



# Not Wholly Free

THE CONCEPT OF MANUMISSION  
AND THE STATUS OF MANUMITTED SLAVES  
IN THE ANCIENT GREEK WORLD

BY

R. ZELNICK-ABRAMOVITZ



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## CONTENTS

Acknowledgments .....	vii
Introduction .....	1
Chapter 1: Slavery and Freedom: Definitions and Approaches .....	15
1.1 Some Modern Definitions .....	16
1.2 Ancient Definitions .....	27
1.3 <i>Philia</i> , Reciprocity, and Exchange .....	39
1.4 Vertical Relations and <i>Philia</i> .....	47
1.5 <i>Philia</i> , Slavery and Manumission .....	50
Chapter 2: Manumission: Diversity and Similarity .....	61
2.1 The Evidence .....	61
2.2 Modes of Manumissions .....	69
2.3 Terminology .....	99
2.3.1 <i>apeleutheros</i> and <i>apeleutheroun</i> .....	107
2.3.2 <i>exeleutheros</i> and <i>exeleutheroun</i> .....	120
2.4 General Features .....	126
Chapter 3: Manumittors and Manumitted Slaves .....	130
3.1 Manumittors .....	130
3.2 Manumitted Slaves .....	153
Chapter 4: The Act of Manumission .....	184
4.1 Procedures .....	184
4.2 Conditions .....	207
4.2.1 The Purchase of Freedom .....	208
4.2.2 Deferred Manumission .....	222
4.3 The <i>Prostates</i> .....	248
4.4 The Marks of Freedom .....	263
Chapter 5: Laws and Legal Actions .....	273
5.1 The <i>Dike Apostasiou</i> .....	274
5.2 The <i>Aphairesis eis Eleutherian</i> Procedure .....	292
5.3 ‘Laws on Manumitted Slaves’ .....	301

Chapter 6: The Reality of Freedom .....	307
6.1 Obligations and Rights .....	308
6.2 Social Position .....	319
Conclusions .....	335
List of Abbreviations .....	345
Bibliography .....	347
Index of Ancient Sources .....	357
General Index .....	378

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Tel-Aviv 2005

R.Z.-A.





## INTRODUCTION

οἱ ἄνθρωποι ἐπιθυμοῦσι μὲν ἐλεύθεροι εἶναι μάλιστα πάντων, καὶ φασὶ τὴν ἐλευθερίαν μέγιστον τῶν ἀγαθῶν . . . τὸ ἐλεύθερον . . . τὸ μηδενὸς ὑπήκοον, ἀλλὰ πράττειν ἀπλῶς τὰ δοκοῦντα ἑαυτῷ.

Men desire, more than anything else, to be free, and they say that freedom is the greatest blessing . . . Being free (means) not being subject to anyone, but simply to do whatever one wishes.

(Dio Chrysostom, 14.1, 4)

‘ἂν ἀφεθῶ,’ φησὶν, ‘εὐθὺς πᾶσα εὐροια, οὐδενὸς ἐπιστρέφομαι, πᾶσιν ὡς ἴσος καὶ ὁμοιος λαλῶ, πορεύομαι ὅπου θέλω . . .’

‘If I am set free’, he says, ‘immediately everything will be well; I shall be at no one’s beck and call, I shall talk as an equal and of the same standing as everyone else, I shall go where I wish . . .’

(Epictetus, 4.1.34)

The words quoted above do not represent Dio Chrysostom’s or Epictetus’ views; they are cited by these philosophers as reflecting the common concept of freedom. According to this concept, freedom means that one is subject to no other person and is of equal standing; it follows that slavery is subjection, inequality, and the inability of realising one’s free will. These two opposing situations, the complete independence and the complete dependence, mark the extremes of the social scale. Seen in these terms and according to the common view cited by Epictetus, manumission from slavery is the transfer of a person from one extreme to the other, from the state of total subjection to the state of being completely unrestrained. Manumission, therefore, signifies both social dichotomy and social mobility. Yet Epictetus later refutes this view by emphasizing the dependent position of freed slaves who must rely on others for their survival.

The study of manumission and of the status of freed slaves is thus of great importance to the understanding of concepts of freedom and slavery and to the knowledge of social distinctions in the Greek

world. It also entails interesting and intricate questions relating to the legal, social, and religious spheres of life in the Greek poleis. Although they seem self-explanatory, some of these questions are not easy to answer. The most important of these, which is in the heart of the present study, is whether freed slaves in the Greek world were really free. The apparent and simple answer is in the affirmative, since they were obviously slaves no longer. Greek language does indeed differentiate between slaves and freed slaves, and the extant evidence implies that manumitted slaves comprised a distinct status. Nonetheless, the status of manumitted slaves in the Greek world is not fully elucidated. This state of affairs derives from two inter-related reasons. The first concerns the nature of the extant evidence, the other stems from the relatively neglect of the subject in modern studies. The evidence concerning manumitted slaves is ample. Various literary sources refer to manumitted slaves and to modes of manumission. And yet, this evidence is scattered, ambiguous, and—above all—random. No ancient treatise on manumission has survived, if ever such a work had been indeed written. What the literary sources tell us about manumission is gleaned from brief allusions or from fictitious descriptions. These sources, unfortunately, seldom use accurate legal definitions and terms. Moreover, the literary sources are mainly Attic, or dealing with classical Athens, and hence might bend the discussion towards the ever-existent danger of focusing on Athens and the classical period.

The epigraphic evidence is also abundant; numerous inscriptions recording manumission have been discovered. These constitute a vital source of information on various modes and procedures of manumission, on the status of manumitted slaves, and on the terminology used to describe manumission and freed persons. Moreover, they are usually formulated in a precise language and hence reflect legal and social concepts. This evidence too, however, has its deficiencies. It is scanty in Athens and comes mostly from other regions of the Greek world. While the bulk of the inscriptions date from the Hellenistic and Roman periods, very few belong to the classical period and none to the archaic times. Many of the inscriptions that were found are broken and mutilated, hence important information which they contain is often partial, illegible, or irrecoverable. The language of the inscriptions does not simplify things. Although usually precise, it is often concise and enigmatic. Misspellings, odd grammatical constructions, dialectical varieties, and words whose exact meaning is

ambiguous only add to the difficulties. The greatest problem, however, is that the evidence provided by these inscriptions is confined to the place and the time in which they were engraved. The manumission inscriptions from Delphi, for instance, form our largest corpus of manumission documents. They span three centuries, from the beginning of the second century B.C. to the late first century A.D. But the abundant information they hold relates almost exclusively to Delphi at that time. It is only by comparing this evidence with that accumulated from other places that we can judge whether it is representative of Greek manumission.

The issue of manumission in the Greek world, as noted above, has been relatively neglected in modern scholarship. I do not mean to say that manumission has not been the subject of modern research; on the contrary, many studies explore various aspects of this phenomenon, thus adding a valuable contribution to our understanding of the subject. But, whereas the amount of studies on the origins and nature of slavery and on the status of slaves in the Greek world is vast, the concept of manumission and the status of manumitted slaves have received less attention. In the majority of modern studies this issue appears as an addendum to discussions of slavery or as source material for analyses of the nature and scope of slavery.<sup>1</sup> This is also true of studies on slavery in a limited area.<sup>2</sup> Several studies of the history, topography, society, or religion of certain regions make use of inscriptions that record manumission, thus enabling a better understanding of manumission and the status of manumitted slaves in these places;<sup>3</sup> but they are confined to a limited area and cannot, by themselves, elicit the phenomenon of manumission in the Greek world. Studies dedicated to Greek law usually contain a section on manumitted slaves, but the discussion is naturally brief and limited to legal aspects.<sup>4</sup> There are several articles on various legal aspects of Greek manumission,<sup>5</sup> on philological, economic,

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<sup>1</sup> Thus, for instance, in Finley's numerous studies on Greek Slavery (1982a-d; 1998), manumission is discussed only briefly. See also Westermann 1955; Brockmeyer 1979; Wiedemann 1987; Garlan 1988. The most recent example is that of Schumacher 2001, who dedicates only twelve out of the 348 pages of his book to manumitted slaves.

<sup>2</sup> See, e.g., Blavatskaja et al. 1972; Biezunska-Malowist 1977.

<sup>3</sup> E.g., Lerat 1952; Nadel 1976; Cabanes 1974, 1976; Ustinova 1999.

<sup>4</sup> E.g., Beauchet 1897, 469-524; Koschaker 1931; Harrison 1968, 181-6; MacDowell 1978, 82-3; Todd 1993, 190-2.

<sup>5</sup> E.g., Keramopulos 1904; Westermann 1948; 1950; Babacos 1963; 1964; Samuel 1965; Helly 1976.

or its social features,<sup>6</sup> and on certain modes of manumission.<sup>7</sup> In addition, individual articles examine an inscription or a group of inscriptions from a given area.<sup>8</sup> There are also more than a few geographically oriented monographs.<sup>9</sup> But monographs on manumission in the entire Greek world, unlike those on the status and social position of manumitted slaves in ancient Rome, are very few.<sup>10</sup> The oldest monograph (which is still basic, although in some aspects outdated) is that of Calderini, published in 1908 and reprinted in 1965. The only other work that tackles the subject of manumission in all areas of the Greek world is Rädle's doctoral dissertation, published in 1969.

I can think of two reasons for this relative scarcity in modern research. The first, as already mentioned, is the challenging nature of the evidence. The second may be the greater interest of scholars in slavery, with its intriguing economic, social, and political implications, than in how slaves gained freedom and in their status after liberation. Moreover, according to the customary slave-free dichotomy, manumission may seem to students of slavery as the end of slavery and hence as the end of story. Yet the problems presented by the sources, and the relatively limited attention given by scholars to manumission and the status of manumitted persons in the Greek world as a distinct subject, have led to some generalized and inaccurate presumptions. For instance, the prevalent view (with some rare exceptions) is that manumitted slaves automatically gained the status of metics in Athens, or equivalent statuses in other poleis. These two groups doubtless had similar legal features. Both were not citizens (unless granted citizenship by a special decision of the polis), both could not own real estate, and both had to register a citizen as their *prostates* (a sponsor and mediator). However, there were some significant differences between the two groups, as is indicated, for

<sup>6</sup> E.g., Westermann 1954b; 1946; Rädle 1970; Mactoux 1979; Tucker 1982.

<sup>7</sup> E.g., Foucart 1867; Sokolowski 1954; Bömer 1960.

<sup>8</sup> E.g., Roussel 1942; Lewis 1959; 1968; Roesch and Fossey 1978a; Mulliez 1992.

<sup>9</sup> See, for instance, Rensch 1908, and Babacos 1966 (on Thessaly); Cabanes 1974 (on Bouthrotus); Albrecht 1978 (on central Greece); Gibson 1999 (on the Jewish manumission-inscriptions from the Bosphorus Kingdom).

<sup>10</sup> Some of the studies on Roman freedmen refer to Greek manumission practices. A discussion of the *paramone* clauses in Greek manumissions (on which see chapter 4.2.2), for instance, appears in Waldstein 1986, 92–109, a study devoted to the obligations imposed on freed persons in ancient Rome. Cf. Hopkins 1978, 133–71. Klees 2000 discusses manumission and the status of manumitted slaves in the classical period.

example, by the distinct terms employed in many poleis to describe manumitted slaves and other non-citizen residents, or by the fact that the law in several places required that the *prostates* of the manumitted slave, unlike that of the metic, be the ex-master. The most important difference, however, that comes into light after a careful scrutiny of the sources, is that in some respects freed slaves did not possess full freedom. This limited freedom is suggested by the conditions attached to manumission acts, by legal procedures and laws relating to freed persons, and particularly by the terminology used to describe these persons. These findings call for a different interpretation of the question of manumitted slaves' status and of social distinctions.<sup>11</sup> Most scholars, however, are hesitant to acknowledge the limited freedom of manumitted slaves in Greece, partly as a result of their reluctance to infer a status similar to that of Roman freed persons, and partly because of the absence of a thorough analysis of the terminology of manumission.

