

Athanasios A. Delios

Law School, Democritus University of Thrace

ORCID: 0000-0003-0497-6820

THE PROTECTION OF *OIKOI* UNDER EXTINCTION BY THE EPONYMOUS ARCHON IN ANCIENT ATHENS: THE LAW AND ITS APPLICATION

1. INTRODUCTION

The city of Athens in the 4th century BC was composed of many households (*oikoi*), as Aristotle¹ points out: “πᾶσα γὰρ σύγκειται πόλις ἐξ οἰκιῶν”. They were considered the most crucial social units, being intimately connected². According to the philosopher, the first social partnership was the household (*oikos*): “The partnership therefore that comes about in the course of nature for everyday purposes is the »house«”³. Many households made up the village⁴: “On the other hand the primary partnership made up of several households for the satisfaction of not mere daily needs is the village”⁵. Finally, several villages composed the city, which was the most supreme partnership of all⁶: “The partnership finally composed of several villages is the city-state; it has at last attained the limit of virtually complete self-sufficiency, and thus, while it comes into existence for the sake of life, it exists for the good life”⁷. This evolution from the household (*oikos*)

¹ Aristotle, *Politics*, 1.1253b.

² B.S. Strauss, *Fathers and Sons in Athens: Ideology and Society in the Era of the Peloponnesian War*, London 1993, p. 40.

³ Aristotle, *Politics*, 1.1252b.

⁴ N. D. Brendan., *The Household as the Foundation of Aristotle’s Polis*, Cambridge: Cambridge University Press 2006, p. 29.

⁵ Aristotle, *Politics*, 1.1252b.

⁶ Aristotle, *Politics*, 1.1252a: “Every state is as we see a sort of partnership, and every partnership is formed with a view to some good (since all the actions of all mankind are done with a view to what they think to be good). It is therefore evident that, while all partnerships aim at some good the partnership that is the most supreme of all and includes all the others does so most of all, and aims at the most supreme of all goods; and this is the partnership entitled the state, the political association”.

⁷ Aristotle, *Politics*, 1.1252b.

to the city (*polis*) was the basis on which a strong reciprocity as well as an inter-relationship between the two partnerships were established. The *polis* based its strength on the vitality of an *oikos*, while *oikos* flourished within a developed and prosperous *polis*.

The term *oikos* is used by the orators in three different ways⁸. The first one is *oikos* in the sense of family⁹, as Isaeus¹⁰ remarks in his speech *On the Estate of Apollodorus*: “(...) yet he has not given him a son by posthumous adoption but has left his family (*oikos*) desolate, and he would similarly fail to give Apollodorus a son by adoption and would leave his house likewise desolate”. The second one is *oikos* in the sense of property¹¹, estate or fortune, according to Isaeus¹² *On the Estate of Pyrrhus*: “The man, who was, according to his own account, about to marry his sister to a man with a fortune (*oikos*) of three talents, when he was arranging a matter of such importance, represents that only one witness was present on his behalf”. Finally, *oikos* is also used in the sense of the house (the building is also cited as *oikia*), as in Isaeus’ speech¹³ *On the Estate of Philoctemon*: “If our opponents had then so contrived that the houses (*oikoi*) were leased, my clients would no longer have been able to claim them”.

Being interested in the preservation and continuation of all *oikoi*¹⁴, the Athenian state appointed a certain magistrate, who had the legal obligation to protect them. This public official was named eponymous archon¹⁵ and had the general jurisdiction of family and property issues in the 4th century BC¹⁶. Demosthenes¹⁷, states the Athenian law about the magistrate’s duties: “Law: Let the archon take charge of orphans and of heiresses and of *oikoi* that are becoming extinct, and of all women who remain in the houses of their deceased husbands, declaring that they are pregnant. Let him take charge of these, and not suffer anyone to do any outrage to them”¹⁸. The eponymous archon’s duties were specifically directed to

⁸ B. Griffith-Williams, *Oikos, Family Feuds and Funerals: Argumentation and Evidence in Athenian Inheritance Disputes*, “Classical Quarterly” 2012, issue 62, p. 147.

