

Athens. Lease of the temple of Egretes

Description: full slab of white marble with small pediment. The inscription is complete and only few letters are missing or hardly readable. Scanty traces of almost obliterated letters under the inscription suggest that the original surface was reworked before being inscribed again (dimensions: h:65 w:27.5 d:7)

Layout: stoichedon 28 (except for ll. 21, 31, 34, 36, 37, 38)

Letters: Ionic-Attic letters, height: h:0.4 cm

Origin: Athens

Dating: 306/5 BC

Findspot: found in Athens on the slope north of the Hill of the Nymphs

Current location: The American School of Classical Studies at Athens

Reference Edition: IG II² 2499

Other Editions: Lord 1899, 44-53 (editio princeps); W. Dittenberger, Syll.³ 1097; C. Michel, Recueil 1356; H.Th.A. von Prott, L. Ziehen, LSG II 43; F. Sokolowski, LSCG 47 (SEG 25 197); D. Behrend, Attische Pachturkunden 39; Hellmann 1999, no. 43; Kloppenborg, Ascough 2011, no. 7 (see also J.S. Kloppenborg in <http://www.philipharland.com/greco-roman-associations/?p=3611>); Pernin 2014, no. 7

Photographs: Lord 1899, Plate 1; Pernin 2014, 55

Translations: Lord 1899, 47 (English); Austin, Vidal-Naquet 1977, no. 130 (English); Le Guen-Pollet 1991, no. 8 (French); Hellmann 1999, no. 43 (French, only ll. 1-37); Osborne 1988, 288 (English); Ragone 2001 (Italian, only ll. 1-7, 11-18, 30-37); Austin 2006, no. 150 (English); Kloppenborg, Ascough 2011, no. 7 (English; see also <http://www.philipharland.com/greco-roman-associations/?p=3611>); Pernin 2014, no. 7, 55-56 (French)

Bibliography: Osborne 1988 (Ph. Gauthier, BE 1989 261); Le Guen-Pollet 1991, no. 8; Jones 1999, 250-253; Ragone 2001 (SEG 49 2490); Austin 2006, 150-151; Papazarkadas 2011, 117-118

[θε]οί.

[ο]ἱ ὀργεῶνες ἐμίσθωσαν τὸ ἱερόν το-

[ῶ] Ἐγρέτου Διογνήτῳ Ἀρκεσίλου Με-

λιτεῖ εἰς δέκα ἔτη ΗΗ δραχμῶν τοῦ ἐ-

5 {ε}νιαυτοῦ ἐκάστου, χρῆ (vac.) σθαι τῶι ἰ-

10 ερῶι καὶ ταῖς οἰκία<ι>ς ταῖς ἐνωικοδο-
 ομημέναις ὡς ἱερῶι. περιλείψει δε-
 ἐ Διόγνητος καὶ τῶν τοίχων τοὺς δε-
 ομένους, ἐνοικοδομήσει δὲ καὶ κατ-
 15 ασκευαῖ καὶ ἄλλ' ὄ<τ>αν τι βούληται (vac.)
 Διόγνητος. ὅταν δὲ ὁ χρόνος ἐξίηι (vac.)
 αὐτῶι τῆς δεκαετίας, ἄπεισιν ἔχων
 τὰ ξύλα καὶ τὸν κέραμον καὶ τὰ θυρώ-
 [μ]ατα, τῶν δ' ἄλλων κινήσει οὐθέν. ἐπι-
 20 [μ]ελήσεται δὲ καὶ τῶν δένδρων τῶν (vac.)
 ἐν τῶι ἱερῶι πεφυκότων, καὶ ἄν τι ἐγ-
 λείπει, ἀντεμβαλεῖ καὶ παραδώσει
 τὸν αὐτὸν ἀριθμόν. τὴν δὲ μίσθωσιν
 ἀποδώσει Διόγνητος τῶι ἀεὶ ταμιε-
 25 ὑόντι τῶν ὀργεῶνων ἐκάστου τοῦ ἐν-
 ιαυτοῦ τῆμ μὲν ἡμίσεαν τὰς Η δραχμὰ[ς]
 τοῦ Βοηδρομιῶνος τῆι νομηναίαι, (vac.)
 τὴν δὲ λοιπὴν τὰς Η δραχμὰς τοῦ Ἐλα-
 φηβολιῶνος τῆι νομ<η>ναίαι. ὅταν δὲ
 30 θύωσιν οἱ ὀργεῶνες τῶι ἥρωι τοῦ Βο-
 ηδρομιῶνος, παρέχειν Διόγνητον τ-
 ῆν οἰκίαν, οὗ τὸ ἱερόν ἐστιν, ἀνεωιγ-
 μένην καὶ στέγην καὶ τὸ ὀπτάνιον (vac.)
 καὶ κλίνας καὶ τραπέζας εἰς δύο τρ-
 35 ίκλινα. ἐὰν δὲ μὴ ἀποδιδῶι τῆμ μίσθ-
 ωσιν Διόγνητος ἐν τοῖς χρόνοις τοῖς
 γεγραμμένοις ἢ τᾶλλα μὴ ποεῖ τὰ ἐν
 τῆι μισθώσει γεγραμμένα, ἄκυρος (vac.)
 40 ἔστω αὐτῶι ἢ μίσθωσις καὶ στέρεσθω
 τῶν ξύλων καὶ τοῦ κεράμου καὶ τῶν (vac.)
 θυρωμάτων, καὶ ἐξέστω τοῖς ὀργεῶσι
 μισθοῦν ὅττωι ἂν βούλωνται. ἐὰν δέ τις
 εἰσφορὰ γίνηται, ἀπὸ τοῦ τιμήματος
 τοῖς ὀργεῶσιν εἶναι. ἀναγράψαι δὲ
 τῆμ μίσθωσιν τήνδε Διόγνητον εἰς
 τὴν στήλην τὴν ὑπάρχουσαν ἐν τῶι ἱ-
 45 ερῶι. χρόνος ἄρχει τῆς μισθώσεως (vac.)
 ἄρχων ὁ μετὰ Κόροιβον ἄρχοντα. (vac.)

