 21 dr. 1 ob.

Leasing public and sacred land clearly produced a very large cash income for cult activities and perhaps also other civic activities every year. That cash was generated by the production and sale of large quantities of agricultural produce as wealthy men with existing agricultural interests in the area extended their operations to incorporate land that they could hope to keep for repeated long leases. There seems to be little possibility here for a man with little land who lived in the town of Thespias to compete with these established interests and local engrossing will have widened rather than removed local social distinctions. The élite seem to have had both ways: they enjoyed the productive potential of the sacred land and will then have paraded themselves before the city at the sacrifices and gymnastic activities which their rents served to finance.

### C. Delos

#### (i) The nature of the evidence

The leasing of public, sacred, property on Delos can be traced epigraphically from the classical period, when the island was under Athenian control, through the period from the end of the fourth to the beginning of the second century when the island was independent to the second period of Athenian control. In the discussion which follows I will be concerned with the period of Delian independence alone. Independent Delos was a place with tiny landed resources – although the precise area of the sacred estates is not clear it is indisputable that they constituted the majority of agricultural land available to Delians on Delos itself and on Rheneia. It was also a place with a tiny citizen population, numbering in the region of 1000 men. Because of the extensive records kept on stone this citizen population is relatively well known. Together these factors mean that although Delos is clearly a very special case it is one very susceptible to detailed investigation of the role of leasing of public property within a society. Both the leasing of the temple estates and the leasing of the ‘sacred buildings’ have been studied in detail by other scholars and the abundant evidence will therefore be afforded only brief treatment here.<sup>36</sup>

The temple estates were leased according to conditions laid down in a document known as the *hiera sungraphe* (ID 503). They were leased synchronously for periods of a decade at a time (thus 299–290, 289–280, and so on). At the end of that period the estate was auctioned off anew, unless the sitting tenant cared to pay rent at 110% of the level of the previous decade and remain. Lessees were responsible for the upkeep of the buildings on the estates, and action against those

<sup>36</sup> The following account relies heavily on the works of KENT and HENNIG cited in n. 4. Also important are B. CAVAGNOLA, *I locatari delle proprietà fondarie del dio Apollo a Delo*, RIL 106 (1972) 51–115; B. CAVAGNOLA, *Aspetti economici dell’allevamento a Delo e Rheneia in età ellenistica*, RIL 107 (1973) 511–545; S. MOLINIER, *Les maisons sacrées de Délos* (Paris 1914), and C. VIAL, *Délos indépendante*, BCH Supplément 10 (Paris, 1984).

who defaulted on rent payment was rigorous. Inventories of the estates were kept which listed the buildings (animal shelters etc.) and also the number of vines and other trees.<sup>37</sup> Lessees provided personal sureties, and failure to produce sureties led to the estate being leased out to someone else.

The organisation of the leasing of the sacred buildings is less clearly established. By the end of the third century they were leased for 5 years at a time, but it is not clear when this practice began. There was no provision for automatic renewal, and there is even some doubt as to whether rents were fixed by auction. Building repairs were the responsibility of the temple authorities, not of the lessee. Those who failed to pay their rent were dealt with relatively indulgently. While the stock of temple estates was pretty well constant buildings appear in the leases for short periods and then disappear again. Many of the buildings are named after earlier occupiers, and their precise nature can frequently not be established.

As an economic resource for the temple authorities the estates were much more significant than the buildings. The estates on Rheneia paid an average of just over 1300 dr. a year in rent in the 290s, those on Delos an average of just over 300 dr. a year in the 280s, while at the same time buildings averaged about 50 dr. By the beginning of the second century relations had been somewhat revised as buildings now fetched an average of about 100 dr. a year while estate rents were somewhat lower than at the beginning of the third century.

Although the preservation of the accounts of the temple authorities is somewhat spotty, their records give use an enormous amount of information about who leased what at what price and for what period during almost the whole of the period of Delian independence. This enables us to compare individual practice with regard to leasing buildings and estates and to see what else those who leased temple property were doing at the same time. What needs to be emphasised, however, is that only activities which impinged on the temple authorities are visible in the purely inscriptional records from Delos and it is not possible, for example, to compare the leasing of public buildings with any leasing of private buildings that may have gone on.

## (ii) The scale of public leasing

The high rental figures suggest that some of the estates were very large. JOHN KENT suggested that the Rheneia estates occupied almost the total area of Rheneia (except for the Delian cemetery and the town area). This has recently been challenged,<sup>38</sup> but there is little doubt that the estates covered something in the re-

<sup>37</sup> For a particularly well preserved example see IG xi 2 287 A 143–174 (for 250).

<sup>38</sup> See M.-T. LE DINAHET-COUILLOU, *Identifications des domaines d'Apollon à Rhenée*, in *Les Cyclades. Matériaux pour une étude de géographie historique* (Paris, 1982) 135–140. Also BCH 109 (1985) 888–90, 110 (1986) 813.

gion of 50% of the surface of the island. The smaller 10 estates on the much smaller island of Delos itself must have comprised a similar proportion of the total area. There can have been little agricultural land on either island which was not in the hands of the temple authorities.

The buildings, by contrast, can have constituted but an insignificant proportion of the total Delian building stock. They numbered only 15 or 16 and seem to have come into the hands of the temple authorities on a variety of occasions so that they did not even monopolise a single area of the town. Some were certainly used as workshops or warehouses, and it is not certain that any were residences.

The temple estates occupied a very important place in temple finances: for the year 250, for example, rents from the estates totalled 11,091 dr., and although the temple authorities had a much larger sum of about 80,000 dr. in their hands the rents of the larger estates constituted some of the largest individual items of income with which they dealt (see IG xi 287 A 199). Estate rents were of more than trivial importance for the temple finances: they must have been equally important items in the personal finances of the lessees.

### (iii) Motives for leasing

#### a) The lessor

It is clear from the *biera sungraphe* and from the records of what the temple authorities actually did from year to year that the temple estates were closely controlled to produce the maximum of income for the temple coffers. The relatively short 10 year periods of rental between auctions, the 10% rent rise imposed on those who wished to stay tenants of the same estate and not risk market forces in the auction, and the exaction of rent from heirs in the event of decease all display a ruthlessness which puts cash income first. Not only were the estates inventoried every ten years (at least in the event of a change of tenant) but, as at Thespiai, if a lessee defaulted on payment and the estate was leased out again at a lower rate then the defaulting tenant was responsible for the shortfall. The temple authorities were in charge of a large and complex financial operation, and it is doubtful whether the piety of farming temple land obtruded much into their calculations or was allowed to intrude into those of lessees.

#### b) The lessees

The lessees of the temple estates were of high status. 138 of the 250 different individuals known to have leased the 22 estates during the period in question (314–167) are otherwise known. Of these 138 62 (45%) are known to have held a magistracy or proposed a decree, and a further 13, though not known to have been magistrates, were *choregoi*, giving a total of 75 men (54% of those otherwise known) certainly of considerable wealth and status. The lessees of buildings were also politically active: 51 of the 188 known lessees are otherwise known (37%) and 20 of these were certainly of possibly magistrates or decree proposers, with a

further three being at least *choregoi* (23/51 = 45%). Lessees of buildings and lessees of estates are not at all mutually exclusive categories: 22 or 23 men lease both buildings and estates.

16 lessees of estates also guarantee leasing of estates by others, but only 5 lessees of buildings guarantee leasing of buildings by others. Estate lessees appear as guarantors of loans in 30 cases, building lessees as guarantors in 10. Estate lessees constitute 16 of the 93 different individuals contracting loans of 200–600 dr. from the temple, and 10 of the 34 contracting loans of over 600 dr.<sup>39</sup> By contrast the only two lessees of buildings known to have contracted a loan from the temple were also lessees of estates: not a single man known to have leased only a building took a loan from the temple of Apollo, as far as we know. This is particularly striking since they are found prominently enough in other financial dealings: 5 guarantee building leases, 2 guarantee estate leases, 2 guarantee building contracts, and 2 guarantee tax farming contracts.

It emerges from this that, although men of some public standing and considerable wealth involve themselves with the leasing of buildings as well as of estates, those who operate with really large sums of money are not interested in leasing buildings, although they are very interested in leasing estates. But is this simply because of the status which landholding carried with it? Or simply a product of the large sums that had to be mustered in order to pay rent on the estates? Or did these large financial operators in fact rely heavily on leasing land in order to further increase their wealth? To decide between these options it is necessary to look in more detail at the nature of the agricultural operation involved in leasing an estate, and at the chronology of leasing estates and borrowing temple money.