⁹ C.L. Nevett, *House and Society in the Ancient Greek World*, Cambridge: Cambridge University Press 1999, p. 12-13; N.G. Wilson, *Encyclopedia of Ancient Greece*, New York, London 2006, p. 291.

¹⁰ Isaeus 7.44.

¹¹ C. Cox, *Household Interests: Property, Marriage Strategies, and Family Dynamics in Ancient Athens*, Princeton: Princeton University Press, New Jersey 1998, p.132.

¹² Isaeus 3.18.

¹³ Isaeus 6.45.

¹⁴ M. Edwards, *Isaeus, The oratory of classical Greece* 11, Austin, Texas, 2007, p. 5.

¹⁵ Eponymous archon gave his name to the year (the archonship of X).

¹⁶ Βελισσαροπούλου-Καρακώστα Ι., *Θεσμοί της Αρχαιότητας Ι. Η Πόλις*, Εκδόσεις Α.Ν.Σάκκουλα, Αθήνα-Κομοτηνή 1987, p. 187.

¹⁷ Demosthenes 43.75.

¹⁸ I. Arnaoutoglou, *Ancient Greek Laws. A Sourcebook*, London, New York 1998, p. 6.

the protection of family members who faced social vulnerability as well as to *oikoi* under the threat of extinction. While it is clear from the sources how the Athenian state protected family members whose rights were violated, such as the heiresses, orphans, and widows who claimed to be pregnant, there are two issues which are still ambiguous and remain unclear. The first one is the content of the expression “*oikoi* under extinction” in the Athenian law, and the second one is the way the magistrate practically took care of these *oikoi*. The aim of this paper is to examine the sense in which the term *oikos* was used in the Athenian law, as well as the way in which this law was applied.

2. “THE *OIKOS* UNDER EXTINCTION” ACCORDING TO THE ATHENIAN LAW

The use of the term *oikos* in the Athenian law, which dates back to Solon, should be distinguished from the use of the same term by the orators of the classical era. The latter mostly cite the term *oikos* in the sense of family or at least in a comprehensive sense (family line and material sense)¹⁹. In other words, they mostly refer to an *eremos oikos* i.e. the family that lacked a descendant who would be their future heir and new head of *oikos*. This is clearly shown in Isaeus²⁰ *On the Estate of Cleonymus*: “I think that you yourselves consider it your right to inherit – and feel a grievance if you do not do so – from those who have a claim to inherit from you. Supposing, therefore, that Cleonymus were alive and that our family (*oikos*) or that of our opponents had become extinct, consider to which family Cleonymus had the prospect of becoming heir; for it is only fair that those should possess his property from whom he had a right to inherit”. Isaeus²¹ in *On the Estate of Apollodorus* also states: “My mother was Apollodorus’s sister, and a close affection, never interrupted by any quarrel, existed between them; being his nephew and having been adopted by him as his son during his lifetime and when he was in full possession of his faculties, and having been registered with the members of the families and of the ward, I claim to possess the estate which he gave me and demand that my opponents should not be in a position to make his family (*oikos*) desolate”.

¹⁹ J. Blok, *Citizenship in Classical Athens*, Cambridge: Cambridge University Press 2017, p.103.

²⁰ Isaeus 1.44.

²¹ Isaeus 7.43.

