

## *Review Article*



# Law and Economic Growth in Ancient Athens

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Federica Carugati, *Creating a Constitution: Law, Democracy, and Growth in Ancient Athens*. Princeton: Princeton University Press, 2019. xii + 239 pages, \$39.95.  
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In *Creating a Constitution*, Federica Carugati (= C.) claims to offer a new approach to the study of the political economy of Classical Athens.<sup>1</sup> First, C. aims at showing ‘how a stable, growth-enhancing democratic constitution may emerge’. Second, C. seeks to highlight ‘the role of constitutions in fostering inclusion by enabling institutional trade-offs’ (p. 17). Third, C. stresses the role of legality and the rule of law in the Athenian constitution but denies the existence of an effective state in Athens (p. 17).

Chapter 1, ‘Athens before the Crisis’ (pp. 21–37), is a hasty and superficial account of Athenian history from Draco to the Peloponnesian War. C. (p. 22) repeats the questionable view of S. Forsdyke and R. Osborne that ‘the tendency of early Greek law (was) to establish boundaries for elite competition by limiting the power of magistrates’, quotes a single law from Dreros in

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1 C. claims (p. 16) that ‘the role of legal institutions’ for economic growth ‘are frequently ignored in the literature’ but overlooks E.M. Harris, *Democracy and the Rule of Law in Classical Athens: Essays on Law, Society, and Politics in Classical Athens* (Cambridge and New York: 2006), pp. 141–280 and much of the analysis in A. Bresson, *The Making of the Ancient Greek Economy: Institutions, Markets, and Growth in the City-States* (Princeton: 2016), especially pp. 225–260.

support and neglects the evidence of the statutes collected in van Effenterre/Ruzé and Koerner, two works one cannot find in C.'s bibliography.<sup>2</sup> The law of Draco (pp. 23–4) and the reforms of Solon (pp. 24–26) are summarized in a few pages. C. claims that the lawgiver abolished debt bondage, which rests on a misinterpretation of [Arist.] *Ath. Pol.* 9.1.<sup>3</sup> C. cites no evidence for this view and other assertions about Solon's laws about penalizing fathers for not teaching sons a trade and about exports (the evidence can be found only in a later source, Plutarch *Solon* 22.1; 24.1). The brief section on Cleisthenes omits the fact that the tyrant Hippias was driven out by the Spartans and uncritically follows J. Ober's analysis of the 'foundation' of democracy, which has been well criticized by L.J. Samons. The account of 'Democracy in Fifth-Century Athens' (pp. 27–30) summarizes a few points in Hansen.<sup>4</sup> In 'Democracy and Empire' (pp. 30–33), C. follows Morris in painting a rosy picture of Athenian imperialism in which the revolts of Naxos, Thasos, Samos, Potidaea, the Chalcidians of Thrace, Amphipolis, Torone and several other communities completely vanish. C. also claims that the Athenians 'imposed a common currency – the Athenian owl – throughout the empire', a view hard to square with the evidence of coin hoards. This chapter ends with a short analysis (pp. 33–37) of the reasons for the Athenian defeat in the Peloponnesian War, which C. (p. 34; cf. pp. 39, 43, 55, 64) attributes to 'the inability of the Assembly to credibly commit to promises made by legislation', which was in turn caused by a lack of checks on the Assembly and the absence of procedures to archive decisions. But were the Athenians really incapable of making credible commitments to treaties and alliances in the fifth century? Were the oaths they swore to interstate agreements just perjury? Were the decrees of the Assembly all hollow promises? And what about the entrenchment clauses in fifth-century decrees, which pledged credible commitments?<sup>5</sup> C. also does not show how this alleged inability to make commitments brought about the disaster in Sicily, the desertion of over 20,000 slaves, the strife of 411 and the disaster at Aegospotamoi, and it is hard to discern any causal relationship. The reasons for the defeat given by Thucydides (2.65; cf. Isocrates 8.124–28; 15.230–36) are not even considered.

2 H. van Effenterre and F. Ruzé, eds., *Nomima. Recueil d'inscriptions politiques et juridiques de l'archaïsme grec*, 2 vols. (Rome: 1994–1995); R. Koerner, *Inschriftliche Gesetzestexte der frühen griechischen Polis* (Cologne: 1993).

