



THE ORGANIZATION OF EVIDENCE IN ATHENIAN COURTS: CONTAINERS, SEALS AND THE MANAGEMENT OF DOCUMENTS*

ABSTRACT

This article reconstructs the system of storage, organization and presentation of written evidence in Athenian courts of the Classical period, with wider implications for the discussion about oral and written culture in Classical Greece and legal professionalism in Athenian democracy. It explores court speakers' references to an assumed order of documents, their storage in containers called echinoi, and verbal presentation by the court secretary. It is the first systematic analysis of all remarks on storing, organizing and reading documents in the corpus of Athenian oratory, supplemented by other literary and epigraphic sources. Based on the surviving evidence, this article argues for the existence of a developed legal culture that made attempts to facilitate the handling of documents in courtrooms through practical organizational measures, including the speakers' interactions with court aids, notably the grammateis and hypogrammateis.

Keywords: Athenian democracy; *echinos*; written evidence; secretaries; court speeches; legal expertise; Greek archives; written and oral culture

In Demosthenes' speech *Against Meidias*, from 347/6 B.C.E., the orator instructs the court clerk to 'take' and 'read aloud' the first witness testimony, given by the goldsmith (λέγε μοι τὴν τοῦ χρυσοχόου πρώτην λαβὼν μαρτυρίαν, 21.21),¹ with the next witness testimony in the speech coming sixty paragraphs later.² Similar requests can be found in court speeches written throughout the fourth century, both public and private. The speaker typically asks the clerk to 'take and read out' a specific piece of evidence, providing a brief name or paraphrase of the document in question.³ This practice implies

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¹ The sentence could be read either to mean 'the goldsmith's first witness testimony' (with presumably at least one more available, but then not cited in the speech) or 'the first witness testimony, that by the goldsmith' (out of a number of various witness testimonies available and indeed presented later); the latter reading better agrees with the surviving text of the speech; cf. D.M. MacDowell (ed.), *Demosthenes: Against Meidias (Oration 21)* (Oxford, 1990), 245. The ethical dative μοι in such phrases is rendered here as 'please' but is open to interpretation.

² See MacDowell (n. 1), 43–7 on the documents with witness testimonies inserted into MSS with Dem. 21; cf. M. Canevaro, *The Documents in the Attic Orators: Laws and Decrees in the Public Speeches of the Demosthenic Corpus* (Oxford, 2013) on public documents in Athenian speeches.

³ For the various combinations of two verbs meaning 'take and read out', see Andoc. 1.13, 15; Isae. 3.7, 38, 4.42, 6.42, 7.21, 22 (x2), 8.11, 13, 17, 11.11, 22, 46; Dem. 18.53, 83, 115, 118, 120, 163, 214, 218, 305; 19.40, 70, 86, 154, 254, 270, 276, 286; 20.27, 35, 95, 153; 21.46, 52; 23.22, 176; 24.19, 27, 32, 71; 27.8, 17, 26, 28, 33, 39, 41, 46, 58; 28.10, 11, 12; 30.24, 30, 36; 36.62; 38.14; 39.36; 57.31;

an assumed order in which such documents were stored or later organized in court to facilitate presentation during the trial (cf. examples in n. 33).

In addition to the act of retrieving a specified document, the process of obtaining it may also be given attention by the speaker. In a later passage of *Against Meidias*, immediately following his request for the clerk to read a witness testimony, Demosthenes adds: 'Please find now the law about bribery. And while [the clerk] is getting the law, Athenians, I would like to make some brief remarks' (λαβέ δὴ μοι τὸν περὶ τῶν δόρων νόμον. ἐν ὧσιν δὲ τὸν νόμον, ὧ ἄνδρες Ἀθηναῖοι, λαμβάνει, βούλομαι μικρὰ πρὸς ὑμᾶς εἰπεῖν, 21.107–8).⁴ Similar suspensions with the orator's excursions into another topic immediately after asking the court clerk to read a certain document are found elsewhere in Demosthenes, including reading out Philip's letters (18.218–21) or Chabrias' decree, accompanied by a brief remark about the process of finding the document (20.84 = D46 Liddel), a pause after calling the witnesses to testify (19.213–14, 233–6), perhaps justified by the time needed for their movement in court (cf. brief pauses in Aeschin. 1.50, Dem. 21.82, 57.43, 58.35), but not inserted after most such calls,⁵ and finally the orator's rhetorical questions about the remaining documents before they are read by the clerk (cf. below on Andoc. 1.87 and Dem. 23.82).⁶ The eventual presentation of the physical documents in court would have added to the rhetorical effect of such suspense.⁷

In addition to being a means of persuasion, such statements are worth our attention for several compelling reasons. Whether or not spoken with rhetorical exaggeration in an attempt to exploit the illusion of extemporaneity, they reveal an awareness of the process of retrieving relevant documents before they could be presented in court (though not necessarily taking the amount of time Demosthenes' remark implies before he returns to the law five paragraphs later, since most such calls do not seem to leave much time for finding the document). No less importantly, they presuppose a specific organization of documents that made it possible to refer to them by brief names or even ordinal numbers.⁸ More broadly, they serve as evidence that by the mid-fourth century B.C.E., there had emerged an established legal culture⁹—and legal literacy—that routinely

[Dem.] 45.8, 31, 55, 58.51, 59.85, 104; Aeschin. 2.19, 65; Lycurg. 1.36, 114, 118, 120; cf. Isoc. 15.65 (a fictional trial mirroring established court parlance). The first combination (λέγε . . . λαβόν) is found only in Demosthenes' public cases from the years 355–330 and in a speech preserved under his name and written for a trial for false witnessing from 351 B.C.E. involving Apollodorus, which suggests that matters of idiolect may have played a role in the choice of expression. The expressions 'speak', 'recite' (λέγε) and 'read' (ἀνάγνωθι, ἀναγίνωσκε) themselves appear over a hundred times in oratory, from Lysias to Dinarchus. See also e.g. Dem. 30.9, 17, 34, 38.13 for λαβέ alone used in the sense 'take [and read out]'. For other such collocations, see C.W.E. Miller, 'The limitation of the imperative in the Attic orators', *AJPh* 13 (1892), 399–436, at 407–8.

