
Navigating Antiquity: Legal Traditions of the Sea in Ancient Greek Civilization

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Abstract

This study explores the legal traditions and practices governing the sea in ancient Greek civilization, situating them within the broader development of maritime law. The ancient Greeks, whose prosperity and security depended heavily on maritime trade, fishing, and naval power, developed a range of customs and regulations that shaped interactions across the Aegean and Mediterranean. Drawing on literary sources, inscriptions, and legal codes, this research examines how Greek city-states addressed issues such as piracy, shipwrecks, commerce, and the allocation of marine resources. Special attention is given to the tension between communal notions of the sea as a shared space (koinē thalassa) and the efforts of poleis like Athens to assert jurisdiction over harbors, shipping routes, and fisheries. By highlighting both the limitations and innovations of Greek maritime legal thought, the study contributes to a deeper understanding of how ancient societies conceptualized sovereignty, access, and responsibility at sea. Furthermore, it argues that Greek practices laid important intellectual foundations for later Roman codifications and, ultimately, for early modern debates on freedom of the seas. This reassessment situates Greek maritime law not as an isolated phenomenon, but as a formative stage in the long trajectory of the international law of the sea. The aim of this study is to examine the legal frameworks, maritime practices, and regulatory principles that governed seafaring and trade in Ancient Greek civilization, highlighting their influence on the development of early maritime law. The findings reveal that ancient Greek maritime law operated largely through customary norms and commercial practice, with influential contributions from maritime centers such as Rhodes that shaped principles later reflected in Roman and Byzantine legal traditions. The study further finds that doctrines relating to freedom of navigation, shared maritime risk, and specialized dispute resolution mechanisms constituted enduring legal innovations that informed subsequent Mediterranean maritime governance.

Keywords: Ancient Greek Maritime Law, Navigation Rights, Trade Regulation, Seafaring Practices, Early International Law, Conflict Resolution at Sea

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1.0 Introduction

Maritime activity was central to Ancient Greek civilization, facilitating trade, cultural exchange, and military endeavors. The Greeks,

surrounded by seas, developed advanced shipbuilding techniques and navigational skills, enabling them to establish extensive trade networks across the

Mediterranean and Black Seas. By the 5th century BCE, Greek merchant vessels were actively transporting goods and ideas, facilitating interactions among diverse cultures. This maritime engagement was not merely economic but also deeply woven into the social and political fabric of Greek city-states (Cohen, 1973). Understanding the legal frameworks governing maritime activities in Ancient Greece is crucial for comprehending the evolution of international maritime law. The Greeks established early regulations to manage shipping, trade, and naval warfare, laying foundational principles for later legal systems. For example, the Rhodian Sea Law, dating back to around 475 BCE, addressed issues such as the jettison of cargo and established principles of shared risk among shipowners and merchants (Ashburner, 1909). These legal traditions ensured the smooth functioning of maritime commerce and reflected the Greeks' sophisticated approach to governance and their recognition of the sea as a shared space requiring regulation. By examining these ancient legal traditions, scholars gain insights into the origins of maritime law, its influence on subsequent civilizations, and its enduring impact on modern international legal frameworks governing the seas (Finkelberg, 2010). This study seeks to examine how ancient Greek city-states developed and enforced maritime legal norms governing navigation, commerce, piracy, and dispute settlement and how competing ideas such as the sea as a shared space and jurisdictional assertions by poleis like Athens shaped early conceptions of sovereignty and control at sea; and to what extent maritime traditions associated with centers such as Rhodes influenced later Roman maritime law and contributed to the intellectual foundations of the modern international law of the sea. Furthermore, the objective of this study is to analyze the legal frameworks, customary norms, and maritime practices developed by ancient Greek city-states to regulate navigation, trade, piracy, and dispute resolution across the Mediterranean world. It further aims to assess how these traditions, particularly those associated with centers such as Athens and Rhodes influenced later Roman maritime law and contributed to the historical foundations of modern international law of the sea.

2.0 Background of the Study

Maritime activity was the lifeblood of ancient Greek civilization, shaping the economic networks, political alliances, and military strategies of city-states such as Athens and commercial centers like Rhodes. Through customary practices, port regulations, and maritime dispute mechanisms, particularly those associated with the *Rhodian* maritime tradition, the Greeks developed early principles concerning navigation, the shared use of the sea, the allocation of maritime risk, and jurisdiction over harbors and trade routes. This study is essential to the field of sea law because it situates these Greek legal traditions within the longer historical evolution of maritime governance, demonstrating that core concepts underlying

modern law of the sea such as freedom of navigation, commercial regulation, and responsibility for conduct at sea did not emerge suddenly in early modern Europe but were deeply rooted in ancient Mediterranean legal thought. Despite recognition of Greek influence on later maritime law, existing scholarship often treats ancient Greek sea practices either as fragmented commercial customs or merely as precursors to Roman codification, without systematically analyzing them as an integrated legal tradition. There remains a gap in examining how Greek concepts of shared maritime space, jurisdictional control by poleis, and risk allocation in maritime commerce collectively shaped early legal thinking on sovereignty, access, and responsibility at sea.