3 For analysis see Harris, *Democracy and the Rule of Law*, pp. 249–269.

4 M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology* (Norman, OK: 1999). On p. 30 *euthyna* should be *euthynai*.

5 See Harris, *Democracy and the Rule of Law*, pp. 23–25, with references to inscriptions and earlier bibliography.

Chapter 2, 'Constitution and Consensus' (pp. 38–74), pursues the theme of the inability of the democracy to make credible commitments through a rapid and lacunose survey of the events between 411 and 403. C. mentions a debate about a consensus expressed in the *patrios politeia* but has to admit there is not much evidence for this (pp. 44–46). The brief accounts of 'The Four Hundred' (pp. 46–51) and 'The Five Thousand' (pp. 51–53) do not discuss the important documents at [Arist.] *Ath. Pol.* 30–31, which are key for an understanding of the aims of these regimes. C. speculates that the constitution of the Five Thousand was 'a concession that the parties made to one another rather than keeping the Four Hundred in power' but does not explain when such a bargain was struck between the politicians in Athens and the leaders on Samos. C. also ignores the motives of Theramenes and his desire to formulate a mixed constitution (*Xen. Hell.* 2.3.48). After the restoration of 409 C. asserts 'the demos that asserted its power in in the year 410/409, then, was not the fifth-century demos, but a demos *surrounded by laws*' (p. 55). Was the democracy before 411 not surrounded by laws? What are we to make of Pericles' statement in the Funeral Oration (*Thuc.* 2.37) that the Athenians respect the laws, the judicial oath sworn by the judges to follow the laws (*Ant.* 5.8, 85, 96) and the oath of the Council to rule in accordance with the laws?<sup>6</sup> But according to C. this was not effective because there were no effective mechanisms in place to enforce the laws (p. 55), but the only evidence for this is the trial of the generals in 406 BCE, which was clearly unusual. The account of 'The Thirty (404–3)' (pp. 56–60) adds nothing new. 'The Athenian Self-Enforcing Constitution' (pp. 62–71) covers the reforms of 403 and later. C. believes that the Amnesty Agreement of 403 was not a commitment to 'refrain from recalling past harms' (p. 63) and makes the mistake of following Carawan's view of the phrase *μὴ μνησικακεῖν*, which has now been refuted in detail by Joyce.<sup>7</sup> As a result, C. completely ignores the introduction of the *paragraphe* procedure, which provided key procedural protection for oligarchs against political vendettas.<sup>8</sup> C. also overlooks the introduction of public arbitrators, who may have helped to reduce

6 For the oath of the Council see P.J. Rhodes, *The Athenian Boule* (Oxford: 1972), pp. 190–99.

7 See C. Joyce, 'Μὴ μνησικακεῖν and "All the Laws" (Andocides *On the Mysteries* 81–82: A Reply to E. Carawan', *Antichthon* 48 (2014), pp. 37–54. For the serious flaws in E. Carawan, *The Athenian Amnesty and Reconstructing the Law* (Oxford: 2013), see E.M. Harris, Review of Carawan, *Classical Review* 65 (2015), pp. 175–76 and P. Nývlt, Review of Carawan, *Eirene* 52 (2016), pp. 512–19.

8 See Isocrates 18.2–3, 33–4 with E.M. Harris, 'The Meaning of the Legal Term *Symbolaion*, the Law about *Dikai Emporikai* and the Role of the *Paragraphe* Procedure', *Dike* 18 (2015), pp. 7–36.