The approach taken by scholars to the question of the nature of manumission is another salient problem. The ancient sources reveal a wide range of modes of manumission, some of which can be grouped under clear categories, others, on the other hand, are of a mixed nature; some are phrased in simple terms, while others use complex legal and religious fictions. The attempts made by scholars to unearth juristic concepts, supposedly underlying these modes of manumission, induced long discussions on minute legal details that are often based on modern legal thinking and contribute little to our understanding of the ancient Greek concepts. This problem stems from the almost universally accepted definition of the slave as property, and as such raises some complex questions. If slaves are merely commodities, to be bought, sold, or hired out to others, how can we envisage manumission? Is it the alienation of property, i.e., the slave? If so, how does the alienation of a slave result in his or her freedom, that is, self-ownership? These questions become even more difficult when trying to explain in terms of ownership and property

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<sup>11</sup> In fact, the view that freed persons were categorized as metics may itself suggest that the former were not completely independent, if, as I believe, metics' relationships with their *prostatai* involved some obligations. In his study of Athenian metics, Whitehead (1977) claims that metics needed *prostatai* for registration purposes only, yet there is evidence which points to a more complex and lasting relationship. For a more complex role of the *prostates*, see also Harrison 1968, 192; Gauthier 1972, 132–6.

the mode of manumission by the (fictitious) consecration or sale of the slave to a god. Does the god become the slave's new owner and if so, how does this transaction lead to the slave's freedom? Moreover, the recurrent condition attached to manumission acts, by which slaves were obligated to remain with their ex-masters for a definite period of time and obey them, is difficult to understand, if we consider the slave merely as property. Did owners alienate only a part of the slave? Did they transfer to their manumitted slaves the right of self-ownership but retained the right of possession, or was freedom deferred?

The purpose of this study is, therefore, threefold. First, it aims to fill the gap in modern research by offering a comprehensive study of manumission in all its aspects and in all the regions of the Greek world that have yielded evidence, from the classical to the Roman periods. By analysing and comparing the sources, I seek to detect general features and concepts in the vast yet scattered amount of data relating to modes of manumission, to terminology, to conditions attached to manumissions, and to the rights and obligations of the manumitted slaves. Greek manumission doubtless had variations that derived from different local practices; nonetheless, as I hope to show, it was a unique Greek phenomenon, based on a common concept. My second objective is to elucidate the notion of 'freed person' and the genuine status which this term represents. Relying on the analysis of the sources and the terminology of manumission, I wish to argue that manumitted slaves in the ancient Greek world were not wholly free and that their semi-freedom or semi-slavery placed them in a twilight zone between the completely free and the completely non-free, thus creating a distinct social category alongside those of citizens, metics and slaves. Third, this book suggests a different approach to the study of Greek concepts and practices of manumission. Instead of viewing slavery and manumission merely in terms of property relations, I tackle the subject in terms of social relations. Defining slavery in social terms, I maintain, will allow us a better understanding of manumission and, particularly, its modes of sale and consecration. This approach is particularly useful as it can also help us in understanding the status of the slave as not wholly free and the various modes and conditions of manumission. Manumission, as I argue, was a social transaction between human beings, involving exchange and reciprocity. Although reciprocity is generally viewed as relations between social equals, the reciprocal character

of vertical relations, such as existed between husbands and wives, parents and children, and rulers and ruled (or, in Rome, between patrons and their clients), also existed between owners and slaves, and ex-owners and ex-slaves. Manumitted slaves in the Greek world, I shall argue, were often tied to their former masters, or to other citizens to whom this right was transferred, by bonds of reciprocal asymmetrical exchange. These bonds protracted their dependence and rendered their status somewhat servile. In some poleis this dependence was also sanctioned by law.

The methodological approach of this study is both philological and sociological. The philological method entails a comparative analysis of the sources and a careful examination of the terminology of manumission, aiming to detect social practices and concepts. A mere philological-oriented study or a historical survey, however, cannot promote substantially our understanding, since the information that can be extracted from the sources is often ambiguous and incoherent. Moreover, the accumulated data and semantic fields of manumission terminology do not by themselves clarify the nature of the relations that prevailed between slave-owners and their manumitted slaves or the concept of manumission. The facts and figures of manumission practices and the language used in them will make more sense if we understand the social reasoning behind them. Hence, the other method that I adopt makes use of some anthropological and sociological theories. Reciprocity and exchange have been the subject of many comparative studies and have been analysed within a broader context of social relations in 'primitive', or pre-modern and pre-state communities. These studies have contributed much to our understanding of the function of social institutions in 'primitive' societies. Recently, this approach has also been applied to the study of ancient Greece and Rome, with the purpose of giving the abundant data found in the ancient sources a more precise and intelligible meaning and of revealing the function of exchange and reciprocity in Greek society.<sup>12</sup> These studies apply sociological and anthropological approaches to the analysis of the scattered evidence in Greek sources.<sup>13</sup> However, mere sociological methods should be used with

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<sup>12</sup> E.g., von Reden 1995; Cartledge et al. (eds.) 1998; Gill et al. (eds.) 1998.

<sup>13</sup> See, for instance, the inspiring application of 'The Prisoner's Dilemma' to Greek social behaviour by Herman 1998.



caution when applied to the study of ancient society. The political, economical, and even climatic conditions of the Maori, the Indian peasants, or the odd seventeenth-century village in France, for instance, are surely different from those of the ancient Greeks. The ‘universality’ of social institutions, such as reciprocity, exchange, and gift-giving, is undeniable; but their function in society may vary in different places and over different periods of time.<sup>14</sup> It should also be emphasized that most of the evidence concerning social relations comes from scattered expressions and comments on the right way to treat relatives, friends, slaves, etc., and from Aristotle’s analysis of *philia* in the *Nicomachean Ethics*. These sources seem to provide important information on the ideal social behaviour, but hardly indicate the function of social institutions.

Hence, a combination of the philological and the sociological methods enables a better appreciation of the evidence. The terminology used in the sources, as well as laws and legal actions concerning manumitted slaves and references to their rights and obligations, teach us not only about the legal status of the freed slaves, but also about underlying concepts and attitudes.<sup>15</sup> It is my intention therefore to use, with due caution, theories of the nature and function of social relations as the frame of discussion and apply them to the subject of manumission. This task, however, is not easy. Not only does the nature of the evidence pose some methodological problems, but, as already stated, the evidence originates from different places and periods in the Greek world, and is of different sorts and quality. Moreover, since the mass of epigraphic evidence comes from the Hellenistic and Roman periods, one is in danger of ascribing practices and notions found in later sources to former periods, or of confusing Roman with original Greek practices. Is it appropriate to speak of ‘Greek manumission’ in light of the uneven chronological and geographical distribution of the evidence and of its seemingly local character? Is it admissible to use the evidence stemming from different places and times (e.g., inscriptions from fifth-century B.C. Taenaron

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<sup>14</sup> See Finley 1983, 35 n. 25.

<sup>15</sup> Contra Harril (1995, 6), who claims that legal definitions and regulations usually do not reflect social practices. He argues that laws reflect what ought to be according to the ruling ideology of members of the leisured classes of society who are slave-owners themselves. But surely it is precisely the ideology of slave-owners that is relevant to the study of slavery and manumission.

and those from second-century A.D. Macedon) when outlining the features of Greek manumission? And is it justified to propose a 'Greek concept of manumission'? To overcome these obstacles, it is best to turn to a comparative analysis of all the extant evidence. A careful comparison, one that does not ignore local variants, reveals similar features and concepts and points to lasting phenomena, from the earliest evidence on manumission in the sixth century B.C. to the second, and even the third, century A.D. These similarities, therefore, can be distinguished as Greek manumission, despite the impacts of the Roman conquest.

The framework of this study and its methodology are introduced in Chapter One. In order to comprehend the Greek concept of manumission, it is essential that we first examine the notions of slavery and freedom.<sup>16</sup> The first chapter, therefore, opens with a review of modern theories on slavery and freedom. As will be shown, most scholars focus on the political side of freedom and on the economic aspect of slavery, thus overlooking a vital element in master-slave relations, namely its social facet. Only a few scholars treat slavery as a social institution and the slave as a human being, torn from his or her former social roots and ties and placed under the total power of another person. I find Patterson's theory on slavery as social death (1982) most helpful and sensible and his thesis accords well with the notions of slavery and freedom as they appear in the ancient sources. The ancient concepts, definitions, and vocabulary are then reviewed and analysed, beginning with their first occurrence in the Mycenaean Tablets. This review makes two essential points evident. First, slavery existed already in Mycenaean Pylos, although, perhaps, in a somewhat different form. It became widespread in archaic times and, hence, manumission may also have been practised as early as the sixth century B.C. (as several sources indicate), if not earlier. Second, the prevalent notion of freedom was that it comprised complete independence, whether economic, social, or political; 'slavery', in contrast, was any kind of dependence. Thus even a freeborn citizen, working for wages or performing services for another, was considered to be 'slavish'. Aristotle's discussion of slavery in the *Politics* presents similar concepts; it also emphasizes the

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<sup>16</sup> It should be noted that my interest in this study is in chattel slavery. Bondsmen and other dependent groups, such as the Helots of Sparta, are briefly referred to in the book, but not discussed.

quasi-familial relations between masters and slaves. Most important, though, it applies relations of *philia* to masters and slaves. *Philia*, its nature and function are thereafter discussed and applied to relations between unequal parties and hence also to slavery and manumission. My main argument in this chapter is that manumission was a social interaction, an exchange of freedom for services and money, both extending and transforming reciprocal relations that existed between masters and slaves.

Chapter Two aims to discern general features of manumission in the vast and multifarious evidence. This evidence is reviewed and discussed while focusing on the different kinds of sources, their contributions and their defects. Then comes a review of the attested modes of manumission and an examination of their characteristics. Again, despite the great variety in modes and in the form they were recorded, similar concepts and terminology can be discerned. A special discussion is devoted to the sacral mode of manumission (both consecration and sale of slaves to divinities) and to the diverse explanations, offered by modern scholars. This discussion demonstrates the legal entanglements which derive from scholars' attempts to explain these modes in pure legal terms. It will be demonstrated that the sacral modes of manumission, which, in fact, used legal and religious fictions, can best be explained by acknowledging the fact that the slave, although lacking legal personality, was capable of dealing and transacting with his or her master. The third section of this chapter reviews and analyses the terminology of manumission. The examination of manumission terminology yields very important results as it shows that, not only were manumitted slaves distinguished from slaves, metics and citizens, but were also subdivided into two groups with respective and distinct appellations. One group, the *apeleutheroi*, were bound to their ex-owners by various obligations even after manumission; the others, the *exeleutheroi*, were completely disengaged from their former masters, although still socially inferior to metics and citizens. The conclusions derived from this chapter are that despite the great variety, manumission was a widespread phenomenon with distinct common features all over the Greek world.

Chapter Three discusses the parties to the act of manumission. It first examines the gender, age, and origins of manumittors, the legal capacity of women, children, and non-citizens to transact manumission, and the slave as part of the family property. This section reveals

that the motives behind manumission were not only the wish to replace old and feeble slaves with new ones, but also an expression of gratitude, vows taken and promises fulfilled. The second section of this chapter focuses on the manumitted slaves, their gender, age and origin composition, their relations with their masters, and their familial ties—both among themselves and with their masters. Here, too, motives other than profit-seeking are discernable. Slave concubines, masters' offspring by their female slaves, and fosterlings who were raised as slaves established affectionate relations with owners and that often led to manumission and even to adoption of slave children.