The provision in the *hiera sungraphe* for renewing estate leases might suggest that repeated leasing of the same estate by the same person was expected. 8 cases of the same man leasing the same estate for more than one decade are known, but there are only two cases of a family keeping an estate for four decades, and only one family keeps the same estate for five decades. Commonly turnover was rapid: for example, the estate of Nikou Khoros on Rheneia had 11 different lessees between 312 and 246, only two of whom are known to be related. In a number of cases a lessee moved from one estate to another at the end of a decade: 19 men took 2 different estates and one man took 3. There are also cases where a single family kept a long tradition of leasing estates, but different members of the family leased different estates. Thus of the descendants of Pherekleides three sons, one grandson, three great-grandsons, and one great-great-grandson are known to have leased estates.<sup>40</sup>

<sup>39</sup> For comparison: 18 or 19 of those known to have been active in politics borrow between 200 and 600 dr., and 12–14 of them borrow more than 600 dr.

<sup>40</sup> Pherekleides' sons: 1) Philonikos (KENT no. 239): rents Khareteia in 249 and 246: IG xi 2 287 A 169, ID 290.20; 2) Pytheas (KENT no. 205): rents Porthmos in 258: IG xi 2 224 A 12; 3) Pythokles (KENT no. 206): rents Porthmos in 252, 250, 249: IG xi 2 275 A 12, 287

The pattern here is broadly similar to that found among the lessees of buildings. Few lessees of buildings hold on to them for long, and here there are few family links. One lessee who did keep a property continuously for a number of years – from 269 until perhaps 246, is one Aristoboulos who leased «the house of Aristoboulos». 14 men leased two or more buildings either at the same time or successively, and 2 men leased three. 5 of the lessees of buildings are also known for commercial activities: Anapsyktides leased the *gunaikonities* and transported stone; Ergoteles leased the *androne*s and the estate Kerameion and seems to have supplied pinewood; Menes rented an *andron* and traded in stone; Mnesileos rented *androne*s and supplied paint; Philtes rented an *andron* and supplied wood. But whereas the equipment required for such activities was easily portable and they could be as easily carried on in one building as in another it is less clear that an agricultural enterprise could be transferred from one estate to another with impunity.

Comparison with classical Attica and hellenistic Thespiai emphasises how short a ten year period is for an agricultural lease. On the evidence we have, renewal even of twenty year leases seems to have been the rule not the exception at Thespiai. That a contrasting pattern prevails on hellenistic Delos suggests that the agricultural situation there was comparatively peculiar. It is clear that the Delos temple estates were largely given over to pasture: 14 of the 15 estates for which a decently full inventory is preserved possess a cattle shelter, a sheep shelter or both. The *hiera sungraphē* establishes different times for payment of rent for estates with and estates without sheep, and those with sheep are considered first. The estates were also worked by slaves (cf. ID 503.34,46), and it is clear that none of the buildings listed on any of the estates in the inventories could have served as the permanent residence of the wealthy lessee. The estates did have vines and figs (but no olives), but the degree to which their yield could be improved by continuous good husbandry practices was perhaps less than that to which the establishment of a fallow rotation could preserve and enhance soil fertility for cereal crops. In any case a decline in agricultural prices after the first decade of the third century seems to have hit vines particularly hard<sup>41</sup> and even on the estates where they were present in considerable numbers they may not have been particularly important economically.

Together the strong pastoral bias of the agricultural régime and the use of a

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A 25, 274, ID 290.17; rents Nikou Khoros 250, 249 IG xi 2 287 A 26, 155. Grandson: Pherekleides Philonikou (KENT 235): rents Kharoneia 219,218,210 ID 353 A 5, 354.35, 356bis A 10. Great-grandsons: 1) Xenon Pherekleidou (KENT 181): Co-lessee of Kharoneia, 206,200 ID 368.27–8, 372 A 13–14; 2) Pistes Pherekleidou (KENT 191): Lessee of Akra Delos 179, 173, ID 442 A 146, 456 A 9; 3) Philonikos Pherekleidou (KENT 240): Co-lessee of Kharoneia 206, 200 ID 368.27–8, 372 A 13–14. Great-great-grandson: Xenon Xenonos (KENT 179): Lessee of Khersonesos in 169, ID 461 Bb 54–5.

<sup>41</sup> See KENT 309–313 and CAVAGNOLA, Aspetti ..., cited in n. 36.



slave labour force may have reduced the advantages to be gained from working the same estate over a period of several decades, at least to beyond the point where it was worth paying the enhanced rent in order to hang on to the estate. Unlike crops with roots, sheep and cattle could quickly be acquired or disposed of for cash, along with the slaves who looked after them. Rapid entries to and exits from agricultural practice were therefore possible, as well as easy transfers from farming in one location to farming in another. The pattern of agriculture on the temple estates made an openended commercial attitude to farming possible: the turn-over of estate lessees makes it look as if some, at least, took advantage of that possibility.

The possibility therefore arises that lessees of estates are prominent among those borrowing from the temple precisely because they needed cash to finance their entry into and speculations in the agricultural sphere. The timing of borrowing and leasing is clearly crucial to this. It is possible to date precisely the loans taken out by 15 estate lessees. Five borrow later than the period when they are known to be leasing, and one borrows substantially earlier. Of the remaining 9, one borrows in the year before he takes up the lease, four borrow some time during the period of their leasing, and four borrow in the last year in which they are known or presumed to have leased.

The man who borrows and then leases is Thymias son of Ekhekratides.<sup>42</sup> In 208 he borrowed 100 dr. and in the following year leased Thaleon for 356 dr. a year. 100 dr. is unlikely to have assisted Thymias much either in his first rent payment or in the acquisition of plant. But since his father had been renting the estate of Nikou Khoros in the previous decade Thymias may have inherited stock, and the 100 dr. may have been all that he required to set him up in business. Certainly, given the sums involved it seems unlikely that the relationship was the other way round, with Thymias taking up the lease in order to service the loan. But coincidence cannot be ruled out.

There may be nothing more than chance coincidence to the four cases of borrowing while leasing. Circumstances suggest this was true in at least two of the cases: those of Autokles and of Nikomakhos. Autokles leased one estate during the 250s for 580 dr. *per annum*, and another in the 240s for 343 dr. In 250 he twice borrowed money, sums of 200 dr. and 400 dr. His family had been long involved in leasing estates and was publicly prominent. Although either or both loans may be connected with his leasing they are as likely to be connected with some other form of public display: 250 was the year in which Autokles moved a decree in honour of his father Teleson. Nikomakhos was involved in leasing estates continuously from 209 till the 180s. In 207 he borrowed 1000 dr. In 182, when he no longer leased an estate, he took two more loans, one of 1000 dr.

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<sup>42</sup> ID 366 A 99–100 for lease; ID 365.21 for borrowing; ID 353 A 7, 354.35 for father's lease.

again, and one of 13,400 dr., the largest sum known to have been lent by the temple authorities to a private individual. These latter loans can have no connection with the leasing of an estate, and this perhaps discourages belief that the earlier has any. In fact we have no idea what Nikomakhos used the money he borrowed for, nor do we know how long he maintained the loans. VIAL has asserted that Nikomakhos used the money for commercial purposes, but of that there is no evidence whatsoever.<sup>43</sup>

Close connection between leasing and borrowing is no clearer with those who borrow at the end of a period of leasing. Rather the evidence suggests that both leasing and borrowing were symptoms of a high degree of financial activity. Diaktorides son of Theorylos provides an example of this. In the year 250 Diaktorides leased the estate of Phoinikes, leased the building «where Parmenion had his forge», acted as guarantor for a tax farmer, received, in his capacity as banker, some 6,650 dr. from the temple, paid 13 dr. 2 ob. in interest, and contracted a loan of 400 dr.<sup>44</sup>

This apparent independence of leasing and borrowing among the wealthy men of Delos is itself of considerable interest. Despite the large rents paid for the estates the leases seem not to govern the financial life of those who took them at all. While the wealthy may have treated the leasing of estates as a purely commercial operation, they certainly do not appear to have devoted all their own energies or resources to their exploitation. Farming estates remotely through slaves will not have encouraged the creation of close ties between lessee and land, and leasing an estate may never have become different in kind from other short term investments. The absence of records from Delos of transactions which did not pass through the temple administration may well lead us to underestimate the range of commercial and financial enterprises respectably available to men of wealth and standing. Taking on an estate may have attracted the wealthiest men more than leasing a sacred building did not because there was any great social prestige attached but simply because the amounts involved, both in expenditure and, presumably, in potential income, were very much larger.