transaction costs in the courts.<sup>9</sup> On the other hand, C. (pp. 64–5) rightly follows Canevaro’s analysis of the sources for the new *nomothesia* procedure and correctly rejects Hansen’s attempt to defend the authenticity of the inserted document at Dem. 24.20–23.<sup>10</sup> The issue about the identity of the *nomothetai* discussed by C. (p. 65) has now been solved: it was a session of the Assembly.<sup>11</sup> C. claims that the new measures ‘enhanced the credibility of the demos’ commitments’ (p. 64), but does not explain how they achieved this goal. A study of the procedures themselves shows instead that the Athenians were more concerned with the stability of the laws (e.g. Dem. 24.139–43) and removing contradictions among laws (Dem. 20.92–93).<sup>12</sup> On the whole, the new measures ‘advanced the progress of establishing the rule of law in significant ways’ (p. 72), but C. downplays the extent to which major features of the rule of law such as equality before the law, the accountability of officials, accessibility to the courts, and fairness in procedure, none of which is mentioned by C., had already been implemented in the fifth century and thereby exaggerates the innovations. And C. neglects to mention one of the most significant ways the Athenians enhanced their reputation for maintaining commitments, which was to repay the Spartan loan contracted under the Thirty (Dem. 20.11–12; Isoc. 7.67–69). Finally, C. misunderstands the ‘thick’ definition of the rule of law, which includes substantive rights, by listing only procedural rights, which are stressed in the ‘thin’ definition (p. 72).<sup>13</sup>

Chapter 3 ‘Stability and Innovation in Athenian Policy’ (pp. 75–107) searches for the sources of stability in fourth-century Athens (p. 75) and the reasons for

9 See E.M. Harris, ‘Trials, Private Arbitration, and Public Arbitration in Classical Athens or the Background to [Arist.] *Ath. Pol.* 53, 1–7’, in C. Bearzot, M. Canevaro, T. Gargiulo, and E. Poddighe, eds., *Athenaion Politeiai tra storia, politica e sociologia: Aristotele e Pseudo-Senofonte* (Milan: 2018), pp. 213–230, with references to earlier studies.

10 See M. Canevaro, ‘*Nomothesia* in Classical Athens: What Sources Should We Believe?’, *Classical Quarterly* 63 (2013), pp. 139–60. On the attempt of Hansen to defend his view of *nomothesia* see the detailed refutation in M. Canevaro, ‘The Authenticity of the Documents at Demosth. Or. 24.20–23, the Procedures of *Nomothesia* and the So-called ἐπιχειροτονία τῶν νόμων’, *Klio* 100 (2018), pp. 70–124. Cf. M. Canevaro, ‘On Dem. 24.20–23 and the So-Called ἐπιχειροτονία τῶν νόμων: Some Final Clarifications in Response to M.H. Hansen’, *Klio* 102 (2020), pp. 26–36.

11 See Dem. 20.93 with E.M. Harris, ‘Some Recent Developments in the Study of Ancient Greek Law’, *Journal of Ancient Civilizations* 33.2 (2018), pp. 187–266, at pp. 207–208, followed by Canevaro, ‘On Dem. 24.20–23,’ p. 27, note 4.

12 C. later sees the importance of this aim (p. 72).

13 For ‘thin’ vs. ‘thick’ definitions of the rule of law see T. Bingham, *The Rule of Law* (London: 2010), and E.M. Harris, ‘From Democracy to the Rule of Law? Constitutional Change’, in C. Tiersch, ed., *Die Athenische Demokratie im 4. Jahrhundert: Zwischen Modernisierung und Tradition* (Stuttgart: 2016), pp. 73–87.

prosperity (p. 77). C. does not spend much space on the details of Athenian law and political decisions because ‘the evidence for political decisions in the Assembly and the Council is largely limited to the actions of one politician in one decade’ (p. 78). This will come as a surprise to readers of P. Liddel’s *Decrees of Fourth-Century Athens* (Cambridge: 2020), which collects dozens of decrees for this period. C. then claims, ‘our knowledge of procedural rules regulating the Council and Assembly meetings is limited’ (p. 79), a statement that will puzzle scholars who have studied [Arist.] *Ath. Pol.* 42–69 and hundreds of Attic decrees in the volumes of *Inscriptiones Graecae*. C. then examines ‘Actors and Preferences’ in the courts (pp. 81–89). C. rightly rejects the view of J. Ober and D. Cohen that litigation was an exclusively elite domain, a point already made by other scholars such as Hansen (pp. 81–84). The members of the courts were drawn from the city and country and from the average citizens and the wealthy (pp. 84–87). C. mentions the role of associations (pp. 87–8), but it is not clear what their connection was with the courts.