Furthermore, Isaeus²² in *On the Estate of Menecles* remarks: “The law thus allowing Menecles, because he was childless, to adopt a son, he adopted me, not by a will made at the point of death, as other citizens have done, nor during illness; but when he was sound in body and mind, and fully aware of what he was doing, he adopted me and introduced me to his fellow-wardsmen in the presence of my opponents and enrolled me among the demesmen and the members of his confraternity. At the time my opponents raised no objection to his action on the ground that he was not in his right mind, although it would have been much better to have tried to win him over to their point of view during his lifetime rather than insult him now that he is dead and try to desolate his family (*oikos*)”. Demosthenes²³ also states: “But when this boy was born, and it seemed a fitting time, I, being in no way incensed at what had happened, but considering that the former jurymen had met with a very natural experience, introduced this boy here to the clansmen of Hagnias in the interest of Eubulides, seeing that the boy was the son of his daughter, in order that the *oikos* (family) might not become extinct”. According to the orator, Sositheus claims that his son was posthumously adopted so that the Hagnias’ *oikos* (family) could avoid the threat of extinction. Finally, Isaeus²⁴ in *On the Appolodorus Estate*, remarks: “ (...) the state has taken public measures to secure that it shall be followed, by law it entrusts the archon with the duty of preventing *oikoi* (families) from being extinguished”.

It is apparent that the orators emphasize the Athenians’ efforts to avoid the family’s (*oikos*) extinction (since it was of vital importance for the preservation of the household to secure a male)²⁵, that is why they put great emphasis on the significant role of the eponymous archon in this respect²⁶. If we accepted this view regarding the term *oikos* in the sense of family and the magistrate’s obligation towards families, then we would wrongly jump to the conclusion that his role would also include the intervention in family’s affairs (by directing or giving them some advice) in case he perceived a danger of the family’s extinction. But this cannot be true. As Aristotle²⁷ writes in *Politics*: “This, then, is a characteristic of liberty, which all democrats lay down as a condition of that state, another is that every one may live as he likes; for this, they say, is the task of liberty, since the one of slavery is not to live as one likes”. It is apparent that a crucial aspect of democratic Athens was the liberty of the citizens (*polites*). They enjoyed the privilege to live the way they desired, to take their own decisions regarding their future, to have the freedom to take initiatives as far as their *oikos* was concerned.

²² Isaeus 2.14-15.

²³ Demosthenes 43.11.

²⁴ Isaeus 7.30.

²⁵ J.M. Dillon, *Morality and Custom in Ancient Greece*, Edinburgh: Edinburgh University Press 2004, p. 50.

²⁶ Δημάκης Π., *Ισαίων Λόγοι*, Τόμος Β’ Νομική Βιβλιοθήκη, Αθήνα 1995, p. 332.

²⁷ Aristotle, *Politics*, 6.1317b.

There is no doubt that one of their priorities was to ensure that their family was not going to become extinct. This fact is reinforced by Isaeus²⁸ in *On the Estate of Appolodorus* where he writes about the Athenians: “All men, when they are near their end, take measures of precaution on their own behalf to prevent their families from becoming extinct and to secure that there shall be someone to perform sacrifices and carry out the customary rites over them. And so, even if they die without issue, they at any rate adopt children and leave them behind”. Athenians had the last word on this issue. The magistrate did not have the right to replace the head of the family, since every *oikos* was an independent administrative unit of *polis*. Taking into account all the above, it is apparent why the term *oikos* in the Athenian law cannot refer to a family. However, there is an abundant use of the term *oikos* in this sense by the orators in the classical era, who were aware of the fact that the Athenian judges were emotionally affected²⁹ by the threat of the family’s extinction, and for that reason they were always in favor of contributing to the continuation of the family through their judiciary decision. But the orators’ effort to create a potent emotional appeal to the judges through the persistent citation of an *eremos oikos* does not mean that this term was also used in the same way two centuries earlier.

