



**National and Kapodistrian
University of Athens**

**Faculty of Law
Department of History and Theory of Law**

**IVth MEETING OF YOUNG HISTORIANS
OF ANCIENT GREEK LAW**

“Unity and Diversity in the Laws of the Greeks”

ATHENS, September 4-5, 2014

Old University of Athens, Tholou 5, Plaka



Under the auspices of the Greek Society of Legal Historians



Ελληνική Εταιρεία

Ιστορίας του Δικαίου

Organizing Committee:

Professor Julie Velissaropoulos-Karakostas (Athens), velissar@law.uoa.gr

Professor Edward Harris (Durham), edward.harris@durham.ac.uk

Ass. Professor Athina Dimopoulou (Athens), adimopoul@law.uoa.gr

Fourth Meeting of Young Historians of Greek Law (2014) "Unity and Diversity in the Laws of the Greeks"

ATHENS, September 4-5, 2014
Old University of Athens, Tholou 5, Plaka

Program

Thursday, September 4, 2014

9.30: Opening session

- Welcome address by the Organizers
- Professor Kelly Burdara, President, Department of History and Theory, Faculty of Law, National and Kapodistrian University of Athens
- Ass. Professor Andreas Helmis, Greek Society of Legal Historians

President : TBA

10.00-10.40: Rosalia Hatzilambrou (Athens), *Greek Heiresses*

10.40-11.00: Discussion

11.00-11.40: Ifigeneia Giannadaki (London), *Meden aprobouleuton? Dem.22 and the management of the Ekklesia business*

11.40-12.00: Discussion

12.00-12.15: Break

12.15-12.55: Mirko Canevaro (Edinburgh), *Aristotle and the administration of justice in the Greek poleis*

12.55-13.15: Discussion

13.30: Lunch

President : TBA

16.30-17.10: Miklós Könczöl (Budapest), *Fairness and the Extensive Interpretation of Law*

17.10-17.30: Discussion

17.30-18.10: Philipp Scheibelreiter (Vienna), *"Hosa tis eichen – tauta echein". A comparative approach to the "edict" of the archon*

18.10-18.30: Discussion

18.30-18.40: Break

18.40-19.20: Karin Wiedergut (Vienna), *„Or else he shall pay..." Penalty payments in grave texts from Hellenistic and Imperial Asia Minor*

19.20-19.40: Discussion

Friday, September 5, 2014

President : TBA

10.00-10.40: Donatella Erdas (Pisa): *Which laws for guarantors? Epigraphic evidence for legal procedure affecting personal security in Athens and beyond*

10.40-11.00: Discussion

11.00-11.40: Sophia Aneziri (Athens): *Legal safeguards for donations and endowments sub modo in the ancient Greek world*

11.40-12.00: Discussion

12.00-12.15: Break

12.15-12.55: José-Luis Alonso (San Sebastian-Warsaw): *Unity and Diversity of the Greek Legal Traditions in Roman Times: Real securities in Egypt and in the Near East*

12.55-13.15: Discussion

13.30: Lunch

President : TBA

16.30-17.10: Jakub Urbanik (Warsaw): *Between the Unity and the Force of Tradition: The Case of Ekdosis in Graeco-Roman Egypt*

17.10-17.30: Discussion

17.30-18.10: Eleni Karambatsou (Athens): *Self-ekdosis of the Bride in Hellenistic and Roman Egypt (autoekdosis): The Reasons for a Divergence*

18.10-18.30: Discussion

18.30-18.40: Break

18.40-19.20: Dimitris Karambelas, (London-Athens), *"A trial in Eunapius' Lives", Greek Laws after Constitutio Antoniniana and the legal world of the 4th century CE*

19.20-19.40: Discussion

19.40: Closing Remarks

20.00: Dinner

Fourth Meeting of Young Historians of Greek Law (Athens, Sept. 4-5, 2014)

Participants:

1. Rosalia Hatzilambrou (Athens), <i>Greek Heiresses</i>	rosahatz@phil.uoa.gr
2. Ifigeneia Giannadaki (London), <i>Meden aprobouleton? Dem.22 and the management of the Ekklesia business</i>	i.giannadaki@ucl.ac.uk
3. Mirko Canevaro (Edinburgh), <i>Aristotle and the administration of justice in the Greek poleis</i>	mirko.canevaro@ed.ac.uk
4. Miklós Könczöl (Budapest), <i>Fairness and the Extensive Interpretation of Law</i>	konzol.miklos@jak.ppke.hu
5. Philipp Scheibelreiter (Vienna), <i>“Hosa tis eichen – tauta echein”</i> . A comparative approach to the “edict” of the <i>archon</i>	philipp.scheibelreiter@univie.ac.at
6. Donatella Erdas (Pisa): <i>Which laws for guarantors? Epigraphic evidence for legal procedure affecting personal security in Athens and beyond.</i>	erdas@sns.it
7. Karin Wiedergut (Vienna), <i>„Or else he shall pay...” Penalty payments in grave texts from Hellenistic and Imperial Asia Minor</i>	karin.wiedergut@oeaw.ac.at
8. Sophia Aneziri (Athens), <i>Legal safeguards for donations and endowments sub modo in the ancient Greek world</i>	sanez@arch.uoa.gr
9. José-Luis Alonso (San Sebastian-Warsaw): <i>Unity and Diversity of the Greek Legal Traditions in Roman Times: Real securities in Egypt and in the Near East</i>	joseluis.alonso@edu.es
10. Jakub Urbanik (Warsaw): <i>Between the Unity and the Force of Tradition: The Case of Ekdosis in Graeco-Roman Egypt</i>	kuba@adm.uw.edu.pl
11. Eleni Karambatsou (Athens): <i>Self-ekdosis of the Bride in Hellenistic and Roman Egypt (autoekdosis): The Reasons for a Divergence</i>	tolemeo@otenet.gr
12. Dimitris Karambelas, (London-Athens), <i>“A trial in Eunapius’ Lives”, Greek Laws after Constitutio Antoniniana and the legal world of the 4th century CE</i>	dimitriskarambelas@hotmail.com

Fourth Meeting of Young Historians of Greek Law (Athens, Sept. 4-5, 2014)

ABSTRACTS

1. Rosalia Hatzilambrou (Athens): *Greek Heiresses*

Greek *poleis*, at least those from which evidence is extant, faced the need to issue laws governing the heiress, that is the woman whose father has died leaving no living male descendants. Legislation about the heiress in the Greek *poleis* mostly consisted of regulations about her marriage and disposition of property. Most evidence expectedly comes from Athens and Gortyn, some scarce information also survives for the heiress in Sparta and elsewhere in Greece.

In this paper I shall present in juxtaposition the known legislation about the heiress in different Greek *poleis*. And I shall conclude by arguing that the legislation about the heiresses shows that the debate on the unity or diversity in the substantive at least laws of the Greeks should be abandoned, for there are similarities and differences in most areas. It could be only understood as an analytical tool for study and research.

2. Ifigeneia Giannadaki (London): *Meden aprobouleton? Dem.22 and the management of the Ekklesia business*

The principle *meden aprobouleton* was a fundamental aspect of the Athenian democratic administration (cf. Ath. Pol.45.4; Hyp. Dem.22 I.3, Hyp. Dem.19 II.9, Dem.19.185): the Boule had to discuss and organise the items in the agenda before submitting them for discussion to the Ekklesia in the form of a *probouleuma* ('open' or 'concrete'): de Laix 1973, Rhodes 1972. However, there are decrees in literary (cf. Dem.22.5-7) and epigraphic sources (e.g. IG II2 26, 41, 207) which appear to be non-*probouleumatic* (not passed by the Boule, passed directly by the Ekklesia) and *prima facie* indicate an overt violation of this rule. Evidence suggests that various *eisangeliai*, *probolai* and *hiketeriai* could directly access the Ekklesia—without the need to draft a *probouleuma* (Ath. Pol.43.6; cf. Hansen 1991; Rhodes 1972)—as standing items in the agenda. However, Dem.22 along with other cases indicates that certain items, mainly involving honorific decrees, could access the Ekklesia directly. Nonetheless, the circumstances in which such decrees passed in the Ekklesia have not been studied by modern scholarship and the legality of this procedure remains a grey area in the decision making process.