To study how the Athenian courts made their decisions, C. uses a methodology formulated by Randall Calvert to analyze voters’ preferences in modern elections, which is therefore inappropriate for analyzing court decisions in Classical Athens and completely ignores the contemporary evidence of the promises in the judicial oath (pp. 89–95). Instead of analyzing a speech delivered in a case against an illegal proposal (e.g. Aeschin. 3; Dem. 18, Dem. 22, Dem. 23; Hyp. *Phil.*) or an inappropriate law (Dem. 20, Dem. 24), C. invents a hypothetical case Leo vs. Ernie (pp. 95–97). On the basis of Xenophon’s proposal in the *Poroi* (2.1–7), Ernie proposes ‘to extend land grants to metics’, a proposal challenged by Eratosthenes, another imaginary character. What C. does not understand is that Xenophon was not proposing a new practice, but to use a practice (ἐγκτησις γῆς) already in place more extensively (ἐγκτετῆσθαι). These individual grants were made by decree according to a law (e.g. *IG II<sup>3</sup>* 337, 367, 379), not by a law, and have been collected by J. Peçirka, a work one cannot find in C.’s bibliography.<sup>14</sup> Leo’s proposal was unnecessary, and this hypothetical case could therefore never have occurred in the Athenian legal system. But C. prefers guesswork to analyzing evidence and devotes the next pages and seven graphs (pp. 97–104) to speculating how Athenian judges would have decided a case that could never have come before them. At the end of this section, C. (p. 104) rightly rejects Lanni’s view that the courts made *ad hoc* judgments but believes that judges ‘modelled their behavior based in part on statutes, and in part on what they believed the average member of their community would have considered wrongdoing based on his interpretation of

14 J. Peçirka, *The Formula for the Grant of Enktesis in Attic Inscriptions* (Prague: 1966).

those statutes'. There are two problems here. First, C. fails to mention the key role of the *plaint* (*engklêma*) in requiring the judges to decide only whether the defendant had broken a specific law or not.<sup>15</sup> Second, C. does not explain how the judges could have determined what the view of the average Athenian about the meaning of statutes. The way that litigants determined this was to appeal to decisions in prior cases, which the courts appear to have followed,<sup>16</sup> but C. ignores this evidence for no good reason. C. claims to show that the courts created 'a space for cooperation that fostered innovation in law- and policy-making without loss of political stability' (p. 107), but this seriously misrepresents the role of the courts, which was to judge the guilt or innocence of individuals according to the law and to impose punishments on the guilty in part to discourage disregard for communal norms. Policy was made in the Council and Assembly, not the courts (for the division see for example Arist. *Pol.* 4.10.1298a4–1299a3 [deliberative] and 4.12.1300b14–4.13.1301a15 [judicial]). Cases about illegal decrees and inappropriate laws ensured that legislation would be internally consistent but did not debate policy. In fact, to raise questions about policy in a case about an illegal decree was considered 'shameless' (Dem. 23.100–101), a passage C. does not discuss.

Chapter 4 'The Institutional Foundations of Prosperity' (pp. 108–139) examines fiscal and economic policy and how the Athenians found new sources of revenue without collecting tribute and 'without jeopardizing the social order' (p. 108). The role of institutions in generating wealth and economic growth has attracted the attention of scholars like the late Douglass North and those working in the tradition of New Institutional Economics like Alain Bresson.<sup>17</sup>

15 On the *plaint* and its role see E.M. Harris, 'The *Plaint* in Athenian Law and Legal Procedure', in M. Faraguna, ed., *Archives and Archival Documents in Ancient Societies* (Trieste: 2013), pp. 143–62, with the important endorsement of P. Scheibelreiter, '*Nomos, Enklema und Factum*', in G. Thür, U. Yiftach, and R. Zelnick-Abramovitz, eds., *Symposion 2017. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Vienna: 2018), pp. 211–250. C. shows no awareness of the *plaint* and its implications.

16 For the use of decisions in prior cases to achieve consistency see E.M. Harris, *The Rule of Law in Action in Democratic Athens* (Oxford and New York: 2013), pp. 246–73. For a list of prior decisions mentioned in forensic oratory see E.M. Harris, 'The Athenian View of an Athenian Trial', in C. Carey, I. Giannadaki, and B. Griffith-Williams, eds., *The Use and Abuse of Law in the Athenian Courts* (Leiden: 2018), pp. 42–74. For consistency in the application of the statute for awarding crowns see E.M. Harris, 'Applying the Law about the Award of Crowns to Magistrates (Aeschin. 3.9–31): Epigraphic Evidence for the Legal Arguments at the Trial of Ctesiphon', *Zeitschrift für Papyrologie und Epigraphik* 202 (2017), pp. 105–117.