⁴ Unless otherwise noted, all citations of speeches in inverted commas are adapted from the *Oratory of Classical Greece* series (Austin, TX), sometimes with minor changes.

⁵ For calling witnesses without any pause in the text, see e.g. Lys. 12.47, 19.23, Andoc. 1.123, Isae. 1.16, 9.28, Isoc. 17.14, Aeschin. 1.67. In the same speech, see Dem. 19.137, 146; elsewhere in Demosthenes: e.g. 21.93, 107, 121, 174, 23.168, 37.31, 53.25.

⁶ Cf. D.M. MacDowell (ed.), *Demosthenes: On the False Embassy (Oration 19)* (Oxford, 2000), 293 and C.A. Vince and J.H. Vince (edd.), *Demosthenes: Orations 18–19* (Cambridge, MA, 1926), 381 on Dem. 19.213–14; M. Canevaro (ed.), *Demostene: Contro Leptine* (Berlin and Boston, 2016), 329–30 on Dem. 20.84 (with page 237 on Dem. 20.27).

⁷ See P.A. O'Connell, *The Rhetoric of Seeing in Attic Forensic Oratory* (Austin, 2017) on the Athenian preference for visual evidence.

⁸ On some problems with numbers in court speeches, see J. Filonik, 'Acquitted/convicted by a single vote? Aeschines 3.252 and vote counts in Athenian oratory', *Mnemosyne* (2024), with bibliography on Athenian numeracy.

⁹ On problems with defining 'legal culture' in sociological and comparative legal inquiry, see D. Nelken, 'Rethinking legal culture', in M. Freeman (ed.), *Law and Sociology* (Oxford, 2006), 200–24.

incorporated documents within courtroom proceedings¹⁰ (sometimes constrained by formal factors, both because the water-clock would only be stopped in some cases and because there was always a predetermined time limit for each party, with the duration varying according to the type of case).¹¹ This article contextualizes such remarks by reconstructing the system of storage, organization and presentation of written evidence in Athenian courts based on the surviving evidence, and aims to fill the gaps in our sources by proposing some plausible conjectures. Its conclusions support recent findings concerning the wide use of documents and archives in various Archaic, Classical, and Hellenistic *poleis*.¹² It thus also contributes to the ongoing debate about the extent of professionalism and amateurism in Athenian democracy.

THE ORDER OF EVIDENCE: STORAGE AND PRESENTATION

There is substantial evidence to support the assumption that copies of the documents read by the court clerk were stored in sealed containers known as *echinoi* across various types of cases. The use of these pots containing documents¹³ is summarized by *Ath. Pol.* 53.2–3 in its description of public arbitration.¹⁴

If either of the litigants has the case transferred to the court,¹⁵ the arbitrators place the testimonies, challenges, and laws in jars [*echinoi*], those of the plaintiff and those of the defendant separately;

¹⁰ Cf. Ch. Pébarthe, *Cité, démocratie et écriture: histoire de l'alphabétisation d'Athènes à l'époque classique* (Paris, 2006), 315–43; M. Faraguna, 'Oralità e scrittura nella prassi giudiziaria ateniese tra Ve IV sec. a.C.', in E.M. Harris and G. Thür (edd.), *Symposion 2007* (Vienna, 2008), 63–82; M. Faraguna, 'Parte prima – Dall'età arcaica al IV secolo', in L. Boffo and M. Faraguna, *Le poleis e i loro archivi. Studi su pratiche documentarie, istituzioni e società nell'antichità greca* (Trieste, 2021), 61–367, at 265–92; E.M. Harris, *The Rule of Law in Action in Democratic Athens* (Oxford, 2013), 114–28; E.M. Harris, 'The role of written documents in Athenian trials', in A. Markantonatos, V. Liotsakis and A. Serafim (edd.), *Witnesses and Evidence in Ancient Greek Literature* (Berlin and Boston, 2021), 17–37; D. Filias, 'Grammateis (secretaries) and legal procedure in ancient Athens', *JAH* 8 (2020), 187–207. See also G.M. Calhoun, 'Oral and written pleading in Athenian courts', *TAPhA* 50 (1919), 177–93, with E. Ruschenbusch, 'Drei Beiträge zur öffentlichen Diakta in Athen', in E. Ruschenbusch, *Kleine Schriften zur griechischen Rechtsgeschichte* (Wiesbaden, 2005 [1989]), 172–8; G. Thür, 'Neuere Untersuchungen zum Prozeßrecht der griechischen Poleis. Formen des Urteils', in D. Simon (ed.), *Akten des 26. Deutschen Rechtshistorikertages* (Frankfurt am Main, 1987), 467–84. See also below, with n. 24, on archiving court records.

¹¹ On the *klepsydra* and measuring the limit, see D.M. MacDowell, *The Law in Classical Athens* (London, 1978), 249–50; A.L. Boegehold et al., *The Lawcourts at Athens: Sites, Buildings, Equipment, Procedure, and Testimonia* (Princeton, 1995), 77–8, 226–30. Note the phrase ἐπίλαβε τὸ ὄδιον in Lys. 23.4, 8, 11, 14, 15, Isae. 2.34, 3.12, 76, Dem. 45.8, 54.36, 57.21; cf. ἐξέρα τὸ ὄδιον in Dem. 36.62, 38.28 for not using one's allotted time in full; general remarks: e.g. Hyp. *Phil.* 13. Not stopping the clock for the documents read in public cases may have been introduced to avoid running over the maximum length of a court day.

¹² See, in particular, L. Boffo and M. Faraguna, *Le poleis e i loro archivi. Studi su pratiche documentarie, istituzioni e società nell'antichità greca* (Trieste, 2021).

¹³ On *echinoi*, see A.L. Boegehold, 'A lid with dipinto', *Hesperia* Supplements 19 (1982), 1–6; Boegehold et al. (n. 11), 79–81, 222–6; P.J. Rhodes (ed.), *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1993³), 590, with 780; G. Thür, 'The principle of fairness in Athenian legal procedure: thoughts on the echinos and enklema', *Dike* 11 (2008), 51–73; see discussion below on their broad use beyond arbitration.

¹⁴ On *Ath. Pol.* 53 and arbitration in Athens, 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 (edd.), *Athenaion Politeia tra storia, politica e sociologia: Aristotele e Pseudo-Senofonte* (Milan, 2018), 213–30.