#### *D. The leasing of public property: some comparative conclusions*

In some ways the social rôle of the leasing of public property on Delos, at Thespias and at Athens was fundamentally similar. In all three communities public property was exclusively, or at least predominantly, available only to the rich and

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<sup>43</sup> Autokles: leases: IG xi 2 287 A 136-7, 157; borrowing: 287 A 126-7, 128-9; decree: IG xi 4 1022 1. Nikomakhos: leases: ID 362 A 16, 368.25, 372 A 10-12, 374 Aa 20-24, 399 A 81-2, 397 B 1-3; borrowing: ID 396 A 32, 42-4, 407.27, 442 C 7-9, 407.36-7. See VIAL (op. cit. n. 36) 377-9.

<sup>44</sup> IG xi 2 287 A 31, 37, 41, 129, 188; 287 D 11. See also ID 290.142, 316.21, 118, 354.24, 40, IG xi 4 1185.1.

men of high standing. The availability of public land for private exploitation by lease had a socially conservative force, providing further for those who had rather than providing for those who had not. Even small properties attracted wealthy men in all three communities, and on Delos those buildings available on rent from the temple gave scope to established figures to promote their business activities rather than giving a roof to the poor. For although building rents were small by comparison with rents from the temple estates they were still large by comparison to a daily wage.

In other respect, however, public property fulfilled a different rôle in each of the three societies. While at Athens renting land took place most frequently within a small group within the city and served primarily to mould relations within that group – whether the group had a local, political or religious base –, at Thespiai although under the auspices of central organisation public land was taken up by particular individuals largely according to its proximity to their established agricultural interests, and was then incorporated into their permanent farming operations. Hellenistic Delians had no truck with local associations of any sort, practical or sentimental. Landed estates of enormous size were simply available as one of many possible investments for the enormous financial resources of the rich; farmed by slaves, and often not on Delos itself and thus not within the purview of the community, the estates had no communal significance. In a society without any significant private land ownership agricultural activity seems to have become devoid of social value: although the temple of Apollo continued to sacrifice animals on a large scale, and hence to assert the centrality of agriculture to the society, in fact agriculture had ceased to shape this society or its individual members' values.

## 2. *The leasing of private property*

### *A. Athens*

#### (i) The nature of the evidence

The information available about the leasing of private property is very different in kind from that for the leasing of public property.<sup>45</sup> Whereas some, at least, of the epigraphic evidence for leasing of public property *systematically* provides information about public and corporate leasing activity, both the literary and epigraphic evidence for the leasing of private property is unsystematic, consisting of chance mentions of particular leases or odd remarks about leasing in general. As with the evidence for the leasing of public property the evidence is biased towards the latter part of the classical period. In the case of private property the most important source of information is the corpus of speeches delivered in polit-

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<sup>45</sup> The fullest treatment of the subject is by J. K. DAVIES, *Wealth and the power of wealth in classical Athens* (New York 1981) to which the discussion here owes a good deal.

ical and judicial meetings. Since the selection of matters which prosecutors and defendants think fit to discuss in court is not a random one it is necessary to be alert to the possibility that this evidence is severely biased.

Private leasing activity comes in two forms: voluntary leasing of their own property by property owners; and the leasing of orphan estates by the city. The circumstances and conditions involved in each case are very different, and they will be investigated separately.

The eponymous *arkhon* had wide-ranging responsibilities for ensuring smooth and fair succession to property within the family. These responsibilities are laid out at length by the Aristotelian *Constitution of the Athenians* 56. 6–7:

«The eponymous *arkhon* also holds preliminary hearing for some lawsuits, and having established a *prima facie* case he introduces them to the court. These are cases of maltreatment of parents (anyone can bring such a case with no penalty incurring for failing to convict), maltreatment of orphans (these are cases against guardians), maltreatment of an heiress (these are cases against guardians and husbands), mismanagement of an orphan estate (these are also cases against guardians), madness (if someone claims that a man is squandering his property through madness), for the appointment of distributors (if someone does not want common property to be divided), for the establishment of a guardianship, for judgment over a guardianship, for production of a disputed object, for enrollment as a guardian, and decisions on claims to inheritances and heiresses. He is also concerned with orphans and heiresses and women who claim to be pregnant after their husbands have died. He can either himself fine wrongdoers or can introduce them to a court. He also leases out the estates of orphans and heiresses (until the heiress reaches the age of 14) and takes land as surety for the lease. The *arkhon* exacts maintenance from guardians if they fail to provide it for their charges.»

γραφαι δὲ καὶ δίκαι λαγχάνονται πρὸς αὐτόν, ἃς ἀνακρίνας εἰς δικαστήριον εἰσάγει, γονέων κακώσεως (αὐται δ' εἰσὶν ἀζήμιοι τῷ βουλομένῳ διώκειν), ὀρφανῶν κακώσεως (αὐται δ' εἰσὶ κατὰ τῶν ἐπιτρόπων), ἐπικλήρου κακώσεως ... (αὐται δ' εἰσὶ κατὰ τῶν ἐπιτρόπων καὶ τῶν συνοικούντων), οἴκου ὀρφανικοῦ κακώσεως (εἰσὶ δὲ καὶ αὐται κατὰ τῶν ἐπιτρόπων), παρανοίας, ἂν τις αἰτιᾶται τινα παρανοοῦντα τὰ ὑπάρχοντα ἀπολλύναι, εἰς दाτητῶν αἵρεσιν, ἂν τις μὴ θέλῃ κοινὰ τὰ ὄντα νέμεσθαι, εἰς ἐπιτροπῆς κατάστασιν, εἰς ἐπιτροπῆς διαδικασίαν, εἰς ἐμφανῶν κατάστασιν ἐπίτροπον αὐτὸν ἐγγράψαι, κλήρων καὶ ἐπικλήρων ἐπιδικασίαι. ἐπιμελεῖται δὲ καὶ τῶν ὀρφανῶν καὶ τῶν ἐπικλήρων καὶ τῶν γυναικῶν ὅσαι ἂν τελευτήσαντος τοῦ ἀνδρὸς σκήπτωνται κύειν· καὶ κύριός ἐστι τοῖς ἀδικοῦσιν ἐπιβάλλειν ἢ εἰσάγειν εἰς τὸ δικαστήριον. μισθοὶ δὲ καὶ τοὺς οἴκους τῶν ὀρφανῶν καὶ τῶν ἐπικλήρων, ἕως ἂν τις τεταρακαϊδεκέτις γένηται, καὶ τὰ ἀποτιμήματα λαμβάνει· καὶ τοὺς ἐπιτρόπους ἂν μὴ δίδωσι τοῖς παισὶ τὸν σῖτον, οὗτος εἰσπράττει.

The clearest illustration of the *arkhon* at work leasing out orphan estates

comes from the account given by Isaios of the attempt by Androkles and Antidoros to have the estate of Euktemon leased out as an orphan estate (Isaios 6.35–7):

«They immediately set about plotting against the rest of the property, and devised the most devilishly cunning plan of the lot, to which you must now apply your minds. They saw that Euktemon was totally debilitated by old age and unable to rise from his bed, and so they put their minds to how his property might come into their hands when he died. So what do they do? They had the arkhon list these two boys as adopted sons of Euktemon's dead sons, having themselves written in as the guardians, and they then asked the arkhon to lease the estates on the grounds that the boys were orphans. They aimed that part of the property should be leased in the names of these two boys and that the rest should be used as landed security and *boroi* put up on it, while Euktemon was still alive! for themselves to take up the lease and pocket the income. As soon as the court was fully manned the arkhon made the preliminary announcement and they put in their bid for the lease. But some of those who were there reported the plot to the relatives and they came and revealed it all to the dikasts and thus the dikasts voted that the estates should not be leased. But had the matter escaped notice the whole property would have been lost.»

Leasing out orphan estates was not mandatory. A number of law court prosecutions make a point of the failure of a guardian to lease out the estate. Thus in the prosecution of Diogeiton Lysias points out that there were two perfectly proper ways in which Diogeiton could have managed his wards' affairs:

«And yet, had Diogeiton wanted to act properly towards the children he could, in accordance with the existing law on orphans for both incapacitated and capable guardians, have put the property out to rent and been freed from many cares, or have bought land and kept the children from the income. Whichever of these he had done the children would have been second in wealth to no one in Athens.» (32.23). Although presented as alternatives, the purchase of land and its leasing may in fact have been successive in cases where, as here, the estate, or the bulk of it, did not consist of real property. The ideological importance of a landed inheritance seems to have made acquisition and preservation of a landed inheritance the one legally unimpeachable way for guardians to manage wards' property.<sup>46</sup> A case of the purchase is known from Demosthenes 37.7,23, and the survival of *boroi* marking the real property serving as security for lessees of bears witness to the arkhon indeed being called upon to lease out orphan estates.