4.0 Scope and limitations of the Study

The scope of this study covers the legal traditions of the sea in ancient Greek civilization, with particular emphasis on codifications such as the Rhodian Sea Law and their role in shaping maritime practices across the Mediterranean. The research focuses on examining how these laws influenced trade, navigation, dispute resolution, and property rights at sea. It also situates Greek maritime law in its broader comparative context, tracing its interaction with Near Eastern, Phoenician, and later Roman practices. The temporal framework spans from the early Archaic period to the Hellenistic age, highlighting continuity and adaptation in legal norms governing the sea. The study further considers the transmission of these legal traditions into later European thought, thereby showing their relevance to the historical foundations of international maritime law. However, certain limitations must be acknowledged. First, the available sources are fragmentary, as much of Greek maritime law survives only through indirect references in later Roman and Byzantine texts (e.g., Justinian's Digest). Second, interpretation is constrained by the lack of uniform codification, since Greek city-states often had diverse practices, making it difficult to present a single coherent system of maritime law. Third, modern scholarship sometimes reads these ancient norms through a Eurocentric or Roman-law lens, which may distort their original context. Finally, this study does not attempt a comprehensive survey of all Mediterranean maritime traditions but focuses primarily on the Greek contribution, while recognizing parallel developments in other civilizations.

5.0 Literature Review

Scholarship on Ancient Greek maritime law has consistently placed the Rhodian Sea Law (*Nomos Rhodion Nautikos*) at the center of analysis, treating it as the most enduring codification of maritime practice in the ancient Mediterranean. Ashburner's classic edition remains the foundational work, bringing together the surviving manuscript traditions and showing how Rhodian legal principles were transmitted through Byzantine compilations (Ashburner, 1909). A key doctrine

that scholars emphasize is *lex Rhodia de iactu* (the principle of general average), which governs the equitable sharing of losses when cargo is jettisoned to save a vessel in distress. Barry Nicholas's seminal article in the *Law Quarterly Review* offers a detailed legal analysis of this principle, highlighting both its practical maritime application and its long-lasting influence on subsequent legal systems (Nicholas, 1946). Roman jurists later absorbed these Rhodian rules, particularly into Justinian's *Digest*, ensuring their survival and adaptation into broader Roman commercial law. As Johnston notes, this process underscores both the cross-cultural transmission of legal ideas and the practical necessity of regulating shared risks at sea (Johnston, 1999). Yet despite their importance, scholars repeatedly stress that the Rhodian Sea Law survives only in fragmentary form, mediated through later Roman and Byzantine sources, which complicates efforts to reconstruct its original scope and application.

In addition, the primary textual sources form the backbone of our knowledge about Greek legal practice at sea was "The Rhodian Sea Law" most famously edited and assembled in Ashburner's edition provides the clearest surviving statement of ancient Mediterranean maritime norms (e.g., rules on jettison, general average, and salvage) and is essential for tracing how practical seafaring customs were formalized and later cited by Roman jurists (Ashburner, 1909). Classical authors and later jurists preserve scattered citations and commentary that, when read carefully, allow scholars to triangulate the content and authority of these maritime rules against broader legal practice. On the other hand, material evidence complements and tests these textual witnesses. Furthermore, archaeological finds include shipwreck assemblages, port installations, harbor masonry, anchors, amphora concentrations, and inscribed dedications, providing the economic and technological context in which maritime law operated, showing what kinds of cargoes moved, how ships were outfitted, and the port infrastructures that required local regulation (Meiggs, 1972).

Moreover, Epigraphic sources such as laws, decrees, and honorific inscriptions found in port cities or on promontories often record regulations, penalties, or honors related to shipping activity; when combined with law-codes and later compilations, they enable more robust reconstructions of legal practice. Recent synthetic treatments, such as the chapters collected in *The Cambridge Companion to Ancient Greek Law*, model precisely this interdisciplinary integration, urging legal historians to read inscriptions, literary references, and archaeological data together rather than in isolation (Finkelberg, ed., 2010). In contrast, comparative scholarship highlights how Greek maritime practices overlapped with those of Phoenician and Near Eastern traders, reflecting the shared commercial realities of Mediterranean navigation and risk management. The most significant point of continuity lies in the Rhodian principles of jettison

and risk-sharing, which were later incorporated into Roman law, particularly in Justinian's Digest, where they formed the foundation for the doctrine of *lex Rhodia de iactu* (Johnston, 1999). This demonstrates how practical maritime customs transcended cultural boundaries and were adopted into formal legal systems. Economic historians emphasize that these practices reveal both the interconnectedness of Mediterranean trade networks and the institutional capacity of Greek city-states to regulate commerce, showing parallels with Phoenician approaches to maritime risk (Bresson, 2016). At the same time, scholars argue that the Byzantine legal system reinterpreted and preserved these Greek norms, ensuring their continuity into the medieval Mediterranean and influencing later commercial law traditions (Tchernia, 2016; Harris, 2013).