¹⁵ On the procedure, see C. Pelloso, 'Ephesis eis to dikasterion: remarks and speculations on the legal nature of the Solonian reform', in D.F. Leão and G. Thür (edd.), *Symposion 2015* (Vienna, 2016), 33–48, at 41–2; cf. Dem. 29.59, [40].17, 31, 55.

the jars are sealed, with the verdict of the arbitrator, written on a tablet, fastened to them, and handed over to the four members of the Forty who act for the tribe of the defendant. They take them over, and bring the case before the *dikastêrion* [. . .] no laws, challenges or testimonies may be used except those which were cited before the arbitrator and placed in the jars.¹⁶

A few different but also more inclusive descriptions of the *echinos*, clearly extending beyond arbitration, emerge in later lexica such as Harpocration, Photius and the *Suda* (s.v.), some relying on earlier authors (Harp. ε 177 Keaney cites Demosthenes, Aristotle and Aristophanes [= fr. 274 K.–A.]). As early as 422 B.C.E., so long before public arbitration began to be used in Athens, Aristophanes (*Vesp.* 1436–7) seems to play with the word’s dual generic and technical meanings within the context of litigation and witnessing (1435–41; cf. fr. 274), as he does earlier in the play with the word ‘pot’ (*chytra*: 277b–89, cf. Poll. 6.91, 10.95; *lopas*: 510–11) and terminology associated with sealing documents using a signet ring (583–6; cf. *Eq.* 947–59).¹⁷ The term *echinos* is also referenced in a broader context of litigation by Theophrastus in *Characters* 6.8, possibly written before 322 B.C.E.,¹⁸ where the Mad Man is described as arriving in court ‘with an *echinos* full of evidence in his coat pocket and strings of little documents in his hands’,¹⁹ possibly humorous as depicting excess but perhaps also because the documents he brings to court are different from those deposited earlier²⁰ (presumably kept in official storage before the trial, with no room for another *echinos* or especially for unsealed new documents; see discussion below). These descriptions are complemented by around a dozen references to the *echinos* as an Athenian technical term in sources from the Classical period.²¹ No less importantly, a partially preserved inscribed clay lid, unearthed in the Athenian Agora excavations (P 28470) and possibly dating from the late fourth century, bears an inscription listing what seems to be the contents of an *echinos*, starting with the number of sealed items (four documents: τέτταρ[α]) and most likely deriving from the preliminary hearing (*anakrisis*) in a *dikê pseudomartyriôn* (such as Isae. 2, 3, 6, or Dem. 44), a trial questioning previously given testimony, *diamartyria*, in an inheritance case (δ[ι]αμαρτυρία : ἐξ ἄνακρίσεως), while the list that follows is itself badly damaged.²²

¹⁶ Tr. adapted from P.J. Rhodes, *Aristotle: The Athenian Constitution* (London, 2002²) and J.M. Moore, *Aristotle and Xenophon on Democracy and Oligarchy* (Berkeley and Los Angeles, 1975).

¹⁷ Cf. Boegehold et al. (n. 11), 80; M. Duran, ‘Un «echinos» procedente de una «diaita». Comentario de SEG XXXVI 296’, *Dike* 5 (2002), 61–82, at 66; see also Z.P. Biles and S.D. Olson, *Aristophanes: Wasps* (Oxford, 2015), 269 on *Vesp.* 585; M. Faraguna, ‘Archives, documents, and legal practices in the Greek polis’, in E.M. Harris and M. Canevaro (edd.), *The Oxford Handbook of Ancient Greek Law* (Oxford, 2015), 17.

¹⁸ Cf. J. Diggle (ed.), *Theophrastus: Characters* (Cambridge, 2004), 260: ‘The present text is proof enough of wider use’ (with pages 27–37 on the date), cf. page 23; see also A. Dimopoulou, ‘The *Characters* of Theophrastus: reflections of legal practice in every day life’, in G. Thür, U. Yiftach and R. Zelnick-Abramovitz (edd.), *Symposion 2017* (Vienna, 2018), 413–35, at 424–7; A. Dimopoulou, ‘Athenian public law institutions through the eyes of the *Characters* of Theophrastus’, *EHHD* 51 (2022), 53–69.

¹⁹ Tr. adapted from Diggle (n. 18).

²⁰ As suggested by M. Gagarin, ‘Response to Michele Faraguna’, in E.M. Harris and G. Thür (edd.), *Symposion 2007* (Vienna, 2008), 83–6, at 84 n. 2.

²¹ See the mentions in oratory discussed below, including Dem. 39.17, 45.8, 17, 57–8, [47].16, [48].48, 54.27, [49].65; cf. Eup. fr. 453 K.–A., Men. *Epit.* fr. 4, Philem. fr. 46 K.–A. (a single fragment, attributed to different authors, defining *echinos* as a *chytra*).

²² For the text of the inscription, with its possible restorations and interpretations, see, in particular, G. Soritz-Hadler, ‘Ein Echinus aus einer Anakrisis’, in G. Wesener, H. Stiegler, G. Klingenberg and M. Rainer (edd.), *Festschrift für Arnold Kränzlein. Beiträge zur Antiken Rechtsgeschichte* (Graz, 1986), 103–8 (= *SEG* 36.296), with Thür (n. 13) on the legal sequence and the sealing of evidence at

We can thus assume a broad use of *echinoi* in Athenian litigation, not limited to cases involving arbitration.²³

It seems reasonable to presume that depending on the type of case, *echinoi* were sealed either after arbitration (in cases brought before the Forty) or otherwise after the preliminary hearing (*anakrasis*), with an accompanying finite list of enclosed evidence and a recorded number of documents included, and that subsequently basic details about the outcome of the trial were inscribed on the lid, as in the example found in the agora. A copy of such records could then be stored by the magistrate.²⁴ We may ponder whether the practice of adding post-trial notes extended to the *echinoi* belonging to both parties and if all records and documents were stored indefinitely by magistrates, which could result in massive court archives, or whether it was limited to some trials or some information only, with litigants' copies generally stored privately by the parties if desired (perhaps the main limitation was any time limit that may have existed for bringing a counter-prosecution). The list on the lid could have also been the basis for the order in which the clerk would be expected to retrieve documents during the trial. It may have been agreed upon during a briefing session quite likely organized by the speakers and the secretary before the trial, since *grammateis* attached to specific magistrates would be known beforehand, unlike the judges.