Owners who voluntarily leased out property of their own did so apparently without legal control, on whatever terms and conditions they chose. Such activity did not, therefore, impinge upon city administration, and it did not itself become an issue in the courts. As a result we hear of it only when the history of a piece of

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<sup>46</sup> See the discussion by FINLEY, *op. cit.* n. 3, pp. 38–44.

property or of a man's management of his own financial affairs becomes relevant for some other reason. Two examples, one of the leasing of a piece of land and the other of the leasing of a building will serve to show the nature of this evidence.<sup>47</sup>

Lysias 7 is the defence of a man accused of offences to do with a sacred olive tree. In the course of his defence the defendant tells of the recent history of the land on which the tree stood (Lysias 7.4, 9–11):

«This piece of land belonged to Peisander. When his property was confiscated Apollodoros of Megara received it as a gift from the people and farmed it for the rest of the period until, shortly before the Thirty took power Antikles bought it from him and rented it out. I bought it from Antikles at the time when peace was made ... Within five days of my having acquired the land I leased it to Kallistratos, during the archonship of Pythodoros. He farmed it for two years and didn't take over any olive, private or sacred, or any fence round an olive. In the third year Demetrios here worked the land for a year. In the fourth year I rented the land to Alkias the son of Antisthenes, a freedman, who has been dead these last three years. In a similar way Proteas took up the lease ... Well, when his time expired I took over the farming myself. My accuser says that I chopped up the fence in the year when Souniades was archon, but those who worked it before have borne witness to you, men who rented the land from me for many years, that there was no fence on the land.»

Isaios 6, quoted earlier for the plot over renting out the «orphan» estate, provides a colourful picture of how one man managed some of his town property during the latter part of his life (6.19–21):

«Euktemon had a freedwoman who ran and sublet his tenement house (*sumoi-  
kia*) in the Peiraieus, and kept a bevy of prostitutes. As one of these she obtained a girl called Alke, of whom I think that many of you also have knowledge. This Alke, once bought, plied the trade of a prostitute for many years, but coming to be of more advanced years she ceased to be active in the trade and took up resi-

<sup>47</sup> The leasing of private land is referred to at the following places in classical literature: Kratinos frg. 171 line 70–71 KASSEL-AUSTIN (with GOOSSENS' restorations); Xenophon, Symp. 8.25; Xenophon, Mem. 3.11.4 (part of an elaborate conceit, unless Theodote can really be thought of Athenian birth); Lysias 7.4, 9–10, 17; 17.5; Isaios 5.11, 35, 36; 11.42; Demosthenes 24.40 (part of law), 38.7; Plato, Sophist 219 d5, Aristotle EN 1131a4, EE 1232 a 3.

The leasing of buildings at Athens is mentioned at the following places in literature: Xenophon, Memorabilia 2.7.2; Poroï 3.5, cf. 4.19; Lysias 3.11, 12.18, frg. 1, frg. 27; Isaios 2.27, 5.26–7, 6.19–20, 33, 8.35; Demosthenes 29.3, 36.4, 6, 34–5 (and *passim* for lease of bank), 38.7, 45.28, 45, 5, 29, 31, 32 (bank), 46.17, 27 (bank), 47.33, 42 (bank), 48.45, 53.13; Aiskhines 1.43, 105, 124.

Leased land is referred to in the following Attic inscriptions (not all the land may be in Attica): IG i<sup>3</sup> 1, 422.212–5, 426.54–63, 100–105; SEG 31.143; IG ii<sup>2</sup> 2503. See also n. 22 above.

Leased buildings are referred to in the following inscriptions: IG ii<sup>2</sup> 1183.28–9; Hesperia 5 (1936) 393 ff. no. 10 lines 117–153.

dence in the tenement house itself, along with a freedman named Dion, from whom she claims these children were born. Sometime later Dion got on the wrong side of the law, and fearing for his life beat a hasty retreat to Sikyon. But Euktemon set this woman Alke up in charge of his tenement house in the Keramikos, near the gate where wine is sold. Established there she initiated many dreadful things, gentlemen. You see, Euktemon came regularly for the rent, and on each occasion he wiled away a good long time at the tenement house, and sometimes he even stayed and ate with the woman, abandoning his wife and children and the house in which he lived.»

Although these two pieces are particularly rich in detailed information, they are typical of the information available about private lease transactions in the way in which both are embedded in a court argument and told in a tendentious way. It is from evidence such as this that a picture of this sector of the property market has to be reconstructed.

## (ii) The scale of private leasing

### a) Orphan estates

The question of the scale of the leasing of orphan estates must be considered in two parts: 1. How many fathers died leaving sons under the age of 18 or one or more daughters under the age of 14? 2. What proportion of orphan estates that could have been leased were leased?

1. Adequately to assess the number of households that were orphaned in each generation it would be necessary to have detailed knowledge of the demographic characteristics of classical Athenian society. Doubt has recently been cast even on the possibility of reconstructing a model life table for an ancient Greek population, but to generate the sort of information required for this enquiry it would be necessary not only to have an acceptable model life table but also to know the growth rate, birth distribution (by sex), age specific mortality rates of children and remarriage rates of males. Some of these can be guessed at on the basis of ancient information and others reconstructed on the basis of more or less analogous modern or recent parallels. But although seductive figures might emerge their value would be problematic.

But if precision is impossible it is far from impossible to assess the order of magnitude involved. Work done by RICHARD SALLER, for example, suggests that in a population with the demographic characteristics of the population of Imperial Rome one third of children have lost their father by the age of 11 and two thirds by age 22. Approximately 20 per cent of fathers have no sons at their death, another 20 per cent have no sons alive but at least one daughter, and the remaining 60 per cent have one or more sons alive at their death.

Equally of interest are the figures that can actually be gathered from past com-

munities. In their examination of wills from the Essex village of Terling during the sixteenth and seventeenth centuries WRIGHTSON and LEVINE found that 22% of testators had no children alive, 11% of male testators had only a single son or a single daughter alive, and 31% had only unmarried children. Even allowing for different demographic conditions and an earlier age of marriage for women in classical Athens these figures are still highly suggestive. Similar conclusions are pointed to by PETER LASLETT's work on orphans in early modern England. The 19 parishes for which he collects data (ranging in date from 1599 to 1811) show wide variation in the proportion of orphans recorded, from 7% to 36% of children, with a median figure of 18% (25% if the two lowest figures are omitted). In those communities for which detailed information is available it is clear that loss of father was much more frequent than loss of mother (by a factor approaching 2:1).<sup>48</sup>

While none of this information enables us to put a figure on the number of households orphaned in each generation in Athens it does point to the scale of the problem. Granting all the problems with using simulated figures or using parallels from a different society, nevertheless it seems unlikely that less than 20% of Athenian fathers died with sons of under 18 or daughters only who were under 13, and it is not at all unlikely that the proportion may have been closer to a quarter or even a third. It further follows from this that something over half Athenian estates would have been liable to be leased out as orphan estates every century.

2. Not all fathers who died leaving under-age heirs will have had significant property to lease. The not necessarily reliable figure of 5000 landless citizens at the end of the fifth century given in the hypothesis to Lysias 34 implies that about 20% did not. Nor were all estates that could be leased in fact leased. Of the orphan estates discussed in the orators the estate of Demosthenes himself, that of Diodotos, discussed in Lysias 32, that of Mneson, discussed in Isaios 7 (esp. section 6), that of Kiron, discussed in Isaios 8 (especially section 42), that of Hagnias, discussed in Isaios 11 (see 11.34), and that of Nausikrates, discussed in Demosthenes 38, were certainly not leased out. Those discussed in Lysias frg. 43

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<sup>48</sup> For a critique of the use of any model life table for detailed demographic work on the classical Athenian population see J. R. SALLARES, *Towards a new approach to ancient history: the interaction of biological phenomena, social structure and economy in ancient Attica* (Cambridge Ph. D. 1986). For fruitful use of demographic simulation in a Roman context see R. SALLER, *Patria potestas and the stereotype of the Roman family, Continuity and Change* 1 (1986) 7–22, and R. SALLER, *Men's age at marriage and its consequences in the Roman family*, *Classical Philology* 82 (1987) 21–34. For RICHARD SMITH's work see n. 62. Terling is discussed in K. WRIGHTSON, D. LEVINE, *Poverty and piety in an English village. Terling 1525–1700* (New York and London, 1979) 96. For English (and French) orphans see P. LASLETT, *Family life and illicit love in earlier generations* (Cambridge, 1977) Ch. 4 Parental deprivation in the past. I have been much assisted in this discussion by KEITH HOPKINS, RICHARD HOYLE, RICHARD SALLER and RICHARD SMITH.