17 For a good summary see S. Ogilvie and A.W. Carus, 'Institutions and Economic Growth in Historical Perspective', in S. Durlauf and P. Aghion, eds., *Handbook of Economic Growth* (Amsterdam: 2014), pp. 415–514.

North and others stressed the importance of three major factors in growth: 1) the role of the state in reducing transaction costs, 2) the importance of property rights in creating incentives for investment, and 3) the need for strong third-party enforcement of contracts (Isocr. 7.32–34; Dem. 56.48–50).<sup>18</sup> None of this finds place in C.'s discussion. The duties of officials like the *agoranomoi* ([Arist.] *Ath. Pol.* 51.1), the *astynomoi* ([Arist.] *Ath. Pol.* 50.2), the *sitophylakes* ([Arist.] *Ath. Pol.* 51.3) and the *metronomoi* ([Arist.] *Ath. Pol.* 51.2) are absent from this chapter, and only the *dokimastai* in Nicophon's law are discussed (p. 119).<sup>19</sup> One searches in vain for any discussion of property rights and the impact of property records on patterns of lending and borrowing.<sup>20</sup> The legal regulations about real security, key for investment loans, do not appear in C.'s account.<sup>21</sup> And what C. writes about the enforcement of contracts in the *dikai emporikai* is deeply flawed (see below). C. looks mainly at methods of raising public revenue from the wealthy but fails to explain how institutions enabled the wealthy and average Athenians to invest and profit. Nor does C. examine to what extent the Athenians benefitted from general economic developments in the Eastern Mediterranean.<sup>22</sup> Finally, C. pays no attention to the signs of

18 C. cites only D.C. North, 'Institutions and Credible Commitment', *Journal of Institutional and Theoretical Economics* 149 (1993), pp. 11–23, and D.C. North and B.R. Weingast, 'Constitutions and Commitment: The Evolution of Institutions Governing Public Choice in Seventeenth-Century England', *Journal of Economic History* 49 (1989), pp. 803–832, on credible commitments but does not draw on D.C. North, *Institutions, Institutional Change, and Economic Performance* (Cambridge and New York: 1990), on economic growth and D.C. North and R.P. Thomas, *The Rise of the Western World: A New Economic History* (Cambridge: 1973), on property rights.

19 The reason why C. overlooks these officials is because she uncritically follows (p. 18, note 31) V. Hunter, *Policing Athens: Social Control in the Attic Lawsuits, 420–320 B.C.* (Princeton: 1994), pp. 143–49, who claims that most disputes in Athens were resolved without the intervention of officials. None of the passages Hunter adduces to prove her point are relevant, and one actually involves an official. For detailed refutation with the numerous sources omitted by Hunter, see Harris, *The Rule of Law in Action*, pp. 21–59, 349–53.

20 On property records see M. Faraguna, 'Registrazioni catastali nel mondo Greco: il caso di Atene', *Athenaeum* 85 (1997), pp. 1–33; M. Faraguna, 'A proposito degli archivi nel mondo Greco: terra e registrazioni fondiarie', *Chiron* 30 (2000), pp. 65–115; and J. Game, *Actes de vente dans le monde grec: Témoignages épigraphiques des ventes immobilières* (Lyon: 2009). For their impact on lending and borrowing see E.M. Harris, 'The Legal Foundations of Growth in Ancient Greece: The Role of Property Records', in E.M. Harris, D.M. Lewis, and M. Woolmer, eds., *The Ancient Greek Economy, Markets, Households and City-States* (Cambridge: 2016), pp. 116–146.

21 See Harris, *Democracy and the Rule of Law*, pp. 163–239 with references to earlier treatments.

22 For transport amphoras as evidence of extensive inter-state trade see T. Panagou, 'Patterns of Amphora Stamp Distribution: Tracking Down Export Tendencies', in Harris, Lewis,

prosperity such as the extensive specialization of labor<sup>23</sup> and archaeological evidence for imports.<sup>24</sup> As a result, her attempt to explain the prosperity of fourth-century Athens falls far short.