This paper, explores the context in which direct access to the Ekklesia might have been allowed and the legality of the procedures under which decrees were introduced, by focusing on a case of *aprobouleton* in Dem.22. This case study builds on MacDowell's (2009) brisk discussion of the legal issues surrounding that speech and suggests that in certain cases the Ekklesia was invited to decide on a matter without prior consultation with the Boule. More precisely, the defence offered by Androtion, the proposer of the decree, indicates that standing agenda items covered by the *nomoi* governing the Ekklesia might regularly have been *aprobouleton*, but this created the potential for collision, since the speech shows that any proposal without a *probouleuma* could always be attacked under the *meden aprobouleton* law.

Finally, having examined this case of *aprobouleton* in comparison with other similar decrees in literary and epigraphic sources, this paper studies the implications and the significance of non-*probouleumatic* decrees in initiating policy in Athens and the role of the

Boule in the political system more generally.

3. Mirko Canevaro (Edinburgh), *Aristotle and the administration of justice in the Greek poleis*

Whether one can speak about Greek Law in a unitary sense has been the subject of much debate in modern scholarship. The debate has been partially hampered by the disproportionate amount of evidence for the legal institutions of ancient Athens, and the parallel lack of evidence for such institutions elsewhere. While comparisons can be made in areas such as the law of sale and family law, we can say very little about procedure, the organization of the lawcourts, and overall substantive articulation of the laws of the different city-states.

Such an issue would have been less problematic if we could rely on Greek works of legal theory that try to offer a systematic account of the administration of justice in the Greek *poleis*. Regrettably such works are also rare, and the competence of political thinkers such as Aristotle in legal matters has been widely questioned (e.g. Wolff 1961: 257). This paper will reassess relevant sections of Aristotle's work to understand on the one hand the strengths and weaknesses in his understanding of the legal institutions of Greek *poleis*, and on the other to explore whether in his opinion, and according to his own knowledge and experience, these could be summarized in a systematic and, to some extent, unified account.

The paper will focus primarily on two passages of Aristotle's *Politics* (read in the light of the overall work of the philosophers, and with reference to actual institutions of Greek *poleis*): 1) Aristotle's critique of Ippodamus of Miletus suggested legal reforms (*Pol.* II 8), which deal with substantive law, composition of the courts, and procedural law; 2) Aristotle's own discussion of the legal institutions of the Greek *poleis* (*Pol.* IV 16), which deals with the composition of the courts, with the selection of the judges, and most notably attempts to provide an exhaustive account in eight substantive categories of the laws and tribunals of the Greek *poleis*. The paper will show that Aristotle considered the laws of the Greek city-states comparable, and managed with some success to offer a synthesis of their legal institutions. It will also show that for Aristotle, like for most Greeks (Harris 2013: 138-74), the substantive aspect of the laws was the primary one.

E. M. Harris, *The Rule of Law in Action in Democratic Athens*, Oxford-New York, 2013

H. J. Wolff, 'Rechtsskunde und Rechtswissenschaft bei den Griechen', *Beiträge zur Rechtsgeschichte Altgriechenlands und des hellenisch-römischen Ägypten*, Weimar, 1961

4. Miklós Könczöl (Budapest), *Fairness and the Extensive Interpretation of Law*

Aristotelian fairness (*epieikeia*) is generally taken to serve the aim of justifying a lenient application of law, and most interpreters agree that this is the only way in which arguments from fairness can be used, as the supplementing of legal definitions is not meant to be used to establish legal responsibility where a certain behaviour is not explicitly forbidden by law. In terms of the roles within a legal dispute, this is usually meant to say that fairness favours the defendant.

The possibility of a broader reading of Aristotle's description of *epieikeia* in the *Rhetoric* (1374a26– b23) was first raised in modern scholarship by Hamburger (1965). According to him, the scope of fairness is sufficiently general to cover arguments both for the denial of responsibility and for its extension. This paper seeks to answer the question of whether

arguments for fairness serving to support an extensive interpretation of the law can be found in extant pieces of Athenian judicial oratory. The answer can have an impact on our view of Athenian legal practice and also on our interpretation of the Rhetoric.