In the fourth century, Demosthenic speeches mention the *echinos* as a sealed container to which no new evidence can be added at the time of the trial (39.17, [47].16 twice, 54.27; cf. 49.65). Occasionally, they discuss the process of verifying copies stored within these containers and the seals themselves (45.8, 17, cf. 23; [48].48). In a specific instance, the speaker explores the dreaded possibility of evidence tampering and the theft of documents before the lid was sealed (45.57–8), while Isocrates mentions tampering with an already sealed container (17.34). It was fairly easy indeed to forge ancient seals.²⁵ Worries caused by this fact must have led to the magistrates, rather than the parties, storing the *echinoi* after the preliminary hearing, even though the parties may have been allowed to later keep their *echinoi* after the trial, if this is indeed where the litigants' citations of documents from past cases came from (rather than either documents from official archives or private copies of documents that were otherwise part of *echinoi*).²⁶ Considering that the Forty kept the sealed *echinoi* following public arbitration and before the subsequent trial (*Ath. Pol.* 53.2, quoted above), we can assume that other magistrates responsible for different cases kept the *echinoi* between the preliminary hearing and court

the *anakrasis*; see also Boegehold ([n. 13] = *SEG* 32.329) and Boegehold et al. (n. 11), 79–81; R.W. Wallace, 'Diamarturia in late fourth-century Athens: notes on a "cheese pot" (*SEG* XXXVI 296)', in E. Cantarella and G. Thür (edd.), *Symposium 1997* (Cologne / Weimar / Vienna, 2001), 89–101; Duran (n. 17). On the procedure of *diamartyria*, see B. Griffith-Williams, 'Isaios 6: a case of procedural abuse (and scholarly misunderstandings)', in C. Carey, I. Giannadaki and B. Griffith-Williams (edd.), *Use and Abuse of Law in the Athenian Courts* (Leiden and Boston, 2018), 95–109; A. Maffi, 'Prehistory and history of the *diamartyria*', in C. Carey, M. Edwards and B. Griffith-Williams (edd.), *Evidence and Proof in Ancient Greece* (Newcastle upon Tyne, 2024), 8–15.

²³ Thus also Boegehold et al. (n. 11), 79–81; Thür (n. 13); Faraguna (n. 10 [2008]), 73–4; Canevaro (n. 2), 1–3.

²⁴ On archiving court records (including the *enklēma*), see also Thür (n. 10), 477–8, 481; E.M. Harris, 'The plaint in Athenian law and legal procedure', in M. Faraguna (ed.), *Archives and Archival Documents in Ancient Societies* (Trieste, 2013), 143–62; Harris (n. 10 [2013]), 248; Faraguna (n. 10 [2021]), 265–92; Pébarthe (n. 10), 230–9.

²⁵ R.J. Bonner, 'The use and effect of Attic seals', *CPh* 3 (1908), 399–407, at 400, 404–5; G.M. Calhoun, 'Documentary frauds in litigation at Athens', *CPh* 9 (1914), 134–44.

²⁶ See Harris (n. 24), 152–5 for the discussion of a list of cases where documents from previous trials were used (Isae. 3.6–7; Dem. 32.27, 38.14, [58].7–8).

trial, for which at least temporary court archives would have been needed (cf. nn. 24, 30). This could be particularly relevant to cases such as a *dikē pseudomartyriōn*, as in the one that produced the lid from the agora mentioned earlier, which would need to be based on the documents, particularly witness testimonies, produced at a previous trial.

The prevalent practice of sealing vital documents is evident in multiple references to sealed courtroom evidence (Dem. 45.41; [47].16), including challenges (37.40–2), testimonies (53.24), and copies of agreements ([48].48–50) placed in the *echinos*. Additionally, sealing was commonly employed for written wills (Lys. 32.5–7; Isae. 7.1; Dem. 28.5; 45.17; [46].28; cf. Ar. *Vesp.* 583–6, Diog. Laert. 5.57), contracts and agreements (Dem. 33.36, presented as a universal habit; 35.15, 41.21–4; Hyp. *Ath.* 8), state records (Isoc. 17.34–5), questions sent to the oracle (*IG II³* 1.292 = RO 58, lines 30–41), and various other documents (Dem. 28.6; 54.27). The verb *sêmainō* and its compounds are consistently employed in the technical sense ‘to seal’ across diverse contexts.²⁷ In the case of courtroom evidence, this practice could involve organizing documents in a particular arrangement or in specified groups before sealing them in a container.

Explicit mentions of ‘copies’ (*ta antigrapha*) of documents with reference to court documentation may suggest that the originals were normally stored elsewhere,²⁸ as was the case with the documentation related particularly to the Assembly and the Council stored since the early fourth century in the Metroon.²⁹ The sources do not specify if both parties’ *echinoi* had to be unsealed during the trial, whether any *echinoi* were resealed for storage afterwards, and if there were extra copies (or an extra *echinos*) maintained by the presiding magistrate and then managed by the court clerk.³⁰ The verb *lambanein* used in many examples from oratory is also ambiguous and could be understood either as ‘take/

²⁷ On the widespread use of sealing in various contexts, see E. Fraenkel, *Aeschylus: Agamemnon* (Oxford, 1950), 2.302–3 on Aesch. *Ag.* 609; A.H. Sommerstein, *Aristophanes: Lysistrata* (Warminster, 1990), 218 on Ar. *Lys.* 1198; C. Austin and S.D. Olson, *Aristophanes: Thesmophoriazousae* (Oxford, 2004), 184, 186–7 on Ar. *Thesm.* 415, 424–8; Diggle (n. 18), 381 on Theophr. *Char.* 18.4. Cf. [Dem.] 42.2, 6, 8, 26, 30; Pl. *Leg.* 9.855e–6a, 11.937b on sealing courtroom evidence in Plato’s Magnesia; see also Bonner (n. 25) and G.M. Calhoun, ‘The will of Pasion and its seals’, *CPh* 10 (1915), 75–6. The importance of writing is emphasized by the orators with reference to written testimonies as arguably unchangeable: Dem. 45.44–5, 46.6. See L. Boffo and M. Faraguna, ‘Appendice’, in L. Boffo and M. Faraguna, *Le poleis e i loro archivi. Studi su pratiche documentarie, istituzioni e società nell’antichità greca* (Trieste, 2021), 753–80 for a list of Greek technical terms related to archiving.

