The Plaint in Athenian Law and Legal Procedure

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When an Athenian citizen or other resident of Attica initiated a private or public suit, he began by issuing a summons to the defendant to appear before a magistrate on a certain day.[1] On this day he submitted a written document to the magistrate, which recorded his own name, the name of the defendant, the type of action he was initiating, and the charges against the defendant.[2] This might be called an *engklêma* (Dem. 32.2, 4, 27; 34.16) or *graphe* (Dem. 18.8, 9).[3] If the defendant denied the charges, he submitted a written statement to that effect called an *antigraphe* (Lys. 23.10; Dem. 45.46; Hyp. *Eux*. 31; Poll. 8.58). Each litigant swore

1 For the methods of initiating legal procedures see Lipsius 1905-15, 804-28.

2 Calhoun 1919, 190 believes that «in the time of the earlier orators complaints were still made orally and were written down by the court officials, and that the practice of handing them in in writing was introduced in the fourth century, probably not long before the commencement of Demosthenes' career».

3 *Engklêma* appears to be the term used mainly in private actions (e.g. Dem. 34.16), but it is used for the plaint in a public charge at Lys. 9.8 and Pl. *Ap*. 24b-c. In the procedure of *phasis* the plaint was called the *phasis* – see [Dem.] 58.7. In the *eisangelia* procedure the plaint could be called the *eisangelia* – cf. Lyc. *Leocr*. 137; Hyp. *Lyc*. 3; *Eux*. 29-32. In the *apographe* procedure the plaint was called the *apographe* – see Lys. 9.3. Cf. Lipsius 1905-15, 817 with note 48 («Für die besonderen Formen der öffentlichen Klagen wird die Klageschrift selbst, wie εἰσαγγελία, φάσις, ἀπαγωγή, ἔνδειξις . . . »).

an oath that the statements in his document were true, and the document could therefore also be called an *antômosia* (Is. 3.6; 5.2; Lys. 23.13; Pl. *Ap*. 19b; Harpocration *s.v.* ἀντωμοσία; Poll. 8.55).[4] If the magistrate accepted the case, he posted a copy of the plaint before the statues of the Eponymous Heroes in the Agora (Dem. 21.103).[5] Before the trial began the secretary of the court read the plaint to the judges (Aeschin. 1.2). At the end of his speech the accuser might read out the plaint (Hyp. *Phil*. 13; *Eux*. 40) or remind the court of the main charges (Dem. 19.333; 23.215-18). Despite its importance in Athenian legal procedure, the main handbooks on Athenian law pay little attention to the plaint.[6] Several recent essays have discussed the plaint but only examine some of the evidence and do not provide an extensive analysis of its role in Athenian legal procedure.[7]

The basic form of the plaint contained the name of the accuser, the name of the defendant and the name of the offense. A good example is the plaint submitted by Apollodorus in his case against Stephanus: "Apollodorus, the son of Pasion, from the deme of Acharnai, (brings a charge) of false testimony against Stephanus, the son of Menecles, from the deme of Acharnai. Penalty: one talent" (Ἀπολλόδωρος Πασίωνος Ἀχαρνεὺς Στεφάνῳ Μενεκλέους Ἀχαρνεῖ ψευδομαρτυρίων, τίμημα τάλαντον) (Dem. 45.46). The version Demosthenes (21.103) gives of the plaint written by Euctemon follows the same pattern: "Euctemon from the deme of Lousia has brought a charge of desertion against Demosthenes from the deme of Paiania" (Εὐκτήμων Λουσιεὺς ἐγράψατο Δημοσθένην Παιανιέα

4 On this term see Wyse 1904, 294. Cf. Harrison 1971, 99.

5 Demosthenes (21.103) says that Euctemon brought a charge, which was displayed, then did not attend the *anakrisis*, which would indicate that the magistrate posted the charge before the *anakrisis*, not after. *Pace* Faraguna 2006, 205, note 34 («dopo l'*anakrisis* una copia dell'atto di accusa veniva esposta dal magistrato . . .»). Cf. Isocr. 15.237; [Dem.] 58.7-8. On the monument of the Eponymous Heroes see Shear 1970.

6 Beauchet 1897 contains no general discussion of the plaint. Lipsius 1905-15, 815-24 mentions only the plaints found at Dem. 45.46; Dem. 37.22, 25, 26, 28, 29; D.H. *Din*. 3; Plut. *Alc*. 22; D.L. 2.40 and does not discuss many of the passages examined in this essay. The index to his work contains no entry for the term ἔγκλημα. Harrison 1971, 91-2 mentions only those plaints cited by Lipsius and contains no extensive discussion of their contents and role in litigation. MacDowell 1978, 150-1, 201, 239 gives translations of the plaints at Dem. 37.22, D.H. *Din*. 3, and D.L. 2.40, but states only «the prosecutor or claimant gave the magistrate a statement of his charge or claim» and that by the time of Demosthenes it was submitted in writing. Todd 1993, 126 discusses briefly the possibility that the magistrate might not accept the indictment but has nothing about the indictment's form or contents. Gagarin 2008, 112-3 discusses only the plaints cited by Harrison and has nothing to add to his discussion. Pébarthe 2006, 315-43 has a very good discussion of the documents used in litigation but has only three pages on the *engklema*, *phasis*, and *paragraphe*.

7 Faraguna 2006 discusses only the plaints mentioned by Lipsius and Harrison and the documents at [Plut.] *Mor*. 833e-834b (I am skeptical about the authenticity of this document). Bertrand 2002 and Thür 2007 only discuss some of the evidence and provide little analysis of the document's role.

λιποταξίου).[8] The names of the accuser and the defendant are followed by the patronymic and the name of their demes (Demosthenes is probably abbreviating Euctemon's plaint by omitting the patronymics). Demosthenes (21.87) says that the names of the *kleteres*, the witnesses to the summons, were also written on the plaint (cf. [Dem.] 53.14).[9]

This information was important for the magistrate who received the charge for several reasons. The first was to establish the full identity of each party for all subsequent stages of the procedure. If the defendant lost the case and had to pay damages, the record of the trial would clearly indicate who had to pay. If the defendant were condemned to pay a fine or lose some political rights, the *praktores* who collected fines would know whom to record as a public debtor.[10] The second was to determine the status of the two parties; if both were citizens, the magistrate would send the case to one of the regular courts, but if one party was a metic, he would have to refer the case to the Polemarch and the *prostates* of the metic might become involved. If the defendant were a slave, the magistrate would have to make sure that his master would represent him in court. Lysias' speech *Against Pancleon* illustrates the importance of establishing the status of the defendant. The accuser recounts how he summoned Pancleon before the Polemarch because he assumed he was a metic (Lys. 23.2). When he replied that he was a Plataean and belonged to the deme of Decelea, the accuser summoned him before the court of the tribe Hippothontis (Lys. 23.3). The fact that he was careful to select the right jurisdiction reveals that he obviously expected the magistrate to reject the charge if it was not brought in the right venue.