Following the method used by Harris (2013) in his recent discussion of arguments from fairness, I shall look for a certain structure of argument rather than explicit references to *epieikeia*. One should not expect the speakers to urge that the defendant be punished *contra legem* because this is what fairness requires, but there seem to be arguments that advocate an extensive interpretation of the law with reference to the legislator's intent and the definition of certain key legal terms.

References

Hamburger, M. (1965). *Morals and Law: The Growth of Aristotle's Legal Theory*. New York.

Harris, E. M. (2013). 'How Strictly Did the Athenian Courts Apply the Law? The Role of *Epieikeia*.' *BICS* 56.1: 27–48.

5. Philipp Scheibelreiter (Vienna): “*Hosa tis eichen – tauta echein*”. A comparative approach to the “*edict*” of the *archon*

According to *Athenaion politeia* 56,2, one of the first official acts of the *archon* (*eponymos*) was his proclamation to protect the possession of the citizens during his term in office. Based on a note in Plutarchus (Plu. Sol. 14,2), scholars' main interest concerning this proclamation concentrates on the question whether this promise of legal protection was introduced by the statesman Solon himself for the first time, or if it was pre- or post-Solonian.

Interpreting the *archon's* proclamation not only from its political context, but from the terminology used by the author of the *Athenaion politeia*, this paper tries to show a different approach based on comparative legal analysis:

On the one hand the fact that the *archon* had to declare legal protection can be contrasted with the *edictum* of the Roman *praetor urbanus*. As it was shown by Walter Selb¹, the praetorian *edictum perpetuum* of 130 AD (known to us in the reconstruction of Otto Lenel) was only the result of a long development. The earlier *edicta praetoris* also contained less elaborated or less specific clauses that could be compared with the *archon's* most general proclamation to “*protect the citizens' possession of the status quo*”.

On the other hand, this wording shows similarities with a type of stipulation that was commonly used in the Greek international law. The so called *uti possidetis*-clause for instance is documented as a treaty provision in *spondai* delivered by Thucydides (*e.g.* Th. 1,140,2; 4,65,1; 4,118,4). The aim of the *uti possidetis*-clause seems to be the same as those of the *archon's* edict – to grant the property situation of a *status quo* or a *status quo ante*. Without suggesting that a clause of international treaties had exerted influence on the provisions of the *archon* and far from the idea of constructing a straight connection between both of them, it shall be shown that an analysis of legal sources containing the *uti possidetis*-clause can give a useful input for the interpretation of *Athenaion Politeia* 56,2 and beside this allows a critical view on the legend of its Solonic origin.

¹ W. Selb, *Das prätorische Edikt: Vom rechtspolitischen Programm zur Norm*, in: *Iuris professio*, Festgabe für Max Kaser, Wien 1986, 259-272.

6. Donatella Erdas (Pisa), *Which laws for guarantors? Epigraphic evidence for legal procedure affecting personal security in Athens and beyond*

Starting from the 5th century B.C. inscriptions show the existence of several laws in which guarantors are concerned, even though we don't have knowledge of a law entirely devoted to personal security. Laws affecting personal security concern mainly the selling or leasing of public and sacred land (the *poletikoi nomoi*), the building contracts, the management of public debtors. The texts come from different poleis and can be dated mostly to the 4th and 3rd century B.C. As expected Athens plays the biggest part, but similar procedures can also be found in Delos (in the accounts of the sanctuary, e.g. *IG XI*² 287A), Epidauros (in the building accounts for the starting gate in the stadion, *IG IV*² 1, 98), Mylasa (in a decree on selling of public land, *IMylasa* 823), and so on.

