

Erythrai (?). Law concerning the wool-trade

Description: slab of dark, grainy stone, with a white vein across the face (dimensions: h: 0.42 m w: 0.22 m d: 0.09 m). The block shows damage to the top, the bottom and the right sides of the rectangular engraving surface

Layout: stoichedon c. 23 (22-24); the writing runs left to right

Letters: Ionic letters

Origin: Erythrai or Chios. Keil 1911, 52, attributes the inscription to Erythrai, arguing that the writing is very similar to that of other documents found there. Forrest reports that «the marble is closer grained than much Chian and it lacks the common Chian red streak. But the white vein across the face is very Chian» (H. Engelmann, R. Merkelbach, *I.Erythrai*, 69). Although this question has never been addressed, most scholars accept Keil's suggestion

Dating: 360-330 BC (Keil 1911, 52)

Findspot: unknown

Current location: Chios, Archaeological Museum, inv. AMX 77

Reference edition: H. Engelmann, R. Merkelbach, *I.Erythrai* I 15 (the last two lines are integrated following the suggestions by Engelmann and Merkelbach in the app. crit.). The text presented in this edition was revised and then communicated to the two authors by W.G. Forrest

Other editions: Zolotas 1908, 221, no. 21 (non vidi); Wilhelm 1909, 142-145; Keil 1911, 52-53; H.W. Pleket, *Epigraphica* 4, 11-12; H. Collitz, R.C. Meister, *SGDI* IV 25

Photographs: Keil 1911, fig. 49; Archontidou et alii 1999, 69 (cf. *SEG* 49 1499)

Translations: H. Engelmann, R. Merkelbach, *I.Erythrai* I 15, 71 (German); Meijer, Van Nijf 1992, 104-105, no. 132 (English); Arnaoutoglou 1998, 40-41, no. 38 (English); Morley 2007, 64 (English); Bresson 2016, 239-240 (English); Rubinstein 2018, 110 (English)

Bibliography: Meijer, Van Nijf 1992, 104-105, no. 132; Arnaoutoglou 1998, 40-41, no. 38 (cf. *SEG* 48 2134); Chankowski 2012, 47; Fantasia 2012b, 38-39; Migeotte 2014, 318; Bresson 2016, 235-236, 239-240, 242, 250; Rubinstein 2018, 110-112

[δοκ]ιμάση [. 15.]

[κ]αὶ ἔρια ἴσθ[ασθαι τοὺς ἐμπο-]

λέοντας ὅσα ἄ[ν ἕκαστος ἐμπο-]

λῆι, ἴστασθαι [δὲ ἀδόλως· ἦν δὲ]

5 ἀμαρτάνηι ὀφε[ιλέτω δραχμὰς]

εἴκοσι κατ' ἕκασ[τον τάλαντον·]

πρηξάσθω δὲ ὁ ἀγορ[ανόμος· πω-]

λείτω δὲ μέχρι μεση[μβρίας·]

ὑετίων δὲ μὴ ἐχφέρ[ειν. τῶν ἐ-]

10 πετέων προβάτων τ[οὺς ἐριοπώ-]

λας ἔρια μὴ πωλεῖν· ἦ[ν δὲ πωλῆι],

ζημιούσθω ὑπὸ τοῦ ἀ[γορανό-]

- μου ἡμέρης ἐκάστης [δραχμαῖς]
 δύο. εἴρια μηδὲ γνά[φαλλα ἐκ πό-]
 15 κου μὴ πωλεῖν τὸν ἔ[μπορον μη-]
 δὲ τὸν μετάβολον μ[ηδενὶ ἄλλο-]
 θεν μηδαμόθεν ἢ πα[ρὰ . 6.]
 λης· ἢν δέ που ἄλλῃ [πωλῇ, στε-]
 ρέσθω τῶν ἐρίων κ[αὶ ζημιού-]
 20 σθω δραχμαῖς εἴκ[οσι καὶ πᾶ-]
 σα ἀποκηρύσσει[αι ὑπὸ πρυτᾶ-]
 νεων ἢ ἄλλως πω[λεομένη ἢ] [ἀπὸ]
 τοῦ ταλάντου [ἐμπολῇ . 7.]
 διὰ τινα [.ν[. 10.]