In Chapter Four, the discussion moves to the act of manumission itself. One of the most important elements of manumission was its publication, whether merely among relatives and friends, or by engraving on stone. Publication served the manumittors' interest by making it known that a part of the family property had been legally alienated, thus forestalling future claims by heirs. Publication also was to the advantage of the manumitted slave as it broadcasted the fact that he or she were now of free status. The polis had an interest in publication as well, since records of manumitted slaves enabled it to keep track of its non-citizen residents, thus preventing the latter from illegally appropriating citizen privileges. Hence, a growing concern with accurate phrasing and with means of publication and protection of the newly-acquired freedom is discernable. The first section of this chapter examines the procedures taken in each mode of manumission, the means of publication and the polis' involvement in regulating it, and the use made of witnesses, guarantors, and copies of the act. The second section explores the conditions attached to manumission, both the requirement that slaves pay for their freedom, and their ways and means by which they met it, and other conditions that often deferred manumission and protracted the freed slave's dependence on his or her former master. Another widespread obligation of manumitted slaves was the requirement that they register a *prostates*, a citizen who represented them in legal affairs and defended their status as free. The *prostates* and his role in Athens are discussed in section 4.3, together with related verbs that may point to the same function in other poleis. Finally, section 4.4 analyses protection clauses in manumission documents and other indications of the newly-purchased freedom. It will be seen that freedom, although

legally valid, was often conditioned and sometimes never implemented. At this stage, the position of the manumitted slave as half-way between slavery and freedom becomes evident.

Legal actions involving manumitted slaves and laws relating to them can reveal social concepts and relations, as do terminology and stories about masters and slaves. This is the theme of Chapter Five, which examines various legal procedures initiated for or against freed slaves, and their significance for the status of the latter. These legal procedures may have been established by law which regulated the status of the manumitted slaves in the polis and, in some places at least, vis-à-vis their former masters. The existence of such laws is attested in several poleis, pointing to the involvement of the polis in the relations between manumitters and their freed slaves and to its interest in controlling the non-citizen populations. In the last section of this chapter I analyse the evidence on such laws and their significance to the understanding of the status of freed slaves.

Chapter Six discusses the extent of freedom that manumitted slaves really enjoyed. I first examine the status of manumitted slaves in the polis by analysing and comparing their rights and obligations in various poleis. I then explore the degree of their social integration and their success in achieving full freedom. The evidence we have on this topic usually involves clever, skilled, and formerly well-to-do slaves, who managed to attract attention, respect, and affection. However, a multitude of manumitted slaves remain anonymous to us, and some comments in the sources imply that manumitted slaves were seldom fully integrated into society and that their servile origin was never forgotten. Since manumitted slaves did not possess citizenship, they were barred from taking part in the political life and from enjoying whatever privileges possessed by citizens, they could not own real estate, and—at least in Athens—they paid a poll tax that demarcated them as inferior not only to citizens, but also to metics. Moreover, most of them were tied to their former masters by various obligations. Given that freedom was conceived of as complete independence and as political affiliation, freed slaves in the Greek world were not wholly free.

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Personal and geographical Greek names are given in their accepted Anglicised forms; Greek technical terms are usually written in the original and translated on their first appearance, but transliterated afterwards. Longer citations are usually given in Greek, followed by an English translation. Unless otherwise noted, these translations are mine.



## CHAPTER ONE

### SLAVERY AND FREEDOM: DEFINITIONS AND APPROACHES

What is the meaning of ‘manumitted slave’? Is it enough to say that this person is no longer a slave? Does ‘manumitted’ or ‘freed’ refer to the *act* of manumission applied to an individual—the actual transfer from the status of slavery to the status of freedom? Or does it describe the person’s status *after* manumission, thus implying a different category from that of the freeborn? The answers to these questions are not simple for various reasons, the most salient of which is the need to define ‘slavery’ and ‘freedom’. This is no easy task in light of the diverse phenomenon of slavery in the ancient world and the long and fervent debates over the concept of liberty in modern times. Moreover, as we shall see, most modern definitions tend to take liberty and slavery as their exclusive points of reference, thus undercutting their significance: slavery is seen by them as the absence of liberty and liberty as the absence of slavery.<sup>1</sup>

To the extent that we are predisposed to conceive the world in antitheses, ‘slavery’ would be defined as the opposite of ‘liberty’, and the slave as a non-free person. In addition to deriving from a natural inclination, this approach has its roots in the development of communal identification, in which communities define themselves by drawing political, social, and sometimes cultural lines of demarcation vis-à-vis other communities and define their communal rights and interests as exclusive of non-members.<sup>2</sup> In classical Athens, for instance, since the enactment in 451/0 B.C. of the law proposed by Pericles, only free males born to a citizen and his lawful wife, as well as those granted citizenship by the polis, were considered citizens. Only citizens could own landed property and participate in the

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<sup>1</sup> The difference between ‘liberty’ and ‘freedom’ in modern parlance is not clear. These terms will be used here indiscriminately, as they are employed in modern studies. See Ostwald 1995, 35.

<sup>2</sup> Indeed, the development of the polis is one of the explanations offered in modern theories on slavery for the emergence of chattel slavery. See below.



decision-making institutions of the polis; only citizens could benefit from state subsidies, such as corn distribution, and only they could serve on public magistracies and be paid for it. All other residents were excluded from these rights and privileges. But not every non-citizen was non-free. Some were foreigners who visited the city for various purposes and periods; others were free non-citizen residents with certain rights and obligations. The non-free population included chattel slaves of various economic roles and positions. In other poleis and regions, debt-bondage (of the kind that existed in archaic Athens) and other forms of non-free labour were dominant in various eras. All these forms of ‘unfreedom’ were often labeled as δουλεία, slavery. This term was also used in ancient times to describe the status of conquered tributary communities. Liberty, therefore, while presenting a convenient point of reference, cannot be contrasted to a single and particular phenomenon of non-liberty. By the same token, manumission was not necessarily the transfer of a person from one pole (slavery) to the other (liberty).

Hence, in order to arrive at a more useful definition of the status of freed-persons we need to first explore ideas of freedom and slavery, both modern and ancient. The following theoretical discussion is by no means comprehensive or exhaustive, but may elucidate notions essential to the subject of this book.

### 1.1 *Some Modern Definitions*

As constant concern with definitions of freedom and slavery in modern times suggests, defining freedom is not an easy task. As Patterson once wrote: ‘freedom, like love and beauty, is one of those values better experienced than defined’ (1991, 1).<sup>3</sup> The fact that freedom is taken nowadays to be the ultimate good for humankind reduces its complexity to no more than that of its antithesis, slavery—or, to use a more suitable term, ‘unfreedom’ (Pohlenz 1966, IX; Finley 1982a, 77; 1982c, 119–20)—and does nothing to curtail the debates about its scope and nature. The term ‘liberty’ or ‘freedom’ embraces various notions, which have changed from one period to another

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<sup>3</sup> Cf. Berlin 1958, 6: ‘Like happiness and goodness, like nature and reality, the meaning of this term [liberty] is so porous that there is little interpretation that it seems able to resist.’

and from place to place, so that its particular content is difficult to define.<sup>4</sup> Moreover, today we speak of political and civil freedom, of negative and positive freedom, of freedom of speech, thought, religion, etc.<sup>5</sup> The growing awareness of the complex meanings of liberty and its antithesis, the development in the West of democratic political systems, and the embarrassment felt in face of the contemporary survivals of slavery, have all led to an almost obsessive occupation with these terms and their connection to politics.

Seventeenth- and eighteenth-century thinkers whose work influenced later political theory and practice were concerned with the notion of freedom or liberty. Yet although liberty was seen by Hobbes, Locke, and Rousseau, for example, as the natural condition of all human beings and was defined as the absence of any constraint or interference by another individual or a government, these thinkers focused on defining human liberties and rights versus governments. Slavery (still an existing, though already discountenanced, phenomenon) was discussed only in analogous terms, as the equivalent of arbitrary rule. Nevertheless, it is possible to extract some definitions from their works. Thus Hobbes, in chapters 13 and 14 of *Leviathan*, says that in the natural condition of society, the right to use one's power for the preservation of one's life—that is to say, one's liberty—is also exercised against the body and property of another; thus, implicitly, slavery is the result of using one's liberty against that of another person. This creates a state of permanent war, which is ended when the Laws of Nature (the human endeavour for peace, and the mutual agreement to lay down rights to anything) are imposed on the Right of Nature (1651, 60–5). Locke, too, in his *Two Treatises of Government*, speaks of liberty as the natural state of man and as the power to act and use one's body and property as one wishes, independent of the will of another, with the Law of Nature and the commonly chosen legislative authority as the barrier to license (1690, I.6.67; II.2.4, 22). Any attempt to control and enslave another, that is, to negate another person's right to be free, initiates a state of war (II.3.17). And since man cannot part with what he has not in

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<sup>4</sup> See Laski 1970; Finley 1982a, 77; Treadgold 1990, 5. Cf. Berlin 1958, 16: 'I feel free to the degree that I believe this to be true, and enslaved to the degree that I am made to realize that it is not.'

<sup>5</sup> See Muller 1964, ix–x; Davis 1995, viii. Cf. Patterson 1991, 3–9, who identifies three aspects of freedom: personal, sovereign, and civil.

himself—the power over his own life—‘the perfect condition of slavery’ is ‘the state of war continued between a lawful conqueror and a captive’; for the conqueror may decide to spare the captive’s life and use him to his own service, but a captive cannot make a compact to render another a limited power over himself in return for obedience (II.4.23–4). A self-sale, according to Locke, is drudgery, not slavery. According to Rousseau, in the first book of *On the Social Contract* (chapters 1–4), slavery is generated by force and is contrary to nature, since no man has a natural authority over another man and force can generate no right. For that reason, it is against nature for a man to renounce his liberty or gratuitously give himself to another; renouncing one’s liberty is to renounce one’s dignity as a man, the rights and duties of humanity, and to accept the complete domination of another. It is also absurd and meaningless to speak of the right of enslavement; the words ‘slavery’ and ‘right’ are contradictory and mutually exclusive.

According to these thinkers, liberty and slavery are antitheses: liberty is the natural right of human beings to use their body and property, free of any constraint; slavery results from the use of one’s liberty against that of another person. These explanations, however, hardly elucidate freedom and slavery and are of little benefit for a discussion of these concepts in ancient Greece (and, generally speaking, in all ancient societies), because they tend to focus on the political aspect of freedom and on the free individual’s rights vis-à-vis laws and government. So does Mill, who says that liberty in ancient times meant protection against the tyranny of the political rulers and whose subject in *On Liberty* is ‘the Civil, or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual’ (1859, 1). Although Mill conceives liberty as the property of the individual, his concept is connected to politics: man is free if he can realize his will or beliefs without any constraints, but, being a social creature, he is constantly negotiating his rights with the government. And governments, though they secure liberty by protecting every man against the interference of others, also threaten liberty by imposing laws and directions. The focus on the political aspect of liberty is also visible in the fields of ancient history and classical studies. Most scholars stress the political notion of liberty, and hence of slavery: liberty is the collective independence of a community, or the individual citizen’s political rights and equal

share in politics, while slavery is the loss of political liberty by a community or the absence of citizenship for the individual.<sup>6</sup>

The concept of liberty as the birthright of every human being and of slavery as its antithesis also lies behind international undertakings to abolish slavery and slave trade. The associated definitions, however, extend the scope of slavery. In 1926, a League of Nations convention on slavery defined it as 'the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised'. Similarly, the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery banned debt-bondage, serfdom, servile marriage, and child servitude. It defined debt-bondage as 'the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.' Serfdom was defined as 'the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and render some determinate services to such other person, whether for reward or not, and is not free to change his status.'<sup>7</sup>

These definitions reveal international concern not only with defining slavery, but also with distinguishing diverse kinds of servitude. Since this concern was motivated by the endeavour to abolish slavery and was not intended to explore it as a historical phenomenon or philosophical concept, it does not explain the many forms of ancient servitude. An attempt, however, was made to find a definition broad enough to cover every possible form of non-free status. The definitions also reveal the concepts of liberty and servitude prevalent at the time, according to which all forms of servitude are characterized by the absence of the power to exercise the right of ownership, the rendering of services by compulsion, necessity, or agreement, and the impossibility of changing this status. In other words, slavery, in its various guises, was conceived as the absence of the constituents of

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<sup>6</sup> See Muller 1970; Raaflaub 1985, 40–1; Garland, 1988, 45; de Romilly 1989, 28–32; Ostwald 1996, 50–5; Hansen 1996, 91–4; Meiskins Wood 1996, 129–31.