(THALHEIM) and Isaios 5.10–11 were most probably not leased out. Only the estate of the sons of Nikias, discussed in Isaios 2 (see 2.9) is known to have been leased.

The problem with this evidence is that the very juridical context which preserves mention of these cases favours the mention of estates which were not leased rather than those which were. If a guardian followed the possibilities created by the law and leased out the orphan estate then cases for mismanagement would be much harder to bring than was the case where the guardian chose to run the estate in his own way. It is perhaps not accidental that the estates of Demosthenes' father, of Nausikrates and of Diodotos all consisted very largely of invisible property, not of real estate. The incentive to lease such property was probably small, the attractions of administering it personally large, and the opportunity for charges of mismanagement great. Demosthenes, outlining what his guardians should have done, finds no difficulty in citing an example of an orphan estate not only leased but leased to great profit, increasing its value from 3½ talents to more than 6 talents in 6 years, and he expects the jury to believe that there were several instances of estates worth one or two talents which had had their value doubled or tripled by leasing (D. 27, 58, 64).

That the leasing of orphan estates was not rare is strongly suggested by the survival of *horoi* marking property put up as security by those who took up the leases of such orphan estates.<sup>49</sup> 24 *horoi* of property pledged as security for the leasing of orphan estates survive from Attica. Only one of these lists an amount for which the land is security, and this may well be, as FINLEY tentatively suggests, because only this one case involves the leasing of an orphan estate consisting entirely of cash not of real property.

It is useless to try to predict the survival rate of *horoi*, but it is worth noting that it was certainly not in the interests of those whose property was no longer pledged as security to advertise that it was. On the contrary any owner who, after the termination of one orphan lease wished to take another or to engage in any other transaction which demanded real security would be keen to remove the *horos*. Only in exceptional circumstances would it be to a man's advantage to show his estate to be encumbered.<sup>50</sup> The survival rate of *horoi* is thus more likely to be abnormally low than abnormally high.

None of this evidence allows close specification of the proportion of orphan estates which was in fact leased, but there is no good reason to believe that that portion was small.

<sup>49</sup> See FINLEY, *op. cit.* n. 3, and P. C. MILLETT, *The Attic horoi reconsidered in the light of recent discoveries* OPUS i.2 (1982) 219–40 reprinted as the Introductory essay to the 1985 edition of FINLEY's work.

<sup>50</sup> Cf. [Demosthenes] 42.5

## b) Private land and buildings

Leasing out land had a long tradition behind it in Attica. The regulations for the kleroukhs on Salamis, dating to the end of the sixth century (IG i<sup>3</sup> 1) expressly forbid the leasing out of the lots of land by those to whom they were granted. The sporadic references to leasing of land thereafter make it clear that the tradition was also continuous, but it is much more difficult to assess the scale of private property leasing. However a number of considerations make it plausible that the scale was large.

In the <Sophist> Plato, practising his new method of division, turns his attention to acquisition. Are there not, he asks, two kinds of acquisition? The one, which takes place between willing parties, is exchange through gift, lease or sale. The rest, forcibly brought about by verbal or physical violence, that is surely all a matter of overpowering? (κτητικῆς δὲ ἄρ' οὐ δύο εἶδη; τὸ μὲν ἐκόντων πρὸς ἐκόντας μεταβλητικὸν ὄν διὰ δωρεῶν καὶ μισθώσεων καὶ ἀγοράσεως; τὸ δὲ λοιπὸν ἢ κατ' ἔργα ἢ κατὰ λόγους χειρούμενον ξύμπαν χειρωτικὸν ἂν εἴη; <Sophist> 219 d5). Unlike the long list of willing exchanges given by Aristotle in the <Nikomakhean Ethics> (1131a4) this list of Plato's is meant to be exemplary rather than exhaustive, picking out not all the possible kinds of willing exchange but the most prominent.<sup>51</sup> It seems reasonable to conclude that, by contrast to loans, sureties and deposits, all of which find a place in Aristotle's list, leasing, like buying and giving, was an everyday transaction.

All the signs are that both properties to lease and lessees to rent properties were in plentiful supply. Lysias complains that after the Thirty tyrants had killed Polemarkhos they did not allow his burial procession to start from his own property, but rented a shed from which to begin it (Lysias 12.18). Athenaios (612C) quotes from Lysias a tirade against Aiskhines the Sokratic, in which one of the allegations is that Aiskhines' neighbours found him so intolerable that they abandoned their houses and went and rented others. Nor do those with property to rent have any difficulty finding tenants: even during the troubled period at the end of the Peloponnesian war Antikles and the speaker of Lysias 7 have no difficulty renting out their plot of land. Against this there is not a single literary testimonial which suggests that anyone had difficulty finding a property to rent or a tenant to rent property. Vague and subjective as all this evidence is, it does suggest that both supply and demand were large, and that turnover was, in some cases at least, quite rapid.

For a handful of wealthy families something like a complete list of their property holding survives. The lists almost all come from forensic contexts and are given in varying degrees of detail. Six of the lists explicitly mention that some of

<sup>51</sup> Compare Aristotle EE 1232a3 where *misthosis* again figures in an exemplary list.

the property is leased out; in two more cases leasing of the property is not made explicit but can be safely assumed. This leaves five cases where property is apparently not leased out at all, and of these a number are peculiar: one is the estate of the family of Lysias, a family which did not have Athenian citizenship and, unless it had been specially granted the right to own real property (*enktesis*) could not own land or buildings in Attica; another is the estate of Aristophanes, about which we have reason to believe that we are incompletely informed; a third is the property of Plato known only from his will; and a fourth is the property of Demosthenes' father, remarkable for the complete absence of land and notable for the degree to which it was tied up in invisible property. This leaves only one case where the estate profile seems more or less normal and the information complete but no property is rented out, and this is the estate of Phainippos.<sup>52</sup>

Leased property does not form a large part of the portfolio of the other families but what is significant is the frequency with which *some* leased property appears. The estate of Stratokles and Theopompos included land at various locations which they apparently farmed themselves and houses which they kept for their own use, along with money out on loan and cash in hand, but it also included a piece of land said to be worth 15,000 dr. and rented for 1,200 dr. *per annum*, at Thria, and two houses, one in Melite and the other at Eleusis, valued at 3000 dr. and 500 dr. respectively and bringing in 300 dr. per year in rent. The estate of Diodotos consisted very largely of money out on loan, but included 2000 dr. invested in the Khersonesos which brought in a rent paid in corn. Dikaiogenes' estate was largely landed, but it included a number of buildings (a bath-house, two *oikidia*, and a tenement house) of which the tenement house, which was in the Kerameikos, was undoubtedly leased out. Kiron's estate consisted of a large farm, two houses, slaves and moveable goods and money out on loan; the smaller of the two houses, worth 1000 dr., which was in the town was rented out. Nausikrates left his infant sons little real property in an estate that largely consisted of money out on loan, but the guardians converted the capital into land and tenement houses, the latter, at least, clearly being rented out. The property of Pasion's family is too complex to describe in detail, but renting certainly played some part in its management, with Pasion leasing his bank and shield-factory to Phormio as part of his strategy for protecting the interests of his heirs. Aiskhines' estate is not well known, and what information there is derives in great part from hostile claims made by Demosthenes, but not all of these can be false: they include the claim that he had farmland in Boiotia (presumably leased out) and at Pydna in Macedonia, the latter granted to him by Philip and providing an income of 3000 dr. a year. Euktemon's estate has been met with earlier: as well as

<sup>52</sup> For Lysias' family property see J. K. DAVIES, *op. cit.* n. 26, pp. 589–90; for Aristophanes, DAVIES p. 202, Lysias 19.29, 42; for Plato, DAVIES p. 335, Diogenes Laertios 3.41–2; for Demosthenes' father, DAVIES p. 127; for Phainippos, DAVIES p. 553, [Demosthenes] 42.5, 20–24.

the two tenement houses out on lease he had a bath-house, a house in the city, and a farm, along with various animals and slaves.<sup>53</sup>

From all this it is clear that few wealthy Athenians had their property entirely tied up in one particular asset: none of them relied wholly upon property rents for their income, but most enjoyed some rent income and for some it provided a very sizeable chunk of their cash revenues (cf. the claim made at *Isaios* 5.58).

Individually none of the considerations rehearsed above compel belief that property leasing went on on a large scale in classical Athens. Together, however, they make that proposition hard to deny. Such a conclusion has important implications for our views both of the Athenian domestic economy and of Athenian social relations.