²⁸ See Aeschin. 1.115; Dem. 20.127–8, 29.51, 36.7, [48].48, 54.26–7; cf. Dem. 37.42, 41.21, [58].18; cf. Dem. 45.8, 10, 23–6, [46].2–5, 25, 28 on the authenticity of the copy of a will presented in court put into question by litigants (note [Dem.] 46.28: ‘no one ever makes a copy of a will’; but see Lys. 32.5–7). Additional copies of private documents were also sometimes made and stored separately, cf. Lys. 32.7, Hyp. *Ath.* 10; copies of documents could be also requested for the sake of arbitration, see [Dem.] 49.43.

²⁹ See A.L. Boegehold, ‘The establishment of a central archive at Athens’, *AJA* 76 (1972), 23–30; J.P. Sickinger, *Public Records and Archives in Classical Athens* (Chapel Hill and London, 1999), 93–159, Faraguna (n. 10 [2021]), 207–23 on the archive in the Metroon. See also W. Lambriudakis and M. Wörrle, ‘Ein hellenistisches Reformgesetz über das öffentliche Urkundenwesen von Paros’, *Chiron* 13 (1983), 283–368 for a Hellenistic parallel from Paros. On the Greek conceptualizations of crucial differences between the courts, the council and the assembly, see A. Esu, *Divided Power in Ancient Greece: Decision-Making and Institutions in the Classical and Hellenistic Polis* (Oxford, 2024), with the strengths of New Institutionalism in studying ancient history discussed at 26–37.

³⁰ On the possibility of magistrates’ archives with court documentation, see M. Faraguna, ‘Alcibiade, Cratero e gli archivi giudiziari ad Atene’, in M. Faraguna and V. Vedaldi Iasbez (edd.), *Dynasthai didasken: Studi in onore di F. Càssola per il suo ottantesimo compleanno* (Trieste, 2006), 197–207; M. Faraguna, ‘Archives in Classical Greece. Some observations’, in M. Faraguna (ed.), *Archives and Archival Documents in Ancient Societies* (Trieste, 2013), 163–71; Faraguna (n. 17); Faraguna (n. 10 [2021]), 265–92. See also n. 24 above.

grasp' or 'take out', which does not help us to decide whether the documents were taken out of an *echinos* consecutively during the speech or had already been taken out first and organized for presentation at the beginning of the trial.

Traces of other vocabulary related to the storage of documents in the *echinos* are dispersed throughout the Demosthenic corpus, including Apollodorus' speeches. Specifically, the term *emballein* is employed in the technical sense 'to place into the *echinos*', essentially meaning 'to submit or deposit evidence'.³¹ This usage may mirror the way *epiballein* is attested as a technical term for 'sealing' in other sources.³² The use of such terms in oratory, especially within the context of depositing court documentation, can arguably serve as supplementary evidence for the use of *echinoi*, even when the container itself is not explicitly mentioned as the object (although it is explicitly mentioned in some instances, for example Dem. 45.17, [48].48, [49].65; cf. n. 31 below).

More importantly, in many Demosthenic speeches written both for private and public trials, speakers ask the clerk to read the 'first' (τὸν πρῶτον) or the 'next' document(s) in order (ἐξῆς, ἐφεξῆς, τὸν μετὰ ταῦτα, etc.),³³ usually without providing additional details. This may imply that these documents were arranged in a specific order, most likely known to everyone actively involved in the court proceedings or at least agreed upon by the speaker and the court clerk, or it could mean that the speaker was handing consecutive documents to the clerk (see below). We may wonder how often this followed the order in which the evidence was stored earlier. Having a single storage system facilitating easy retrieval was certainly not unthinkable in fourth-century Athens, as we learn from Xenophon's detailed reflections in the *Oeconomicus*.³⁴ In Hellenistic Egypt and later, the outer side of rolled papyri often had a brief designation of the document's content;³⁵ if the same can be assumed for Athens, its equivalent could have become the basis for the order used by those involved in a trial.

Speakers in Isaeus and Demosthenes often ask the clerk to read 'this decree here', 'this treaty', 'these laws', 'this challenge', 'this inventory', 'these testimonies', 'these depositions' and 'these indictments', as if they were referring to physical documents they could point to in court, often using forms of οὗτος or ὄδε, possibly referring to closer and less close items (in spatial or cognitive terms), or maybe just used interchangeably for variance.³⁶ Speakers may also instruct the clerk to read 'the remaining', 'other' or simply

³¹ For this use of *emballein*, see Dem. 27.51, 54; 28.1; [40].21, 28, 58 (middle and mediopassive forms); 45.8, 17, 20, 31 (middle in 45.31); [47].16; [48].48 (middle); [49].19, 56 (middle forms), 65; 54.31 (mediopassive); LSJ s.v. *emballō*, III gives 'throw in what is one's own' for middle, but the distinction seems too subtle to be meaningful here; cf. *kataballein* meaning 'submit' in Dem. 34.46 and *paremballein* in [Dem.] 40.61 on introducing irrelevant evidence; cf. R.J. Bonner, *Evidence in Athenian Courts* (Chicago, 1905), 49.

³² For *epiballein* in this sense, see Austin and Olson (n. 27), 184.

³³ See Dem. 21.10 ('Now I want to read to you the next law in order after this one'), 113; 23.28, 37, 44, 51, 60, 62, 86; 24.49, 53; 28.10–13; 37.26, 29; [43].53, [58].35; cf. Dem. 24.44, 56, 59, 191. Sometimes when referring to more than one named document, the phrase can also mean 'one after another', as in Dem. 18.73.

³⁴ Xen. *Oec.* 8.10–23. See also S. Johnstone, *A History of Trust in Ancient Greece* (Chicago and London, 2011), 71–80 on Greek patterns of 'containerization' within households.

³⁵ For summaries on the *verso* of the papyri from the third century B.C.E. (listed here in a chronological order), see e.g. *P.Cair. Zen.* 59001, *P.Sorb.* 71, *P.Cair. Zen.* 59105, *BGU* 1276.