Third, the magistrate had to know the precise nature of the charge so that he could be sure that the accuser was initiating a procedure contained in one of

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8 The accuser in a public case apparently did not have to decide about what penalty he was going to propose at the *timesis* phase of the trial until after the court voted about the guilt of the defendant. This would explain why Demosthenes in his speech *Against Meidias* mentions several possible penalties for the defendant. See Harris 1989, 125-26. This would also explain why Euctemon's plaint did not contain a penalty. See, however, [Dem.] 58.43 (Theocrines adds a penalty of ten talents in a *graphe paranomon*), Aeschin. 2.14 (Lycinus writes one hundred talents as penalty), Arist. *Ath. Pol.* 48.4 (the accuser at the *euthynai* writes the penalty (τὸ τίμημα ἐ[πιγραψ]άμενος) and the comic version of a plaint found at Ar. *Vesp.* 894-97: ἀκούετ ᾽ ἤδη τῆς γραφῆς. ἐγράψατο/Κύων Κυδαθηναιεὺς Λάβητ ᾽ Αἰξωνέα/τὸν τυρὸν ἀδικεῖν ὅτι μόνος κατήσθιεν/τὸν Σικελικόν. Τίμημα κλῳὸς σύκινος. See also the law about archives from Paros, which required the accuser in a public suit against those who tampered with public documents to write the amount of the penalty in the plaint: τίμημα ἐπιγραφόμενος | τί χρὴ παθεῖν ἢ ἀποτεῖσαι (*SEG* 33.679, lines 27-32).

9 Lipsius 1905-15, 805 thought that this was not necessary because the names of these witnesses are not found on the plaints in the passages cited in note 6, but there is no reason to believe that these documents were complete.

10 For the *praktores* see Antiph. 6.49; *IG* I³ 59 (c. 430 BCE), fr. e, lines 47-8; *IG* II² 45 (378/7), line 7; *Agora* 15.56A, line 34. For the importance of having the right name on the plaint see Dem. 39.15.

the laws. All magistrates in Athens were forbidden to follow any unwritten law, that is, a law that was not found in the written lawcode of Athens (Andoc. 1.86).[11] If a magistrate accepted a charge that did not follow one of the legal procedures in the lawcode, he would violate this rule and be subject to prosecution at his *euthynai* (Arist. *Ath. Pol.* 48.4). The Athenian magistrate did not issue an edict indicating what kinds of charges he would accept. He was not like a Roman magistrate who could make procedural innovations by applying standard procedure to new kinds of offenses or modify the traditional formulae; he could only accept charges in accordance with a particular law. Fourth, the plaint would enable the magistrate to make sure that the accuser had brought his charge in the correct jurisdiction. If the accuser had brought his charge before the wrong magistrate, the latter would reject the charge and could indicate to the accuser another magistrate to whom he should submit his case. This also served to protect the magistrate by helping him to avoid accepting cases that lay outside his jurisdiction.

Fifth, in private cases the magistrate, the public arbitrator and the court had to know in private cases the exact amount of damages the plaintiff was requesting. The public arbitrator and the court needed to know so that it could determine whether the losses suffered by the plaintiff were roughly equivalent to the damages he requested. For instance, Demosthenes, when arguing his case against his guardians, had not only to prove that they had embezzled a large amount of his inheritance but also to show the exact amount that they had taken (Dem. 27.4-6). Sixth, if the plaintiff lost the case, the court had to know how much he had requested to determine the amount of the *epobolia*, a fine of one-sixth the amount he had requested.[12] Seventh, if the defendant were to charge the accuser with making a false summons (*graphe pseudokleteias*), it was necessary to know the names of the alleged witnesses to the summons so that they could be invited to testify.[13] For all these reasons, it was crucial to have a written record of all this information.

But the plaint contained much more information than these basic facts. The accuser also had to indicate the illegal actions performed by the defendant. He could not just assert that the defendant had broken the law; he had to show what the defendant had done to violate the law. When describing the actions of the defendant, the accuser also had to follow the language of the statute under which he had initiated his procedure. In 343 Hyperides brought a charge of treason against Philocrates using the procedure of *eisangelia*. This law applied to three types of offenses: 1) attempts to overthrow the democracy, 2) treason (betraying [προδῷ] the city, its ships, land or naval forces), and 3) speaking against the best interests

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11 Note that several passages state explicitly that an action was brought in accordance with a specific procedure provided by law – see, for example, [Dem.] 59.66; Dem. 24.32, 34-8; 32.1; 33.2-3; 35.3; 43.7,15,16.

12 On the *epobolia* see MacDowell 2008.

13 On the *graphe pseudokleteias* see [Dem.] 53.14-18.

of the Athenian people while accepting money (ῥήτωρ ὢν μὴ λέγῃ τὰ ἄριστα τῷ δήμῳ τῷ ᾽Αθηναίων χρήματα λαμβάνων) (Hyp. *Eux.* 7-8).[14] When he wrote his indictment, he followed the wording of the third offense very carefully.

> The impeachment that I drew up was just and in accordance with the law, referring to him as "an orator giving counsel against the best interests of the people and receiving money and gifts from those working against them." Even so I was not satisfied to bring in the impeachment before I had added underneath: "These proposals he made against the best interests of the people, because he had taken bribes." And I wrote his decree underneath. And again I added: "These further proposals he made against the best interests of the people, because he had taken bribes." And I wrote the decree alongside. Indeed this statement is written down five or six times because I thought that the trial and the judgment should be just (Hyp. *Eux.* 29-30).