Despite valuable scholarship, significant research gaps remain in the study of Ancient Greek maritime law. Much of the evidence survives only in fragmentary form, largely preserved through Roman jurists and Byzantine redactions, making the reconstruction of original formulations speculative and limiting claims about legal uniformity (Ashburner, 1909). Moreover, existing studies often focus on canonical sources such as the Rhodian Sea Law and the Gortyn Code, but neglect the heterogeneity of practices across different poleis, leaving unexplored how Aegean islands or Ionic cities regulated maritime activity (Gagarin, 1986). While archaeology and epigraphy have yielded insights, more work is needed to integrate material evidence such as shipwreck cargoes, port installations, and inscriptions with legal texts to understand how law functioned in practice (Harris, 2013). Another underexplored area concerns the pathways of transmission, including the role of merchants, maritime guilds, and jurists in carrying Greek legal traditions into Roman, Byzantine, and later Mediterranean law (Johnston, 1999). Finally, limited attention has been paid to the social and economic dimensions of maritime law, particularly its effects on seafaring communities, sailors' rights, the treatment of slaves, and the emergence of proto-insurance practices (Bresson, 2016).

6.0 Methodology

This study adopts a qualitative historical-legal methodology to investigate the development of maritime norms and governance in the ancient world. It involves a close examination of primary sources, including the Rhodian Sea Law, maritime inscriptions, and relevant legal documents preserved in Greek and later Byzantine traditions, to reconstruct the legal principles governing seafaring and trade. These are critically analyzed alongside secondary sources such as scholarly monographs, journal articles, and interpretive works that provide broader historical and legal context. By applying an analytical framework that situates these materials within the socio-political and economic realities of ancient Greece, the study seeks to

identify how maritime law evolved, how it reflected broader legal thought, and how it contributed to the foundations of later Mediterranean and international maritime legal traditions.

7.0 Maritime Legal Framework in Ancient Greece

7.1 Laws Governing Navigation and Trade

In Ancient Greece, navigation and trade laws were designed to regulate the lifeline of the polis economies, as maritime exchange was crucial for securing grain, timber, metals, and luxury goods. These laws established port regulations, customs duties, and mechanisms for resolving disputes among merchants and shipowners, ensuring predictability in commercial dealings. One of the most influential contributions was the *Nomos Rhodion Nautikos* (Rhodian Sea Law), which articulated principles like *lex Rhodia de iactu* (general average), requiring that losses from jettisoned cargo be shared proportionally among all stakeholders to protect collective interests during emergencies (Ashburner 1909). Such legal frameworks not only reduced risks but also fostered trust across diverse trading communities, laying the foundation for maritime legal traditions later absorbed into Roman and Byzantine law (Bresson 2016). Moreover, regulations on safe passage, anchorage, and port usage reflected an early attempt to balance state authority with private commercial interests, ensuring both the protection of merchants and the economic stability of city-states. By codifying practices that accounted for the inherent risks of sea travel, these laws demonstrate how Greek maritime governance combined pragmatic economic needs with evolving legal norms, leaving a legacy that would influence Mediterranean legal thought for centuries (Gabrielsen, 1994).

7.2 Role of City-States (polis) in Regulating Maritime Affairs

The Greek city-states played a decisive role in developing and enforcing maritime law, shaping regulations that reflected their strategic, military, and economic priorities. Athens provides the most prominent example, where the port of Piraeus was transformed into a major hub of commerce under carefully structured systems of port administration, taxation, and maritime litigation. Special magistrates, such as the *nautikoi dikastai* (maritime judges), handled disputes involving merchants, shipowners, and sailors, ensuring swift and specialized adjudication of commercial cases (Harris, 2006). Beyond legal administration, poleis actively engaged in diplomatic negotiations and treaties, securing safe passage for their ships, granting privileges to allies, and asserting influence over critical trade routes in the Aegean and beyond (Gabrielsen, 1994). City-states also imposed harbor dues, regulated anchorage rights, and enforced naval patrols to safeguard maritime trade against piracy, blending commercial oversight with military protection (Cohen, 1992). In this way, the

polis was not only a guarantor of economic order but also a political authority asserting sovereignty at sea, illustrating how maritime regulation became an extension of both governance and geopolitical strategy (Bresson, 2016).