On the other hand, what seems to be very probable is that the term *oikos* in the Athenian law is associated with the estate or property, as MacDowell³⁰ suggests in his article *The Oikos in Athenian Law*. That is why an *oikos* under extinction must be related to a property without a man in control. This is explained as follows: Aside from Demosthenes, who cites the obligations of the eponymous archon, Aristotle³¹ also analyses the responsibilities of the magistrate: “Criminal and civil law-suits are instituted before him, and after a preliminary trial he brings them in before the Jury-court: actions for ill-usage of parents (in which anybody who wishes may act as prosecutor without liability to penalty); for ill-usage of orphans (which lie against their guardians); for ill-usage of an heiress (which lie against the guardians or the relations that they live with); for injury to an orphan’s estate (these also lie against the guardians); prosecutions for insanity, when one man accuses another of wasting his property when insane; actions for the appointment of liquidators, when a man is unwilling for property to be administered in partnership; actions for the institution of guardianship; actions for deciding rival claims to guardianship; actions for the production of goods or documents; actions for enrollment as trustee; claims to estates and to heiresses. He also supervises orphans and heiresses and women professing to be with child after the husband’s

²⁸ Isaeus 7.30.

²⁹ B. Griffith-Williams, *Oikos, Family Feuds, and Funerals: Argumentation and Evidence in Athenian Inheritance Disputes*, “Classical Quarterly” 2012, Vol. 62, p. 148.

³⁰ D.M. MacDowell, *The Oikos in Athenian Law*, “Classical Quarterly” 1989, Vol. 39, p. 20.

³¹ Aristotle, *Athenian Constitution*, 56.6-7.

death, and he has absolute power to fine offenders against them or to bring them before the Jury-court. He grants leases of houses belonging to orphans and heiresses until they are fourteen years of age, and receives the rents, and he exacts maintenance for children from guardians who fail to supply it”.

According to the philosopher, the issues which the eponymous archon was particularly concerned with were related to old parents, orphans, heiresses, pregnant widows, and the inheritance matters. Of particular interest is that while Aristotle gives us a detailed analysis of the Athenian law which is cited by Demosthenes, there is no explicit citation of the *oikoi* that faced the threat of extinction. Although these facts seem contradictory at first, they aren't. When the philosopher cites “claims to estates”, he probably refers to estates which were without a man in control and this phrase is equal to an “*oikos*” (property) under extinction. The estate of the deceased Athenian was transferred to the next generation either through intestate³² or testamentary³³ succession. According to the first law: 1) the sons always inherited from their deceased father excluding all other relatives; 2) The male relatives had a precedence over female ones; and finally 3) The nearest relatives preceded over the remotest ones. According to the second law (the origin of the testamentary law was Solonian³⁴), the Athenian testamentary succession was based on adoption³⁵. The Athenian law ordered that the wills had to include an adoption, so as to the testator could find the successor of his family. There was no other reason for the Athenians to draft a will, if they were not interested in adopting a person.

When a childless Athenian died without having drafted a will, his property was left without a man in control, and his intestate relatives claimed his estate,

³² Demosthenes 43.51: “Law: Whenever a man dies without making a will, if he leaves female children his estate shall go with them, but if not, the persons herein mentioned shall be entitled to his property: if there be brothers by the same father, and if there be lawfully born sons of brothers, they shall take the share of the father. But if there are no brothers or sons of brothers, their descendants shall inherit it in like manner; but males and the sons of males shall take precedence, if they are of the same ancestors, even though they be more remote of kin. If there are no relatives on the father's side within the degree of children of cousins, those on the mother's side shall inherit in like manner. But if there shall be no relatives on either side within the degree mentioned, the nearest of kin on the father's side shall inherit. But no illegitimate child of either sex shall have the right of succession either to religious rites or civic privileges, from the time of the archonship of Euclides”; J.C. Miles, *The Attic Law of Intestate Succession (Demosthenes' "Contra Macart." 51)*, “Hermathena” 1950, Vol. 75, pp. 69-77; C. Carey, *The Shape of Athenian Laws*, “The Classical Quarterly” 1998, Vol. 48, p. 102.

³³ Isaeus 10.9: “I think that you are all aware, gentlemen, that the introduction of adopted children is always carried out by a will, the testator simultaneously devising his estate and adopting the son, and that this is the only legal method”.

³⁴ A.E. Samuel, *Plutarch's Account of Solon's Reforms*, “GRBS” 1963 Vol. 4, p. 233; D. Phillips, *The Law of Ancient Athens*, Ann Arbor, MI: University of Michigan Press 2013, p. 252.