<sup>7</sup> Quoted from the UNHCHR site: <http://www.unhchr.ch/html/menu3/b/30>.

liberty (the right of ownership, freedom of occupation, freedom from constraints) and as being in the total or relative possession of another. This concept adds an economic aspect to the notion of slavery as relations of (political) power. An analogous definition is that of Westermann (1945, 216; 1955, 35), who maintains that the numerous acts of manumission found in Delphi reveal a more or less official Greek definition of freedom, as formulated by the priests of Apollo. Analyzing clauses in these acts, which refer to the manumitted slave's personal rights, he enumerates four components of freedom: status (the slave is declared to be a free person), personal inviolability (other people are warned not to re-enslave the freed person), freedom of action (the freed person is free to do as he or she wishes), and freedom of movement (the freed person can go wherever he or she wishes). However, Westermann's thesis is somewhat misleading. First, as rightly observed by Koschaker (1931, 39), those who formulated the Delphic manumission documents were not professional jurists and their formulae were often contradictory and inaccurate. Moreover, these documents were formulated not by the priests, but by the manumitters, who made public those elements of freedom which they wished to grant and were legally capable of granting (Finley 1982d, 145–6). Third, despite the most influential position of Apollo's sanctuary at Delphi as a Pan-Hellenic religious centre and the fact that it has provided us with the largest complete corpus of manumission inscriptions, one must not take the evidence originating from one particular area in the last two centuries B.C. and the first century A.D. as representative of the entire Greek world and other eras.<sup>8</sup> Nevertheless, the more or less regular formula of manumission in Delphi implies the existence of a rudimentary concept of freedom, which has its parallels in other places, as we shall see in chapter 4.

The concept of slavery as an economic condition has been taken up by many scholars, especially Marxists. The latter applied the term 'serf' to any labourer who was not a chattel slave or a free person or identified identical characteristics in slavery and other forms of servitude: all these groups were seen as forms of exploitation by

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<sup>8</sup> As Westermann (1955, 20 and n. 152) himself observes concerning the institution of slavery: 'The institution has no single pattern and no single *morphē*. It takes many forms which are determined by the social ideas and external circumstances under which the specific system has developed.' See also below, 1.2.

means of extra-economic compulsion and deprived of the ownership of means of production (e.g., Diakonoff, 1974).<sup>9</sup> According to this theory, all ancient societies display the same social-economic formation and the same mode of production. Typical of this line of thought is de Ste. Croix, who defines all forms of unfree labour (chattel slavery, serfdom, debt-bondage, and other kinds of compulsory labour) as 'the extraction of the largest possible surplus from the primary producers', and adopts the tripartite categorization of slavery—serfdom—debt-bondage (1981, 40, 112, 134–7).<sup>10</sup> What distinguishes the slave, more than his or her being the property of another, he claims, is 'the unlimited control over his activities which his master enjoys' (*ibid.*, 141).

Against these broad definitions of Marxists, Finley emphasizes the need to distinguish chattel slavery from other forms of servitude, such as debt-bondage, helotry, and the like, although the Greeks themselves were not bothered by these particularities (1982d, 116–7, 134, 140–1). Yet all such forms, he maintains, emerged when society reached the stage where sufficient resources and power were accumulated by some of its members. The need then arose to mobilize labour force to perform tasks that were beyond the ability of the individual or the family; and this labour force was acquired by compulsion (1998, 136). Chattel slavery, according to Finley, developed as a result of two processes. The first was the spread of modes of private holdings and the rise of commodity production and market exchanges of goods and services beyond a certain quantity and complexity. This, argues Finley, gave rise to the demand for labour that could not be found within the community.<sup>11</sup> The second process was the extension of freedom and political rights within the citizen-body, following the civic struggles in the sixth century B.C. Hence

<sup>9</sup> Finley 1998, 138, describes Diakonoff's theory as a desperate attempt to rescue the phenomena of Engels' unilinear scheme. For Marxist theories, see also Welskopf 1957; 1977; Pavlovskaja 1979; Brockmeyer 1979, 10–3, 22–9, 43–73; Wiedemann 1987, 4–7; Bryant 1996, 127–43.

<sup>10</sup> de Ste. Croix (1981, 137) refers to Finley's objection to the reduction of the ancient labour force to only three categories; he argues that to refuse to draw firm lines inside the spectrum of statuses (on which metaphor see below) 'is as capricious as refusing to speak of the colours red, blue, yellow and the rest' simply because any lines of division of the colour-spectrum must be arbitrary. For the theory of Marx and Engels and its influence, see Garlan 1988, 3–12.

<sup>11</sup> Cf. Westermann (1955, 3–4), who emphasizes the colonization, the introduction of monetary exchange, and the beginnings of the industrialization of craft products.

the required labour force was found *outside* the civic community.<sup>12</sup> Accordingly, Finley defines the chattel slave as a piece of property, kinless, subjected to the total power of another, and thus a 'quintessential outsider', bought, sold, or rented as an object of commercial exchange (1998, 141–145; cf. 1973, 66). The emergence and development of chattel slavery is thus linked by Finley and others to economic and political changes that enhanced the ideal of a free, independent and self-governing community of citizens. These developments are corroborated by semantic changes in the vocabulary of slavery (on which see below, 1.2).

Finley's vast work on slavery presents the diversity of non-free labour as a spectrum running from the pure chattel slave at one end to the full citizen at the other (1982b, 98; 1982c, 132; 1982d, 147–8). In between these extremes were different shades of servitude, each of which existed in various periods and places of the Greek world, but seldom concurrently.<sup>13</sup> Finley (1982c, 132) implies, however, that this metaphoric spectrum, where one status shaded into another, suited ancient Near Eastern societies and Greece and Rome in the earlier stages of their history. In these societies, although some persons were the property of others, the definition of the slave as property had no real significance, because freedom was not a useful category; therefore, there is no point in asking where should the line between the free and the unfree be drawn. In classical Greece and Rome, on the other hand, the traditional free-slave dichotomy—the question whether a person is or is not the property of another—remained a convenient rule, and the metaphor of a spectrum of statuses breaks down. In the following chapters I hope to show that Finley's spectrum can also be applied to classical Greece. Another continuum that Finley suggests is that of labour for others, with the free labourer and the chattel slave at its two extremes. The free labourer surrenders part of his independence by agreeing to work

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<sup>12</sup> Cf. Osborne 1995, 38–9; Garnsey 1996, 4; Bryant 1996, 127–43. Finley does not refer to the *do-e-ro* of Pylos or to Homeric slaves (see below, 1.2). Although very little is known about the economy in the Mycenaean age and the 'Homeric' society, we cannot avoid the question of the applicability of Finley's theory to the centralized economy of the Mycenaean palaces and the small kingdom of Odysseus.

<sup>13</sup> It should be noted that whereas Finley, in 1982b, 98 (first published in 1959), places the free citizen at one end of the spectrum, in 1982d, 147 (first published in 1960) he emphasizes that it is the *full* citizen, as distinct from citizens whose position was restricted for various reasons, who stands at this end.

for wages; but the commodity he sells is his labour, whereas the chattel slave is a commodity himself (1998, 136–7). The difference between the chattel slave and other shades along this spectrum lies, first, in the historical aspect: other forms of non-free labour, claims Finley, antedated chattel slavery. Second, there is a difference between entire communities, which were subdued collectively, and chattel slaves and debt-bondsmen, who fell into servitude individually. Third, all non-chattel involuntary labourers enjoyed some limited rights of property and marriage. Fourth, non-chattel non-free labourers, unlike chattel slaves, were self-reproducing (1998, 139–41). As for freedom, here too Finley refrains from sweeping definitions and suggests viewing this notion as a matrix of variable rights (or a bundle of powers, claims, immunities and privileges), historically conditioned, arising in the form of positive and specific demands against authority and then being transmuted into arguments against further changes in the social and political arrangements (1982a, 77–81; 1982d, 147–8). ‘Freedom’ was a very loose category, when differences between citizens and free non-citizens are considered, and it resembled more a conglomeration of statuses (1982c, 122–4).<sup>14</sup>

Finley’s theory of slavery has been followed to some extent by Garlan, who emphasizes the development of the concept of political freedom as the cause of the decrease in exploitation within a community and the concomitant rise of chattel slavery. Yet Garlan argues against Finley’s description of non-chattel forms of servitude as being ‘between freedom and slavery’,<sup>15</sup> pointing out that his spectrum of social statuses takes as its points of reference two normative concepts (‘freedom’ and ‘slavery’) that are external to the reality they presume to describe. Instead of this linear series Garlan suggests viewing these statuses as ‘communal servitude’, either ‘intra-community’ (such as debt-bondage) or ‘inter-community’ (such as helotry). Such a description marks these kinds of non-free persons as belonging to a community, that of the subjecting or that of the subjected, rather than torn out of their homelands (1988, 86–8).<sup>16</sup>

Thus most modern definitions of slavery (chattel or other forms of servitude) take property relations as their starting point: the slave

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<sup>14</sup> See Finley’s typology of rights and obligations as criteria for defining a person’s status.

<sup>15</sup> See also Lotze 1959. This expression was adopted from Pollux, 3.83.

<sup>16</sup> Cf. Ducat 1978.



was a legal piece of property and hence subject to use, disposal and sale. Garnsey, too, writes that 'the slave owner's rights over his slave-property were total, covering the person as well as the labour of the slave' (1996, 1–3). Other forms of non-free labour have been defined as corresponding more or less to chattel slavery, as an amalgam of different statuses, or as a spectrum of various shades of servitude. Nevertheless, in all these definitions the non-free labourers are described in terms of labour and the power of owners to extract work from them. Indeed, Finley and scholars who follow him also define chattel slaves as 'outsiders', torn from their families and former status in society, thus pointing to another feature of their condition. Yet they fail to explain this 'outsiderness' in terms of the Greek notions of social relations; the condition of the slave as an outsider is mainly explained as that of a *xenos*, a non-member of the society into which the slave was brought. Likewise, definitions of other forms of non-free labour emphasize degrees of servitude or freedom according to such criteria as the right of ownership and marriage, freedom of movement and occupation, and political liberty; but they neglect to examine these criteria in light of the Greek concepts of dependence.

As Davis (1984, 11–13) correctly observed, the slave/property was deemed to be sufficiently responsible for his actions that he was liable to be punished for escaping or committing a crime and to be rewarded for good behaviour and loyalty. Slaves' legal status did not necessarily define their actual condition. Moreover, the diverse forms of slavery that coexisted in many ancient societies preclude any sweeping definition of slavery as 'Greek', 'Roman', or 'Near-Eastern'.<sup>17</sup> Furthermore, as already observed by other scholars, the notion of slavery, like that of liberty, is full of metaphorical meanings that make its language ambiguous. Metaphorical uses may say something about concepts of slavery and freedom, but they are hardly valuable for defining forms of servitude and legal statuses. Conversely, an analysis and typology of servile statuses and terms may obscure the meanings that the Greeks attached to the various forms of exploitation and dependence. It seems, then, that a more useful definition must take into consideration the almost universal acceptance of the concept of the slave as a person who is legally in the possession of another, the diversity of forms of non-free labour, and the existence

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<sup>17</sup> Cf. Westermann 1955, 20 and n. 1.

of factors such as economic structures, social stratification and relationships, cultural values, and ethnic ideologies. When we examine not only theories and definitions, but also metaphorical uses, and especially the language used by society to describe slaves as well as to interact with them, we find that these pieces of property are scolded, punished, and threatened, but also encouraged, rewarded, and confided in—in short, they are treated as human beings with whom most forms of human interaction are employed. It is therefore imperative that we pay attention not only to the amount of labour extracted from slaves and the extent of power exercised upon them, but also to such expressions as ‘good’, ‘loyal’, ‘bad’, or ‘rebellious’ as attached to that property.