7.3 Legal Principles for Ownership, Liability, and Contracts at Sea

Greek maritime law contained a sophisticated set of principles governing ownership, liability, and contractual obligations, reflecting the economic importance and inherent risks of seaborne trade. Ownership rights were carefully delineated to distinguish between the interests of shipowners, merchants, and financiers, ensuring clarity in the event of disputes. Liability was a particularly significant area: ship captains and crew members could be held accountable for negligence, fraud, or mismanagement, while communities often recognized shared responsibility in cases of piracy or shipwreck to ensure fair distribution of losses (Todd, 1993). Maritime contracts, especially bottomry loans (*nautikon daneion*), allowed lenders to finance voyages by placing risk directly on the ship or cargo; if the ship was lost, the debt was nullified, but if the voyage succeeded, high interest rates compensated for the risk (Andreaeu, 1999). These arrangements illustrate not only the legal ingenuity of the Greeks in balancing risk and reward but also their ability to develop flexible mechanisms that encouraged long-distance trade while minimizing financial insecurity. Furthermore, inscriptions and forensic speeches from the Athenian courts reveal that such contracts were regularly litigated, showing their integration into both practical commerce and civic legal frameworks (Cohen, 1992). Overall, these principles demonstrate how maritime law served as both a legal safeguard and an economic driver in ancient Greece.

8.0 Trade and Commercial Practices

8.1 Merchant Rights and Obligations

In ancient Greece merchants operated within a well-defined legal and social framework that balanced commercial freedom with responsibility, ensuring that trade was both efficient and reliable. Merchants had the right to negotiate and enter into contracts, transport goods across different city-states, and appeal to legal authorities in case of breaches or disputes (Millett, 1991). Their obligations included paying port dues, taxes, or customs fees, adhering to safety and navigation regulations, and maintaining accurate records of cargo ownership and contracts. Merchants were also responsible for the proper handling of goods, timely delivery, and compensation in case of loss due to negligence or violation of contract terms (Todd, 1993). In addition, they were expected to respect the laws and customs of the polis in which they operated, reflecting a system in which civic authority and commercial practice were deeply intertwined. These

legal expectations not only protected merchants from arbitrary confiscation or fraud but also fostered trust among trading partners, facilitating long-distance trade and economic integration across the Aegean and Mediterranean regions (Andreau, 1999). Evidence from inscriptions, port records, and court speeches indicates that these rights and duties were actively enforced, demonstrating the practical importance of law in maintaining commercial order and economic stability (Raphael, 1990).

8.2 Regulation of Ports, Harbors, and Shipping Routes

Greek city-states developed complex administrative and legal systems to regulate ports, harbors, and shipping routes, reflecting the dual importance of commerce and security in the ancient Mediterranean. The port of Piraeus in Athens stands as the best-documented example, where officials such as the *epimeletai tou emporiou* (overseers of trade) were responsible for supervising docking, inspecting goods, and ensuring compliance with commercial regulations (Cohen, 1992). Customs duties (*telonia*) were collected on imports and exports, providing significant revenue to the polis while also allowing the state to monitor the flow of goods (Bresson, 2016). To safeguard maritime traffic, shipping routes were patrolled to deter piracy and secure vital grain supplies from regions such as the Black Sea, while treaties and alliances formalized agreements over safe passage, tariff exemptions, and access to harbors (Osborne, 1996). Regulations also extended to anchorage rights, harbor dues, and the allocation of mooring spaces, underscoring the polis's active role in maintaining order and efficiency in maritime commerce (Hansen, 2006). These measures demonstrate that port and route regulation was not only an economic concern but also a tool of political control, reinforcing the influence of powerful city-states such as Athens and Rhodes over Mediterranean trade networks.

8.3 Mechanisms for Dispute Resolution and Enforcement

Dispute resolution in Greek maritime commerce relied on specialized legal institutions, which handled conflicts arising from trade, ownership, or navigation. Magistrates such as the *nautikoi dikastai* (maritime judges) adjudicated cases involving loss of cargo, breaches of contract, and liability for accidents at sea, often referencing codified principles like those in the Rhodian Sea Law (Murray, 2017). In Athens, the *dikē emporikē* (mercantile suits) provided expedited legal procedures during the sailing season, ensuring that disputes could be resolved promptly without disrupting the commercial calendar (Harris, 2006). Famous forensic speeches, such as Demosthenes' *Against Lacritus*, reveal how merchants and creditors litigated maritime contracts, particularly bottomry loans, in these courts, offering insight into both legal

reasoning and the practical enforcement of obligations (Todd, 1993). Enforcement mechanisms included fines, confiscation of goods, or legal penalties that ensured compliance with contracts and maritime regulations, while repeat offenders risked exclusion from future trading activities (Ashburner, 1909). Additionally, the integration of private agreements and public oversight allowed for swift resolution, maintaining commercial confidence and stability within and between city-states (Gagarin & Cohen, 2005). This combination of efficient procedures, enforceable judgments, and reciprocal obligations highlights how Greek city-states institutionalized maritime law to protect commerce in an environment where risk and uncertainty were constant.