³⁶ See Isae. 2.34; 3.6–7, 38; 6.42, 7.22 (x2); 8.11, 13; 9.6, 28, 33; Dem. 23.88, 176; 24.19, 104; 27.8, 22, 33, 46; 28.13; 30.17, 18, 30, 32; 34.9, 10, 20; 36.7, 10, 40, 62; 37.13, 17, 18, 33; 38.3; 39.20; [40].15, 52; 41.28; 54.29, 36; [58].36; [59].104; cf. Dem. 36.48, 39.36 (document also named). See P. O'Connell, 'Pronouns, persuasion, and performance in the Athenian courtroom: οὗτος in Lysias', *CPh* 118 (2023), 1–26 on the use of deictics in Lysias; cf. O'Connell (n. 7). Another technique worth noting is the emphatic use of *autos* with documents, especially with the transfer of agency to the

‘all’ documents (Isae. 8.46; Dem. 43.35, 42, 56; 55.14, 35), and, at times, they may request only a partial citation.³⁷ Deictics, or demonstratives, could be given even more emphasis to create a semblance of natural, extemporaneous oral delivery, for instance with rhetorical hesitation: ‘Is there any law still left? Show it to me; this one here. Read this one’ (Dem. 23.82).³⁸ A similar expression is found in Andocides: ‘What else was there? This law . . . read this one’ (Andoc. 1.87). Such statements seem to suggest—perhaps accurately—that the speaker is either handing or showing specific documents to the clerk (from separate sets of documents or a shared single one, either way within reach), rather than asking him to retrieve them from storage based on their description alone. It could imply that the parties and the clerk were simultaneously examining copies of the same documents from their respective *echinoi* during the trial, possibly in a single common order, for which we have a Hellenistic parallel in a dispute between Calymnus and Cos (*I.Knidos* I 221 = *IG* XII 4.5.4044, with a separate set of sealed copies of the documents available to each party). A shared space and joint examination of documents by the speaker and the clerk seems possible based on the physical characteristics of the *bêma*, which clearly had room to accommodate more than one person.³⁹ The orators’ remarks about the order of documents could, to an extent, be a rhetorical construction, but their abundance suggests more systemic organizational measures.

Litigants could present in court every document that had a copy stored and sealed in the *echinos* following the *anakrisis*, but they were probably not obliged to do so.⁴⁰ If that was the case, it would explain some of the uncertainty in the remarks regarding the other party’s use of evidence.⁴¹ The need to present the evidence during the preliminary hearing resembles the modern requirement for disclosure of relevant documentation and can be understood in a similar spirit, even though the process of doing so may not have always been quick or smooth, as we learn from the orators.⁴² Grouping, naming, numbering or briefly paraphrasing documents could have facilitated the retrieval of those later needed for the case. This practice might have been associated with the order in which documents were listed on the lid of an *echinos*. Scholars have proposed that these documents could be stored in reverse chronological order, similarly to practices observed

‘document itself’ as the agent revealing the truth to the judges: see especially Lys. 13.28, 71, 72, also Dem. 23.16 on the decrees read by the clerk in court; cf. J.D. Sosin, ‘Ransom at Athens ([Dem.] 53.11)’, *Historia* 66 (2017), 130–46, at 138–43; R.W. Brock, ‘Laws as agents’ (forthcoming) on the commonly used phrase *ho nomos keleuei*.

³⁷ See e.g. Dem. 19.40; 20.27, 95; 24.71; Aeschin. 3.101; cf. Dem. 24.191; see also L. Rubinstein, ‘Clauses out of context: partial citation of statutes in Attic forensic oratory’, in C. Carey, I. Giannadaki and B. Griffith-Williams (edd.), *Use and Abuse of Law in the Athenian Courts* (Leiden and Boston, 2018), 165–80.

³⁸ See especially A. Vatri, *Orality and Performance in Classical Attic Prose: A Linguistic Approach* (Oxford, 2017) on the oral and the written in Athenian oratory; cf. O’Connell (n. 7).

³⁹ See Ar. *Plut.* 382–4, Aeschin. 2.143, 3.257, with Boegehold et al. (n. 11), 201.

⁴⁰ On the *anakrisis*, see Ch. Kremmydas, ‘*Anakrisis* and the framing of strategies of argumentation in Athenian public trials’, in C. Carey, I. Giannadaki and B. Griffith-Williams (edd.), *Use and Abuse of Law in the Athenian Courts* (Leiden and Boston, 2018), 110–31. On not being allowed to present new evidence after the *anakrisis* and storing all evidence in an *echinos*, see Ruschenbusch (n. 10); Thür (n. 13); Harris (n. 10 [2013]), 126; Faraguna (n. 10 [2021]), 281–3 (cf. Bonner [n. 31], 51–2, who misinterprets the rhetorical calls to come forward as introducing new witnesses).

⁴¹ Already noticed—but not properly interpreted—by A.P. Dorjahn, ‘On the Athenian *anakrisis*’, *CPh* 36 (1941), 182–5.

⁴² See Dem. 54.26–9 and Isae. 6.12–13, with the discussion by N. Sato, ‘Use and abuse of legal procedures to impede the legal process’, in C. Carey, I. Giannadaki and B. Griffith-Williams (edd.), *Use and Abuse of Law in the Athenian Courts* (Leiden and Boston, 2018), 146–62, at 148–9.

elsewhere in the Greek world;⁴³ in such a setup, the documents entered and indexed first would be presented last, and those indexed last would be presented first, possibly both at the preliminary hearing and the trial. Regardless of the specific organizational model, any default order commonly used in Athens' numerous legal proceedings would have assisted court clerks in managing documents during trials, possibly agreed upon in co-operation with the parties (as discussed above). And while many of the documents inserted into the manuscripts of the orators should be considered forgeries (cf. n. 2 above), the speakers' calls to read them out that precede their citations are valuable reflections of Athenian court practices.