A step in this direction was taken by Patterson in his inspiring study, *Slavery and Social Death* (1982; cf. 1991, 9–10). He tries to elicit the characteristics of slavery as a human institution, rather than study its economic and political patterns and developments. His suggested preliminary definition turns away from property, services, and labour and interprets slavery on the level of personal relationships. According to Patterson, all human relationships are structured and defined by the relative power of the interacting persons. Slavery is one of the most extreme forms of domination and has three sets of characteristics. First, as a relation of domination slavery is unique, since total domination can become a kind of extreme dependence on the object of domination. Second, slavery is a natal alienation, in that the slaves are torn from their native status and social order<sup>18</sup> and thus become socially dead. Third, slaves are always persons who are humiliated in a general way. These components imply the three facets of power relations: the social (the use of violence in dominating the other), the cultural (authority and the means to change power into right and compliance into obligation), and the psychological (the ability to persuade others to change the way they perceive their interests and circumstances). Consequently, Patterson’s definition of slavery is ‘the permanent, violent domination of natively alienated and generally dishonoured persons’ (Patterson 1982, 1–13). He admits, though, that slavery, like any continuing social process, was not a static entity, but a complex and dynamic interactive process, fraught with tensions and contradictions, that eventually was institutionalized. Yet

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<sup>18</sup> Patterson here (p. 21) accepts and modifies Finley’s description of the slave as an ‘outsider’: the slave is a *human* piece of property.

institutionalization involved the need to somehow incorporate the recently desocialized slave into society, and the process of incorporation gave rise to new contradictions. Patterson thus views slavery as a dynamic personal relationship, involving almost total domination, humiliation, and helplessness, yet containing tensions that made the slave a party to a process of new incorporation into society. Hence social death implied not only complete deracination; it also served as a starting point for a new social standing.<sup>19</sup>

Following Patterson's theory, Wiedemann emphasizes the 'marginality' of slavery. Things 'marginal', he says, are ambivalent and are defined in reference to what is 'central' to society. In the ancient Greek city, 'where the citizen was at the centre of human activity, slavery represented the opposite pole of minimum participation in humanity, and the slave came to symbolize the boundary of social existence' (Wiedemann 1987, 3). Ancient slavery, he maintains, can be better understood when approached chiefly as a social category, rather than an economic class (*ibid.*, 22).<sup>20</sup> Patterson's definition of the slave as socially dead, however, does not account for different shades of subordination. Proceeding from Patterson's theory, Davis (1984, 8–16) suggests that slaves can be considered to be 'modern', insofar as they live in persistent marginalization and vulnerability and do not belong to the group into which they were brought.<sup>21</sup>

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<sup>19</sup> Cf. Todd 1993, 184–7, with an emphasis on the legal point of view. Patterson's theory was criticized by Finley 1998, 141, who claims that the fact that the slave is a human being merely reveals that he is a special form of property and notes that the Roman jurists or the slave-owners who overworked, tortured, and beat slaves were not dissuaded from doing so by the human quality of the slave. Finley, however, seems to misrepresent Patterson's theory and to confuse it with the humanitarian view of slavery (as represented by Joseph Vogt and his followers). Moreover, Finley himself adds (142) that various arrangements between owners and slaves leading to manumission 'automatically brought into being a chain of behaviour and expectations that affected the master, too', and that 'the material gains to be derived from slavery would have been sharply reduced if such arrangements were not as a rule honoured.' It is precisely this situation of making arrangements with pieces of property, however, that should attract our attention and conduct our thought to different directions. Again, on p. 167, referring to the inherent ambiguity of slavery, Finley notes that it was fundamental that the slave could think, act deliberately, flee, carry out confidential assignments, etc.

<sup>20</sup> In his previous book (1981, 1), Wiedemann still defines the slave as property.

<sup>21</sup> See also Garnsey 1996, 1, who, although defining the slave as property, describes him as 'kinless, stripped of his or her old social identity in the process of capture, sale and deracination, and denied the capacity to forge new bonds of kinship through marriage alliance.'

Since the family was, says Davis, the source of all relations of authority and dependence, slaves, because artificially bound to a different family, were eternal fictive minors. Moreover, despite the legal and formal opposition between the slave and the free dependent person, slavery and other forms of subordination overlapped. Hence the need for social differentiation was also accompanied by a linguistic process of comparison and homogenization.

These last theories focus on social relations more than on economic or political conditions. In order to test them against the reality and thought of ancient Greece we must re-examine the ancient sources. Although these sources provide us with no clearer definitions, they can reveal the Greek concepts and attitudes.

## 1.2 *Ancient Definitions*

Ancient Greek sources reveal a surprising fact: while the Greeks had only one term to define freedom and the free person (ἐλευθερία, ἐλεύθερος/α), they had various names to describe slaves: δοῦλος/η, οἰκέτης/ις, ἀνδράποδον, σῶμα, θεράπων/θεράπεινα, ὑπηρέτης (and in Homeric vocabulary also δμῶς/ή, and ἀμφίπολος).<sup>22</sup> They also distinguished the purchased slave (ὠνητός/ή) from one born and raised in the household (οἰκογενής, ἐνδογενής). Athenaeus (6, 267c–e) lists many other local terms, most of which apparently described the slaves' functions; so does Pollux (3.74–82). Though all these terms were used to denote chattel slaves, some could also be used for free persons. Thus *oiketes* is both a domestic slave and a member of the *oikos*, the household; *therapon* and *hyperetes* are simply 'servant' or 'aide'. Moreover, slaves could be referred to by the words for 'man' (ἄνθρωπος), 'woman' (γυνή) and 'boy' (παῖς, and the diminutive παιδίον). This variety does not simply reflect the richness of the Greek language; it implies the numerous forms or shades of unfreedom. But despite the great variety and ambiguity of the language of slavery, the most common terms were *doulos* and *douleia*, and they were used to describe all forms of non-free labour, including debt-bondsmen (e.g. Pl., *Lg.*, 776c–778a). Although the Greeks knew numerous groups of bondsmen by their unique names, they tended to assimilate various,

<sup>22</sup> The term ἀμφίπολος is usually used in Homer for free servants, but the *amphipoloi* women in *Od.*, 6.51–52, do the same work as the *dmōai* in *Od.*, 7.103.

and probably distinct, dependent groups to the more famous and better-documented (although still ambiguous) forms, such as the Helots of Sparta or the Penestae of Thessaly, or, like Aristotle, gave them the more generalized (yet more confusing) label of *περίουκοι* (literally: ‘those who dwell around’).<sup>23</sup>

The terms *doulos* and *eleutheros* are attested as early as the Mycenaean period, in the Linear B tablets from Pylos, as analyzed by Ventris and Chadwick (1973). The *doero/a* or *doelos/a* in these tablets seem to be persons belonging to others, for some of them are followed by a name in the genitive case.<sup>24</sup> Women predominate in this group of persons. Some of them are further qualified by the term ‘captives’ (*ra-wi-ja-ja*), others are identified by their place of origin; a few were working for wages—probably hired out by their owners. These women, together with their children, might have been acquired by raids on Greek cities, such as Cnidus, Miletus and Cythera, or bought in trading posts.<sup>25</sup> The term *e-re-u-te-ro/a* (*eleutheros/a*), on the other hand, seems to indicate ‘a free allowance deducted from an official assessment [of linen]’, or ‘an authorized concession’. In some cases the verb *e-re-u-te-ro-se* (‘make free’, ‘remit’) is used to indicate the official who authorized the concession. Associated with these terms is the formula *o-u-di-do-si*, or *o-u-di-do-to* (‘does not give’, ‘was not given’), found on some of the tablets. Ventris and Chadwick see the verb *e-re-u-te-ro-se* as ‘a tolerable extension of the sense of the classical ἐλευθερώ “to free (a person) from debt”. . . . This in turn will explain the use of the adjective in the sense of “allowed free”, “remitted”’.<sup>26</sup>

<sup>23</sup> See Arist., *Pol.*, 1269b 3, 1271b 30–2, 1272a 18–9 (on Crete), 1303a 8 (on Argos), 1327b 11–5 (on Heraclea Pontica). For the terminology of groups of bondsmen, see Pl., *Lg.*, 776b; Athen., 6, 265c, 271b–272a; Pollux, 3.83. It is interesting to note that Theopompus, cited in Athenaeus (6, 259f = *FGH* 115 F 81), describes Agathocles, who enjoyed great power with Philip II of Macedon because he used flattery, as ‘a slave and one of the Penestae of Thessaly’ (δοῦλον γενόμενον καὶ τῶν ἐκ Θεσσαλίας πενεστῶν). On the various groups and the modern debate relating to their proper definition, see Westlake 1935, 22–47; Willetts 1955, 46–51; Lotze 1959; Finley 1982c; 1982d, 134, 140–1; Willetts 1967, 12–6; van Effenterre 1968, 91–7; Diakonoff 1974, 64–5; Ducat 1978, 13–24; Mossé 1979, 57–9; de Ste. Croix 1981, 136–9; Whitehead 1981; Frolov 1982; de Ste. Croix 1988, 23–4; Ando 1988, 323–5; Garlan 1988, 85–103. See also Kreissig 1977, and Levi 1988, on the *laoi*; Pippidi 1961, and Nadel 1976, 197–202, 214, on Thrace and the Black Sea region.

<sup>24</sup> See Ventris and Chadwick 1973, 123–4. Many of the slaves in Pylos were ‘slaves of the god’, whom Ventris and Chadwick suggest were closer to ‘serfs’ than to slaves. See also Gschnitzer 1976.

<sup>25</sup> Ventris and Chadwick 1973, 123–4, 156, 410.

<sup>26</sup> *Ibid.*, 292, 298–300, and esp. 468–9.

To the three equivalent examples they give from the classical period (Hdt., 6.59; Pl., *R.*, 566e; D., 35.21), I think we may add one from the archaic period, a fragment of a poem by Solon in which he prides himself in having freed the earth that previously had been enslaved (fr. 36.5–7 West). It seems to me that already in Mycenaean Greek we find some of the metaphorical extensions attested in later sources: both ‘slavery’ and ‘freedom’ are extended to the economic domain. If I am correct, not only was the slave-free antithesis already a status distinction in the Mycenaean period; ‘slave’ and ‘free’ were also social as well as economic terms and one aspect of them was the dependence or the independence, at least in the economic domain.<sup>27</sup>

The etymology of these terms is uncertain. *Doulos* has been linked by some scholars to the verb δειν (‘bind’), to διδόναι (‘give’), to the Indo-European root *\*dem-* (indicating both ‘building [a house]’ and ‘taming’), or to the root *\*dos* (‘enemy’, ‘barbarian’).<sup>28</sup> Two explanations have been advanced for *eleutheros*: (1) the Indo-European root represented by the Latin *liber* (*\*leudh-*), which indicates ‘a full and legitimate member’ or ‘descendant’, as well as ‘people’; (2) the root *\*ludh-*, which denotes ‘going, coming’ (Gr. ἐλεύσομαι, ἔλθον).<sup>29</sup> If any of these explanations is correct and if the Mycenaean terms convey any of the suggested meanings, it can be inferred that the earliest evidence points to social distinctions based on birth or membership in a community. Such a distinction implies that social statuses of the sort suggested by the tablets arose through subjection (as is also discernible in Homer) or through some reduction of community-members to dependent status.