C. divides her account into three parts: 'After the Civil War' (pp. 115–123), 'After the Social War (357–355)' (pp. 123–33) and 'After Chaeronea (338)' (pp. 133–39). C. presents a cursory review of the financial measures of the early fourth century such as the *merismos*, the systems of symmories for *eisphora* and the fleet, the *dodekate* law, the law of Nicophon and honors for noncitizens (pp. 115–123).<sup>25</sup> In a discussion of public finance, it is unfortunate to find no mention of the valuable synthesis of Léopold Migeotte and his many studies.<sup>26</sup> The brief account of the Laurion mines misses the important work of Lauffer about the slaves<sup>27</sup> and uncritically quotes (p. 127) P. van Alfen for the view that there is no evidence for the state taking a percentage of the silver extracted, which misses the evidence of Harpocraton s.v. ἀπομονή and the Suda s.v. ἀγράφου μετάλλου δίχνη.<sup>28</sup> A section on the role of the Piraeus makes a serious mistake about the *dikai emporikai*, which C. believes 'extended to noncitizens (...) the privilege to defend oneself in court'. This is not true: foreigners and metics had access to Athenian courts in the fifth century as is clear from inscriptions (e.g. IG I<sup>3</sup> 10), the evidence for the *nautodikai*, and passages like [Dem.] 7.11–13, a topic well

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and Woolmer eds., *The Ancient Greek Economy*, pp. 207–229, which is based on her 2010 University of Athens doctoral thesis.

- 23 See now the updated list of occupations compiled by D.M. Lewis, 'Labor Specialization in the Athenian Economy: Occupational Hazards', in E. Stewart, E.M. Harris, and D.M. Lewis, eds., *Skilled Labor and Professionalism in Ancient Greece and Rome* (Cambridge and New York: 2020), pp. 129–174. C. also misses the study of manufacturing in Athens by P. Acton, Poiesis: *Manufacturing in Athens* (New York and Oxford: 2014), with the summary in P. Acton, 'Industry Structure and Income Opportunities for Households in Classical Athens', in Harris, Lewis, and Woolmer, eds., *The Ancient Greek Economy*, pp. 149–165.
- 24 See P. van Alfen, 'Aegean-Levantine Trade, 600–300 BCE: Commodities, Consumers, and the Problem of Autarkeia', in Harris, Lewis, and Woolmer, eds., *The Ancient Greek Economy*, pp. 277–98.
- 25 C.'s discussion of the decree about Kean ruddle (p. 119) misses the important contribution of E. Lytle, 'Farmers into Sailors: Ship Maintenance, Greek Agriculture and the Athenian Monopoly on Kean Ruddle', *Greek, Roman, and Byzantine Studies* 53 (2013), pp. 520–550, who shows the importance of ruddle for triremes.
- 26 See L. Migeotte, *Économie et finances publiques des cités grecques* (Lyon: 2010–2014), for the detailed studies and L. Migeotte, *Les finances des cités grecques aux périodes classique et hellénistique* (Paris: 2014), for the synthesis.
- 27 S. Lauffer, *Die Bergwerkssklaven von Laureion*, Parts I and II (Wiesbaden: 1955–1956).
- 28 See M. Faraguna, 'La città di Atene e l'amministrazione delle miniere di Laurion', in H.-A. Rupprecht, ed., *Symposium 2003* (Vienna: 2006), pp. 141–160, another work not found in C.'s bibliography.



studied by Gauthier.<sup>29</sup> On the nature of monthly suits (*dikai emmenoi*), C. misses works by Hansen and Vélissaropoulos, who show that the term refers to cases brought to trial within a month.<sup>30</sup> C. also argues for a date for the decree of Demophantus after the Four Hundred (pp. 133–4), which I have shown is incorrect.<sup>31</sup> The final section notes the rise in public revenues after 350 BCE, but still does not analyze the reasons for the economic growth that generated these revenues (pp. 133–9).