Apparatus criticus: I. 5: χρῆ(vac.)σθαι lapicidam ambiguum esse utrum χρῆσθαι, χρήσασθαι an χρήσεσθαι scriberet suspicatus est Dittenberger (Syll.³ 1097, n. 2). I. 10: ὄ<τ>αν τι Wilhelm apud Lord: ΟΣΑΝΤΙ (ὄσ' ἄν τι) lapis : ὡς ἄν τι dub. Lord.

Translation:

Gods.

The orgeones leased the sanctuary of Egretes to Diognetos, son of Arkesilas, of Melite for ten years at a rent of 200 drachmas per year, so that he shall use the sanctuary and the houses that have been built inside it as a sanctuary. Diognetos shall whitewash the walls that need it and build and improve everything else he may wish. When his ten-year time expires, he shall leave bringing with him the timber parts, the tiles and the doors, but he shall not remove anything else. He shall take care of the trees that have grown in the sanctuary, and if one dies, he shall replace it and give back the same amount. Diognetos shall pay the rent to the member of the orgeones who acts as treasurer each year, one half - 100 drachmas - on the first day of Boedromion and the rest - 100 drachmas - on the first day of Elaphebolion. When the orgeones sacrifice to the hero in Boedromion, Diognetos shall provide the house where the shrine is, accessible and with a roof, the kitchen, couches and tables for two triclinia. If Diognetos does not pay the rent within the time written down or does not do something which is written down in the lease contract, let his lease be void and him be deprived of his timber parts, tiles and doors, let it be allowed to the orgeones to lease to whoever they please. If an eisphora is raised, let it fall on the orgeones according to the wealth assessment. Diognetos shall inscribe this lease contract upon the stele which is in the sanctuary. The inception time of the lease is the archon after archon Koroibos.

Commentary:

The sanctuary of Egretes, an otherwise unknown hero, is let to Diognetos for ten years at 200 drachmae a year (ll. 2-7), some rules concerning his rights and duties are given (ll. 7-18), followed by payment details (ll. 18-24). Diognetos will also have to partly cater for the yearly celebration of the hero (ll. 24-30). Should Diognetos fail to comply with the agreement terms, penalties are envisioned (ll. 30-37) and, in case an eisphora is levied, it is established it will be the orgeones' duty to pay it (ll. 37-39). The text ends with the standard formula for the publication of the lease and the starting date (ll. 39-43).