Was the concept of freedom (or of belonging to the community) and the word describing it born out of and in the face of the phenomenon of slavery? Or did the concept of slavery and its vocabulary take shape as an antithesis to freedom and to the concept of

<sup>27</sup> Against Ostwald 1995, 36–7, who sees *e-re-u-te-ro/a* as a pure economic term, devoid of any social or political meaning, and emphasizes the absence of any antonym to both ‘slave’ and ‘free’ in the contexts where they appear.

<sup>28</sup> See Frisk 1960, 412; Chantraine, 1970, 294–5; Gschnitzer 1976, 2–8.

<sup>29</sup> For the etymology of *eleutheros* and *doulos*, see Benveniste 1936; Frisk 1960, 490–3; Chantraine 1970, 336–7; Gschnitzer 1976, 2–8. Cf. also *Etymologicum Graecae Linguae Gudianum* (ed. F.G. Sturz, 1973), s.v. ἐλευθέρα and ἐλεύθερος, where these terms are linked to ἐλεύθειν, ‘to come, go’; hence an *eleutheros* is free to go where she or he wishes. This is also the explanation favoured by Pohlenz 1966, 4 n. 4, on the authority of some later sources.

belonging? Most scholars opt for the second alternative, which the Homeric poems seem to support. In Homer, the terms *doulos* and *doulosyne* ('slave', 'slavery'), along with other terms denoting slaves, and *eleutheros* (only in adjectival form) appear to signify the social status of individuals. Most often, the passage from freedom to slavery is effected through captivity in war or, in the case of women, through their husbands' death in battle. Thus Hector worries that his death will cause some Achaean to deprive Andromache of her 'day of freedom' (ἐλεύθερον ἡμαρ; *Il.*, 6.455), since he will not be able to prevent her 'day of slavery' (δούλιον ἡμαρ; *Il.*, 6.463; cf. *Il.*, 16.831; 20.193). Even men can meet their 'day of slavery', as the disguised Odysseus tells Eumaeus (*Od.*, 14.340). Hector hopes to serve the 'mixing-bowl of freedom' (κρατῆρα . . . ἐλεύθερον) after driving the Achaeans from the walls of Troy (*Il.*, 6.528). Remarkable, too, is the fate of Lycaon, son of Priam, whom Achilles captures and then sells in Lemnos (*Il.*, 21.34–44, 57–8, 75–80); although the relevant lines do not contain Homeric terms of slavery, the fact that Lycaon was led (ἄγων) and sold to another (πεπρημένος, ἐπέρασας) implies not only the existence of slavery, but also a (rudimentary) form of slave trade. Yet the 50 female slaves (*dmoai*) in Odysseus' palace, who are under the supervision of Eurycleia, are not said to be captives of war (*Od.*, 22.395–423); nor is Eumaeus, whom the disguised Odysseus asks, 'who has bought you?' (τίς γάρ σε πρίατο; *Od.*, 14.115), and who later tells Odysseus how he was stolen from his parents by traders and sold to Laërtes (*Od.*, 15.403–84).<sup>30</sup>

Homeric slaves do not seem to differ very much from free persons in the work they do. What distinguishes them is the fact that they are compelled to work. Thus Hector bids Andromache to leave the business of war to men and go attend to the work in the house, including weaving (*Il.*, 6.490–3); but earlier, envisaging his wife's destitute plight should he fall in battle, he pictures her weaving and drawing water 'for another' (πρὸς ἄλλης; 6.456), against her will and under much constraint (πόλλ' ἀεκαζομένη, κρατερὴ δ' ἐπικείσεται ἀνάγκη; 6.458).<sup>31</sup> In Homer we also find moral and metaphorical uses. Eumaeus explains the neglect of the housework by the female slaves (*dmoai*) both by the fact that the master (Odysseus) is missing

<sup>30</sup> On slave-trade, see also *Od.*, 14.295–7, 340; 15.386–7; 427–9.

<sup>31</sup> Cf. *Il.*, 16.836, where Hector associates the taking away of the 'day of freedom' with the 'day of necessity' (*ananke*).



and by the observation that Zeus takes away half the virtue (ἀρετή) of a person who meets the 'day of slavery' (δούλιον ἡμαρ; *Od.* 17.320–3), an observation cited later by Plato (*Lg.*, 776d) as proof for the need to admonish slaves, and discussed by Aristotle (*Pol.*, 1259b 23–1260b 7). Odysseus, when he sees his father working the garden in dirty and tattered clothes (*Od.*, 24.225–57), pretends to take him for a slave (ἀμφιπολεύειν, l. 245; δμῶς, l. 257), but remarks that Laërtes' posture and countenance belie his 'slavish appearance' (δούλειον εἶδος; l. 252).<sup>32</sup>

What we find in Homer seems to agree in some respects with the evidence of the Mycenaean tablets: slaves are persons who are dependent on others and work for them under compulsion. Thus, although the *do-e-ro/a* of Pylos may not have been identical to the Homeric *doulos*, it is possible that the same institution is meant. In Homer, other terms, which apparently imply types of work, are attached to this social status, which thereby acquires moral and metaphorical overtones: slaves are distinguished by the menial work they do, by their appearance, and by their low intelligence. The vocabulary of freedom, on the other hand, is less well attested. Although in Pylos its meaning is extended, both there and in Homer it seems to define the natural condition, the normal situation of the individual, who is not taken captive in war, bought from raiders or pirates, or reduced to dependency in any other way. I would suggest that the notion and vocabulary of slavery developed in the face of the increasing prevalence of subjection. Since groups tend to define their communal identity against non-members and outsiders, the presence of an increasing population of subject persons gave rise to the concept and language of slavery. This suggestion is compatible both with the relative scarcity of the language of freedom and with some of the suggested etymologies of 'slave' and 'free': the slave is a tamed enemy, an outsider; the free is a full member of the community and can come and go as he or she wishes.<sup>33</sup>

<sup>32</sup> On slavery and freedom in Homer, see also: Pohlenz 1966, 3–5; Garlan 1988, 45 (who claims that in Homeric society freedom was the collective independence of the city and not the personal condition of the individual); Raaflaub 1985, 29–46 (who claims that because the fear of slavery was the concern of women only, freedom was not conceived of as an ideal); Patterson 1991, 52–5 (following Raaflaub, but nonetheless underrating the social significance of slavery in Homer); Ostwald 1995, 37.

<sup>33</sup> See Westermann 1955, 42; Pohlenz 1966, 3; Finley 1982c, 128–9; de Romilly 1989, 23; Patterson 1991, xiii, xv, 3, 9, 16–9, 42; Ostwald 1995, 36, with bibliography.



There is yet another aspect that emerges from the Homeric poems and is crucial to our understanding of the phenomenon of slavery—the relationships between masters and slaves. Slaves are ordered about and punished for disobedience and disrespect (*Od.*, 22.430–73); female slaves become their masters' concubines and bear their children (*Il.*, 3.409; *Od.*, 4.12); loyalty and devotion may be compensated by kind treatment and gifts, as Eumaeus implies in his words to the disguised Odysseus (*Od.*, 14.61–6). Eumaeus, indeed, is a unique case in Homer, but it should be noted that when describing his master's attitude to himself he uses the verb φιλεῖν, whose meaning can be rendered here as 'feel kindly/friendly' towards another (on this, see further below), and that he defines the gift of a house, a plot of land, and a woman as the practice of good-natured masters vis-à-vis loyal slaves. The reciprocal nature of master-slave relationship is important to the understanding of the phenomenon of slavery, as will be shown below.

Later sources reveal that these basic notions of slavery and freedom endured, but other overtones and metaphorical uses were added. For instance, a free person comes from a noble house (*Alc.*, fr. 72.11–3 L.P.; cf. *Sem.*, fr. 7.57–8 West). He never betrays a friend, indicating that there is nothing servile in his soul (*Theog.*, 529–30 West). A slave never holds his head upright and a female slave cannot give birth to a free person (*ibid.*, 535–8). A rich skinflint never provides his stomach with σῖτον ἐλευθέριον, which can be translated as 'a generous meal' (*ibid.*, 915–6),<sup>34</sup> but the spendthrift may fall into slavery (*ibid.*, 920–6). As noted above, Solon used the notions of slavery and freedom to describe the economic conditions in Athens, but he also—probably for the first time in Greek literature—gave them a political significance. The liberation of the 'enslaved' land meant the rescue of many citizens from slavery (fr. 36.13–5 West). It is from Solon onwards that freedom became a political term and slavery the antithesis of citizenship<sup>35</sup> and of self-government (fr. 9.3–4 West). The use of 'freedom' as self-government accelerated during and after the Persian Wars and came to define the freedom of a city, or of all the Greeks, from external rule, while the development of democracy gave rise to the notion of internal political freedom,

<sup>34</sup> By contrast, Hipponax speaks of δούλιον χόρτον ('slavish food'; fr. 6.6 West) and of δούλιον ἄρτον ('slavish bread'; 115.8).

<sup>35</sup> See, e.g., Patterson 1991, 79–80; Ostwald 1995, 39–41; Garnsey 1996, 4.

especially on the basis of the principle of *isegoria*, equal right of speech.<sup>36</sup> Slavery, of course, became the antithesis of all these notions.

Thus, moral overtones and metaphorical extensions of slavery and freedom recur in the sources alongside the persistent primary idea of social status and the political connotations. The *doulos* was not only a person reduced to the property of another, but also 'the other' in relation to the cultural code;<sup>37</sup> as a *xenos* ('foreigner'), the slave was regarded as an outsider, alien to all that represented the cultural and political identity of the community. Moreover, the slave was an intruder, threatening the purity of the household (Ar., *Th.*, 491–92). 'Slaves' were also essentially base persons (X., *Oec.*, 1.21–22; Pl., *Plt.*, 309a), incapable of logical thinking and self-restraint (Pl., *R.*, 590c–d; Arist., *Pol.*, 1252b 32–1255b 31; 1259a 38–1260b 26). They were cowards and prone to cheat and steal (e.g., Ar., *Ra.*, 743–53).<sup>38</sup> The free, by contrast, was self-restrained, noble in conduct, generous and brave. These notions may be viewed as anticipating the Stoic conception of moral slavery as well as Christian theology,<sup>39</sup> but they may also be seen as helping the freeborn citizens to define themselves. Despite the ingrained tensions and fears in the relationships between masters and slaves (Hopkins 1993), slavery was essential to the Greek way of life (de Ste. Croix 1981, 140). In democratic Athens, because citizens could not be fully exploited, it was necessary to rely on the exploitation of slaves; that is why, in Athens, slavery was more developed than in other places and advanced hand in hand with the concept of freedom (ibid., 141). Similarly, Todd (1993, 172) says that slavery functioned to define the full membership of the citizen group.<sup>40</sup>

Yet it is principally independence of anyone or anything that distinguishes the free from the non-free. The quality of the *eleutheros*,

<sup>36</sup> For these developments, see Ostwald 1995, 41–56. For *eleutheria* as a notion of freedom from foreign rule, see Isaac 2004, 269–76.

<sup>37</sup> See Mactoux, 1979.

<sup>38</sup> For other examples, see Ehrenberg 1951, 165–91; Vogt 1974, 1–14; Hervagault and Mactoux 1974, 64–71; Mactoux 1979; Mactoux 1980; Wiedemann 1981, 77–61; Garland 1988, 20–2; de Romilly 1989, 33–156.

<sup>39</sup> See Garnsey 1996, 131–235. Against the ideal of self-restraint as characterizing the free man, see Pl., *Grg.*, 491–2, where Callicles says that this ideal was invented by the weak, who thus enslave those nobler by nature.