Chapter 5, 'The Paths Not Taken', is divided into two parts. The first compares Athenian prosperity with that of Syracuse in the Classical period and Rome in the first century BCE (pp. 141–155). C. states that 'Athens would have likely experienced no significant growth' after 403 if it had experienced political instability, an obvious conclusion, which hardly requires a comparison with other communities (p. 155). The other section speculates about what Athenian economic performance would have been in the fourth century BCE under an oligarchy (pp. 155–72). C. focuses on the role of the Piraeus and argues that oligarchs would not have devoted resources to the port on the basis of the Thirty's attitude toward metics and traders and the views of the Old Oligarch and Plato in the *Laws* (704b, 705a). Based on nothing more than guesswork, C. then quantifies the difference between democratic and oligarchic growth in a graph (Figure 5.2 on p. 171). But how typical were the Thirty? Other oligarchic governments in Corinth and Aegina were perfectly capable of developing their ports just as Polycrates of Samos did in the sixth century (Hdt. 3.60). It is hard to see the point of this exercise. There are two long appendices on 'Piraeus' Geography' (pp. 179–186) and 'Piraeus' History' (pp. 187–203) with discussions of harbors elsewhere in Greece, the population of the Piraeus with more graphs, and the port's history down to the present. It is hard to see the relevance of all this to the book's main argument.

The bibliography is chaotic. Page numbers are not given for many articles in journals and collective volumes (e.g. Carawan 2002 and 2007, Canevaro 2016). Instead of *Hesperia*, the standard title, one finds 'Journal of the American School of Classical Studies at Athens' (not in italics) for Taylor 2007b (p. 226)

29 See P. Gauthier, *Symbola. Les étrangers et la justice dans les cités grecques* (Nancy: 1972), another work absent from C.'s bibliography.

30 M.H. Hansen, 'Two Notes on the Athenian *dikai emporikai*', in P. Dimakis, ed., *Symposion 1979: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Cologne: 1983), pp. 167–175, and J. Vélissaropoulos, *Les naoclères grecs. Recherches sur les institutions maritimes en Grèce et dans l'Orient hellénisé* (Geneva: 1980), pp. 241–45.

31 As Lycurgus *Against Leocrates* 124–27 clearly states, the decree was passed after the Thirty, not after the Four Hundred as C. asserts. See E.M. Harris, 'The Document at Andocides 1.96–98', *Tekmeria* 12 (2013–2014), pp. 121–153, absent from C.'s bibliography.

but not for Crosby 1950 and 1957 (p. 209). Titles of books are sometimes in italics, sometimes not (Conophagos 1980, Wolff 1970). For some books the place of publication and the name of the press are given (Cohen 1995, Davies 1971), but for others only the name of the press (Bang 2009, Figueira 1981, Finley 1973b). For Boardman *et alii* 1982 the DOI number is given but not for other books. For Markle 1985 the essay is listed in a mysterious volume called *CRUX*, but no other details are given. The references to volumes of the Loeb translations are very odd. One wonders if the manuscript underwent copy-editing.

In general, C. does not prove her main points about Athenian prosperity in the fourth century BCE resulting from a new-found ability to make credible commitments. Nor does C. examine the underlying factors for economic growth and misses much evidence. Like J. Ober, C. has a tendency to grab a modern theory and throw it at the ancient evidence without any regard for historical context. C. has unfortunately been influenced by an essay of North and Weingast, which argues that the parliament of wealth-holders who came to power as a result of the Glorious Revolution of 1688 ensured a diverse representation of views and secured property rights. This view about the connection between constitutions and growth has now been rightly questioned and is contradicted by many counter-examples ranging from seventeenth-century Poland to Württemberg and the Dutch Republic in eighteenth-century.<sup>32</sup> As a result, C.'s book is not so much undertheorized as 'mis-theorized'. For a more reliable account of Athenian public finances readers should consult the recent book of D. Rohde.<sup>33</sup>

32 For a detailed refutation of this essay with plentiful references to several empirical studies see Ogilvie and Carus, 'Institutions and Economic Growth'.

33 D. Rohde, *Von der Deliberationsdemokratie zur Zustimmungsdemokratie. Die öffentlichen Finanzen Athens und die Ausbildung einer Kompetenzelite im 4. Jahrhundert v. Chr.* (Stuttgart: 2019).