Apparatus criticus: Il. 2-3: [τοὺς δὲ πω]/λέοντας Wilhelm, *SGDI*. Il. 3-4: ὅσα ἄ[ν τις ἐμπολᾶν θέ]λη *SGDI*. I. 6: κατ' ἕκασ[τον πρόβατον] Keil, Pleket. I. 7: ἀγορ[ηνόμος] *SGDI* (also at I. 12). I. 11: [ἢν δὲ μή] Wilhelm. I. 14: [ἐξ οἴκου] Wilhelm, Keil. Il. 16-17: μ[ηδ' ἄλλο μη]θέν Zolotas : μ[ἡμπολᾶν ? μη]θέν Wilhelm, Keil. I. 17: πα[ρὰ τῆς ἀγέ]λης Zolotas, Wilhelm, Keil, Pleket. I. 21: ἀποκηρύσσει[σθω] Wilhelm. I. 22: πω[λουμένη ἐρῇ ?] Wilhelm. I. 23: [ἐρῇ] Wilhelm : [ἐμπολῇ] Keil, *SGDI*, Pleket. I. 24: [...ν[- - -] Keil

Translation:

...in case he approves... and each dealer shall weigh how much wool he is selling, and shall do it [honestly]: if anyone cheats, he shall pay 20 [drachmas] for each [weighing]; the agoranomos shall exact payment. Sales can take place until noon. When it rains, it is not allowed to put wool on display. No wool merchant is to sell wool of one-year-old sheep. Anyone who does so, shall be fined 2 drachmas a day by the agoranomos. No [dealer] and no retailer shall sell either wool or wool waste to anyone from anywhere else than from the [(wool market?); if he does so,] the wool is confiscated and he is to pay 20 drachmas. And all the wool sold without using the balance will be auctioned publicly by the prytaneis...

Commentary:

Even if we do not have the initial and final section of the text, and the right side of the engraved surface is full of lacunae, it is nevertheless possible to determine the type of document under examination. This inscription consists in fact of a law regulating the wool trade. The document provides significant information on the sale of wool in the ancient Greek world and is the only epigraphic evidence that deals with the trade of this product (for other epigraphic sources on wool, cf. Pleket, *Epigraphica*, no. 22, Il. 13-16; GEI 38, I. 8 (<http://geionline.sns.it/search/document/GEI038>); for other literary sources on this product, see Gleba 2014, 125-126; Tsakirgis 2015, 181-182; on the textile production, see Acton 2014, 147-171; for the textile production in Asia Minor, see Labarre, Le Dinahet 1996).

The text contains five provisions accompanied by the corresponding penalties. The first (Il. 2-7) requires marketers to weigh the amount of wool they are selling, and to do it honestly. The primary purpose of this provision was to regulate the transition so that it would take place as correctly as possible, allowing the two parties to reach an agreement on the sale and in this case enabling the buyer to check personally the quantity of wool purchased (see Morley 2007, 61, 64-65). The obligation to weigh/measure goods is often stated in laws concerning trade. For example, a well-known Delian law forbids the sale of wood and charcoal without using official measures (Il. 1-3; *I.Délos* 509; *NCIDélos* 195-198; Bresson 2016, 327-331. For a different translation and interpretation of I. 2 τοῖς σταθμοῖς, intended as 'emplacements', not 'measures', see Chankowski 2012, 35-37). Even in the case of the Athenian Grain-Tax Law (374/3 BC), the grain of public property had to be weighed by ten men elected by the people before it could be sold in the agora (Il. 36-42, on which see Stroud 1998, 68-73; on grain weighing, see Fantasia 2004, 528-536). Though not explicitly stated in our text, it is highly probable that sellers were required to use official weights, i.e. provided by the magistrates whose main role was to supervise transactions in the agora (cf. the Delian law just mentioned, Il. 1-2, 38-40, but also other documents dealing specifically with measures and weights, like *I.Eleusis* 237, in particular Il. 7-18; on this text, see Austin 2006, n. 129; in general, see Steinhauer 1994, 58-59; Bresson 2016, 240-243).

As the law states, the merchant should ἵστασθαι [δὲ ἀδόλως] (I. 4): this specification may seem obvious, but in truth we know of many cases in which dealers tried to cheat potential buyers. For Athens, both Demosthenes

and Hyperides mention a law prohibiting deception in the agora (Dem. *Lept.* 9, Hyp. 5. 14; on which see Fantasia 2012b, 34-35; Bresson 2016, 234-236), a rather common practice, as evidenced by both literary and epigraphic sources focused on the counterfeiting of products and its contrast by the authorities (cf. Ar. *Ach.* 729-748; *IG XII Suppl.* 347, Arnaoutoglou 1998, 38, no. 36, ll. 10-11). One of the main tasks of the agoranomos, the magistrate who in most cities was in charge of ensuring order in the agora, was in fact checking that dealers behaved honestly and that transactions were carried out without any form of fraud (see Fantasia 2012b, 33-36; Bresson 2016, 239-243, 246-250).

