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Assignment 5

Discuss the use of contracts in Classical Athens and their place in the Law.

In this essay I will discuss the use of contracts, and the different types of contracts, that you would find in Classical Athens. I will explore the use of loans, as this type of agreement would be the most likely reason a contract would have been 'drawn up' in Classical Athens. Firstly, I shall give an idea of how Athenian society was 'built', so as to get some idea of the class system that operated in Classical Athens, and to emphasise the importance of wealth¹ to said society. I will then discuss the types of contracts and loans, their place in the law, and their legal standing. The essay will then conclude with what effect lending and contracts had on the economy and Athenian society as a whole.

Athenian society was made up of 3 types of peoples, Citizens (deemed true Athenians, by blood, awarded citizenship through the ancestry of the parents and their respective demes), Metics (foreigners, whether rich or poor, settled inside the *polis* (jurisdiction) of Athens), and lastly, Slaves² (people bought and owned by a wealthy households or masters). Status and class were key in upholding the hierarchy within society, and money and wealth kept this division. We have evidence that a value is placed on almost anything, from people (slaves) and their worth depending on their individual skills to religious offerings left at temples, which, in some cases, were weighed, and the objects worth assessed in Drachmas³. Most aspects of society then (even within religion (the most fundamental part of Athenian life)), it seems, revolved around business and the ownership of something and/or someone.

How households made their money was key, ultimately, to their survival and the place within the hierarchical structure of Athenian society. Within those wealthier households a large part of that income may have come down to offering loans of some description⁴. Where there were loans, of course, there were contracts and the law governing the supply of the loan and how the loan was to be repaid and the consequences, if for whatever reason the borrower had to forfeit, and how the courts might proceed in helping the lender recuperate their money⁵.

There are, a myriad of reasons why a contract would have been agreed between two or more parties. In fact, it would seem that any sort of agreement would facilitate the need, to have in place, some sort of contract binding the said parties lawfully⁶.

¹ Mratschek, 2006, 'Wealth', Brill's New Pauly

² Eder, 2006, 'Citizenship', Brill's New Pauly

³ Dillon and Garland, 2014, p.292-293

⁴ Mratschek, 2006, 'Wealth', Brill's New Pauly

⁵ Thür, 2006, 'Athenian Law', Brill's New Pauly

⁶ Thür, 2006, 'Athenian Law', Brill's New Pauly

In terms of the household in Athens one of the most important contracts would have been a marriage contract, this would have bearing on the inheritance of the household and the survival of the household⁷. They may have only been verbal agreements (as was the case with many of the different types of contract) but these contracts would have been to do in particular the amount of dowry that was to be offered⁸.

The renting of land for farming, to the loan of slaves in the mining industry on the outskirts of Athens⁹, would have needed some sort of agreement in place. Contracts would also be used, for example, in war-time if the need for mercenaries arose¹⁰. Maritime loans¹¹, which were crucial to the survival of Athens, where a third party would lend money to merchants so that they could secure goods trade, all these aspects of business would have a contract of some sort verbally agreed, some perhaps even written, and would have been witnessed by another party.

These contracts would have contained the requirements needed to be met in order to receive payment. How much a worker/s were to be paid, whether workers were entitled to an advance of wages, whether there were time or seasonal requirements or restrictions, and, importantly, what penalties should occur if there were failure to meet those aspects set out in the specific contract¹².

In conclusion, the loaning of land, money, people, and the contracts binding the said parties to work for one another (and at the same time providing security for the lender) aided the Athenian economy greatly. Business loans¹³ and contracts were inevitable with the appearance of currency and both were crucial to Classical Athens' thriving economy¹⁴. This influx of wealth that was created by such business also had a huge bearing on the protection of the city, such business techniques and acumen enabled Athens to build an extraordinary large fleet of warships for example¹⁵. Of course, there were pitfalls (some not at all dissimilar to the problems with debt in Great Britain today), there seemed to be a real worry with the rich, citizen or otherwise, that some borrowers may murder their way out of debt, and even try and mount an assault of the city of Athens itself¹⁶. Therefore, the cancellation of all debt was often used to curry favour and the support of citizens by those with a politically tyrannical mindset¹⁷.

Word count 953

⁷ Wagner-Hasel, 2006, 'Marriage contracts', Brill's New Pauly

⁸ Wagner-Hasel, 2006, 'Marriage contracts', Brill's New Pauly

⁹ Schmitz, 2006, 'Apophora', Brill's New Pauly

¹⁰ Burckhardt, 2006, 'Mercenaries', Brill's New Pauly

¹¹ Millett, 2005, 'maritime loans', Oxford Reference

¹² von Reden, 2006, 'Work Contract', Brill's New Pauly

¹³ Neumann and Schmitz, 2006, 'Loan', Brill's New Pauly

¹⁴ von Reden, 2006, 'Money, money economy', Brill's New Pauly

¹⁵ ed. Wright, 2015, 'Athenian Empire', Oxford Reference

¹⁶ Renger and Hewson Crawford, 2006, 'Debt, Debt redemption', Brill's New Pauly

¹⁷ Pl. Rep. 566a (translation Shorey)

Bibliography

Burckhardt, L. 'Mercenaries (Greece)', Brill's New Pauly, Antiquity Volumes, online (Accessed 5th October 2019).

Delisle Burns, C. (1919) 'Greek Ideals A Study of Social Life (Second Edition)', London, Bell & Sons Ltd.

Dillon, M. and Garland, L. (1994) 'Ancient Greece Social and Historical Documents from Archaic Times to the Death of Socrates (c. 800-399)', New York, Routledge.

Eder, W. (2006) 'Citizenship', Brill's New Pauly, Antiquity Volumes, online (Accessed 4th October 2019).

Greenidge, A. H. J. (1896) 'A Handbook of Greek Constitutional History', London, Macmillan & Co Ltd.

Millett, P.C. (2005) 'Maritime Loans', The Oxford Classical Dictionary (3 ed. rev.), Oxford University Press, online (Accessed 5th October 2019).

ed. Murray, O. and Price, S. (1990) 'The Greek City from Homer to Alexander', Oxford, Clarendon Press.

Mratschek, S. (2006) 'Wealth', Brill's New Pauly, Antiquity Volumes, online (Accessed 5th October 2019).

Neumann, H. and Schmitz, W. (2006) 'Loan', Brill's New Pauly, Antiquity Volumes, online (Accessed 5th October 2019).

Renger, J. and Hewson Crawford, M. (2006) 'Debt, Debt and Redemption', Brill's New Pauly, Antiquity Volumes, online (Accessed 3rd October 2019).

Shorey, P. (1969) 'Plato, Plato in Twelve Volumes, Volumes 5+6' with an English translation, Loeb Classical Library, London, William Heinemann Ltd, online (Accessed 5th October).

Thür, G. (2006) 'Athenian Law', Brill's New Pauly, Antiquity Volumes, online (Accessed 3rd October 2019).

Wagner-Hasel, B. (2006) 'Marriage contracts', Brill's New Pauly, Antiquity Volumes, online (Accessed 5th October 2019).

Will, W. and Högemann, P. (2006) 'Pericles', Brill's New Pauly, Antiquity Volumes, online (Accessed 3rd October 2019).

ed. Wright, E. (2015) 'Athenian Empire', A Dictionary of World History (2nd ed), Oxford University Press, online (Accessed 5th October 2019).

von Reden, S. (2006) 'Money, money economy', Brill's New Pauly, Antiquity Volumes, online (accessed 4th October 2019).

von Reden, S. (2006) 'Work Contract', Brill's New Pauly, Antiquity Volumes, online (Accessed 5th October 2019).