### (iii) Motives for leasing private property

#### a) The lessors

The renting out of an orphan estate guaranteed a) that on coming of age the orphan received exactly the estate left by the father at his death; and b) that during the meantime the orphan or orphans received an annual income that was steady and guaranteed by which maintenance could be provided. Leasing thus enabled the heir to take over at exactly the point where the paternal building up or running down of the estate had left off. At best the orphan's position might be improved if the lease terms were exceptionally favourable: this seems to have been particularly the case with estates consisting largely of liquid cash, to judge by Demosthenes' claims (*D.* 27.57,62).<sup>54</sup> At worst the estate was not degraded in absolute terms.

This degree of economic security for the orphans was not achieved without a social cost. Orphan estates were leased as a whole not in parts, though a guardian who chose not to lease the estate could privately lease out part of it. Leasing the whole of the estate meant leasing out ancestral property, both agricultural and residential. The orphan family would have to be housed elsewhere – unless the guardian himself took up the lease on the orphan estate<sup>55</sup> or the lessee agreed to sublet part back to the orphans – and sentimental links with the land, and with

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<sup>53</sup> For Stratokles and Theopompos see DAVIES p. 87 (*Isaios* ii. 37 ff.); for Diodotos, DAVIES p. 152 (*Lysias* 32, 6, 15); for Dikaiogenes, DAVIES p. 146 (*Isaios* 5.11,22); for Kiron, DAVIES p. 314 (*Isaios* 8.35); for Nausikrates, DAVIES pp. 416–7 (*Dem.* 38.7); for Pasion, DAVIES pp. 431–2; for Aiskhines, DAVIES p. 547 (*Dem.* 18.131, Schol. Aiskh. 1.3); for Euktemon, DAVIES p. 562 (*Isaios* 6.19–20, 33). Note also the part of rented property in Hagnon's wealth, if GOOSSENS' restoration of *Kratinos* frg. 171.70–71 (KASSEL-AUSTIN) is right.

<sup>54</sup> Only when an estate was of cash will its precise value have been known: in other cases all that mattered was that the real property securing a lease of an orphan estate was of at least the same value.

<sup>55</sup> For this see FINLEY (op. cit. n. 3) p. 236 n. 16.

any slave workforce would be broken. In some circumstances even guardians not interested in profiting themselves from the orphan's estate might reasonably shun the physical and emotional disruption that leasing might bring about. This might be particularly likely to happen where the orphans were nearly come of age or where the guardian was very closely related and the orphan estate was part of his own past history. Soft-hearted as well as wicked uncles might fail to lease an orphan estate.

Leasing property of one's own privately had neither the advantages nor the draw-backs of the leasing of orphan estates. Real security seems never to have been demanded from ordinary tenants, and hence claiming redress for failure to pay rent was more complex and less bound to succeed. It involved a law court case (*dike enoikiou*, see D. 48.45). On the other hand individual items of property could be leased out separately: we know of no one in Athens choosing to rent out all his property and live in rented accommodation.

The attractions of renting out one's property were in terms of management convenience and cash income. Farming distant pieces of inherited land would involve constant travel and surveillance of its workforce, constant attention to differing local conditions and consequent transport and marketing problems and possibilities (as is apparant from the words put into the mouth of that exceptional landowner, Iskhomakhos in Xenophon's *Oikonomikos*). Leasing out such land could avoid those problems or enable the day on which they were faced to be put off.<sup>56</sup> For while leases of public and corporate land in Attica tend to be for long or very long terms all the evidence points to short periods, perhaps often single years, being the norm with private land leases: in a period of six years the plot of land discussed in *Lysias 7* is leased to four different people, and only one of those tenancies seems to have been terminated by decease; in a period of 3 years the land at *Sphettos* mentioned in *Lysias 17.5* and *8*, seems to have had more than one lessee (although these *may* have been simultaneous tenants of different parts of the land rather than consecutive tenants of the whole of it, I suppose). Such short tenancies may not have encouraged the best of farming practices (cf. *Xen. Symp. 8.25*) but they did make for maximum flexibility for the land owner (compare renting houses to students). Short tenancies must also, however, have produced management problems of their own.

The situation with buildings is slightly different. The choice for the owner of a building not required for family residence or use is not between looking after it oneself and getting someone else to look after it but between renting it out and

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<sup>56</sup> This seems to be what is feared with the *Salamis kleroukhs* (IG  $\text{i}^3$  1), what happens with those on Lesbos (Thucydides 3.50.2), and what happened with Athenian owned property in other parts of the empire in general, to judge from the Attic *stelai* (see D. M. LEWIS, *After the profanation of the Mysteries*, in E. BADIEN ed. *Ancient Society and Institutions: studies presented to Victor Ehrenberg* (Oxford 1966) 182-6.

selling it off. Selling off family land certainly retained some stigma (see Aiskhines 1.97–9), but it seems doubtful if city ideology or social pressures prevented the sale of urban realty. The way in which Aristaikhmos and his fellow guardian turned liquid capital into land and urban property suggests that buying urban property to lease out was reckoned a good investment in its own right (D.38.7). Ownership of tenement houses can hardly have brought social distinction. Used for a variety of purposes, these buildings, which probably differed from ordinary dwellings only in having been split up for multiple residence (cf. Aiskh. 1.124), tended to be places of ill-repute: Aiskhines presumably expected to profit from the audience's prejudices when he held it against Timarkhos that he was found taking breakfast with foreigners in a tenement house (Aiskh. 1.43). But their reputation did not make them any the less acceptable as real security (ii<sup>2</sup> 1183.28–9), even if it did cause *horoi* to refer to them rather coyly simply as houses (*oikiai*). Euktemon may not have been the only owner of a tenement house to take advantage of the not entirely respectable activities of the tenants, but it is notable that, for all his interest, he let the building as a unit and had his tenant sub-let. It seems that rent was payable by the day in the tenement houses of imperial Rome,<sup>57</sup> and a similar situation may have prevailed in Athens. Certainly the implications of the story about Euktemon are that he came rather more frequently than just once a year to collect the rent from the tenant-in-chief (φοιτῶν γὰρ ὁ Εὐκτῆμων ἐπὶ τὸ ἐνοίκιον ἐκάστοτε τὰ πολλὰ διέτριβεν ἐν τῇ συνουκίᾳ, Isaios 6.21).

#### b) The lessees

It was not open to just anyone to lease an orphan estate. Since orphan estates were leased as a unit, and since real security was demanded to cover both the rent and the capital value of the estate, only those who were themselves possessed of a larger estate than the one they were to lease, and possessed it in the form of real property, were eligible to lease that estate. Substantial orphan estates were thus available for leasing only to those themselves in possession of substantial landed wealth; indeed the largest real estates, were they to fall into the hands of orphans, simply could not be leased, and the number of potential lessees for a considerable number of estates must have been quite strictly limited.

In view of this it is remarkable that demand did exist on a sufficient scale for orphan estates to make the law operable. None of the estates can have been leased for longer than 18 years and nine months, and many must have been leased for much shorter periods than that. Yet the very wealthiest men in Athens

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<sup>57</sup> For Rome see B. W. FRIER, The rental market in early imperial Rome, *JRS* 67 (1977) 27–37, and B. W. FRIER, *Landlords and tenants in imperial Rome* (Princeton, 1980). At Athens it is notable that tenement houses seem to figure comparatively frequently in dowries: Isaios 5.26–7, [Dem.] 45.28.

seem to have been prepared to run the risk of losing their own ancestral property in order to enjoy for a season the productive capacity of another large estate, with all the management problems which that will have entailed. That large estates *were* leased is strongly implied by Demosthenes' example of an estate worth 3½ talents and casual reference to the leasing of 2 and 3 talent estates as if commonplace (D. 27.58,64).

What were the attractions of leasing an orphan estate for someone already possessed of a large landed property? Part of the attraction may have been social. Leasing an orphan estate was doing a favour to the orphans and honouring the memory of the deceased. Family or neighbourhood solidarity may therefore have been important factors for the lessees: old ties of obligation could be paid or reinforced, new ties created. Unfortunately both parties to the leasing of an orphan estate are named in only one case (Isaios 2.9) and there we know something of the family history of the lessee, Menekles, but nothing beyond the bare, and common, name of the father of the orphans, Nikias. It is possible that both came from Akharnai, even that both were in some way related, but neither can be assumed. The *boroi* never name the owners of the property on which they stood, only the orphans, and so family connections cannot be traced through these. What can be traced are local connections. 13 of the 24 *boroi* marking pupillary *apotimema* come from a known provenance and give the orphans a demotic belonging to a deme which can be placed, at least vaguely, on the map. Of these three come from the area in which the orphans' deme lies. If attention is limited to stones which come from outside Athens 9 stones are relevant, and 3 of these come from the area of the orphans' deme.<sup>58</sup> It needs to be noted that only the positive case is significant here, for lessees only had to provide a property as security that was adequate, they did not have to provide all their property, and they might, therefore, provide a distant holding as security when their main property and interest lay closer to the deme of the orphans.