9.0 Conflict Resolution and Maritime Disputes

9.1 Legal Procedures for Maritime Disputes

In ancient Greece, maritime disputes were handled through expert legal procedures aimed at safeguarding commerce and maintaining trust among traders. Athens established the *dikē emporikē* (mercantile suits), a seasonal litigation system that expedited cases involving contracts, loans, and cargo disputes. This mechanism provided quick resolutions, reduced trade disruptions, and highlighted the courts' crucial role in supporting economic stability (Harris, 2006). The procedures often included rules about written contracts, sworn testimony, and documentary evidence, which were considered crucial in settling disputes arising from complex maritime agreements. For instance, bottomry loans (maritime loans secured against the ship or cargo) required clear documentation to prove the terms of repayment in case of disputes. The emphasis on written agreements reflects the transition from purely oral traditions of law to more formalized practices that provided merchants with greater predictability (Cohen, 2005). These legal frameworks demonstrate that Greek maritime law was both practical and adaptive, designed to minimize risks inherent in long-distance trade.

9.2 Role of Magistrates, Courts, and Arbitration in Resolving Conflicts

Magistrates played a central role in resolving maritime conflicts, often acting as intermediaries between private parties and public authority. The *nautikoi dikastai* (maritime judges) in Athens were empowered to hear disputes concerning shipping contracts, cargo responsibility, and damages caused by storms or accidents. They frequently referred to customary principles, including those codified in the Rhodian Sea Law, which emphasized equitable solutions in cases like jettison and shared losses (Murray, 2017). Their authority ensured that merchants had access to fair adjudication, reinforcing state oversight in commercial matters. Arbitration was also a common practice in maritime disputes, especially in cases involving foreign traders who might not have full

access to Athenian courts. Arbitration allowed both parties to appoint neutral mediators who could resolve disputes without lengthy legal proceedings. In some cases, treaties between poleis stipulated arbitration mechanisms for maritime conflicts, reflecting the importance of cross-polis trade relations (Todd, 1993). This dual system of formal courts and arbitration not only expedited resolutions but also emphasized flexibility, showing how Greek legal culture combined procedural rigor with practical mechanisms suited for a dynamic trading environment.

9.3 Case Studies of Documented Disputes

Surviving legal speeches that were delivered in Athenian courts and from Athenian orators provide valuable insights into the practical application of maritime law. One notable example is Demosthenes' *Against Lacritus*, where a creditor sued for repayment of a maritime loan after the borrower defaulted. The speech illustrates how contracts were scrutinized in court and how litigants appealed to legal norms and the commercial interests of Athens to justify their positions (Demosthenes in Harris, 2006). This case highlights the centrality of written contracts and witness testimony in maritime litigation, while also revealing the court's role in enforcing commercial obligations. Another example comes from Isocrates' *Trapeziticus*, where issues of fraud in banking and trade were debated, reflecting the overlap between maritime commerce and financial practices. These speeches show that disputes were not merely private quarrels but had broader implications for the city-state's economic stability (Osborne, 1996). By examining such case studies, scholars can see how legal rhetoric, institutional practices, and economic necessity intersected to produce a robust system of maritime conflict resolution. They also underscore how Athenian courts became forums for reinforcing trust in commercial networks, thus contributing to the wider Mediterranean trade system.

10.0 Influence on Mediterranean and Later Maritime Law

10.1 Transmission of Greek maritime legal principles to other civilizations

The transmission of Greek maritime legal principles, particularly the *lex Rhodia de iactu* on jettison and general average, illustrates how a localized seafaring custom was preserved and gradually universalized. Although no original Rhodian statute survives, Roman jurists quoted the Rhodian rule and preserved it in Justinian's Digest (Justinian, D.14.2.1), which famously records: "The Rhodian law provides that if cargo has been jettisoned in order to lighten the ship, the sacrifice for the common good must be made good by common contribution" (Watson trans, 1985). This concise formulation became the doctrinal foundation for later juristic discussions on maritime risk-sharing. As explained, Roman compilers domesticated this Rhodian principle by situating it

within existing Roman legal categories such as *locatio-conductio* (the contract of carriage) (Aubert, 2007). From there, the Digest became a major conduit of Rhodian practice into the wider Mediterranean world.

In addition, the Byzantine codifiers preserved the Rhodian material and expanded its reach through the *Nomos Rhodion Nautikos* (The Rhodian Sea Law or Maritime Code of Rhodes) and later the *Basilica* (the imperial laws) (c. 900 CE). As Penna shows how the *Nomos* was incorporated wholesale into the *Basilica*, thereby fixing the Rhodian rule into Byzantine jurisprudence (Penna, 2023). In the medieval West, these principles traveled further into statutory maritime collections such as the *Consolat de Mar*, "Consulate of the Sea" (one of the most important medieval maritime codes in European history), the Wisby compilations, and Genoese statutes, which all carried variations of general average doctrine (Addobbati, 2023). The circulation of these codes across Europe and the Mediterranean turned the Rhodian concept into a pan-Mediterranean legal norm. Beyond Christendom, parallel principles appeared in Islamic maritime treatises, highlighting conceptual overlaps and possible indirect borrowings from Byzantine and Rhodian traditions (Khalilieh, 2019). Thus, through Roman legal adaptation, Byzantine preservation, and medieval codification, Greek maritime law shaped not only European but also broader Mediterranean legal culture.