SPEAKERS AND SECRETARIES

Court secretaries could be expected to possess a degree of professional experience in handling such tasks, if they were at all akin to the elected *grammateus* whose only task was reading out documents to the Assembly and the Council (*Ath. Pol.* 54.5), and we know that numerous kinds of secretaries, often also called *grammateis*, were widespread in the Greek world.⁴⁴ Each court secretary seems to have been attached to a particular presiding magistrate or board of magistrates and assisted them in registering the case, conducting the preliminary hearing, and locking the documents in the *echinos*, so that he already had some knowledge of the case when entering the court.⁴⁵ If what Lysias (30.29) says about a *hypogrammateus* being unable to assist the same magistrate two years in a row was also true for the *grammateis*, their knowledge may have been specific to cases falling under the supervision of particular magistrates, but if they assisted many different officials during their years of service, their expertise could have easily become wider.⁴⁶

References to a *grammateus* specific to courts, responsible for registering new cases in writing,⁴⁷ appear already in Aristophanes (*Nu.* 770).⁴⁸ Orators in court speeches often

⁴³ Soritz-Hadler (n. 22), 106; Thür (n. 13), 70.

⁴⁴ On Athenian (and other Greek) secretaries, see M.H. Hansen, 'Seven hundred *archai* in classical Athens', *GRBS* 21 (1980), 151–73, at 171; T.J. Abbott, 'The ancient Greek secretary: a study of secretaries in Athens and the Peloponnese' (Diss., University of Manchester, 2012); Filias (n. 10); R.S.M. McArthur, 'Occupational titles in ancient Greece' (Diss., University of Chicago, 2021), 146–70; Faraguna (n. 10 [2021]), 133–50. On legal expertise in Athens, see E.M. Harris, 'Legal expertise and legal experts in Athenian democracy', *JJP* 50 (2020), 149–68.

⁴⁵ See Abbott (n. 44), 89–94, with Filias (n. 10), 193–4.

⁴⁶ As also suggested by M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes* (Norman, OK, 1999²), 245 and McArthur (n. 44), 146–70; cf. E. Stewart et al. (edd.), *Skilled Labour and Professionalism in Classical Athens: A History of Technē c. 500–300 BC* (Oxford, forthcoming). The speech is interpreted as a marker of Athenian hostility towards expertise by S.C. Todd, 'Lysias against Nikomachos: the fate of the expert in Athenian law', in L. Foxhall and A.D.E. Lewis (edd.), *Greek Law in Its Political Setting: Justifications not Justice* (Oxford, 1996), 101–31, but there is plenty of evidence to the contrary, on which see the references above.

⁴⁷ See K.J. Dover (ed.), *Aristophanes: Clouds* (Oxford, 1968), 194 on writing and verbs used to signify it in legal parlance (arguing that the *grammateus* would announce the things that needed to be written and the *hypogrammateus*, 'undersecretary', would write them down); cf. M. Gagarin, *Writing Greek Law* (Cambridge, 2008), 111 on the *graphē* in archaic Athens.

⁴⁸ There is a brief mention of a *grammateus* in Cratinus fr. 1 K.–A. (from *Archilochoi*), but the context is unclear; cf. F.P. Bianchi (ed.), *Kratinos. Archilochoi – Empipramenoi (fr. 1–68)* (Heidelberg, 2017), 20–39. See Ar. *Thesm.* 374, 432 about the *grammateus* in the context of an assembly; also *Ra.* 1084, with K.J. Dover, *Aristophanes: Frogs* (Oxford, 1993), 328 ad loc. On Aristophanes' use of legal language (and his audiences' ability to understand its nuances), see also E.J. Buis, *El juego de la ley. La poética cómica del derecho en las obras tempranas de Aristófanes (427–414 a.C.)* (Madrid, 2019).

instruct the *grammateus* to read out a document (for example Lycurg. 1.36 καὶ μοι λαβὲ τὸ ψήφισμα γραμματεῦ τὸ Ὑπερείδου, καὶ ἀναγίγνωσκε; cf. 77, 114, 118, 120). In most cases, the recipient of such instructions is only implied. Occasionally, the secretary is mentioned in the third person as the individual responsible for reading out the documents in court (also preceding the actual impersonal command).⁴⁹ Various lower-level assistants in Athenian institutions, particularly ‘undersecretaries’ (*hypogrammateis*), are also mentioned in court speeches, often in a derogatory tone,⁵⁰ portraying them as mere hirelings ‘serving under’ the magistrates, paid for their menial tasks that might befit slaves⁵¹ (presumably carrying, handling and passing on various items,⁵² as instructed by others, including the *grammateis*), and thus prone to bribery. However, in the orators’ view this does not necessarily reflect on the overall system of litigation or the work of these assistants’ superiors. Whether commonly looked down upon, as in Demosthenes’ remarks, or not, performing such tasks may have been treated as an occupation by some, leading to a degree of specialization (Dem. 18.261, 19.249; cf. below). How often non-citizens would actually take up such roles is unclear from the surviving evidence (see n. 50 below), but we can imagine a high number of such helpers following city officials and commonly present in courts. Such undersecretaries seem to be alluded to already in earlier plays (Ar. Eq. 1102–3, with schol. ad loc.), but most importantly the Aristophanic Aeschylus in the *Frogs* (1083–4) complains that Athens is now ‘filled with *hypogrammateis*’.⁵³

When addressing court secretaries, speakers typically issued clear and concise instructions when referring to specific documents.⁵⁴ This could simply be ‘Please read

⁴⁹ Aeschin. 1.2, 11, 147 (unnamed but implied in 34), 2.46, 3.190, 192; Dem. 19.236, 270, 42.29; Hyp. Eux. 40, Phil. 13.

⁵⁰ Being a *hypogrammateus*: Antiph. 6.35, 49; Lys. 30.27, 29; Dem. 19.70, 200, 237, 249; being a *grammateus*: 18.127, 261, 265, 19.95, 314; cf. 18.38 (*misthōtos*); pay for their work is also attested in the Acropolis building registers (*IG I³ 476.61–2, 268–9*). On *hypogrammateis* in Athens, see Hansen (n. 46), 244–5, Abbott (n. 44), 77–81, McArthur (n. 44), 157–68 (with pages 148–9, 164–8 on ‘anti-undersecretary sentiment’). Another term was *hypēretēs*, mentioned in *Ath. Pol.* 64.1, 65.1, 65.4, 69.1 but sometimes also in oratory, usually pejoratively, see Dem. 24.162, 197, 47.35; in Dem. 19.70 and 249 *hypogrammateuein* and *hypēretein*, and in Dem. 18.261 *grammateuein* and *hypēretein* appear together with reference to serving as an ‘aid’ (in the latter example as a chosen line of work, *ergon*); cf. Dem. 20.161 on Dionysius. Elsewhere in oratory *hypēretēs* and *hypēretein* are used to describe personal attendants or servants (also metaphorically, of serving the enemy, etc.); see also next note.