The leasing of sacred property was a widespread activity attested - to limit the examples to Athens - for the polis, the demes, the gene and the orgeones (Faraguna 1992, 337-353; Papazarkadas 2011, 75-98; 135-160; 191-206; relevant documents concerning sacred property leases are also extant from Thespiai and Delos, all listed in Pernin 2014; cf. also Osborne 1988, 292-304). According to a gloss of Didymos to Isocrates, cultic activities were often paid for by rents (Harp. s.v. ἀπὸ μισθωμάτων, discussed in Osborne 1988, 288 and Papazarkadas 2011, 76). The very definition of sacred land as allegedly opposed to public or 'secular' land is very controversial; according to Papazarkadas, who also offers a summary of this long-standing debate, the following distinction could be made: sacred land was land which was owned by a deity and unalienable, whose revenues were used specifically for cults and whose cultivation may in some instances have been forbidden (Papazarkadas 2011, 2-13 and 243), but there is no unanimous consensus (for some objections to this attempt at categorization, see e.g. Rousset 2013).

In the case of the orgeones, while Papazarkadas suggests that they owned both sacred land, such as the sanctuary of Egretes, and non-sacred land, whose sale is attested in the

Rationes centesimarum (Papazarkadas 2011, 198-204), Rousset is in favour of a more nuanced approach and casts doubts on the possibility of a sharp distinction between the two, which is not attested in the ancient sources (Rousset 2013, 118-119).

II. 2-7: Only speculation is possible as to the reasons why the sanctuary was let: it has been argued that this points to a lack of financial resources (Austin 2006, no. 150, n. 3), but this is by no means sure. Rather, the orgeones were thus securing a caretaker and a regular income (see the discussion in the introduction). It is also possible to surmise that the lessee was himself a member of the orgeones (Walbank 1991, 160; Parker 1996, 110).

[ο]ἱ ὀργεῶνες: the orgeones were a hereditary association, possibly the subdivision of a phratry, dedicated to the cult of a mostly foreign deity or, as in this case, of a hero; based on the reference to two triclinia in II. 29-30, the number of members can be estimated to have been between 18 and 30 (Ferguson-Nock 1944, esp. 79-81, Jones 1999, 250-253, Parker 1996, 109-111).

Διογνήτῳ Ἀρκεσίλου Μελιτεῖ. The identification of this Diognetos (LGPN II, Διόγνητος 31) with some namesakes can only be hypothetical: he may have been the father of a councillor of the restored democracy in 304/3 (LGPN II, Διόγνητος 32) and, given the rarity of the patronymic, the brother of Onetor, son of Arkesilas, of Melite (LGPN II, Ὀνήτωρ 18), known as the lessee of a mine in the mid-340s. Should these identifications be accurate, he would be the member of a prominent family of the city deme of Melite, which is known to have performed a number of liturgies in the 4th century (APF 11473; cf. Papazarkadas 2011, 204).

τῶι ἱερῶι καὶ ταῖς οἰκίαις ταῖς ἐνωικοδομημέναις ὡς ἱερῶι. ὡς ἱερῶι is predicative with χρῆσθαι. Diognetos is to use the sanctuary and its buildings in a way proper for a sanctuary, i.e. in a respectful way (cf. Syll.³ 1097, n. 4).

II. 7-18: περιαλείψει δὲ Διόγνητος καὶ τῶν τοίχων τοὺς δειομένους. Cf. IG II² 1672, I. 61 εἰς τὴν περιαλιφὴν τοῦ τείχους «for the smearing of whitewash on the wall».

ἐνοικοδομήσει δὲ καὶ κατασκευᾶι καὶ ἄλλ' ὄ<τ>αν τι βούληται. Lord and Kloppenborg, Ascough differentiate in their translations between the two verbs ἐνοικοδομήσει, «build therein», and κατασκευᾶι «put in order [by way of improvements]», «improve [by building]». Others treat the two verbs as synonyms (e.g. Austin, Hellmann, Osborne).

The emendation of ὅσ' ἂν τι into ὄ<τ>αν τι was necessary, as ὅσ' ἂν τι, which is found on the stone, would be unparalleled in its two pronouns (cf. the apparatus for other proposals). Similar provisions are also attested elsewhere (Behrend 1970, 122, Walbank 1991, 164, esp. n. 108 for a large amount of parallels): new construction work of some kind by the lessee is

sometimes imposed as part of the contract (IG I³ 84, II. 3-4, 30-32; IG II² 2496, II. 13-17), sometimes simply allowed (SEG 24 203, II. 11-16 ἐνοι[κ]οδομεῖσθαι δὲ Θρασύβουλον | ἔαν τι βούληται τοῖς | αὐτοῦ τέλ[ε]σιν ἐν τῶι | χωρίῳ τῶι ἔξω τοῦ ὀχ[ε]τοῦ «that Thrasybulos shall build, if he wishes, at his own expenses on the land outside the canal»), as in this case;

some other times both conditions apply at the same time (IG I³ 84, II. 33-34: [sc. τὸν μισθοσάμενον] φυτεῦσαι φυτευτέρια ἐλαῶν μὲ ὄλεζον ἔ διακόσια, πλέονα δὲ ἔαν βόλεται «that the lessee shall plant no less than 200 olive trees, more if he wishes»).