Furthermore, some elements in the epigraphic documents allow us to assume the existence of provisions for the accountability of the guarantors. Clauses concerning their *dokimasia* before the Boule or before a team of magistrates appointed by the city often occur in decrees on leases of land and in building accounts from various poleis all over the Greek world. In addition to Athens, where the best example comes from the so-called Agyrrhios' *nomos* (Stroud 1998, ll. 29-31: ἐγγυητ(ὰς) καταστήσ[ε]ι ὁ πριάμενος δύο κατὰ τὴν μερίδα ἀξι[ό]χρεως, οὓς ἀνὴ βουλή δοκίμασι), further evidence comes from Thespieae, Lebadeia, Mylasa, and Amos in the Rhodian Peraea (*IKRhPeraia* 352B, ll. 12-14: ἐγγ[ύ]ους κατασ[τ]άσας ἀξιοχρέους οὓς κα τοὶ ἱερομνάμονες δο[κ]ιμάσωντι). These provisions concern only transactions involving the city; no evidence for regulations between private citizens is known so far.

Based on these documents the paper aims at investigating which laws could concern the guarantors, and to what extent the guarantors could be concerned. Possible differences in the legal procedure adopted by different poleis will also be explored.

7. Karin Wiedergut (Vienna), „Or else he shall pay...“ *Penalty payments in grave texts from Hellenistic and Imperial Asia Minor*

The aim of this talk is to analyse one part of the well established phenomenon of sanctions and prohibitions in Hellenistic and Imperial grave texts from Asia Minor: the penalty payments.

Roughly 2,000 grave texts from *poleis* in Asia Minor contain penalty clauses concerning unwanted actions taken out by individuals. These actions could cover the burial of a person that hasn't been granted permission, the removal of a body from the grave, the sale or alienation of the grave as well as its modification or removal, or the clearance of the inscription. The major part of the texts showing the prohibition of these actions ends in a penalty payment of some thousand *denarii* to a recipient of the grave owner's choice, the most important ones being the Roman *fiscus* and the institutions of the respective *polis*.

This paper attempts to approach the main questions regarding this phenomenon. After establishing where, when and how often these texts are attested, we shall have a closer look on the recipients of the fine, the payment itself, and the wrongful act it is linked to. Due to the large number of texts, this part shall mostly be covered by statistical analyses. It will be shown that — while the *fiscus* and the polis are the most attested institutions — there are certain local and/or personal tendencies towards a different recipient, e.g. professional associations or religious communities. In a second part, we shall then have a look at a much more personal aspect: the link between the grave owners and their chosen recipient, for in

some cases it is possible for us to get a glimpse on the motives of choosing a trusted but small institution rather than the *fiscus* or the *polis*.

6. Sophia Aneziri (Athens), *Legal safeguards for donations and endowments sub modo in the ancient Greek world*

The principal pursuit of the ancient Greek donations and endowments *sub modo* is their permanent association with the declared purpose, the sound investment of the capital or the landed property and the proper management of the income. The purposes were served by several legal measures like mortgages, guaranties, penalties as well as by the laws of the city.

Δικλείδες ασφαλείας στις δωρεές και τα κληροδοτήματα υπό όρους κατά την ελληνική αρχαιότητα

Κεντρική επιδίωξη των αρχαιοελληνικών δωρεών και κληροδοτημάτων υπό όρους είναι η σε βάθος χρόνου διατήρηση της σύνδεσης της δωρεάς ή του κληροδοτήματος με τον σκοπό που πρόκειται να εξυπηρετήσει, η ασφαλής αξιοποίηση του δωρηθέντος κεφαλαίου ή ακινήτου για τη χρηματοδότηση του σκοπού, η συνετή και σωστή διαχείριση των προσόδων. Για όλα αυτά επιστρατεύονται διάφορες νομικού χαρακτήρα ρυθμίσεις, όπως υποθήκες, εγγυήσεις, ποινές, αλλά και οι ίδιοι οι νόμοι της πόλης.

9. José-Luis Alonso (San Sebastian-Warsaw): *Unity and Diversity of the Greek Legal Traditions in Roman Times: Real securities in Egypt and in the Near East*

Legal papyrology, initially confined to Egypt, has seen from the nineteen fifties a dramatic increase in the available non-Egyptian materials. Papyri from the Roman Near East, in particular, are now abundant enough to allow comparisons with the Egyptian practice.