10.2 Comparative Analysis with Roman Maritime Law

Comparative analysis of Rhodian and Roman approaches reveals a shared substantive principle but different legal techniques. Both the Rhodian tradition, as reflected in the *Nomos Rhodion Nautikos*, and Roman juristic writings in the Digest address the same practical phenomenon of maritime jettison: when cargo is deliberately sacrificed to save a ship, the losses must be shared by all who benefit from the act. The substantive equity underlying both traditions is that "those who benefit should contribute." Roman jurists, however, reframed the Rhodian principle within their own legal categories. Instead of treating contribution as arising naturally from the ship-community, Roman law found a doctrinal home in contract law, specifically in the *locatio conductio* (contract of carriage). Thus, the injured shipper would sue the master of the ship, who in turn could recover from other cargo-owners on the basis of their contracts of carriage. This domestication of Rhodian custom into the Roman system is explicitly recognized in Digest 14.2.1, where Ulpian cites the *lex Rhodia de iactu* (Watson trans, 1985). Penna explains that this legal move allowed Roman law to preserve Rhodian equity while translating it into a form consistent with Roman contractual obligations (Penna, 2023). Aubert also shows how this

transformation exemplifies the Roman technique of integrating foreign commercial practices through juristic reasoning (Aubert, 2007).

By contrast, the Rhodian/Byzantine compilation preserved in the *Nomos Rhodion Nautikos* relies on broader notions of partnership (*koinonia*) and ship-community. Instead of grounding contribution strictly in contract, the *Nomos* frames loss-sharing as arising from collective venture logic, sometimes extending contribution rules to situations outside jettison, e.g., extraordinary expenses or broader communal risks. Penna highlights that the *Nomos* retains this partnership-oriented character and applies general average in broader contexts than the more narrowly framed Roman Digest fragments (Penna, 2023). Roman maritime law, meanwhile, developed complementary but conceptually distinct institutions, such as the *faenus nauticum* (maritime loan) and maritime hypothecs, which were used to finance voyages and allocate risks (Candy, 1998). These Roman devices dealt with risk and credit rather than equity of sacrifice, showing the Roman preference for separate doctrinal categories. In this sense, while both Greek and Roman traditions confronted the same practical problem, their legal reasoning diverged: the Rhodian approach emphasized communal obligation, whereas the Roman approach insisted on fitting the principle into existing contractual and financial frameworks, a divergence that shaped subsequent Byzantine and medieval maritime codes (Khalilieh, 2019).

10.3 Long-term Impact on Early International Maritime Norms

The enduring principle of voluntary sacrifice with common contribution, the core idea of General Average (GA) remained central from late antiquity through the medieval and early modern periods. This distinction between voluntary contributions (GA) and involuntary losses (Particular Average) traces directly back to the Rhodian insight codified in the *lex Rhodia de iactu* and preserved in Roman and Byzantine compilations. As Addobbati explains, the principle gradually became the backbone of a trans-Mediterranean normative practice, evolving into a contractual and customary regime that governed cross-border shipping (Addobbati, 2023). By framing shared maritime risk as a legal obligation, the GA principle allowed merchants and shipowners to allocate losses equitably, creating a predictable system of liability that could be applied across different jurisdictions and cultural contexts.

The principle was institutionalized in medieval port statutes, including the *Consolat de Mar* (Maritime Consulate or Tribunal of the Sea),(Brodman,1984) the *Roles d Oleron* (The Rolls or Code of Oleron)(Benton, 2002), the Wisby Sea Laws (famous set of medieval maritime regulations)(Helmholz, 1996), and Genoese statutes (legal codes of the Republic of Genoa)(Epstein, 1996). These documents embedded GA rules into local legal frameworks, giving them

statutory form and making them enforceable by local maritime authorities (Addobbati, 2023). By circulating widely among Mediterranean merchants and port officials, these codes acted as a proto-international commercial law, harmonizing maritime practices across diverse polities. The repeated incorporation of Rhodian concepts into local law reinforced the continuity of these principles, enabling a coherent system of maritime risk-sharing that was recognized across political and linguistic boundaries.

From medieval custom to modern codification, the GA principle matured into formal contractual and adjusting practice, exemplified by the York-Antwerp Rules (YAR) (modern international rules governing General Average (GA)) (Lowndes, 2013). These rules, with the most recent 2016 version, define GA as "extraordinary sacrifice or expenditure intentionally and reasonably made or incurred for the common safety" (CMI, YAR A.1). The concept also influenced doctrinal developments beyond maritime law: medieval jurists, Glossators, and early modern commentators extended the idea into broader communal obligations, such as the classic house demolition to stop a fire analogy (Addobbati 2023; Weytsen, 1672). Practically, GA reduced transaction costs, made long-distance sea trade more predictable, and supported larger trade networks by allowing proportional sharing of losses. Scholars note that these legal tools, combined with maritime loans and rudimentary insurance, were essential to the growth of Mediterranean commerce from antiquity through the early modern period (Candy 1998; Addobbati 2023).