ἄπεισιν ἔξων | τὰ ξύλα καὶ τὸν κέραμον καὶ τὰ θυρώ[μ]ατα, τῶν δ' ἄλλων κινήσει οὐθέν. In contracts, σκεύη, «utensils» (roofs and doors included therein), were listed separately (Behrend 1970, 123-124): sometimes objects would be included in the lease (an inventory of objects in SEG 21 644, I. 16 ff.; IG II² 2498, I. 23 ff. specifies that a building already has a roof), sometimes they would not (SEG 24 203, II. 18-23: ἀπιέναί Θρασύβουλον λαβόντα τὸν

κέ|<ρ>αμον καὶ τὰ ξύλα κ<α>ὶ | τὰ θυρώματα, ἐὰμ μή τι | αὐτὸν πεί<θ>ει Χάροψ vac. | καὶ οἱ ὄργεῶνες «Thrasymbulos shall leave taking the tiles, the timber parts and the doors, if Charops and the orgeones do not persuade him otherwise»). The most extensive lists of objects, buildings or plants included in a lease are in a series of inscriptions from Delos (Pernin 2014 no. 86, 92, 97, 106, 108, 109, 113, 114, 116, 117, 118, 121, with items listed on tables 48-59): for almost every structure in the rented property it is specified whether or not it has a door (e.g. one of the fifteen pieces of land listed in Pernin 2014, no. 86 is rented with a κλεισίον with a door and a θάλαμος, a stable, a sheepfold and an oven without it). On the verb ἀπιέναι in this context, cf. commentary on ll. 24-30 below.

ἐπι[[μ]ελήσεται δὲ καὶ τῶν δένδρων τῶν (vac.) | ἐν τῷ ἱερῷ πεφυκότων, καὶ ἄν τι ἐγ| λείπει, ἀντεμβαλεῖ καὶ παραδώσει | τὸν αὐτὸν ἀριθμόν. From the 5th century onwards more laws were passed to protect sacred groves from intentional rather than unintentional damage, since the former became more frequent as deforestation in Greece had led to a lack of easily accessible timber (Jordan, Perlin 1984, esp. 158; on sacred groves, cf. also Ragone 2001). However, such provisions are also attested in other lease contracts for non-sacred spaces (IG II² 1241, ll. 30-32, 2492.14 ff.; cf. Behrend 1970, 122, n. 107).

ll. 18-24: Deadlines could vary and, though no positive evidence is extant in this respect, it can be guessed that they somehow corresponded to particular needs of the lessor: in this case, the payment of one of the two instalments is due in Boedromion, when the yearly celebration for Egretes took place, for which the rent money was probably used (cf. introduction and commentary to ll. 2-7; cf. also Behrend 1970, 117-8, Papazarkadas 2011, 117-118). Deadlines at the beginning Boedromion (September/October) and Elaphebolion (March/April) for the two yearly instalments are also attested elsewhere (IG II² 1241, ll. 25-28).

ll. 24-30: παρέχειν Διόγνητον τὴν οἰκίαν, οὗ τὸ ἱερόν ἐστιν, ἀνεωιγ|μένην καὶ στέγην καὶ τὸ ὀπτάνιον (vac.) | καὶ κλίνας καὶ τραπέζας εἰς δύο τρίκλινα. The identification of some of the single items on this list is disputed: στέγη has been translated as «shed» (Lord), «covered shelter» (Austin) and the like (Hellmann, Pernin); some (Lord, and Kloppenborg, Ascough) even suppose against the word order that στέγη is connected to the ὀπτάνιον and indicates a hut with an oven. The reference is allegedly to a hut which is temporarily set up for a feast and is mentioned in other inscriptions (Dittenberger in Syll.³ 1097, n. 11 lists IG II² 1492B l. 3, I.Kallatis 36, l. 34, Syll.³ 979, l. 4, I.Smyrna 753, l. 2). In all these four occurrences, however, the word is or has the root of σκηνή. It seems likelier that στέγη here indicates the roof (Behrend 1970, 123; Osborne 1988, 288): in another instance, it is specified that a building is already roofed and, probably, that it is to be returned in that condition (IG II² 2498, ll. 23 ff.). In any case, the lack of a definite article (already noted by Lord 1889, 53 and Dittenberger) points to something indefinite and temporary: only the building (τὴν οἰκίαν) and the kitchen (τὸ ὀπτάνιον) are clearly defined and stable items and thus take the definite article, whereas the roof, the couches etc. need not be clearly identified, are just temporary and thus take no article. Hellmann, ad loc. also notes that τρίκλινα needs not refer to a strictly three-couch dining hall, since the meaning of the word became more comprehensive and the number of couches per hall was usually seven. According to Nicholas Jones, from these lines it is possible to infer that the rented property served as continuous residence for Diognetos and that it was his duty to temporarily vacate the property on the day of the yearly celebration for Egretes; continuous residence would also be confirmed by the use of the verb ἀπιέναι used in l. 12 referring to the end of the