The attractions for a neighbour of leasing an orphan estate were not merely social and sentimental. Those who lived nearby could almost certainly exploit an orphan estate consisting largely of land more cheaply and efficiently. But the special features of an orphan estate may have made it peculiarly attractive to those not from the neighbourhood. Because orphans' properties were leased as a whole a landed orphan estate would include stock, seed, tools, and any slave workforce. The lessee could therefore take over the orphan estate as a unit, in a way that he could not if he leased a tract of public or corporate land. An estate known to have been well run in the past and to have observed good cultural practices would therefore be an attractive option. The fact that the arkhon oversaw the

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<sup>58</sup> If Eleusis is also excluded from the calculations then 6 stones are relevant, and three of these come from the area of the orphan deme.

leasing ensured that this happened centrally, and this may have made it possible for a wide circle of men to be aware of it happening.<sup>59</sup>

Although the social aspects of leasing an orphan estate and the importance of displaying solidarity should not be underestimated, there can be no doubt that those who leased an estate expected to make money from the operation. Being men with land of their own they can hardly have needed the produce of the orphan estate to feed themselves and their families. That produce will therefore have been marketed, along with the surplus from their own land. For orphan estates to be a worthwhile investment for the rich the returns must have been broadly comparable to those they could expect from other investments, implying that even over short periods agriculture could be reckoned to produce profits whose size, or consistency, could match those to be made on bottomry loans. Or not quite, for leases of orphan estates had one great advantage over other forms of investment, and it is here that the secret of their appeal may lie: they could be acquired without the lessee having at his disposal any liquid capital at all. Provided that his landed wealth was sufficient to cover the value of the estate he was leasing and its rent the wealthy man could reap the profits of a very valuable terrain which was already organised for production without having to make any capital expenditure. That there seems never to have been any problem finding lessees for orphan estates may well be an indication of the degree to which Athenians were regularly hard-pressed for liquid capital.<sup>60</sup>

Lessees of ordinary privately owned land and buildings were almost certainly in a different position. Leases of orphan estates were necessarily relatively short, but leases of private land and buildings seem to have been shorter still, even though they did not have the same compelling reason to be. Short leases give the advantage of flexibility to the lessor, but for the lessee they are much more problematic. For the lessee of buildings short leases mean little more than annoyance and insecurity. But for the lessee of land in a climate so agriculturally marginal and enormously variable as that of Attica<sup>61</sup> they are little short of madness. A man who, like the Demetrios in Lysias 7, takes on a piece of agricultural land for a single year is making a gamble in which the odds must have been very like those involved in bottomry loans, but where the killings, even if the gamble came off, will have been far less striking. For it to have been worth the risk and the hassle of leasing a small plot of land for a short period the lessees must have been desperate men. When far more favourable terms were available with leases of

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<sup>59</sup> The story in Isaios 6 is told as if the leasing *could* happen without anyone knowing what was happening, but it is strongly in the speaker's interest to maintain that this is so.

<sup>60</sup> See FINLEY, *op. cit.* n.3 on Dotal Apotimema, OSBORNE, *op. cit.* n.33, and compare R. ETIENNE *Le capital immobilier dans les Cyclades*, in P. LEVEAU ed. *L'origine des richesses dépeñsées dans la ville antique (Aix-en-Provence, 1985) 55–69.*

<sup>61</sup> See generally R. OSBORNE, *Classical landscape with figures. The ancient Greek city and its countryside* (London, 1987) Chapter 2.



public and corporate land and with all but the tiniest minority of orphan estates, it seems unlikely that the same men who took up leases on those will also have leased private plots. *De facto* the poor were excluded from the leasing of public and corporate property, *de iure* they were excluded from the leasing of orphan estates; private plots on unfavourable terms may have been all that the poor could lease: they had to make the best of a bad job.

There is no way of telling from his name alone whether an Athenian was poor, and in any case we are not well informed of the names of those who rented private land. That one of the lessees of the plot of land in Lysias 7 was a freedman is suggestive. Those without Athenian citizenship could not own land, and they fail to appear among the lessees of public and corporate property. Even if they were not poor they too will have had to content themselves with the pickings of the private rental market.

Non-citizens were not obliged to take any interest in farming and the land (but see note 27) but they were obliged to find themselves somewhere to live. Respectable citizens did not live in tenement houses, and Euktemon had the sub-letting of both of his tenement houses done by ex-slave women. Almost all the private buildings we know to have been let were in Athens/Peiraieus or at Eleusis. There can be little doubt that these buildings, with their frequent rent collections and socially unattractive situations catered in particular for the large and mobile population of Greek visitors, resident aliens, and freed slaves. These alone will, by their very numbers (perhaps 20,000, at least at times), have created a very large demand and ensured that urban rentals sent a large amount of cash, in total, into citizen pockets.

The private rental market is perhaps best seen as the response of the Athenian economy to crisis. Created by a crisis orphan estates also helped to deal with critical cash-flow shortages among the wealthy. Private leases of buildings and rooms provided for the crisis created by the legal prohibition on ownership of real estate by non-Athenians. Private land was available on conditions that only men in a critical situation would be prepared to face, but it is more difficult to disentangle the nature of the crisis involved here.

Modern scholars have, since CHAYANOV first pointed out the problem, devoted much attention to the ways in which peasant families cope with changing labour supply and food demands through the family life-cycle.<sup>62</sup> Availability of land to rent for short periods can be at least part of the solution to this problem, enabling growing family needs to be met without capital expenditure.<sup>63</sup> But the Athenian

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<sup>62</sup> See the discussion of R. M. SMITH, Some issues concerning families and their property in rural England 1250–1800, in R. M. SMITH ed. *Land, kinship and life-cycle* (Cambridge 1984) 1–86.

<sup>63</sup> For a good example of this see P. ARLACCI, *Mafia, peasants and great estates* (Cambridge, 1983) on the Cosentino.

situation will certainly not have been ideal for dealing with this problem: food shortage problems within the life-cycle are short term, but not as short as one year! If any party to the leasing of the plot discussed in Lysias 7 is using leasing as part of a strategy to cope with life-cycle problems it is perhaps more likely to be the speaker who is the lessor, and who eventually takes over the plot himself, rather than the lessees. To make leasing land for a single year, or even for three or four years, attractive the lessees must have faced a crisis far worse than any the family life cycle is likely to have induced. In this crisis there may have been a very considerable ideological component: there is no doubt that respectable Athenians prided themselves on their ability to be independent of others for their basic needs, and that this led not only to a haughtiness towards those who made themselves dependent on others by living off trade but also to a dislike of market transactions. For the poorer Athenians there will have been no way to avoid having to acquire some necessities from the market, but there was also no alternative ideology. Farming land, even leased land and even on unfavourable terms, may have seemed a chance to break out of market dependence and emulate the circumstances of the respectable. That it was respectable men with property who were the real profiteers from this attitude has a certain familiar irony about it.

Scanty though the evidence is, it seems reasonable to suggest that leasing of private property went on on a large scale in Athens and was an important source of income for the majority of wealthy men. That this might have been the case is further supported by the scale of private leasing activity in the very different city of Karthaia on Kea.

### *B. Karthaia*

#### (i) The nature of the evidence

All the evidence for private land leasing at Karthaia comes from a single stone, the interpretation of which has been disputed.<sup>64</sup> The stone was inscribed in the second quarter of the third century BC with a variety of lists all of which pertain in one way or another to the temple of Apollo Pythios at Karthaia. Under a heading which begins <These men sold> breaks off and then in the next line mentions <the tithe> (οἶδε ἀπέδοντο τα--- / ξενιαὶ τὸ ἐπίδεκατ---) are found lists in the form of a personal name followed by <the [lands] in>, a location name, and a figure. From a summarising entry later on the stele it seems certain that what is involved here is transactions involving land, a tenth of the proceeds of which was given to funds known as the Theoxenia and the Asklepiaka.

For various reasons it is unlikely that the transaction involved here was actual sale of land, and it is much more likely that the persons named on the list are

<sup>64</sup> IG xii 5 544, 1075, 1076. The interpretation followed here is argued at length in OSBORNE, *op. cit.* n. 5. The most important earlier treatment is that of P. GRAINDOR, BCH 30 (1906) 442–450.

leasing land. If this is so then the inscription provides a remarkable, if fragmentary, picture of private land leasing in a very small hellenistic city.