Hyperides included the three key terms "public speaker" (ῥήτορα), "not in the best interests of the Athenian people" (μὴ τὰ ἄριστα τῷ δήμῳ τῷ ᾽Αθηναίων), and "taking money" (χρήματα λαμβάνοντα, χρήματα λαβών) not just once but several times.[15] He also included texts of the decrees Philocrates had proposed when he committed these offenses. The complete document must have been rather long. The charges in the *eisangelia* brought by Polyeuctus against Euxenippus contained the same terms from the statute: "speaking against the best interests of the people of Athens and taking money and gifts from those acting against the Athenian people" (Hyp. *Eux.* 39). After Lycurgus drew up his indictment against Leocrates using the same procedure, several people approached him and asked why he did not include in it the charge that Leocrates had "betrayed" his father's statue dedicated in the temple of Zeus the Savior. Even though Lycurgus did not include this charge, it contained the key word "betrayed" (προδεδωκέναι) from the statute about *eisangelia* (Lyc. *Leocr.* 136-7). When Lycurgus initiated the same procedure against Lycophron for seducing the wife of Charippus, he included in his plaint a statement of her relatives that during her wedding Lycophron followed her and tried to persuade her to avoid having sexual relations with Charippus (Hyp. *Lyc.* 12). He also wrote that Lycophron was making many women stay indoors and grow old unmarried, while forcing many others into unsuitable and illegal marriages. Even though his use of this procedure was highly unusual, Lycurgus still followed the language of the statute by stating that these actions undermined the democracy by violating the laws (Hyp. *Lyc.* 12: καταλύειν τὸν δῆμον παραβαίν[ον]τα τοὺς νόμους).[16] When Theomnestus charged Neaira with wrongly claiming citi-

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14 For discussion of the terms of the law in this passage see Whitehead 2000, 186-88.

15 Cf. Whitehead 2000, 236: Hyperides «had taken care there to echo the words and phrases of the impeachment law itself».

16 Lyc. *Leocr.* 147 may be a summary of the main charges in the indictment. A fragment from one of Lycurgus' speeches against Lycophron (fr. 63 Conomis) indicates that the accuser's argument was that breaking the law was equivalent to overthrowing the democracy because the laws protected the democracy. See Whitehead 2000, 129.

zen-rights, he used the language of the relevant statute, which forbade foreigners to be married to an Athenian citizen ([Dem.] 59.17, 126).

When Epaenetus brought an accusation before the Thesmothetai against Stephanus for wrongfully holding him as a seducer, he wrote a detailed justification of charges and quoted the relevant laws. The term *moichos*, which I have translated as "seducer", refers to someone who has illicit sexual relations with a woman, usually the wife of another man or an unmarried daughter living under the protection of a male relative.[17] He began by citing the law that allowed him to bring this kind of public suit.[18] He then admitted that he had had sexual relations with the daughter of Neaira, but denied that he had seduced her in violation of the law. Next he presented his main arguments. First, she was not the daughter of Stephanus, but of Neaira. Second, Neaira knew that her daughter was having sexual relations with him. Third, he cited the law that did not permit anyone who has sexual relations with prostitutes to be taken as a seducer and argued that the house of Stephanus was a house of prostitution. Epaenetus closely follows both the law about the procedure he is following, presents the main facts he promises to prove, and the law about prostitutes he will use to support his case.[19] His plaint was clearly very long and detailed.[20] The plaint that Meletus brought against Socrates for impiety appears to have been shorter but still contained the main charges and facts alleged against the philosopher. Meletus alleged that Socrates was guilty because 1) he corrupted the youth; 2) he did not believe in the gods that the community of Athens recognized, and 3) he introduced new gods (Pl. *Ap*. 24b-c; cf. *Euthphr*. 3b).[21]

In a public suit against an illegal decree, the plaint not only stated the charge against the proposer of the decree but also listed the laws that the decree contravened (Aeschin. 3.200) and the specific clauses of the decree that were illegal.[22]

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17 See Kapparis 1999, 297-8 for discussion with references to earlier scholarship.

18 Kapparis 1999, 308-13 does not discuss the nature of the plaint brought by Epaenetus.

19 To prove his statements about Epaenetus' plaint, Apollodorus does not have the secretary read the plaint but calls the sureties and arbitrators who brought about a settlement ([Dem.] 59.70). This plaint was evidently not kept in the archives because Epaenetus withdrew his charge before the case came to court ([Dem.] 59.68-9). On withdrawing charges before the *anakrisis*, see Harris 2006, 405-22.

20 The charges mentioned by Demosthenes (19.8) in his prosecution of Aeschines were probably listed in the plaint: 1) Aeschines made no true report; 2) prevented the people from hearing the truth from Demosthenes; 3) his proposals were not in the interests of Athens; 4) Aeschines did not obey the instructions in the decree about the embassy; 5) Aeschines wasted time during which the city lost opportunities, and 6) Aeschines accepted gifts and payments. Demosthenes repeats several of these charges at 278-9.

21 I am skeptical about the authenticity of the denunciation of Alcibiades brought by Thessalus (Plut. *Alc*. 22.4; cf. 19.2-3). For a defense of its authenticity see Frost 1961; Stadter 1989, LXIX-LXXI, and Pelling 2000, 27.

22 Cf. [Dem.] 58.46: if Theocrines brought a *graphe paranomon*, he would have added the laws violated by the defendant in his indictment.

When Diodorus accused Aristocrates of proposing an illegal decree for Charidemus, he included in the plaint all the laws Aristocrates had violated: 1) the law about the Areopagus; 2) the law about convicted murderers; 3) the law about bringing convicted murderers to the Thesmothetai; 4) the law about just homicide; 5) the law requiring trials for all accused of murder; 6) the law about taking hostages; 7) the law about laws being the same for all individuals, and 8) and the law requiring that no decree take precedence over a law (Dem. 23.215-18; cf. 51). Demosthenes (18.56-9) says that Aeschines' indictment of Ctesiphon singled out three clauses in his decree of honors: 1) that Demosthenes always speaks and acts for the public benefit; 2) that Demosthenes should receive a crown, and 3) that the award of the crown should be announced in the theater of Dionysus.[23] When Diodorus charged Androtion with proposing an illegal decree of honors for the Council, he included in his plaint the laws that he claimed Androtion had violated (Dem. 22.34). These included the law requiring all decrees of the Assembly receive prior approval from the Council (Dem. 22.5-7), the law forbidding honors for members of the Council who have not had triremes built (Dem. 22.8), and the law forbidding prostitutes and public debtors to propose motions in the Assembly (Dem. 22.21-24, 33-4).[24]