<sup>40</sup> Cf. Patterson 1991, 78; Hopkins 1993, 21. Osborne (1995, 39) claims that slavery in Athens helped to advance the fiction of civil equality in a society that in fact was elitist.

according to Aristotle, is not to live for another (ἐλευθέρου γὰρ τὸ μὴ πρὸς ἄλλον ζῆν; *Rh.*, 1367a 27–8; cf. *Met.*, 982b 25), since living for another is ‘servile’ (δουλικόν; *EN*, 1125a 1). Moreover, a free person should be taught only the useful arts that are ‘liberal’ (*eleutheron*), that is, those arts that incline a man’s body, soul, and mind to the uses and practices of virtue (*arete*) and which are practiced for the sake of one’s self, one’s friends, or on the grounds of virtue (*Pol.*, 1337b 4–19). The slave, on the other hand, is capable of ‘belonging to another’ (ἄλλου εἶναι; *Pol.*, 1252a 32–1255b 31); a person who practices an art for the sake of others is often seen as acting ‘as a wage-labourer and a slave’ (θητικὸν καὶ δουλικόν; *ibid.*, 1337b 20). A similar idea is implied in Xenophon (*Mem.*, 2.8): when Socrates suggests to Eutherus, who has lost all his possessions because of the war and is forced to work to make a living, that he seek employment as the bailiff of a rich person, Eutherus replies: ‘it would be difficult for me to be in a state of slavery’ (χαλεπῶς ἂν δουλείαν ὑπομείναιμι). That this was the common concept is also inferable from Dio Chrysostom (14.3–4): ‘should someone ask people what is the quality of being free, they may answer that it is not being subject to anybody, but simply doing what one wishes to do’ (τὸ μηδενὸς ὑπήκοον, ἀλλὰ πράττειν ἀπλῶς τὰ δοκοῦντα ἑαυτῷ). In his *Onomasticon*, Pollux compares θῆτες (‘hired workers’) with πελάται (a word hard to explain or translate, but referring to persons who hire themselves out of necessity or compulsion): ‘*pelatai* and *thetes* are appellations of free persons, who due to poverty slave for wages’ (πελάται δὲ καὶ θῆτες ἐλευθέρων ἐστὶν ὀνόματα, διὰ πενίαν ἐπ’ ἀργυρίαν δουλεύοντων; 3.82).<sup>41</sup> The abject condition of the *thes* is already expressed in the *Odyssey* (11.489), where Achilles’ shade tells Odysseus that he would rather be a *thes* than rule over all the dead.<sup>42</sup>

In these examples, the primary connotation of *eleutheros* is complete independence; independence also means that one works only for oneself. As Finley observes, ‘working for others’ means that those others have direct control of the work performed and of the way it

<sup>41</sup> Cf. Arist., *Pol.*, 1337b 21; 1341b 14; *Ath. Pol.*, 2.2; Chrysippus (*ap. Sen.*, *De ben.*, 3.22.1 = *SVF* III, fr. 351): *servus est perpetuus mercennarius* (‘a slave is a perpetual hireling’).

<sup>42</sup> On the equation *thes*-servile cf. Hom., *Il.*, 21.444; *Od.*, 4.644; 18.357; Hdt., 8.137; Isocr., *Plat.*, 48. Cf. Finley 1998, 135: “‘Labour for others’ implies not only that “others” take some of the fruits but also that they customarily control, in direct ways, the work that is done and the manner of its doing.’

is performed (1998, 135; cf. Cohen 1992, 70–71). Being a *doulos*, accordingly, means being dependent on others and working for them. Hence a *doulos* is not necessarily a slave, as is made perfectly clear by Pollux. This can also help to explain why dependent groups, such as the Spartan Helots or the Thessalian Penestae, were often referred to as *douloi*, although they were not chattel slaves. It does not mean that these sources use *doulos* merely in a metaphorical sense; Aristotle, at least, does refer to chattel slaves. The association of wage-labourers and *pelatai* with slavery, however, indicates quite a different attitude to the question of slavery and freedom. This attitude is also discernible in the depiction of the κόλαξ, ‘flatterer’, in the ancient sources. The *kolax* usually attaches himself to a wealthy person and renders him various services in return for favours. These services are referred to in many passages from Attic comedy cited in Athenaeus (6.234c–261f).<sup>43</sup> What is important for our study, though, is the depiction of flattery as slavish. Aristotle, asserting that the great-souled man (μεγαλόψυχος) is incapable of living for another (unless a friend)—for that would be slavish (*doulikon*)—goes on to explain that all flatterers are *thetikoi* (behave like hirelings) and base persons are flatterers (*EN* 1125a 1–2).<sup>44</sup>

The words *doulos* and *eleutheros* thus carry cultural, moral, political, and social connotations that can teach us a great deal about Greek thought and social relations. But these connotations say very little about the legal definition of slavery. Indeed, we look in vain in the Greek sources for a legal and coherent definition of slavery.<sup>45</sup> Unless we treat Aristotle’s theory of ‘natural slavery’, or the ‘moral slavery’

<sup>43</sup> On the *kolakes* in ancient comedy, see Fisher 2000, 372–8.

<sup>44</sup> The clearest association of *kolakeia*, flattery, with slavery is in Ar., *Eq.*, 763 ff.

<sup>45</sup> The lack of legal definitions in the Greek sources may be explained by the absence of Greek jurisprudence. In Rome, on the other hand, such definitions are found in, e.g., the *Institutiones* of Justinian (1.3.2). As noted above (1.1), Westermann attempts to deduce a Greek definition of slavery and freedom from the formulae found in the numerous manumissions at Delphi (1945, 216; 1955, 35). He detects four elements, the grant of which attested to the newly manumitted slave’s freedom: legal status, personal inviolability, freedom of occupation, and the freedom to move as one wished. These elements, which are also found wholly or partly in manumissions from other places, may well point to a crystallizing concept of slavery and freedom amongst the Greeks, yet it does not appear in any literary text of the same period and cannot be used as representative of the entire Greek world. It seems rather that we should explain these formulae by the growing need for legal precision. See Finley 1982d, 145–6. On the Delphic manumissions, see below, chapters 2–4.

of the Stoic philosophers and the somewhat different 'moral slavery' of the Christian apostles and theologians, as attempts at definition, no systematic theory of freedom and slavery has been preserved.<sup>46</sup> To judge by the extant sources, the ancient Greeks apparently were not concerned with exact social and legal definitions and were even confused by the great variety of forms of non-free labour (Finley, 1982c, 116). Despite the tantalizing state of the terminology of slavery and the absence of legal definitions, some ancient discussions can be regarded as attempts towards a definition of sort. Moreover, if we give up the search for what is not there and look for what we have already detected—namely, social ideas of dependence and independence—we may find that what is thought to be the only (extant) ancient methodological analysis of slavery provides us with significant and useful information. Aristotle's discussion of slavery is contained in two studies that pertain to the social sphere, the *Politics* and the *Ethics*. Hence Aristotle's discussion should be read not as an exercise in juridical thought, but as an attempt at analyzing social relationships within the household and in the polis.

In book 1 of the *Politics* Aristotle discusses the slave, his nature, and his function as one of the components of the *oikos* (household), which is in itself a component of the polis. The slave is discussed with regard to his relation to the master and in comparison to other dependent members of the *oikos*: the wife and the children. Since Aristotle views the polis as the result of a natural evolution, relations of mastery and obedience are also conceived of as natural and as contributing to the satisfactory functioning of the *oikos*. Aristotle's view of the *oikos* and its master as an organism leads logically to the description of the slave as an integral part (μέρος) of his master, although separate from and subordinated to him (*Pol.*, 1254a 9–13; 1255b 11–2). Hence, the slave is an animate property (1253b 33) whom nature made strong so he can perform necessary service (1254b 28–9), while the master rules the slave as a king rules his subjects (1255b 18–9). In such a social structure, every component must have a nature disposed to its vocation: the slave is by nature capable of performing servile tasks and of being dominated by others, and is useful as a domestic animal (1254b 16–26). Where master and slave

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<sup>46</sup> Antisthenes is said to have written *On Slavery and Freedom*, from which only one sentence is preserved (in Stob., 3.344). On Aristotle's theory and the Stoic conception of slavery and freedom, see below.

are naturally disposed to their roles, they are mutually useful, and it is just and necessary for the one to rule and for the other to be ruled (1255b 6–8); moreover, *philia* exists between them (1255b 13–5). *Philia*, whose meaning and nature are discussed below (section 1.3), is one of the key words in the Greek vocabulary of social relations, elusive in its meaning and difficult to translate. The widespread yet often misleading translation is ‘friendship’; but the notion that master and slave experience *philia* may seem odd if we take the word in this sense. Here I shall understand it as ‘a social bond involving exchange of services and loyalty’. Aristotle seems to contradict himself on this point in the *Nicomachean Ethics*, however; there (1161b 1–5), comparing a master’s attitude to the slave to that of a tyrant to his subjects, he says that there is no question of *philia* or justice between master and slave. In section 1.5 below I will show that this contradiction can be reconciled and that *philia*-relations can explain the concept and status both of slaves and of freed slaves. Suffice it to mention here Eumaeus’ use of the verb *philein*, cited above, to describe Odysseus’ attitude towards him (*Od.*, 14.61).<sup>47</sup>

Aristotle’s discussion of slavery is by no means comprehensive. Nor was the idea of ‘natural slavery’ his invention, as his attempt to respond to its (anonymous) critics makes clear (*Pol.*, 1253b 20–3; 1255a 3–12). Plato had lamented the subjection of Greeks by other Greeks and suggested that barbarians be enslaved (*R.*, 469b–471c).<sup>48</sup> Yet Plato also differentiated *douloi* from *thetes*: the former serve because they are property, whereas the latter do so voluntarily (*Plt.*, 290a). Later philosophers made other distinctions. According to Diogenes Laertius (7.121–22), the Stoics distinguished moral from actual slavery and postulated a third category—subordination without possession. Chrysippus, according to Athenaeus (6, 267b = *SVF* III, fr. 353), maintained in the second book of his *De Concordia* that manumitted slaves remain slaves (*douloi*), while *oiketai* (domestic slaves) are those who have not yet been released from the ownership of others. Garnsey (1996, 135 n. 11) suggests that Chrysippus meant that manumission does not make a person morally free. He explains the third category and the Stoic concept of moral slavery as based on

<sup>47</sup> On Aristotle’s definition of slavery, see Klees 1975; Camus 1979; Brunt 1993; on his discussion of natural slavery in its connection to the Greek attitude towards non-Greeks, see Isaac 2004, 169–81.

<sup>48</sup> Cf. *E.*, *LA*, 1400–1.

the dominant Greek value system, in which working for others was regarded as servile, and as an extension of the language of slavery to social relations, in which one party could be said to have lost freedom of action (135–36).<sup>49</sup> As I hope to show, Chrysippus' comment sits well with the actual status and social position of manumitted slaves as these are revealed by other sources.

This survey makes evident the complexity of the social reality that the terms 'freedom' and 'slavery' propose to describe. It should also be clear, though, that any attempt to detect systematic and coherent legal definitions in the sources is apt to be futile. The many forms of 'unfreedom' in the ancient Greek world frustrate all attempts to juxtapose any such form with a corresponding form of freedom (Finley 1982a, 77; Ostwald 1995, 35). Rather, freedom and slavery, or 'unfreedom', should be seen as relative concepts. The chattel slave was the antithesis of the free person (whether citizen, metic or foreigner). But if freedom is defined as a complex of political rights, the metic was less free than the citizen; if freedom is a legal status, the foreigner was less free than the metic. A citizen who worked for wages or accepted gifts was less free than the independent and freely-giving citizen. Likewise, the Greeks viewed the Persians as slaves, because they lived under despotic rule; yet Spartans could be regarded as less free than Athenians, because they lacked some 'freedoms' that democracy conferred.<sup>50</sup> Further, Helots were slaves in relation to the Spartans, but they were less 'slavish' than chattel slaves. We can continue such comparisons forever, but I think it is quite clear that neither 'slavery' nor 'freedom' was a monolithic concept. Finley's spectrum of statuses, with the chattel slave and the full citizen at its two extremes, can therefore be extended on the 'free' end: freedom itself had different shades. Freedom was some degree or other of the absence of constraint and compulsion; slavery was some degree or other of the absence of freedom. This formulation is not just academic wordplay, but a reflection of the reality. This is made clear by a passage in Menander's *Heros*. Daus, a slave of Laches, is in love with Plangon, who, together with her brother, was raised by Tibeius,

<sup>49</sup> The Stoics' ideas of moral slavery and those of Christian theologians are conveniently collected and interpreted by Garnsey 1996.