11.0 Discussion

11.1 Synthesis of the Findings

The evidence shows a clear lineage from localized seafaring custom (*the lex Rhodia de iactu*) through juridical appropriation (the Digest) into Byzantine and medieval statutory practice, producing a durable, trans-regional normative core: voluntary sacrifice for common safety obliges proportional contribution. Roman jurists preserved the Rhodian kernel in Digest D.14.2.1 (Watson, 1985) and doctrinalized it via contract categories, Byzantine compilers, and the *Nomos Rhodion Nautikos* embedded the rule in communal ship-partnership logic (Penna, 2023). Medieval port codes (*Consolat de Mar*; *Roles d Oleron*; Wisby; Genoese statutes) then localized and standardized these remedies across ports, turning a practice into a corpus of enforceable norms that merchants actually used (Addobbati, 2023). Taken together, these sources demonstrate both continuity (the GA principle itself) and legal transformation (how different legal systems framed and enforced it).

11.2 Implications for Understanding the Evolution of Maritime Law

This genealogy implies that maritime law evolved less by top-down legislative fiat and more through practical legal syncretism, such as custom, juristic adaptation, codification, and merchant practice, which interacted iteratively. Roman doctrinal moves (fitting GA into *locatio-conductio*) made enforcement feasible within Roman courts, but did not exhaust available conceptual frames. The Byzantine and municipal codes retained partnership-style rationales that influenced later practice (Penna, 2023; Aubert, 2007). The later internationalization of GA into contractual instruments and adjusting practice (culminating in the York-Antwerp Rules) shows how a pragmatic rule for loss-sharing was formalized into global commercial law (Lowndes, 2013). Practically, therefore, maritime law's evolution reflects merchant needs (predictability, risk allocation) driving doctrinal accommodation across legal families (Addobbati 2023; CMI, York-Antwerp Rules A.1, 2016).

11.3 Reflection on Interaction between Law, Commerce, and Politics.

The Law operated here as an instrument of commerce and political legitimacy, such as port-state statutes and consular courts (e.g., the Consolat de Mar), which served merchant interests and projected municipal and regional authority by providing reliable dispute-resolution fora. Genoese and other city-state statutes codified practices that supported their commercial dominance, while imperial compilations like the *Basilica*, *Justinianic corpus* provided legal prestige and a lingua franca for jurists across polities (Penna 2023; Epstein 1996). Political choices shaped which legal technique prevailed (contractual enforcement favored by Roman courts, communal partnership rationales preserved in Byzantine and municipal law), and commercial exigencies such as long voyages, insurance, credit shaped legal content (Candy, 1998). In sum, GA's persistence and formalization illustrate how legal forms are selected and retained when they lower transaction costs, stabilize expectations among merchants, and can be enforced within existing political-legal institutions.

12.0 Conclusion

This study demonstrates that Ancient Greek maritime law, particularly the Rhodian Sea Law and the principle of General Average (*lex Rhodia de iactu*), played a foundational role in shaping maritime legal practice across the Mediterranean and beyond. Surviving forensic speeches, Roman juristic compilations, and Byzantine codifications (*Nomos Rhodion Nautikos*) show that practical problems of loss allocation and risk-sharing were addressed systematically, evolving from customary practice into enforceable legal norms. Medieval port codes, including the *Consolat de Mar*, *the Roles d'Oleron*, *the Wisby Sea Laws*, and *the* Genoese statutes, institutionalized these principles for

merchant communities. Finally, the concept of General Average was formalized in the modern York-Antwerp Rules, demonstrating remarkable continuity from antiquity to contemporary international maritime practice. In addition, this study highlights how Ancient Greek maritime law influenced later legal traditions, not only through direct codification but also via juristic adaptation and syncretism. Roman and Byzantine jurists domesticated Greek principles into their own legal frameworks, demonstrating the flexibility of early maritime law to accommodate different institutional, contractual, and political contexts. The transference into medieval Mediterranean and Northern European maritime codes illustrates both the durability of core legal concepts and their practical adaptability to local commercial needs. This analysis contributes to scholarship by showing that legal evolution often operates through pragmatic solutions to recurring commercial problems, and that studying ancient law is essential for understanding the genealogy of modern international commercial law.

Furthermore, the study traced the transmission and doctrinal adaptation of Greek maritime law, several avenues remain open. Comparative research could explore non-Mediterranean influences, such as Islamic and Indian Ocean maritime practices, and their interaction with Byzantine or Mediterranean codes. Further investigation into port-specific records, merchant archives, and court decisions could illuminate local variations and enforcement practices. Finally, interdisciplinary studies combining legal history, economic history, and network analysis could quantify the impact of General Average and related maritime institutions on the growth and sustainability of long-distance trade networks. Such research would deepen understanding of how ancient legal innovations shaped global commercial systems.

