

In Whom Do We Trust?
Pistis, Dikai Emporikai, and Athenian Legal Rhetoric

Athenian forensic speeches provide central evidence for the socio-legal interactions of litigants from varied backgrounds, including Athenian men, women, metics, non-resident foreigners, and the enslaved. Particularly in the *dikai emporikai* (maritime lawsuits), we can see the methods by which business partners can pursue redress when defrauded or robbed of their investments. The theoretical framework of New Institutional Economics (NIE) argues that these legal structures (or institutions) develop trust between the individual and the state (North 1990; Morris 2004, 709-42; Ober 2008, 211-63; Bresson, 2012; Manning, 2018; Terpstra, 2019). However, the concept of trust is often elided into discussions of institutional efficacy, growth, and social networks (Leese 2021, 136-77). Other scholars argue in favor of an understanding of *pistis* (“trust”) as a solely personal concept, extant between individuals based on their direct engagement, rather than something conceived by the Greeks as associated with the state and its institutions (Vélissaropoulos-Karakostas 2002, 132-36).

The dichotomy between impersonal and personal trust is an effective way to understand economic relationships in Athens during the fourth century BCE. Not only were Greek merchants loaning money for long-distance trade, they were also willing to risk great loss in order to pursue profit. However, for a greater reward, they accepted greater risk. Risk was then mitigated through rules and laws to limit abuses (impersonal systems), as well as personal relationships to ensure social coercion and protection from bad actors (personal systems) (North 1994, 360). In this talk, I argue that while impersonal and personal trust can be useful categories for modern scholarship, ancient Greeks in fact use the concept of *pistis* to describe the

impersonal interactions between the state and individuals, especially when it came to protections for maritime business ventures gone awry.

As a more generic example, in Demosthenes 21.221, the speaker encourages the jurors to remember that “πεπίστευκε τῇ πολιτείᾳ (he has trusted in the state)” which not only ensures engagement with institutions, but breaks down the modern division of *pistis* as a personalized concept. More specifically in the maritime suit, Demosthenes 56, a form of πιστεύω (the verb form of *pistis*) is employed once again when the speaker asks (56.2), “τῷ οὖν ποτὲ πιστεύοντες καὶ τί λαβόντες τὸ βέβαιον, προϊέμεθα; ὑμῖν, ὧ ἄνδρες δικασταί, καὶ τοῖς νόμοις τοῖς ὑμετέροις... (so then trusting in what and taking what as surety, do we lend money? In you, men of the jury, and in your laws...)” In this scenario the speaker puts the state’s institutions front and center as a mechanism by which trade is possible. This conception of trust, not only in business partners, but in a reasonably effective impersonal system is a lubricant to maritime commerce. In these and other examples from the legal rhetorical space, Attic oratory demonstrates an overlap in “impersonal” and “personal” forms of engagement resulting in an efficacious coercive system.

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