The plaint in a private suit also included a description of the main facts the plaintiff had to prove and followed the language of the relevant statute. Dionysius of Halicarnassus (*Din*. 3) gives the text of a plaint brought by Dinarchus against Proxenus: "Dinarchus, the son of Sostratus, a Corinthian, (brings a case of) damage against Proxenus. Proxenus harmed (ἔβλαψε) me by receiving into his house in the country when I had fled from Athens and returned to Chalcis, two hundred and eighty-five gold staters, which I had sent from Chalcis with Proxenus' knowledge and which I had when I came to his house, and silver items worth not less than twenty *mnai*. He plotted against these." As in the plaints brought in public cases, the charges contain the key word from the statute (ἔβλαψε) and specify the facts the accuser seeks to prove.[25] The law about damage also contained different penalties for damage caused willingly, for which there was double compensation, and damage caused involuntarily, for which there was simple compensation (Dem. 21.43). This is probably the reason why Dinarchus added the phrase to show that Proxenus had acted willingly, which would have entitled him to double compensation. When Apollodorus brought his charge of false testimo-

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23 Aeschines' charges: Aeschin. 3.9-31 (Ctesiphon's decree awarded a crown to an official who had not yet passed his *euthynai*), 32-48 (the decree provided for an announcement of the crown in the theater of Dionysus), 49-170 (the decree contains false statements).

24 The plaint in charges against inexpedient laws may also have contained texts of the laws violated by the new laws, but the two preserved speeches delivered in cases brought on this procedure, Demosthenes' *Against Leptines* and *Against Timocrates,* do not discuss the plaint.

25 Compare the use of the word ἔβλαψε in the plaints mentioned at Dem 36.20. For a plaint in a private suit for damages specifying the actions of the defendant see also Dem. 52.14.

ny (ψευδομαρτυρίων) against Stephanus, he stated in his plaint: "Stephanus gave false testimony against me (τὰ ψευδῆ μου κατεμαρτύρησε) by testifying to the written statements contained in the document" and added a copy of Stephanus' testimony (Dem. 45.9-11, 46). When Theopompus made his claim for the estate of Hagnias, he was careful to include in his written statement that he was the son of a cousin, basing his claim on the precise wording of the relevant statute (Is. 11.18). When an accuser brought an indictment for homicide before the Areopagus, his sworn statement included the verb "killed" (ἔκτεινε) found in the law about the jurisdiction of the Areopagus (Lys. 10.11; Dem. 23.24-5).

The plaint that Pantaenetus made against Nicobulus also contains many details about the defendant's actions.[26] First, it states that Nicobulus made a plot against him and his property and that he instructed his slave to carry out the plot. Second, Nicobulus placed his slave in his mining works and forbade him to continue working them (Dem. 37.25). The third charge appears to have been related to the slaves of Pantaenetus. The summary of Nicobulus does not allow us to determine the nature of the fourth charge (Dem. 37.28), but the fifth charge was that Nicobulus had violated the contract, probably by seizing the mining works (Dem. 37.29). At the end of the plaint were several additional charges including assault, outrage, violence, and offenses against heiresses (Dem. 37.32-3), but Nicobulus does not specify what actions Pantaenetus accused him of committing. Later in the speech, however, Nicobulus reveals that Pantaenetus charged him with entering his house and going into the rooms of his daughters (Dem. 37.45). In his plaint in a maritime suit Zenothemis stated that he had made a loan to Hegestratus on the security of a cargo and that after Hegestratus was lost at sea Demo misappropriated the cargo (Dem. 32.2, 4).[27] As in the plaints for public charges, those for private charges also contained the main facts the accuser intended to prove.

The plaint in a suit for damages might contain a detailed list of sums. Demosthenes says that his plaint against Aphobus began: "Demothenes makes the following charges against Aphobus: Aphobus holds money belonging to me,

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26 The inserted documents at Dem. 37.22 and 29 must be forgeries because the statements they contain are not consistent with the information found in the speech. First, the document uses the first person singular, but other examples of plaints use only the third person (Dem. 21.103; Ar. *Vesp*. 894-97). Second, the narrative states that Evergus seized the mining works of Pantaenetus and caused him to become a public debtor. This implies that Pantaenetus became a public debtor because he could not operate his mining works and earn the money needed to make his payments to the state. Pantaenetus also claimed that Evergus and Nicobulus violated their agreement by seizing his mining works (Dem. 37.6). The document at 22 however states that Pantaenetus became a state debtor because Nicobulus' slave seized the money his slave was taking to make the payment for the mine. The document at 29 states that Nicobulus violated the agreement by selling the mining works and the slave, but this is at odds with the statement at Dem. 37.6. This casts doubt on the other inserted documents at Dem.37.25, 26 and 28.

27 Cf. the charges in the plaint summarized and read out at Dem. 34.16.

which he received as guardian, eighty *mnai*, which he received as the dowry of my mother according to the will of my father" (Dem. 29.31). He then listed all the items he claimed, "specifying the source of each, the exact amount, and the person from whom Aphobus received it" (Dem. 29.30). These items included 1) money from the sale of slaves for his mother's dowry (Dem. 27.13-17); 2) money owed from the failure to return the dowry (Dem. 27.17); 3) thirty *mnai* from revenue of a workshop and the sale of slaves (Dem. 27.18-22); 4) money from twenty slaves given as security for a loan (Dem. 27.24-29); 5) the value of iron and ivory from the workshop (Dem. 27.30-33), and 6) cash left with the guardians and the interest accruing (Dem. 27.33-39). Demosthenes was also careful to mention that Aphobus received this money in his capacity as guardian (ἐπιτροπῆς), using the key word in the statute governing the procedure he had selected.[28] Once again, the plaint must have been very long.

The counter-plea might contain the basic facts the defendant intended to prove. In his reply to the charges of Apollodorus, Stephanus replied that his testimony was true (Dem. 45.46). When the half-brother of Astyphilus brought his case against Cleon, he not only claimed the estate of Astyphilus but outlined his main arguments and the facts he intended to prove: first, Astyphilus did not adopt Cleon's son; second, Astyphylus did not leave his property to anyone; third, Astyphilus did not make a will; and fourth, he has the best claim on the property of Astyphilus (Is. 9.1).

Even though Athenian law contained nothing like the prescribed phrases of the Roman formulary system, one should not exaggerate the difference between the two systems. When the accuser drew up his plaint he had to follow the language of the statute.[29] If the plaint did not contain the key words of the relevant statute, the magistrate who received the charge might compel the accuser to add them. When Dionysius used the procedure of *apagoge* to the Eleven against Agoratus, he charged him with killing his father. For one to use this procedure, however, one had to apprehend the defendant *ep' autophoro*, that is, in circumstances that made his guilt obvious.[30] To make the plaint Dionysius submitted conform to the language of the statute, the Eleven insisted that he add the key term *ep'autophoro* to the charge (Lys. 13.85-87).