In the present inscription, the fine of twenty drachmas for each deceitful weighing is indeed collected by the agoranomos (ll. 4-7; for this section, see Fantasia 2012b, 38-39), but we do not know whether this magistrate had judicial power in this circumstance, that is, if he also had the faculty to inflict the penalty of twenty drachmas. In general, we do not have any precise knowledge of what fell under his jurisdiction (on this question, see Erdas 2012, 63; Bresson 2016, 247). Focusing on the first and second penalty clauses of this inscription (ll. 4-7; 11-14), Lene Rubinstein (2018, 110-111) argues that, while the expression *ζημιούσθω ὑπὸ τοῦ ἀγορανόμου ἡμέρης ἐκάστης [δραχμαῖς] δύο* could refer to a summary fine directly inflicted by the agoranomos, in the first case we cannot be sure that this magistrate could impose a penalty of twenty drachmas without bringing the case before a court. In fact, the epigraphic documentation does not provide a unified picture in order to understand over what amount the case should be tried in the court and not settled by the magistrates themselves (Migeotte 2005, 291-294; Fantasia 2012b, 34; Bresson 2016, 246-250), and the text itself does not contain more precise specifications.

The following regulation forbids the sale of wool after noon (ll. 7-8). This clause is extremely relevant because it is the only epigraphic provision that temporally restricts commercial transactions. Unfortunately, we do not know the reasons for this limitation. Bresson (2016, 240) believes that this is due to the closure of the market in which the sale of wool would have taken place, but we generally do not have much information on the opening and closing times of market areas in the ancient Greek world (cf. Bresson 2016, 240, quoting Plutarch (*Quaest. Conv.* 668a): «ἀλλὰ τοὺς περὶ τὴν ἰχθυοπωλίαν ἀναδιδόντας ἐκάστοτε καὶ τοῦ κώδωνος ὁξέως ἀκούοντες»; however, the passage does not allow us to interpret with certainty the bell sound as the signal of the market's opening).

The third regulation forbids wool sale in times of rain (l. 9). As Bresson has suggested, it is very likely that this is because the wool, once wet, weighs more: in this way, the sellers could have easily deceived the customers (Bresson 2016, 242). Although there are no epigraphic parallels for this provision, in the *Frogs* Aristophanes mentions dealers who wet their wool (1386-1387), and more generally, we know that counterfeiting of products was a quite common practice (cf. for example, a Thasian law forbidding the watering of wine: *IG XII Suppl.* II 347, ll. 10-11; for the text, see GEI 2, ll. 10-11 (<http://gei.sns.it/search/document/GEI002>); in general, see Morley 2007, 64-65; Bresson 2016, 241-242). One of the duties of the agoranomos was in fact «to supervise the goods for sale to ensure that they are pure and unadulterated» (Arist. [*Ath. Pol.*] 51).

From ll. 9 to 14, the law forbids wool sale coming from *τῶν ἐπετέων προβάτων*. Although most scholars translate this expression as 'one-year-old-sheep', the meaning of these words is not entirely clear. In several epigraphic documents, *πρόβατον* (livestock) is used in connection with the production of wool and consequently the heads of sheep directly involved in shearing (cf. *IG II²* 1639, ll. 15-17; 1640, l. 28; *I. Délos* 104(10), ll. 16-18; 104(12), l. 111), but it is never to be seen with *ἐπέτεος*. If *ἐπετέων* means in this case 'born in the current year', it is possible that we are dealing with a regulation concerning the quality of the wool, i.e. that the fleece took longer than a year to be fully formed and therefore it would have been necessary to wait for the next year to shear the sheep and sell the wool. Unfortunately, since we do not have any parallels, we can only speculate on the implications of this restriction.

For this infraction, the agoranomos is responsible for fining the seller two drachmas per day (ll. 12-14). As already mentioned, Lene Rubinstein suggests that, according to the formulation, the agoranomos would have the authorization to impose the sanction directly (passive imperative and *ὑπό* with the agent; Rubinstein 2018, 110-111). The sanction would therefore involve a summary justice process, all in all justifiable on the basis of the low amount of the fine (ibid., 111; on this point, see also Erdas 2012, 63).

The last regulation (ll. 14-24) is the most debated and difficult to interpret, mainly because a satisfactory integration of the 17th line's last section has not yet been proposed. The law states that merchants cannot sell wool and waste wool to anyone from anywhere else but *πα[ρὰ . 6.]λης*. Whereas Meijer and van Nijf consider that this could be an ulterior reference to the weighing of wool by the scale (1992, 105: «...from anywhere else than from [the balance? If he does so,] ...»), Arnaoutoglou seems to accept the integration *τῆς ἀγέλης* and translates «from any other source but their own; whoever sells wool from another flock...» (1998, 41). Actually, the formulation of the text does not seem to present any indication of possession, but instead places the emphasis on the spatial component, well exemplified by *ἄλλοθεν μηδαμόθεν* and then *ἄλλῃ*. As Bresson points out, the law is more likely to forbid the sale from anyplace other than the wool market (Bresson 2016, 492, note 75; for the epigraphic attestations of the agora of Erythrai, see *I. Erythrai* I 8, ll. 12-13; I 10, l. 16; I 151, ll. 2-3, 6,