³⁵ Δέλιος Α., *Οι συνέπειες μιας νοθεσίας στην κλασική Αθήνα*, “Δίκαιο και Ιστορία 2” Πρακτικά ΙΗ' Συνάντησης Ιστορικών του Δικαίου Κομοτηνή 13-14 November 2015, 2016, p. 35.

trying to prove that they were the deceased's closest relatives. The eponymous archon played a crucial role here – he examined the case and decided who was going to be the deceased's heir (the process of adjudication)³⁶. When a childless Athenian died having produced a will before, his property would be inherited by his adopted – via the will – son after the adjudication by the magistrate who decided on the validity of the will, taking into account any possible challenge by the intestate relatives. In both cases the property of the deceased was a property without a master until the crucial point of the magistrate's adjudication. In case there was a dispute over an inheritance either between intestate relatives who were interested in taking precedence or between a testamentary heir of the deceased and an intestate relative (the latter might claim that the submitted will was a false one), then the *oikos* was indirectly set in jeopardy, since false claims could be considered as insults towards the Athenian *oikos* (property).

Moreover, it is worth noting that *oikoi* under threat of extinction in the Athenian law are cited right after the heiresses who were persons related to the inheritance issues. In particular, a heiress³⁷ had a crucial role in the law of intestate succession. She was legally obliged to get married to her uncle (by her father's side) or his son (her first cousin) in order to give birth to a son who was going to inherit his grandfather's (by his mother's side) estate. That is why a heiress was actually a means of a property's conveyance. So, not only did the magistrate take care of inheritance issues through the adjudication of an epikleros daughter (heiress), but he also settled inheritance disputes or claims to inheritance³⁸ when he exercised his authority over *oikoi* under extinction.

3. HOW DID EPONYMOUS ARCHON PRACTICALLY TAKE CHARGE OF *OIKOI* UNDER EXTINCTION

The eponymous archon took charge of an *oikos* under extinction³⁹, as indicates the verb *ἐπιμελείσθω*⁴⁰ used in the law. Isaeus uses the expression *»προστάττει τὴν ἐπιμέλειαν«*⁴¹, which means that he had the duty to oversee such

³⁶ D. Phillips, *The Law of Ancient Athens*, Ann Arbor, MI: University of Michigan Press 2013, p. 220.

³⁷ D.M. Schaps, *Economic Rights of Women in Ancient Greece*, Edinburgh 1979, p. 25-47.

³⁸ R. Cudjoe, *The Social and Legal Position of Widows and Orphans in Classical Athens*, Centre for Ancient Greek and Hellenistic Law, Panteion University of Social and Political Sciences, Athens 2010, p. 43.

³⁹ Δημάκης Π., *Αττικό Δίκαιο Ι, Το οικογενειακό δίκαιο της Αθήνας κατά τους κλασικούς χρόνους*, Αθήνα-Κομοτηνή 1986, p. 226.

⁴⁰ Demosthenes 43.75.

⁴¹ Isaeus 7.30.

an *oikos*. But what was the practical aspect of this supervision? In case of an inheritance without a master, the magistrate accepted inheritance claims either from the intestate relatives or from the testamentary heirs of the deceased. The sons of the deceased entered their fathers' estate directly without any formal procedure (*embateusis*)⁴², so there was no need to claim their inheritance before the archon.

When both parties appeared before him for the first time, he appointed a certain date on which the preliminary phase, named *anakrasis*, was going to begin. The claim was also put on a noticeboard in the Agora in order to inform all the other possible claimants of the property about the prospective adjudication of the inheritance by the eponymous archon⁴³. Moreover, it was read out at the principal monthly meeting of the Assembly⁴⁴, as Aristotle⁴⁵ remarks: "They also put up written notice of the meetings of the Assembly: one sovereign meeting, at which the business is to vote on the confirmation of the magistrates in office if they are thought to govern well, and to deal with matters of food supply and the defence of the country; and on this day information has to be presented by those who wish, and the inventories of estates being confiscated read, and the lists of suits about inheritance and heiresses, so that all may have cognizance of any vacancy in an estate that occurs".

