

CAPInv. GR-31: eis emporian (oichomenoi)

I. LOCATION

i. Geographical area	Attica with Salamis
ii. Region	Attica
iii. Site	Athens

II. GENERAL REFERENCE

i.a. Full reference (original language)	εἰς ἐμπορίαν (οἰχόμενοι) (Dig. 47.22.4 = <i>Gaius, libro quarto ad legem duodecimo tabularum</i>)
i.b. Full reference (transliterated)	<i>eis emporian (oichomenoi)</i>
ii. Reference context	The term occurs in a passage of the <i>Digesta</i> , a 6th century AD compilation of opinions expressed by leading classical Roman jurists. The rule in Greek was apparently quoted by Gaius, a mid 2nd century AD jurist. It states that whatever <i>hoi eis emporian (oichomenoi)</i> agree between themselves is valid provided that it does not conflict with <i>polis</i> laws.

III. DATE

i. Date(s)	Hell. - Imp.
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V. SOURCES

i. Source(s)	Dig. 47.22.4 = <i>Gaius, libro quarto ad legem duodecimo tabularum</i> (Hell. - Imp.)
Note	Other publications: Ruschenbusch 1966: F77; Ruschenbusch and Burgmann 2010: F76a.
Online Resources	The text is found at this address: http://droitromain.upmf-grenoble.fr/Corpus/d-47.htm#22 (copy and paste link in address bar)
i.a. Source type(s)	Literary source(s)
i.b. Document(s) typology & language/script	A passage from the commentary of Gaius on the legislation of the Twelve Tables: the passage is quoted in Greek.

VIII. NOTES

i. Comments

The date of the provision is highly disputed, since in the passage it is ascribed to Solon. Most scholars would follow the above date, e.g. Foucart (1873: 47), Beauchet (1897: 4.343), Radin (1910: 50), Pantazopoulos (1946: 257-9), Hatzopoulos (1980: 949-51), Leiwo (1997: 104), Jones (1999: 33-45, 318), Ustinova (2005: 183-5), Ismard (2007: 20-22). Busolt and Swoboda (1926: 252) and Davies (1996: 635) argued for a Cleisthenic date, while some others (Ferguson 1944: 64-6; Bravo 1980: 857; Whitehead 1986: 15) claimed that the regulation is a conflation of archaic elements with later ones; however, it has been argued that this is, at the earliest, a Hellenistic regulation, Arnaoutoglou (2003: 55-7) or a fifth-century BC re-edited law (Ismard 2010: 44-57).

iii. Bibliography

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IX. EVALUATION

i. Private associations

Probable

Note

Partnerships formed by traders are rarely anything else but private associations.

ii. Historical authenticity

The genuineness of the text is not disputed, despite a textual corruption.