Authors' Declaration

We declare that the submitted manuscript is our original work and has not been published, nor is it under consideration for publication elsewhere. All sources have been appropriately cited, and the work is free from plagiarism, falsification, and fabrication. Any use of Artificial Intelligence (AI) tools in preparing this manuscript has been transparently disclosed, and full responsibility for the content rests with the authors.

Reference

- Addobbati, A. (2023). *General average and risk management in medieval and early modern maritime business*. In M. Fusaro, A. Addobbati, & L. Piccinno (Eds.), pp. 145–166 & 96–132. Cham: Springer.
- Andreau, J. (1999). *Banking and business in the Roman world*. Cambridge: Cambridge University Press.
- Ashburner, W. (1909). *Nomos Rhodon nautikos: The Rhodian sea-law*. Oxford: Clarendon Press.
- Aubert, J.-J. (2007). Dealing with the abyss: The nature and purpose of the Rhodian Sea-Law... In J. W. Cairns & P. J. du Plessis (Eds.), *Beyond dogmatics* (pp. 157–172). Berlin: De Gruyter.

- Benton, L. (2002). *Law and colonial cultures*. Cambridge: Cambridge University Press.
- Bresson, A. (2016). *The making of the ancient Greek economy*. Princeton: Princeton University Press.
- Brodman, J. (1984). The consulate of the sea and Mediterranean commercial law. *American Journal of Legal History*, 28(2), 145–164.
- Candy, R. (1998). *Roman law and maritime commerce*. Edinburgh: Edinburgh University Press.
- Cohen, E. E. (1973). *Ancient Athenian maritime courts*. Princeton: Princeton University Press.
- Cohen, E. E. (1992). *Athenian economy and society: A banking perspective*. Princeton: Princeton University Press.
- Comité Maritime International. (2016). *York–Antwerp Rules 2016*. Paris: CMI.
- Demosthenes. (2006). Against Lacritus (Speech 35). In E. M. Harris, *Democracy and the rule of law in classical Athens* (pp. 201–205). Cambridge: Cambridge University Press.
- Epstein, S. A. (1996). *Genoa and the Genoese, 958–1528*. Chapel Hill: University of North Carolina Press.
- Finkelberg, M. (Ed.). (2010). *The Cambridge companion to ancient Greek law*. Cambridge: Cambridge University Press.
- Gabrielsen, V. (1994). *Financing the Athenian fleet*. Baltimore: Johns Hopkins University Press.
- Gagarin, M. (1986). *Early Greek law*. Berkeley: University of California Press.
- Gagarin, M., & Cohen, D. (Eds.). (2005). *The Cambridge companion to ancient Greek law*. Cambridge: Cambridge University Press.
- Hansen, M. H. (2006). *Polis: An introduction to the ancient Greek city-state*. Oxford: Oxford University Press.
- Harris, E. M. (2006). *Democracy and the rule of law in classical Athens*. Cambridge: Cambridge University Press.
- Harris, E. M. (2013). *The rule of law in action in democratic Athens*. Oxford: Oxford University Press.
- Helmholz, R. H. (1996). *The spirit of classical canon law*. Athens: University of Georgia Press.
- Johnston, D. (1999). *Roman law in context*. Cambridge: Cambridge University Press.
- Justinian. (1985). *The Digest of Justinian* (A. Watson, Ed. and Trans.). Philadelphia: University of Pennsylvania Press.
- Khalilieh, H. S. (2019). *Islamic maritime law: An introduction*. Leiden: Brill.
- Lowndes, R., & Ruegg, G. D. (2013). *The law of general average and the York–Antwerp rules* (14th ed.). London: Sweet & Maxwell.
- Meiggs, R. (1972). *The Athenian empire*. Oxford: Clarendon Press.
- Millett, P. (1991). *Lending and borrowing in ancient Athens*. Cambridge: Cambridge University Press.
- Murray, O. (2017). *Early Greece: The Bronze and Archaic Ages*. London: Routledge.
- Nicholas, B. (1946). The Rhodian law of jettison. *Law Quarterly Review*, 62, 386–402.
- Osborne, R. (1996). *Greece in the making, 1200–479 BC*. London: Routledge.
- Sealey, R. (1990). *The Athenian Republic: Democracy or the rule of law?* University Park: Pennsylvania State University Press.
- Tchernia, A. (2016). *The Romans and trade*. Oxford: Oxford University Press.
- Todd, S. C. (1993). *The shape of Athenian law*. Oxford: Clarendon Press.
- Twiss, T. (1874). *The book of the consulate of the sea*. London: Longmans.
- Watson, A. (1985). *The Digest of Justinian* (Vol. I). Philadelphia: University of Pennsylvania Press.