Through them, an assessment of the degree of uniformity and diversity in the late Greek legal tradition becomes possible. Real securities are a particularly promising testing field to probe this ample material: as comparative legal history shows, they allow for a particularly wide range of clauses and structures, and they happen to be fairly frequent both in the Egyptian and the non-Egyptian documents. A theoretical reflection will also be attempted both on the parameters relevant for the analysis of legal traditions in terms of unity and diversity and on the boundaries of these categories themselves.

Sources: P. Dura 18 (ad 87, Dura-Europos), P. Hever 66 (ad 99 or 109, Philadelphia?, Arabia), P. Dura 20 (ad 121, Dura-Europos), P. Babatha 11 (ad 124, En-gedi, Judaea), P. Dura 22 (ad 133-4, Dura-Europos), P. Dura 23 (ad 134, Dura-Europos), P. Dura 21 (1st half 2nd cent. ad, Dura-Europos), P. Dura 17 (ad 180, Dura-Europos), P. Euphrates 2 = SB xxii 15497 (ad 244-250, BIRTHA Okbanon, Syria Coele), P. Euphrates 13 = SB xxvi 16656 (ad 243, Beth Phuraia, Syria Coele), BGU 316 = MChr. 271 = FIRA iii 315 (ad 359, Askalon, Syria Palaestina).

10. Jakub Urbanik (Warsaw): *Between the Unity and the Force of Tradition: The Case of Ekdosis in Graeco-Roman Egypt*

There is a consensus on the role of *ekdosis* in the constitution of a Greek marriage (see, J. Méléze Modrzejewski, 'La structure juridique du mariage grec', *Scritti in onore di Orsolina Montevicchi*, Bologna 1981, pp. 231-68, ?-?. Vérilhac & Cl. Vial, *Le mariage grec. Du VI^e siècle av. J.-C. à l' époque d'Auguste*, Paris 1998, and most recently J. Velissaropoulos-

Karakostas, *Droit grec d'Alexandre à Auguste (323 avant J-C - 14 après J-C)*, Athens 2011). Uri Yiftach in his study of marriage documents (*Marriage and Marital Arrangements. A History of the Greek Marriage Document in Egypt. 4th Century BCE - 4th Century CE*, München 2003) in the Graeco-Roman Egypt postulated *ekdosis*, imported from the Hellenistic legal traditions, be an integral and the constitutive part of every act of marriage, even when it is not explicitly mentioned in the marriage document itself. The papyrological documentation, however, allows to raise some doubts as to this supposition. The very fact of non-mentioning the bride's giving away in some papyri is an important factor in this debate. The famous Dionysia's Petition constitutes also one of the most problematic issues in Yiftach's statement: there the act of *ekdosis* seems to interfere with the content of rights over the bride/daughter. Likewise, the *ekdosis* performance by someone else than a male relative of the bride, or the *autoekdosis* of the bride herself need further examination. My purpose therefore is to recollect the data of marriage practice in Egypt and to set them again in the context of the "law of the Greeks".

11. Eleni Karambatsou (Athens), *Self-ekdosis of the Bride in Hellenistic and Roman Egypt (autoekdosis): The Reasons for a Divergence*