During the phase of *anakrasis*, in case the claimant was just one and there was no dispute of the estate, the eponymous archon adjudicated the inheritance to him and his decision was validated at the court during the next phase. But, in case of many claimants, the magistrate read out the claims that were previously submitted⁴⁶. There was a compilation of the evidence such as documents, wills, the written statements of the witnesses which the litigants prepared and submitted (as in the 4th century BC the witnesses were present at the trial in order to swear about the truth of their statement) laws, oaths etc. A deposit (*parakatabole*) equal to one tenth⁴⁷ of the desired estate was also paid by the claimant. During the *anakrasis* of an inheritance case before the magistrate, if a *diamartyria*⁴⁸ was submitted by a claimant asserting that he was the legitimate son of the deceased⁴⁹, no other claims could be admitted by the magistrate⁵⁰, unless the testimony was

⁴² B. Griffith-Williams B., *A Commentary on Selected Speeches of Isaios*, Leiden 2013, p. 162.

⁴³ A.R.W. Harrison, *The Law of Athen: The family and Property*, Vol. 1, Oxford 1968, p. 159.

⁴⁴ A.C. Scafuro, *Demosthenes, speeches 39-49*, The oratory of classical Greece 13, Austin, Texas 2011, p. 22.

⁴⁵ Aristotle, *Athenian Constitution*, 43.4.

⁴⁶ D.M. MacDowell, *Το Δίκαιο στην Αθήνα των Κλασικών Χρόνων*, Μτφ. Γ. Μαθιουδάκη, Εκδόσεις Δ.Ν.Παπαδήμα, Έκτη Έκδοση, Αθήνα 2015, p. 371.

⁴⁷ A.R.W. Harrison, *The Law of Athens, Procedure*, Vol. 2, Oxford 1971, pp. 182-183.

⁴⁸ J.W. Jones, *The Law and Legal Theory of the Greeks. An Introduction*, Oxford 1956, p. 196.

⁴⁹ Δημάκης Π., *Ισαίων Λόγοι*, Τόμος Α' Νομική Βιβλιοθήκη, Αθήνα 1994, p. 33.

⁵⁰ G.M. Calhoun, *Diamarturia, Paragraphe, and the Law of Archinus*, "Classical Philology" 1918, Vol. 13, pp. 176-177; Φλώρος Α., *Το αττικόν κληρονομικόν δίκαιον κατά τους λόγους του Ισαίου*, "Πλάτων" 1968, Vol. 20, p. 184.

itself challenged by a prosecution for false witness⁵¹. Isaeus⁵² remarks in *On the Estate of Dicaeogenes*: “Both wills being thus invalidated and it being admitted that no other will existed, no one had any claim to the estate under testamentary disposition, but it could be claimed on grounds of affinity by the sisters of the deceased Dicaeogenes (II), among whom were our mothers. We therefore resolved to claim the estate on grounds of affinity, and we each claimed our share. When we were on the point of making our affidavit, Leochares here put in a protestation (διεμαρτύρησε) that the estate was not adjudicable to us”.

The eponymous archon played again a crucial role – he listened carefully to all the claimants and asked questions in order to clarify the inheritance case. Both parties also swore to the veracity of their statements. This is shown by Isaeus⁵³ who remarks in *On the Estate of Astyphilus*: “Astyphilus, the owner of the estate, was my half-brother, gentlemen, the son of my mother. He went abroad with the force which sailed to Mytilene, and died there. I shall try and prove to you what I stated in my affidavit, namely, that the deceased did not adopt a son, that he did not bequeath his property, that he left no will, and that no one except myself has a right to the estate of Astyphilus”. The litigant claims that he was going to prove the content of his affidavit (during the previous preliminary phase before the eponymous archon). All claimants made an effort to prove that they were closely related to the deceased. In case a claimant based his claim on a will, the intestate relatives usually protested that the will was a forged one.