One of the reasons for requiring the accuser to write the specific charges he intended to prove at the trial was to ensure procedural fairness for the defendant. The defendant needed to know not only the kind of action the accuser

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28 Note that the key word ἐπιτροπή was also written in the plaint against Aristaechmus who was accused of misappropriating the property of his wards (Dem. 38.15).

29 Note that the *diamartyria* submitted by Leochares against the claim of Leostratus to the estate of Archiades followed the terms of the law ([Dem.] 44.46: ὄντων αὐτῷ παίδων γνησίων καὶ κυρίως κατὰ τὸν θεσμόν).

30 For the procedure and the meaning of the term *ep' autophoro* see Harris 2006, 373-90.

had brought but also to know what the accuser claimed that he had done. This would allow him to prepare a detailed reply to each one of the charges. T. Bingham rightly stresses the importance of informing the defendants about charges against them:

> The fair trial of a civil action is now held to require the parties to reveal their respective cases and almost all material relevant to them before the trial even begins. The point of the law is that litigation should be conducted with the 'cards face up on the table'. This is achieved, first, by requiring the claimant to set out in writing in some detail the grounds on which he claims. He cannot appear at trial and present a case different from that which he has advanced in writing. The defendant in turn must set out in some detail in writing the ground on which he resists the claim. He cannot simply deny the claim and leave the claimant and the judge wondering what his defence is. Nor can he appear at trial and advance a defence different from that indicated. Thus the line of battle should be drawn with some precision before the first shot is fired in court.[31]

The accuser was also required to provide at the *anakrisis* all the evidence he planned to present at the trial.[32] This evidence was then placed in a container called an *echinos*; the accuser could not present at the trial any evidence of documents not placed in the *echinos*. On the other hand, the reply of the defendant would also let the accuser know how he planned to reply to his charges.[33]

Of course, there was always the possibility that at the trial the accuser might make charges that were not contained in the indictment. Hyperides (*Eux.* 32) describes how this tactic might put the defendant in a difficult position: if the defendant were to reply to charges not contained in the indictment, the court might reprimand him for discussing irrelevant matters, but if he were to neglect them, the court might assume they were true. Several defendants complain about this tactic. A soldier accused of slandering generals claims that instead of concentrating on the charges in the plaint his opponents are slandering his character (Lys. 9.1-3). When defending Ctesiphon, Demosthenes (18.9) criticizes Aeschines for using this tactic: "because he has spent the larger part of his speech on other topics and told very many lies about me, I think that it is necessary and correct to say a few words about these charges so that none of you be misled by irrelevant arguments and listen to my just points about the indictment in a hostile spirit." For instance, Aeschines when prosecuting Timarchus complained that Demosthenes would attempt to distract the judges from the charges by talking about the recent peace with Philip and other irrelevant matters (Aeschin. 1.166-70). In the speech *Against Androtion* the accuser Diodorus complains that the defendant

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31 Bingham 2010, 101.

32 See Thür 2007.

33 On the anticipation of arguments in Athenian courts see Dorjahn 1935, who may underestimate the amount of information obtained through the plaint and at the *anakrisis*.

is skilled in rhetoric and that he will deceive the judges and make them forget about their oath (Dem. 22.4).[34]

Hyperides exaggerates the problem because there was a safeguard protecting the defendant. In their oath Athenian judges swore to vote only about the charges in the indictment (Dem. 45.50).[35] This meant that when casting their votes, the judges should consider only the facts that the accuser promised to prove and disregard all statements that did not bear directly on these charges (ἔξω τοῦ πράγματος). In fact, Hyperides (*Eux*. 35-6) reports that Lysander charged Epicrates of Pallene with digging his mine inside the limits of another man's mine and tried to sway their decision by promising to bring in three hundred talents for the city's budget.[36] "The judges paid no attention to the accuser's promises but followed what justice required: they determined that the mine was inside its own boundaries and by that same vote made their property secure and confirmed the rest of their period for working the mine." The accuser's promise did not sway the judges; they paid attention to the law and the facts of the case. When they saw that the defendant's actions did not violate the law and that he was not guilty of the charge of encroaching on another's mine, he was acquitted.

Another way of distracting the judges from the charges in the plaint was for the defendant to boast about his public service. Lysias (12.38) notes how some defendants make no attempt to answer the charges against them but "show that they are good soldiers, or have captured many ships from the enemy, or have made cities that were hostile into your friends." Several passages however show that the courts ignored such statements because they were strictly irrelevant to the charges contained in the plaint.[37] Aeschines (3.195) says that the court that tried Thrasybulus on a charge of proposing an illegal decree did not take into account his role in restoring the democracy but convicted him because he was guilty as charged. When Aristophon charged Timotheus with bribery, the court paid no attention to his victories and conquests but convicted him on the charge Aristophon brought: "You did not allow public services like these to influence the trial or the oath that you obeyed while casting your votes, but you fined him one hundred talents because Aristophon said he received money from the Chians and Rhodians" (Din. 1.14). According to Demosthenes (21.143-47), the court did not allow the achievements of Alcibiades and his ancestors to affect their decision, but

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34 See also Dem. 21.208, 211 where Demosthenes predicts some wealthy trierarchs will ask the judges to acquit Meidias as a favor to them and to pay no attention to their oath. Cf. Dem. 23.95, 219 for attempts to distract the judges.

35 This clause is mentioned or alluded to many times in forensic oratory: Aeschin. 1.154, 170; Dem. 22.4, 43, 45; 24.189; 30.9; 32.13; 37.17; Is. 6.51-2; Lyc. *Leocr*. 11-13.