⁵¹ P. Ismard (transl. J.M. Todd), *Democracy’s Slaves: A Political History of Ancient Greece* (Cambridge, MA, 2015) and Todd (n. 46) assume that many court aids were slaves, but this is not supported by evidence, as discussed by M.H. Hansen, ‘A note on Paulin Ismard’s *Democracy’s Slaves: A Political History of Ancient Greece*’, *Polis* 36 (2019), 337–45. The remarks in Lys. 30.2, 5, 27–9 on Nicomachus’ past may be no more than slander; see Hansen (this note), 342–3, Harris (n. 44), 164. As Hansen (this note), 343 rightly notes, this argument ignores the *grammateis*, who were mostly citizens (note that the two *phialai exeleutherikai* referred to by Hansen—*IG II² 1556.14* and *1561.32*, both now in *AIO*—mention a *grammateus* and a *hypogrammateus* respectively, both possibly free non-citizens, but there is much scholarly debate as to whether these inscriptions are records of manumission or not). Probably at least some undersecretaries were non-citizens, on which see McArthur (n. 44), 160, but there is not enough data for either such a definite dichotomic view or meaningful statistical analysis.

⁵² Cf. *Ath. Pol.* 65.1, 65.4 on the duties of (slave) *hypēretai* in the allotment procedures before the trials proper began.

⁵³ See McArthur (n. 44), 158–9, 164.

⁵⁴ Lysianic speeches give particularly simple and straightforward instructions related to the evidence (a rare occurrence is 14.47, listing three different types of evidence at once at the end of the speech: ἀνάγνωθι δ’ αὐτοῖς τοὺς νόμους καὶ τοὺς ὅρκους καὶ τὴν γραφήν). Witnesses seem to be still introduced in person in this period; cf. Bonner (n. 31), 46–8 and R.J. Bonner and G. Smith, *The Administration of Justice from Homer to Aristotle* (New York, 1930), 1.357–62—but they too easily extend the rule to all written evidence; see the discussion on the *echinos* in Aristophanes above; Faraguna (n. 10 [2008]; [2021]) and Faraguna (n. 17) on writing practices.

me the actual law about outrage' (ἀνάγνωθι δ' αὐτόν μοι λαβὼν τὸν τῆς ὕβρεως νόμον, Dem. 21.46), but sometimes instructions are more detailed, for instance including the place of publication, possibly to underscore the document's significance (as could be the case with an inscription from a stele).⁵⁵ Nonetheless, orators often employed general phrases such as 'Please read *another* law' or 'Read the *other* witness statements', where the document(s) in question had to be inferred from context (for example Dem. 23.53, 24.44, 56, 59, 28.11, [42].27; Aeschin. 1.65). Undoubtedly, a specific form of organization, with a particular order of documents, would have proved invaluable in such instances, especially when these documents were not the last ones to be presented.

Speakers could also give explicit instructions about the order in which a sequence of documents should be read (Dem. 19.161: 'First read the decree that directed how we were to administer the oaths, then read Philip's letter, then the decree proposed by Philocrates and the one passed by the Assembly'). However, this level of precision was not always the norm. Andocides in his *On the Mysteries* (1.13, 15) first refers to two different lists of names without specifying the order, assuming that the clerk would understand how to identify them based on the narrative, with the third list of names kept for much later (1.34–5). In the same vein, Thrasylus in Isaeus' *On the Estate of Apollodorus* (7.21–2) asks the clerk to read three different clauses from a law sequentially, providing only a brief explanation of the citations he had in mind, as another speaker in Isaeus does with three different depositions identified through deictic pronouns and a slightly more detailed description of the events in question (8.11–17). Demosthenes, in *Against Aphobus II* (28.10–13) resorts to a similar technique with a series of seven testimonies, summarizing each of them only after it was read, while implying a specific existing order of reading, perhaps aided by visual markers (λέγε τὰς ἐφεξῆς . . . λαβὲ τὰς ἄλλας . . . λάβ' ἑτέραν . . . λέγ' ἑτέραν . . . λέγε ταυτασί . . . λέγε τὰς ἐφεξῆς). Finally, in *On the Crown*, the orator omits explicit directions for three registers (while referring to one of them with irony), even though the speech assumes a particular sequence, perhaps relying on chronology (Dem. 18.105–6; cf. 23.159–62). A chronological order, whether simple or reverse, may indeed be the easiest to employ within groups of documents, such as witness statements, possibly both in storage and in presentation.

CONCLUSION

The volume of documentary evidence produced in Athenian court cases suggests that there must have been a system for storing and identifying these documents. While reconstructing such a system in full from the surviving evidence would not be a feasible task, fourth-century Athenian court speeches feature numerous technical references to written evidence that the court secretary was tasked with retrieving and presenting to those in attendance. When requesting his assistance, speakers often assume a specific order in which these documents were stored within or (also) retrieved from sealed containers and subsequently presented in court. Documents could be referred to by their short names, ordinals, demonstrative pronouns, categories, and/or locations, and sometimes the speaker's instructions imply a specific count of remaining documents in storage. Such court practices reveal an

⁵⁵ See Lys. 1.30; Andoc. 1.96; Dem. 20.127, 128, [58].56; Lycurg. 1.118; cf. Din. 2.25. See also [Dem.] 59.76 on problems that could occur with citing inscribed laws.

established link between documentary practices, legal expertise and the *polis* institutions, from choosing the evidence at the preliminary hearing, through its storage and handling, to the presentation in the courtroom. Future studies of Classical Athens should thus consider and account for a high degree of specialized organization in court documentation, and a legal and rhetorical culture that presupposed such organization. Maintaining it required a certain skillset, widely available to many participants in the Athenian system of justice, but possibly helping some gain more professional experience in dealing with such tasks than others.

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