After completing this preliminary phase, the eponymous archon introduced the case to the court⁵⁴ a long time after the *anakrasis*, as Demosthenes⁵⁵ points out: “ Law: The archon shall assign by lot days for the trial of claims to inheritances or heiresses in every month except Scirophorion; and no one shall obtain an inheritance without adjudication”. The magistrate had the role of the presiding judge of the court. Each claimant presented his arguments and the whole process (*diadikasia*)⁵⁶ was fulfilled through the adjudication of the claimed inheritance. This was the process through which the eponymous archon practically and effectively fulfilled his role, taking charge of *oikoi* (properties) that were to become extinct (without a master).

⁵¹ M. Edwards, *Isaeus*, The oratory of classical Greece 11, Austin, Texas 2007, p. 8.

⁵² Isaeus 5.16.

⁵³ Isaeus 9.1.

⁵⁴ A. Biscardi, *Αρχαίο Ελληνικό Δίκαιο*, Μτφ. Παν. Δ. Δημάκη, Εκδόσεις Δ.Ν. Παπαδήμα, Τρίτη Έκδοση, Αθήνα 1998, p. 424.

⁵⁵ Demosthenes 46.22.

⁵⁶ A.C. Scafuro, *Demosthenes, speeches 39-49*, The oratory of classical Greece 13, Austin, Texas 2011, p. 24.

4. CONCLUSIONS

To conclude, among the nine archons of the Athenian state the eponymous archon was the public figure, exclusively responsible for all the family's affairs and for the settlement of all the family's and inheritance disputes. One of his specific duties, according to the Athenian law, was to help *oikos* avoid the threat of extinction. Despite the fact that the orators of the classical era profusely use the term *oikos* in the sense of family, it was suggested that this term cannot be used in the same way in the Athenian law. The main opposition arises from the fact that the eponymous archon was not allowed to intervene in the family's affairs taking every possible measure for the continuation of the family, replacing in this way the head of *oikos*. On the contrary, what seems very probable is that the term *oikos* is used in the law in the sense of property and an *oikos* under extinction is related to an estate without a master. Such a property needed adjudication by the eponymous archon and this was the legal framework within which the magistrate exercised his authority, which proved significant in reinforcing the *oikoi* under threat of extinction (τῶν οἰκῶν τῶν ἐξερημουμένων).

BIBLIOGRAPHY

- Arnaoutoglou I., *Ancient Greek Laws. A Sourcebook*, London, New York 1998
- Βελισσαροπούλου-Καρακώστα I., *Θεσμοί της Αρχαιότητας I. Η Πόλις*, Εκδόσεις Α.Ν.Σάκκουλα, Αθήνα-Κομοτηνή 1987
- Biscardi A., *Αρχαίο Ελληνικό Δίκαιο*, Μτφ. Παν. Δ. Δημάκη, Εκδόσεις Δ.Ν.Παπαδήμα, Τρίτη Έκδοση, Αθήνα 1998
- Blok J., *Citizenship in Classical Athens*, Cambridge: Cambridge University Press 2017
- Brendan N.D., *The Household as the Foundation of Aristotle's Polis*, Cambridge: Cambridge University Press 2006
- Calhoun G.M., *Diamarturia, Paragraphe and the Law of Archinus*, "Classical Philology" 1918, Vol. 13
- Carey C., *The Shape of Athenian Laws*, "The Classical Quarterly", 1998, Vol. 48
- Cox C., *Household Interests: Property, Marriage Strategies and Family Dynamics in Ancient Athens*, Princeton: Princeton University Press, New Jersey 1998
- Cudjoe R., *The Social and Legal Position of Widows and Orphans in Classical Athens*, Centre for Ancient Greek and Hellenistic Law, Panteion University of Social and Political Sciences, Athens 2010
- Δέλιος Α., *Οι συνέπειες μιας υιοθεσίας στην κλασική Αθήνα*, "Δίκαιο και Ιστορία 2" Πρακτικά ΙΗ' Συνάντησης Ιστορικών του Δικαίου Κομοτηνή 13-14 November 2015, 2016
- Δημάκης Π., *Αττικό Δίκαιο I, Το οικογενειακό δίκαιο της Αθήνας κατά τους κλασικούς χρόνους*, Αθήνα-Κομοτηνή 1986