36 For the nature of the charge see Whitehead 2000, 248-9 with references to earlier literature.

37 *Pace* Lanni 2005 and 2006, 46-64 who does not discuss the plaint and its role in litigation.

sent him into exile for violating the law.[38] When Epicrates was accused of bribery and other offenses in the Assembly, Demosthenes (19.277) tells us that his service in restoring the democracy did not help him to win acquittal. The written plaint was an important way of checking this abuse. The plaint compelled the defendant to reply to the specific charges against him and prevented him from introducing irrelevant material. The plaint also served to keep the judges focused on their duty to punish those who had violated the law.[39]

After the trial was over, the plaint was kept on file, probably in the Metroon.[40] According to Aristotle (*Pol.* 6.5.4.1321b34-37), the normal Greek city-state kept records about the verdicts in trials. Athens was no exception to this general rule.[41] Several passages show that documents containing the charges were kept in the archives after the trial was concluded. The first comes from Demosthenes' speech *Against Zenothemis*. Zenothemis brought two separate suits against Protus and Demo in a dispute about loans made on the security of grain shipments (Dem. 32.4). Protus did not contest the charges brought by Zenothemis and lost his case by default. When Zenothemis brought his case against Demo, the latter charged that the suit was not admissible and brought a *paragraphe* action. At the trial he cited the statements made by Zenothemis in his plaint against Protus and used them as evidence in his own case (Dem. 32.27).[42] The second comes from Demosthenes' speech *Against Nausimachus and Xenopeithes*. Nausimachus and

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38 Demosthenes alters some of the details to make Alcibiades' case resemble that of Meidias, but that does not alter his point that the courts paid no attention to public service. For examples of other men who were convicted despite their public service see Dem. 24.133-35 (Thrasybulus, Philepsius, Agyrrhius, and Myronides) and Hdt. 6.136.1-3.

39 Note Antiphon 5.11 – the judges are to consider only whether the defendant committed the crime. Compare also Lys. 16.9, which contrasts the *dokimasia*, at which it was permitted to discuss the candidate's entire life, with regular trials, at which the accuser had to limit himself to proving the charges in the plaint. Rhodes 2004 observes that Athenian litigants generally keep to the point, but he does not discuss the role of the plaint. Rhodes never defines what he means by "relevant" and his judgment of what is relevant and what is not in the speeches is often arbitrary.

40 *Pace* Gagarin 2008, 195: «But verdicts in general were not officially recorded». In footnote 49 Gagarin claims «although speakers often mention the result of a previous case (…) no speaker mentions writing in connection with the verdict in a private case». The evidence cited below (overlooked by Gagarin) shows that the plaint, which presumably recorded the court's decision, was in fact kept in the archives. Records of verdicts may have also been kept at the Aiakeion (see Stroud 1994).

41 Cf. the anecdote of Chamaeleon of Heraclea (fr. 44 Wehrli = Athen. 9.407b-c) about Alcibiades entering the Metroon and erasing the indictment against his friend Hegemon of Thasos. According to Diogenes Laertius (2.40) the indictment of Meletus against Socrates was still in the Metroon during the second century CE. Sickinger 1999, 131-33 is rightly skeptical about the veracity of Chamaeleon's anecdote and the document in Diogenes Laertius, but this does not mean that other plaints could not have been preserved in the Metroon.

42 The accuser of Pancleon uses his statement in his reply to a charge made by Aristodicus in the same way, but, instead of having the document read by the secretary, calls Aristodicus as a witness (Lys. 23.13-14).

Xenopeithes had brought separate suits against their guardian Aristaechmus for damages when they reached the age of majority. They reached a settlement with Aristaechmus, who paid them three talents and was given a release (Dem. 38.3-4). After the death of Aristaechmus, however, Nausimachus and Xenopeithes brought separate suits against each of his four children. One of the children brought a *paragraphe* against this claim on the grounds that a release had been granted (Dem. 38.4-5). At the trial, the son had the text of the plaint in their earlier suit against Aristaechmus read out (Dem. 38.14).

The third passage comes from Isaeus' speech *On the Estate of Pyrrhus*. Pyrrhus had adopted Endius, who inherited his estate and survived him for twenty years (Is. 3.1). After he died a woman named Phile claimed that she was the legitimate daughter of Pyrrhus, and her *kyrios* Xenocles of Kopros, claimed the estate on her behalf (Is. 3.2). The sister of Pyrrhus also claimed the estate, but Xenocles challenged her claim with a *diamartyria*. In response to this *diamartyria* the son of Pyrrhus' mother brought a charge of false testimony against Xenocles and obtained a conviction against him (Is. 3.3-4). He then brought another charge of false testimony against Nicodemus, the brother of Phile's mother, who had testified about his sister's marriage to Pyrrhus (Is. 3.4-7). At the trial of Nicodemus, the son of Pyrrhus' mother had the clerk read out the *diamartyria* brought by Xenocles and used it as evidence to prove that the defendant had given false testimony (Is. 3.6-7).

Even if the accuser did not follow through on a public charge, a copy of his indictment was still kept on file. For instance, Theocrines denounced Micon concerning a merchant ship using the procedure of *phasis* ([Dem.] 58.5).[43] Theocrines gave the denunciation to Euthyphemus, the secretary of the overseers of the port, who posted the charge in front of their office ([Dem.] 58.8).[44] Theocrines came to an illegal agreement with Micon, withdrew the charge, and convinced Euthyphemus to erase the denunciation just as the overseers were summoning Theocrines to the preliminary hearing ([Dem.] 58.8-10). Even though the copy that was posted before the office of the overseers was erased, the original copy of the plaint was kept on file and was read out by the clerk when Theocrines was later brought to trial for making an illegal settlement with Micon ([Dem.] 58.7-8).

For the litigants there were two main reasons for keeping the plaint on file. First, it protected the defendant from any further charges. The laws of Athens provided that once a case was settled or decided, one could not bring another

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43 On this procedure one can consult MacDowell 1991; Hansen 1991 and Wallace 2003. MacDowell and Hansen believe that there was one law about *phasis*, but it is more likely that this procedural term was found in several different laws and that in each law it had a slightly different meaning suited to the substantive context. To this extent I would agree with Wallace, but do not find convincing his general conclusions about Athenian laws.

44 On these officials see Din. 2.10; *SEG* 26.72, lines 41-44 with Stroud 1974, 180-81; Arist. *Ath. Pol.* 51.4.

case against the same person on the same charge (Dem. 20.147; 37.18, 21).[45] If an accuser did attempt to violate this rule by bringing a second charge on the same grounds, it was important for the defendant to have a public document on record to prove that the case had already been decided. This is the way the son of Aristaechmus used the plaint in his case against Nausimachus and Xenopeithes. Second, if one initiated a public charge, then failed to bring the case to trial, the accuser lost the right to bring any more public charges. Therefore even if the accuser did not follow through on his prosecution, it was important to keep the plaint in the archives because it provided evidence for his partial loss of rights (*atimia*). This is the way the accuser who prosecuted Theocrines used the plaint. Third parties could also use the evidence of the plaint to establish facts that might support their cases. This is the way Demo used the plaint in his case against Zenothemis.