8, 14). Indeed, other trade laws also contain a specification very similar to this one (cf. *I.Kalchedon* 16, ll. 6-13; on this topic, see Bresson 2016, 235-238). However, a specific integration to support this interpretation has not yet been provided. The clause also adds that all the wool sold without using the balance will be confiscated and sold publicly at auction by the *pritateis* (ll. 20-23). Confiscation and public auctioning are rather common legal practices in texts concerning the irregular sale of products, or in any case relating to the economic sphere. From the use of counterfeit or unofficial measures and weights, or not appropriate for a certain type of goods (*IG II²* 1013, ll. 19-28), to the counterfeiting of silver coins (Stroud 1974, ll. 16-18), up to the products' provenance in special circumstances (Ar. *Ach.* 522): there are various reasons that lead to the confiscation and/or public sale of goods (on which, see Wilhelm 1909, 144; Bresson 2016, 250). Summing up, while the first clause of the document only states a fine of 20 drachmas for those who do not weigh or do not weigh wool properly, in this case, if the wool is not sold at the place determined by the city, the penalty is much stricter and involves not only a fine of the same amount, but also the loss of the wool.

In addition to valuable information on the regulation of the wool trade, this document reveals that not only was the wool itself sold, but also the waste wool (ll. 14-15: γνά[φα]λλα ἐκ πό[ρο]κου). As literary sources indicate, the *gnaphallon*/*knephallon* (from κνάπτω, 'to card, comb, full (cloth)') was the wool torn off in carding or fulling cloth that was then used as padding, especially for cushions (see κνέφαλλον, *LSJ*). The practice of using wool waste to fill cushions or mattresses was already attested in antiquity across the Mediterranean basin, as for example in Gaul: Pliny the Elder tells us that «...the refuse, too, when taken out of the bronze cauldrons of the scourers, is used for making mattresses, an invention, I fancy, of the Gauls» (8.73).

The last topic to be addressed is the context of this record. Later sources, such as Vitruvius and Pliny the Elder, inform us about Erythrean wool. The former mentions some Mediterranean cities, including Erythrai, where sheep, after drinking from specific sources, generate lambs of different fleece colours (8.3.14). Apart from the anecdotal nature of the story, Vitruvius seems to know Erythrai's vocation to sheep breeding. While enumerating the different colours that characterize the main varieties of wool, Pliny the Elder says (8.73): «Hispania nigri velleris praecipuas habet, Pollentia iuxta Alpes cani, Asia rutila, quas Erythraeas vocant, item Baetica...». We know that Asia and in particular Ionia were important wool-producing areas, and that several cities were fully integrated into long-distance trade (Meijer, Van Nijf 1992, 103; Labarre, Le Dinahet 1996, in particular 56; Bresson 2016, 193). But Pliny's passage specifically mentions Erythrean wools, red in colour, which took their name from the Ionian city (see *I.Erythrai* I 71; Meijer, Van Nijf 1992, 104). It is in fact a very common practice for wool and fabrics to take their name from the city in which they were produced and/or traded (cf. Aeschin. *InTim.* 97: ἀμόργινα, made of Amorgian flax; Ar. *Lys.* 729: ἐρία Μιλήσια; Ar. *Av.* 493: ὁ μοχθηρὸς Φρυγίων ἐρίων; Ar. *Ran.* 543: ἐν στρώμασιν Μιλησίοις; *Expositio Totius Mundi* 42, where the author mentions the 'Laodicea', a type of cloak produced in Laodicea). We are therefore dealing with a confirmation for Erythrai of the importance of the wool trade and in addition over a long period, i.e. at least until the first century AD. Another evidence of the value of wool and, more generally, of its processing in Erythrai is represented in my opinion by the cult statue of Athena, the *poliad* divinity (for the cult and the statue, see Graf 1985, 209-211, 213). In particular, Pausania informs us that the wooden statue, made by Endoios (second half of the sixth century), depicted Athena seated on a throne and carrying in both hands the distaff (7.5.9). The Athena of Erythrai was therefore an Athena Ergane which, thanks to the particularity of the double distaff, appears to be closely linked to the activity of weaving (on Athena as Ergane in Archaic Ionia, see Villing 1998, in particular 154-159). Is it therefore possible that sheep breeding, weaving and wool trade were already important activities in the sixth-century Erythrai? Only further research will help us to answer this question.

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