The transition from classical *oikos* to a new family organization in Hellenistic and Roman Egypt is manifested in the evolution of marriage documents. The woman is given away through *ekdosis* by her father or both her parents or even by her mother. During the second century B.C. this evolution reaches the point where *ekdosis* is no longer generally considered to be a necessary condition of a lawful marriage. The above stated seems to constitute the dominant opinion in research [H.J. Wolff, *Written and Unwritten Marriages in Hellenistic and Post-classical Roman Law*, Haverford 1939. Idem, «Die Grundlagen des griechischen Eherechts», *RHD* 20, (1952) p. 1-29 & 157-181(=*Atti del Terzo Congresso di Diritto Comparato* I, p. 213-257, Roma 1953 = *Zur griechischen Rechtsgeschichte*, p. 620-654). J. Modrzejewski, «La structure juridique du mariage grec», *Scritti in onore di Orsolina Montevicchi*, Bologna 1981, p. 231-268. J. Velissaropoulos, *Alexandrinoi Nomoi*, Athens - Komotini 1981. E. Karabelias, «Le roman de Chariton d' Aphrodisias et le droit. Renversements de situation et exploitation des ambiguïtés juridiques», *εις Symposion* 1988, σ. 369-396. (= E. Karabelias, *Études*, σ. 49-82). A.-M. Vérilhac- Cl. Vial, *Le mariage grec du VIe siècle av. J.-C. à l' époque d' Auguste* («BCH» Suppl. 32), Paris 1998. J. Velissaropoulos - Karakostas, *Droit grec d' Alexandre à Auguste (Personnes - Biens - Justice)*, I - II, Athènes 2011]. U. Yiftach-Firanco - on the contrary - in his study «*Marriage and Marital Agreements: A History of the Greek Marriage Document in Egypt, 4th century BCE - 4th century CE*» («Münchener Beiträge zur Papyrusforschung und antiken Rechtsgechichte» 93· München 2003) expressed the opinion that *ekdosis* was inherent in every act of marriage, even when not at all mentioned in the marriage document. This interesting hypothesis - tempting as it might be - seems to render out of place and time, phenomena such as: the performance of the *ekdosis* by the mother of the bride, the paternal *aphairesis*, as well as the giving away of the bride herself (*autoekdosis*).

The self-*ekdosis* of the bride constitutes a partial manifestation of the *ekdosis*. The purpose of this paper is: first to analyse it in conformity with what has been called the prevalent opinion, i.e. only in cases where the verb *ekdidomi* is explicitly mentioned in the marriage document itself. Second, to examine the particular circumstances under which the giving away of the bride herself (*autoekdosis*) became possible.

12. Dimitris Karambelas (London-Athens): "A trial in Eunapius' Lives", *Greek Laws after Constitutio Antoniniana and the legal world of the 4th century CE*

The *Edict of Caracalla* (212 CE) and the generalization of Roman citizenship did not transform radically local legal rules, which continued to co-exist with Roman law, at least until the dawn of the 5th century CE, in the Greek East. The tensions and conflicts between, on the one hand, Roman administration and law, and, on the other hand, Greek legal institutions, is visible in the surviving sources of a fluid and transitional era. In our paper, we will discuss the detailed description of a trial taking place most probably in Corinth, at 330-3 CE, in the court of an unknown Roman governor, preserved to us, in a series of passages (IX.1-5), by the historian and biographer Eunapius of Sardis (b. 347 CE), in his biography of the sophist Julian. We will focus on the legal framework of Eunapius' narration, which reveals the continuing struggle of the Greek legal and rhetorical tradition to maintain a distinct identity in a rapidly changing Roman world.

SELECTED BIBLIOGRAPHY

- Becker M. (2013), *Eunapios aus Sardes. Biographien über Philosophen und Sophisten. Einleitung, Übersetzung, Kommentar*, Stuttgart.
- Civiletti, M. (2007) *Eunapio di Sardi. Vite di Filosofi e Sofisti* (Introduzione, traduzione, note e apparati), Milano.
- Cribiore R. (2013), *Rhetoric, Reality and Religion in the fourth Century: The Evidence from Libanius*, Ithaca.
- Garnsey P. (2004), Roman Citizenship and Roman Law in the Late Empire, in Swain S./Edwards M. (eds.), *Approaching Late Antiquity. The Transformation from Early to Late Empire*, Oxford, 133-155.
- Honoré T. (2004), Roman Law AD 200-400: From Cosmopolis to Rechtstaat?, in Swain S./Edwards M. (eds.), *Approaching Late Antiquity. The Transformation from Early to Late Empire*, Oxford, 109-132.
- Mélèze-Modrzejewski, J. (1971) Grégoire le Thaumaturge et le droit romain. A propos d'une édition récente, *RHDFE* 49, 313-324.
- Mélèze-Modrzejewski, J. (1982) Ménandre de Laodicée et l'Édit de Caracalla, in *Symposion 1977. Actes du IIIème Colloque international du droit grec et hellénistique*, Cologne/Vienne, 335-364.
- Walden, J.W.H. (1912), *The Universities of Ancient Greece*, London.
- Watts. E.J. (2006) *City and School in Late Antique Athens and Alexandria*, Berkeley/Los Angeles/London.
-