The plaint was not the only record of trials in Athens. The *poletai* recorded the sales of confiscated properties and often included details about legal procedures and verdicts. For instance, in the records for the years 342/1-339/8 the *poletai* reported the confiscation of properties owned by Philocrates, the son of Pythodorus, from the deme of Hagnous. The document lists the properties confiscated, then adds "all the properties of Philocrates, son of Pythodorus, [of Hagnous, being confiscated] since Philokrates did not appear for [the trial] according to the public indictment which was brought against him by Hyperides, son of Glaukippos, of Kollytos, but was convicted *in absentia* by the court." (trans. Meritt).[46] There is a more lengthy entry in the records of 367/6 for the property of Theosebes, who was convicted on a charge of impiety and did not show up at his trial.[47] In this case, several creditors came forward to present claims to his property, and the document records the amounts claimed and the decision to pay these claims. Most of the entries are much more brief and record properties reported by the *apographe* procedure. Even though these documents do record the verdicts of trials or other legal procedures, their main functions were different from the plaints that were kept in the Metroon. One function was financial: these records kept track of public revenues gained by sales of confiscated property. Another was to ensure the accountability of the *poletai* and to prevent embezzlement by these officials. A third function was to provide proof of ownership for those who purchased the confiscated properties.[48]

The supervisors of the fleet also kept records that might include the verdicts of trials. Each trierarch had the duty to return the ship in good repair to the dock-

45 For this point see Faraguna 2006, 206.

46 For the text see Langdon, in Lalonde, Langdon & Walbank 1991, P26, lines 446-60. There appears to be another entry for property confiscated from Philocrates, which uses similar language: cf. P26, lines 399-402.

47 For the text see P5, lines 8-39.

48 On the documents about land ownership in Attica see Faraguna 1997.

yards of the fleet.[49] The Supervisors (*epimeletai*) of the dockyards in conjunction with a tester (*dokimastes*) inspected the triremes when they returned, classified them as in good shape or not, and reported their findings to the Council.[50] If there was damage to the ship or it was lost, the trierarch could be held financially responsible, and the case was heard before a court, which might impose a penalty of double the value of what was lost.[51] The trierarch could present an excuse (*skepsis*) and claim that the loss or damage was caused by a storm. If the court accepted his excuse, the trierarch was exonerated.[52] One entry in the records of the Supervisors for the year 325/4 states that the trierarchs Euthydicus, the son of Antiphanes of Phegai and Diphilus the son of Diopeithes of Sounion presented such an excuse and were acquitted (*IG* II²1629, lines 771-80). In cases of acquittal like this one, these records would protect the defendant against any further legal action.

Another entry is longer and more detailed (*IG* II² 1631, lines 350-403).[53] A treasurer named Cephisodorus had not returned the equipment for ten triremes (*IG* II² 1631, lines 357-59). After he died, the supervisors of the dockyards brought charges against his brother Sopolis in 325/4, and the court imposed a fine for more than double the value of the equipment (*IG* II² 1631, lines 353-60). Sopolis returned some oars, but all of his property was declared subject to confiscation and reported by Polyeuctus (*IG* II² 1631, lines 360-65). Polyeuctus however allowed Sopolis to keep his share of the reward so that he could retain his rights as a citizen (*IG* II² 1631, lines 365-8). He also passed a decree in the Council protecting Sopolis against any further claims on his property (*IG* II² 1631, lines 350-2, 368-403).

A fourth kind of record recording the outcome of trials are the so-called *diadikasia*-documents. Evidence for these records is provided by eight inscriptions.[54] The headings of three of these inscriptions contain the phrase οἵδε διεδικάσαντο ("the following men brought a *diadikasia*-procedure"). The heading of one of these inscriptions is dated by the archon Phanostratus and the secretary Cleidemus to the year 383/2 (*IG* II² 1930, lines 1-2). The heading of another inscription has the same secretary (*IG* II² 1931, lines 1-2). A third inscription contains the names of two archons (380/79) and (381/0) («Hesperia» 15, 1946, 160, no. 17, lines 1-3). Each list contains a series of entries beginning with a name in the nominative with a patronymic, followed by the preposition ἀντί ("instead of") and a name in the genitive with the patronymic. One of the lists is organized by demes

49 For the duties of trierarchs see Gabrielsen 1994, 105-69.

50 For the role of the Council in supervising the fleet see Arist. *Ath. Pol.* 46.1 with Rhodes 1972, 115-22 and 153-58.

51 For references see Rhodes 1972, 154, note 2.

52 *IG* II² 1629, lines 746-49, 796-99; 1631, lines 115-20, 140-43, 148-52.

53 On this case see Gabrielsen 1994, 163-64.

54 *IG* II² 1928-32; «Hesperia» 7, 1938, 277, no. 12; 306, no. 29; «Hesperia» 15, 1946, 160, no. 17.

(*IG* II² 1932) while another contains demotics as well as patronymics («Hesperia» 15, 1946, 160, no. 17). The obvious explanation for these entries is that the first person challenged the second person to undertake his duties in a *diadikasia* and that as a result of the trial, the second person replaced him.[55] There has been some debate about the nature of the public duties at issue in these legal proceedings, but Davies has made a strong case for relating them to a group called the Thousand, who were liable for payment of the *eisphora* early in the fourth century BCE.[56] Like the records of trials involving trierarchs, these records were kept mainly for financial purposes: their aim was to provide an authoritative list of those required to pay the *eisphora*. They also protected those who brought the challenge from further liability for the *eisphora*. As with the records of trials involving trierarchs, they served both the financial interests of the state and the legal rights of individuals.

A fifth kind of document recording the verdicts in trials are the records of dedications of *phialai* made by metics preserved in a series of fragmentary inscriptions. The standard formula in these records is "x, living in [deme], having escaped (= escaped conviction by) y, *phialê* by weight 100" while the most detailed version of the formula is "x, living in [deme], [profession], escaped y, son of yy, of [deme], *phialê* by weight 100."[57] I give a sample of three entries:

> "Soteris, living in Alopeke [a pedd]ler(?), having escaped (conviction by) Sostratos of Hermos (and) Timarchides of Euonymon, *phialê* by w[eigh]t: 100."
> "Eutychis, a peddler, having escaped (conviction by) Sostratus (and?) Mnesistratus of Alopeke, *phialê* by weight: [100]."
> "P(hi)linna, living in Pirae(us), having escaped (conviction by) Astynomos from Oia, *phialê* by weight: 100."