(ii) The scale of land leasing

The preserved fragments of the stele record 181 transactions of the type described above. Because of the way in which the stele was used to record more than one type of list it is not possible to estimate from the original dimensions of the stone the total number of such transactions which it once recorded. It seems likely that the 181 transactions do not belong all to a single year: the entries were made by a number of masons, and summarising headings are best interpreted as beginning new years' lists. Unfortunately the state of preservation of the stone does not allow any guess to be made of the total time span involved, but it seems unlikely, given the length of the lists certainly for individual years, that more than a decade, at the outside, is involved.

The 181 transactions involve at least 90 different individuals, with 25 names occurring more than once (there may be some cases of homonymy rather than identity involved here). In eight cases the same name appears more than once in connection with land at the same location. In none of the five cases where two prices are preserved is the figure identical in both cases, but most of the figures are of the same order of magnitude, the most serious discrepancy occurring with the largest sums in question: Euandros is involved in transactions of 200 dr. and 400 dr. with regard to land at Phokeios. In a situation where the gulf between the smallest and the largest prices is very great, from 5 dr. to 450 dr., that these repeated prices are of the same order at least suggests that in some of the cases the same piece of land may be in question.

Some 60 price figures survive from the stele complete, or nearly so. It is not certain that these represent a random sample since the preservation of one fragment with consistently high prices (IG xii 5 1076C) suggests that the lists may have been to some extent grouped by price. But on the assumption that the preserved average of just over 70 dr. is in the right region, the 181 transactions recorded can be expected to have involved the exchange of over two talents. Although this will have been spread over more than one year it indicates something of the financial importance of these transactions in what was a very small society.

The evidence for the population of Karthaiia is not as good as that for Koressia on the same island, but RUSCHENBUSCH's estimate of a *citizen* population of 250 is likely to be of the right order.<sup>65</sup> Assuming, as is probable, that all the individuals named on the stele are citizens, this would suggest that something like one third of the citizens of Karthaiia were involved in land leasing: a remarkably high

<sup>65</sup> E. RUSCHENBUSCH, IG XII 5 609. Eine Bürgerliste von Iulis und Koresia auf Keos, ZPE 48 (1982) 175–188, at p. 180.

figure. The proportion of the citizenry involved may, however, only be proportionate with the amount of land involved: it seems unlikely that much less than ten talents worth of land was being leased each year.<sup>66</sup>

(iii) The motives for land leasing

Why did something like one third of the citizens of Karthaia regularly lease out their land in the third century? Our ability to answer this question is very much reduced by the very limited prosopographical information available from the city at this period. Are these the richest section of the citizen population, or are they the poorest of the landed? The fact that the stele listed other transactions as well as those concerned with land provides some assistance here: 33 men are listed on as archons, *choregoi*, generals or ambassadors, all offices which were certainly only held by men of some wealth and status. Of these 33 names some 19 occur in the land transactions. Although identity is not certain in all cases this is clear evidence that the land transactions attracted the interest of the wealthy and of men who were politically and socially active within the city. The preserved prices associated with these names have an average of just over 80 dr., but the sample is too small for much interpretative stress to be placed on this. It would seem, however, that the wealthy and men of high status do not form any specially privileged subset of those engaged in the transactions.

If the same men do indeed lease the same plot more than once during the short period for which the stele gives evidence, then it would appear that the leases were relatively short term. For while the annual listing might be a product of the obligation to pay one tenth to the temple, the differences in prices involved with the repeated transactions of what seems to be the same land suggest a change in tenant, especially in view of the stability of rent during a tenancy visible elsewhere in Greece. Short periods of leasing would make private land leasing at Karthaia comparable in its terms to private land leasing in Athens.

In some cases the lessors are identified as heirs or women (widows or heiresses, presumably), and some names of heirs have been inscribed after the name of the man they have inherited from had been first inscribed in and then excised from the stone. This suggests that some of this private leasing of land was motivated by the need of those unable to farm land themselves, whether by old age, infancy, or social expectations, to get land they owned cultivated and make it earn an income. But that men active enough in public life should also lease out land suggests that this is not the only circumstance in which leasing seemed attractive to landowners.

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<sup>66</sup> If GRAINDOR were right and the transaction recorded on the stele was the leasing of temple land to the individuals named then the implication would be that the temple owned a very sizeable proportion of the total agricultural land of Karthaia.

Something of what made leasing their land attractive even to the active may emerge from the local information the brief entries give. The stele identifies land by 33 toponyms, 15 of which occur only once. In eight cases an identical name is associated with land probably or certainly at different locations. The toponyms are almost all natural, rather than cultural, and none seems to be the name of a settlement. If this is so, and if in fact the countryside of Karthaia lacked small settlements scattered through it, then the attractions of farming for oneself a fragmented landholding may have been reduced, and the advantages of consolidation, from a social as well as an economic point of view, increased. The leases may be in part motivated by the desire of landowners to shed distant pieces of property without permanently alienating them.

The stele gives no indication of who took up the leases. It is possible that the rich leased land to other rich men. But in view of the apparently short periods of lease, and of the small size of the plots involved in some cases, it is perhaps more likely that these transactions are feeding those with a real land hunger. Certainly it is clear that plots of land were available for lease that might suit every pocket. The possibility was certainly there for the landless man to establish a toehold in agriculture or for the man with a plot too small for his family demands to get his hands on more land, but there is no way of telling whether these opportunities were taken up.

That there was a lively demand for land from some section of the population of Karthaia, or perhaps from all sections, is clear from the very scale of the activity. One third of the citizen body were engaged in leasing out land, and a significant proportion of the land area of the city was leased out. Leasing out land must have been an activity with which few landowners in the city were totally unfamiliar, and leasing seems unlikely to have bulked less large in the economic life of the citizens than it did in the economic life of the temple. Leasing on this scale cannot but have given flexibility to the citizens in the management of their estates, and it implies that such estates were actively managed and that cash as well as kind were important to the domestic economies of citizen families.

### *Conclusion*

How much land was available to be leased, from whom, and on what terms varied considerably from city to city. Such variation across even short distances is a familiar phenomenon in the modern world,<sup>67</sup> and it would have been surprising

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<sup>67</sup> In England in 1908 tenants cultivated 88% of holdings; in 1969 they cultivated 39% of landholdings (see D. M. TURNER, *An approach to land values* [Berkhamstead, 1977] p. 88, and A. OFFER, *Property and politics 1870–1914. Landownership, law, ideology and urban development in England* [Cambridge, 1981] 113). In France, by contrast, in 1892 tenants held just 24% of French farms, and this figure covers considerable regional variation between Departments (see T. ZELDIN, *France 1848–1945 Vol. 1* [Oxford, 1973] p. 152 and

had conditions in classical and hellenistic Greece been uniform. Something of the particular nature and social and economic implications in each of the individual cities has been brought out in the course of the paper.

One striking feature of all the cases discussed, however, needs emphasizing in conclusion. In all the cities examined property leasing was financially of very great importance. Wherever it is possible to make an estimate, property leasing is found to be going on on a very large scale, involving significant proportions of the total agricultural land in a city and the transfer from lessee to lessor of large quantities of cash. Rents in kind were not unknown in Greek cities<sup>68</sup> but they were not normal in any of the cities here explored. The leasing of property on its own must have brought about a very large circulation of cash within a city. That it was possible for it to occur on this sort of scale implies very strongly that there was a lively market for agricultural goods which could absorb home produce in sufficient quantities to make it possible to pay off rents that were in some cases very large. However inefficient accountancy methods may have been,<sup>69</sup> it is clear that they cannot have seriously impeded the ability of potential lessors and lessees to judge the advantages to themselves of leasing land.

This is not to deny that leasing land was a social as well as an economic transaction: in societies which put heavy ideological value on land it could hardly have been otherwise. But neither the scale nor the nature of property leasing in these cities can be adequately explained, or even understood, in terms of social pressures alone. For all that it is impossible, from the data available, to assess the pressures upon and motivation of those who leased out property or of those who took up leases on it, it should be abundantly clear that any account of the economy of the Greek city which leaves property leasing out of the account will be seriously deficient.<sup>70</sup>

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map p. 161). Even more striking are the contrasts found in Calabria, presented by ARLACCI, *op. cit.* n. 63.

<sup>68</sup> The lease found at Olympia and published as *«Inschriften von Olympia»* no. 18 has a rent in kind. It is not entirely clear whether this is a public or a private lease, but the latter is perhaps more likely (See SEG 31.1651).

<sup>69</sup> See G. MICKWITZ, *Economic rationalism in Greco-Roman agriculture*, *English Historical Review* (1937) 577–589.

<sup>70</sup> I am deeply indebted to MICHAEL CRAWFORD, KEITH HOPKINS, DAVID LEWIS and PAUL MILLETT for comments on earlier drafts of this paper.