lease (Jones 2000, esp. 81).

τ|ην οἰκίαν, οὗ τὸ ἱερόν ἐστιν. Dittenberger (Syll.³ 1097, n. 3) points out that the only way to make sense of this sentence is to assume that the usage of τὸ ἱερόν in ll. 2 and 5-6 and its usage here differ: in the former two cases, it clearly means «sanctuary», but in the latter it must refer to the shrine where the statue of the hero was kept.

ll. 37-39: ἐὰν δέ τις | εἰσφορὰ γίνηται, ἀπὸ τοῦ τιμήματος | τοῖς ὀργεῶσιν εἶναι. The εἰσφορὰ was a special direct tax imposed on wealthy citizens whose amount – at least from 378/7 BC – was proportionate to a citizen's τίμημα, i.e. the assessment of his wealth (Christ 2007 with previous bibliography; the standard work on the eisphora is Thomsen 1964, esp. 194-249 for the years after 378/7 BC; cf. also Hansen 1991, 112-115 and Canevaro 2016, 50-53). It is not to be considered an equivalent of a modern land tax, because the τίμημα was based not only on land, but on the whole capital owned by an individual and because the εἰσφορὰ was not levied on a regular basis (Pernin 2007, esp. 379-381). Out of seven cases known of Attic lease contracts which mention the εἰσφορὰ, five specify that the lessor has to pay for it (beside the present case, IG II² 1241, 2492, 2497, 2498), whereas only in two is the lessee accountable for it (SEG 24 151, IG II² 2496; cf. Behrend 1970, 119-120, esp. nn. 91-92).

ἀπὸ τοῦ τιμήματος | τοῖς ὀργεῶσιν εἶναι. This has been understood in two different ways, either «the associates are to pay it according to the valuation» (Osborne; similarly Austin, Pernin) or «it has to be deducted from the payment to the Orgeones» (Lord; similarly Kloppenborg, Ascough). There would be parallels – though not strictly verbal parallels – for both (IG II² 2496, ll. 25-27 ἐὰν δέ [τις] εἰσφορὰ γίνηται ἢ ἄλλο τι ἀπ[ό]τισμα τρό|πωι ὄτωιοῦν, εἰσφέρειν Εὐκράτην κατὰ τὸ τίμημα κα|θ' ἑπτὰ μνάς «if an eisphora or another payment of some kind is levied, Eukrates shall pay for it according to the seven-mna evaluation»; IG II² 2492, ll. 25-27 ἐὰν δέ οἱ μισθωταὶ (sc. τὴν εἰσφορὰν) εἰσενέγκωσι, ὑπολο|γίζεσθαι εἰς τὴν μίσθωσιν «if the lessees pay the eisphora, let it be deducted from the rent»), but the former translation seems preferable, as τίμημα as «wealth assessment» (LSJ, s.v. τίμημα, A6; see above) rather than «payment» (LSJ, s.v. τίμημα, A3) is a technical term in the εἰσφορὰ collection process.

ll. 39-43: ἀναγράψαι δὲ | τὴν μίσθωσιν τήνδε Διόγνητον εἰς | τὴν στήλην τὴν ὑπάρχουσαν ἐν τῷ ἱερῷ. The slab was already in the sanctuary (τὴν ὑπάρχουσαν ἐν τῷ ἱερῷ) and probably bore another text: the present inscription is a palimpsest and Lord detects traces of letters of the same form and dimensions as those of the extant text and a larger letter at the beginning of l. 26, possibly belonging to yet another text (Lord 1889, 46).

ἄρχων ὁ μετὰ Κόροιβον ἄρχοντα. Koroibos was the eponymous archon in the year 306/5 BC (Meritt 1977, 171).

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