The nature of these trials depends on how one restores the heading in the cymation of *IG* II² 1578. Meyer has recently restored the lines to read: "These dedicated. [All received or listed] when Demoteles, son of Antimachos, of Halieus, was polemarch, according to the law, from the *graphai aprostasiou*, on the fifteenth of Hekatombaion."[58] Many other scholars have however restored the private action *dike apostasiou*, and some have argued that these trials were legal fictions that were actually manumissions.[59] This is not the place to enter into this controversy.[60] The only point I wish to make is that the primary purpose of these

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55 On the *diadikasia* for liturgies see Harrison 1971, 237-8.

56 Davies 1981, 133-50.

57 See Meyer 2010, 12-3.

58 See Meyer 2010, 133-35.

59 For discussion see Meyer 2010, 17-28 and 43-7 with references to the views of earlier scholars.

60 My own view is that Meyer is correct to reject the idea that these trials were manumissions effected by the legal fiction of a trial on a charge of *apostasiou*. I am skeptical however

inscriptions is to record dedications, which make them similar to the records of dedications in the Parthenon and Erechtheum.[61] That is why they give the weight of the dedication and do not specify the nature of the legal action. They aim to prevent embezzlement by officials, not to provide a record of a trial. Even though the records of the *poletai* about confiscations, the naval inventories and the dedications of *phialai* report the verdicts in trials, they are really financial records that mention verdicts rather than records of trials.[62]

If there was a trial in the Assembly and the defendant was found guilty, there was a decree recording the grounds for conviction and the penalty imposed.[63] At the trial of Aeschines in 343, Demosthenes (19.276-80) had the clerk read out the decree condemning Epicrates and other ambassadors to death. He quotes several of the phrases from the decree: "Since they conducted the embassy contrary to their instructions," "and some of them were proved to have been making an untrue report in the Council," "and sending untrue letters," and "telling lies against our allies and accepting gifts." The decree clearly contained the main charges against the ambassadors even though it did not provide precise details about their actions.[64]

The final type of judicial document to be noted are the lists of those denounced for the desecration of the Herms and the parody of the Mysteries. At his trial in 400/399 Andocides mentions four denunciations about the parody of the Mysteries by Andromachus (Andoc. 1.12-13), Teucrus (Andoc. 1.15), the wife of Alcmaeonides (Andoc. 1.16) and Lydus, the slave of Pherecles (Andoc. 1.17). In the first two cases Andocides has the clerk read the documents containing their names and two lists of names are found inserted into the text. Andocides then

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about the restoration πολεμαρχοῦν]τος and the restorations γραφαὶ ἀπρο]στασίου and δίκαι ἀπο]στασίου at *IG* II² 1578, lines 1-2. A search through the PHI database yielded not a single parallel for any of these expressions in Attic inscriptions. I would tentatively suggest ἐπι]στασίου ("office of *epistates*") which is attested at *IG* II² 1635, line 71; 1651, line 10, and 1672, line 74.

61 On these see D. Harris 1995.

62 The trials mentioned in the financial records of the Amphictyons of Delos fall into this category. See *IG* II² 1641B, lines 22-33; 1646, lines 3-14 with Stumpf 1987, and *IDélos* 98, B, lines 24-30. Cf. Faraguna 2006, 202: «per una corretta valutazione del loro significato, è importante ricordare che essi ci sono invariabilmente tramandati in rendiconti di carattere *finanziario* e ciò in quanto gli atti giudiziari di cui conservano memoria avevano conseguenze, in termini di entrata o di mancate entrate, per l'amministrazione dei magistrati che li 'allegavano' nei loro λόγοι».

63 Cf. Sickinger 1999, 133: «If the Metroon preserved any records of a judicial nature, these will have been the records of trials that were initiated or conducted before the Boule or Ekklesia». He cites Kahrstedt 1938, 27.

64 At the trial of Leocrates Lycurgus had the clerk read out the decree about the trial of Phrynichus and the decree condemning Hipparchus and other traitors (Lyc. *Leocr.* 111-119). See also the documents at [Plut.] *Mor.* 833e-834b. The authenticity of all these documents however is questionable.

mentions two denunciations about the desecration of the Herms by Teucrus (Andoc. 1.34-35) and Diocleides (Andoc. 1.36-47). Andocides has the clerk read both of these lists (Andoc. 1.13, 47). These documents appear to be genuine because they contain names not provided by the orator but confirmed by the Attic stelai (*IG* I^3 421-422).[65] The nature and function of these documents are slightly mysterious. In his speech Andocides says that some of those denounced fled the country and were sentenced to death while Plystratus was arrested and executed (Andoc. 1.13), but the document inserted into the text gives only names and does not indicate the verdict or punishment. One wonders if these names were listed on a stele containing the names of all those condemned in the two scandals, which was similar to the list of traitors mentioned by Lycurgus (*Leocr.* 118-19) or the stele about the injustice of the Peisistratids set up on the Acropolis (Thuc. 6.55.1-2). What is important for our topic is that these documents were obviously kept in the archives and that Andocides uses these documents to prove that he did not commit the crime of impiety (Andoc. 1.10).

Nothing could better illustrate the importance of writing for Athenian legal procedure than the written plaint.[66] Even though litigants made oral presentations to the court, the shape and content of their speeches was determined to a large extent by the contents of the written plaint. If the accuser wished to gain a favorable decision, he had to prove the exact charges contained in the plaint. The plaint also compelled the accuser to show that the defendant had violated a specific law or set of laws. If the defendant wished to be acquitted, he had to answer and refute all the written charges against him. The plaint also served to define and clarify the issues the judges would have to decide. After the trial was over, the plaint was kept in the archives, probably in the Metroon, and served as evidence for the court's decision. In this way, the document played an important role in maintaining the principle of *res iudicata*.[67]

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65 The names Cephisodorus, Oionias and Hephaestorus, found in the documents but not in the rest of the speech, are attested in the Attic Stelai (*IG* I^3 421, line 33 [Cephisodorus]; line 10 [Hephaestodorus]; 422, lines 217, 219, 375 [Oionias]).

66 On the role of writing in Athenian legal procedure see Faraguna 2008.

67 I would like to thank Michele Faraguna for inviting me to participate in the conference and all the participants for helpful comments and encouragement. I would also like to thank James Sickinger for reading over a draft of this essay and making several helpful suggestions. I have also profited from reading an unpublished essay of his on the publication of verdicts.

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