- Δημάκης Π., *Ισαίου Λόγοι*, Τόμος Α' Νομική Βιβλιοθήκη, Αθήνα 1994
- Δημάκης Π., *Ισαίου Λόγοι*, Τόμος Β' Νομική Βιβλιοθήκη, Αθήνα 1995
- Dillon J.M., *Morality and Custom in Ancient Greece*, Edinburgh: Edinburgh University Press 2004
- Edwards M., *Isaeus*, The oratory of classical Greece 11, Austin, Texas 2007
- Griffith-Williams B., *Oikos, Family Feuds and Funerals: Argumentation and Evidence in Athenian Inheritance Disputes*, "Classical Quarterly" 2012, Vol. 62
- Griffith-Williams B., *A Commentary on Selected Speeches of Isaios*, Leiden 2013
- Harrison A.R.W., *The Law of Athens, Procedure*, Vol. 2, Oxford 1971
- Harrison A.R.W., *The Law of Athens, The family and Property*, Vol. 1, Oxford 1968
- Jones J.W., *The Law and Legal Theory of the Greeks. An Introduction*, Oxford 1956
- MacDowell D.M., *The Oikos in Athenian Law*, "Classical Quarterly" 1989, Vol. 39
- MacDowell D.M., *Το Δίκαιο στην Αθήνα των Κλασικών Χρόνων*, Μτφ. Γ. Μαθιουδάκη, Εκδόσεις Δ.Ν.Παπαδήμα, Έκτη Έκδοση, Αθήνα 2015
- Miles J.C., *The Attic Law of Intestate Succession (Demosthenes', "Contra Macart." 51) "Hermathena"* 1950, Vol. 75
- Nevett C.L., *House and Society in the Ancient Greek World*, Cambridge: Cambridge University Press 1999
- Phillips D., *The Law of Ancient Athens*, Ann Arbor, MI: University of Michigan Press 2013
- Samuel A.E., *Plutarch's Account of Solon's Reforms*, "GRBS" 1963, Vol. 4
- Scafuro A.C., *Demosthenes, speeches 39-49*, The oratory of classical Greece 13, Austin, Texas 2011
- Schaps D. M., *Economic Rights of Women in Ancient Greece*, Edinburgh 1979
- Strauss B.S., *Fathers and Sons in Athens: Ideology and Society in the Era of the Peloponnesian War*, London 1993
- Φλώρος Α., *Το αττικόν κληρονομικόν δίκαιον κατά τους λόγους του Ισαίου*, "Πλάτων" 1968, Vol. 20
- Wilson N.G., *Encyclopedia of Ancient Greece*, New York, London 2006

Summary

Athenians paid much attention to the protection of *oikoi* and especially to those *oikoi* which faced the threat of extinction. This is the reason why the eponymous archon was appointed by the Athenian state so as to take care of family and inheritance issues. Demosthenes states the Athenian law about the magistrate's obligations and there are two issues which are quite ambiguous. The first one is related to the exact content of the term "*oikos*" that was under extinction, while the second one is related to the exact way through which the magistrate offered his protection towards such *oikoi*. The article gives an answer to these ambivalent issues, underscoring the significant role of the magistrate regarding families and properties in classical Athens.

KEYWORDS

eponymous archon, magistrate, *oikos*, Athens

SŁOWA KLUCZOWE

archont eponymos, magistrat, *oikos*, Ateny