<sup>50</sup> According to Plutarch (*Lyc.*, 28), it is a common saying that in Sparta the free is completely free and the slave is completely slave. But this saying does not detract from the fact that, in what relates to political freedom, the Spartans were less free than the Athenians.

Laches' former slave. Tibeius, who had borrowed money from Laches, died before he could repay the money, and the two children came to Laches' house, to work off the debt. When Daus is asked by Getas, his fellow-slave, whether Plangon (who, as revealed later, is the daughter of Laches) is a slave (*doule*), he answers: 'Yes, somewhat . . . in a way' (l. 18). Working under another person made Plangon's status ambiguous. What can be definitely said about freedom and slavery is that they were conceived of as dependence or independence, both economic and moral, both internal (self-restraint or the lack of it) and external (subordination to another individual or community, or not). Moreover, from Homeric society to Christian theology Greeks perceived slavery not only as relations of ownership, but also, and chiefly, in terms of social relations and (according to Aristotle) *philia*.

### 1.3 *Philia, Reciprocity, and Exchange*

The above discussion makes it clear that dependence was conceived of as servile. However, according to Aristotle's *Politics*, even dependence could entail *philia*. In order to understand his statement and his seeming self-contradiction in the *Nicomachean Ethics*, as well as the concept of slavery as social relations, the notion of *philia* and its concomitant ideas of reciprocity and exchange should be elucidated. Although, as noted above, there is no simple definition of *philia*, we can learn about its nature and function by examining the ancient sources.<sup>51</sup>

In Homer the adjective *philos* seems to denote an affectionate and friendly attitude towards relatives, non-relatives, one's possessions, and even one's limbs and soul. One relies on all these to survive, and thus they are near and dear to him.<sup>52</sup> *Philos* is also applied to

<sup>51</sup> The literature on *philia* is vast. The following is a select list: Adkins 1960, 34–6; 1963; Benveniste 1969, 341–61; Dover 1974, 273–8; Hooker 1974; Fisher 1976; Taillardat 1982; Goldhill 1986, 79–83; Hooker 1987; Herman 1987, 18–9; Price 1989; Blundell 1989; Millett 1991, 109–26; Osborne 1994; Mitchell 1997; Konstan 1997; Foxhall 1998, 52–67.

<sup>52</sup> See Hewitt 1927; Adkins 1963. Benveniste 1969, 338–41, emphasizes αἰδώς (the feeling of obligatory shame, or the sense of obligation arising from the awareness of one's status in relation to others), as the bond that links *philoî* (cf. the passage from Sophocles' *Ajax* discussed below). He further distinguishes *philia* from φιλότης, which denotes the mutual obligation, sanctioned by oaths and ritual ceremony



relations with *xenoi* (guest-friends and foreigners). Since what is *philos* is essential to one's well-being, one should exercise *philia* by protecting and entertaining the *philos*; and this conduct is also expected in the case of a foreign *philos* (*xenos*).<sup>53</sup> *Philia* is often depicted as involving the grant of favour (*χάρις*) and the obligation to show gratitude (again, *charis*) and return the favour. The best-known example (*Il.*, 6.215–37) is also connected with *xenia*, guest-friendship, and involves the exchange of gifts. The obligation to repay gifts or services is widely attested in Homer, even in passages that do not mention *philia* explicitly (e.g., *Il.*, 1.37–42; 7.229–302; *Od.*, 16.418–33); this obligation and the exchange of gifts create a social bond.<sup>54</sup> Hesiod (*Op.*, 353–4), too, emphasizes the obligation to repay gifts and emotions (with equal value if possible): ‘Be friendly to the one who is friendly, and approach the one who approaches, and give to whoever gives, and do not give to whoever does not give’ (τὸν φιλέοντα φιλεῖν, καὶ τῷ προσιόντι προσεῖναι, / καὶ δόμεν, ὅς κεν δῶ, καὶ μὴ δόμεν, ὅς κεν μὴ δῶ). Hesiod also claims that giving bestows happiness, while receiving brings shame and distress.

The language of *χάρις* (favour), which generates debt and the obligation to repay, dominant in Homer and Hesiod, is also discernible in texts from the classical and Hellenistic periods, in various familial, social, and political frameworks. In Sophocles’ *Ajax*, for instance, Tecmessa entreats Ajax, who is about to commit suicide, not to forsake her and his family and not let the sweet memory of their life together fade away. The repayment due her, a *charis* for *charis*, is that he remembers past joys. Returning favours, however, is not only an obligation to a spouse; it is an element of the appropriate behaviour of a noble man (522–4).<sup>55</sup> Relations within the fam-

(342–6); cf. Taillardat 1982. Scholars have conjectured a possessive sense of *philos* in Homer (e.g. Adkins 1963), but do not agree as to whether or not this sense preceded the filial sense. Robinson 1990 denies any possessive sense in Homer and advances three senses of *philos*: (1) passive (‘dear, beloved, valued’); (2) reciprocal (‘a friend’); (3) active (‘friendly, loving, hospitable’). Cf. Konstan 1997, 28–31.

<sup>53</sup> Adkins 1963; Hands 1968, 26–35. On *xenia* and its meaning in Greek social and political life, see Herman 1987. For the distinction between stranger and foreigner, see Konstan 1997, 34–5.

<sup>54</sup> Cf. *Il.*, 8.287–91; 9.315–7; 10.214–6; *Od.*, 4.694–95; 14.63–5.

<sup>55</sup> S., *Aj.*, 522–4: *χάρις χάριν γάρ ἐστιν ἡ τίκτους’ ἀεί·/ὅτου δ’ ἀπορρεῖ μνήστις εὖ πεπονθότος, / οὐκ ἂν γένοιτ’ ἔθ’ οὗτος εὐγενὴς ἀνὴρ*. Earlier in her speech, Tecmessa brings up another feature of noble behaviour: *αἰδεῖσθαι*, ‘feel obligatory shame’. This emotional state, *aidos*, is obligatory in a son’s attitude towards his parents (*ἀλλ’ αἰδεσσαι μὲν πατέρα τὸν σὸν ἐν λυγρῷ/γῆρᾳ προλείπων, αἰδεσσαι δὲ μητέρα;*

ily are depicted as mutual exchanges of favours and services, entailing a continuous expectation of return and strong ties of obligation. We should recall that Tecmessa was Ajax's booty, a captive who became his companion. In another play of Sophocles, *Philoctetes*, Neoptolemus, who has joined Odysseus in the attempt to bring Philoctetes and his bow to Troy, by persuasion or by force, says to Philoctetes: 'I do not regret to have met you and to have made you a friend (*philos*); whoever knows how to do a favour, after being granted a favour, may be a better friend than any possession' (671–3).<sup>56</sup> It is irrelevant to this discussion that Neoptolemus is about to betray his friend's trust; in fact, towards the end of the play he repents and returns the bow to Philoctetes. What is significant here is that his words echo Tecmessa's lines about the importance of repaying favours. In *Philoctetes*, moreover, this idea is specifically linked to *philia*: whoever behaves in accordance with this idea is a *philos*.<sup>57</sup>

The notion of *philia* as entailing the grant of favours and the obligation to repay them is expressed much more blatantly in Thucydides, in a passage from Pericles' famous funeral oration (2.40.4–5).<sup>58</sup> One

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ll. 506–7). To neglect one's parents in their old age is to forget their *charis*, the benefits they had conferred when raising him. As parents their position is superior to their son's, and therefore *aidos* is owed to them. Thus *charis* and *aidos* are feelings due to one's relatives and must not be ignored. The most recent and thorough study of *aidesthai* and *aidos* is Cairns 1993. On *philia* in tragedy, and in *Ajax* in particular, see Goldhill 1986, 79–106; Heath 1987, 182–5. See also Blundell 1989, 60–105, who argues that the chorus of sailors in *Ajax*, who are defined several times as *philoí* (ll. 349–50, 406), forms an ideal of *philia* which exists between persons of unequal position; cf. Heath 1987, 175, who emphasizes the sailors' dependence on Ajax. Against this interpretation see Konstan 1997, 297, who understands the play as a presentation of archaic patronage, opposed to the democratic ideal of equality.

<sup>56</sup> S., *Ph.*, 671–3: οὐκ ἄχθομαι σ' ἰδὼν τε καὶ λαβὼν φίλον· ὅστις γὰρ εἰ δρᾶν εἶ παθὼν ἐπίσταται, / παντὸς γένοιτ' ἂν κτήματος κρείσσων φίλος. These lines are assigned by the MSS to Philoctetes, and were deleted by Dindorf. Following Doederlein, however, most editors retain them and assign them to Neoptolemus.

<sup>57</sup> Sophocles' *Philoctetes* abounds with various uses of the word *philos*. As an adjective it describes, for instance, Philoctetes' kinsmen (665) and his bow and hands (1128–9), in a manner that recalls the Homeric use (see below). At lines 1143–5 the chorus explains to Philoctetes that Odysseus acts at the behest of all the Greeks and works for the benefit of his *philoí*. Thus, one's obligation towards his *philoí* may contradict *philia* towards another, a notion that somehow escapes Neoptolemus' comprehension when he keeps assuring Philoctetes that he is his *philos* (1375, 1383). See also Blundell 1989, 184–225; Seaford 1994, 394.

<sup>58</sup> Pericles' audience is composed of Athenians, gathered to pay their last respects to their dead fellow citizens. The theme of the speech is the Athenian *polis* and the unique qualities of its citizens as opposed to those of others (meaning, implicitly,

of the distinctive features of the Athenians, says Pericles, is their conduct in foreign affairs: the Athenians differ from most people in what relates to goodness (*arete*). They prefer conferring favours to receiving them, believing that by so acting and by showing their good will they acquire friends (*philoí*) who are bound to them by the debts of gratitude. Although Thucydides has Pericles speak of *philia*-relations with other states and of favours conferred, the language he uses is that of commercial transactions, and the relationship between the Athenians and other Greeks is depicted in blatant terms of power relations: the benefactor is a creditor and a more secure partner; the beneficiary is the debtor and a less keen partner. Behind this claim on behalf of the Athenians' generous conduct towards other poleis, therefore, lies the assumption that extending favours puts the recipient in debt and obligates repayment and that it is better to be a creditor than a debtor. Pericles' words seem to mean that, by acting generously, Athens asserts its superiority over its allies, who are obligated to repay and are thus inferior to it.<sup>59</sup>

The same notions are found in other texts. Xenophon has Socrates tell his son that the ungrateful (*ἀχάριστοι*) are those who will not repay favour (*χάριν οὐκ ἀποδῶσιν*); Socrates also claims that one should repay favours both to a *philos* and to a foe (*Mem.*, 2.2.1–3; cf. 2.6.2–5). According to Xenophon's Socrates, a *philos* is a most valuable asset and more useful than horses or oxen; a good *philos* will lend a helping hand in both private and public affairs (2.4), while a careless *philos* does not repay favours and hates the giver

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the Spartans). On the themes of Pericles' funeral oration and this genre, see Finley 1942; Edmunds 1975; Ziolkowski 1981. Loraux 1986 also discusses the motif of the 'unity of the polis' as the reason for suppressing the fact that among the dead soldiers were metics and allies (32–7, 270–87). On *philia* in Thucydides, see Hooker 1974.

<sup>59</sup> For *arete* as the power to benefit, cf. Arist., *Rh.*, 1366a 39; *EN* 1167b 16–25 (discussed below). Finley 1942, 143–50, interprets this passage as Thucydides' view of the Athenian humanitarian imperialism; cf. Hornblower 1991 I, 305–6. But see also Connor 1984, 69 n. 45, who notices that the general phraseology could also apply to personal relationships. Ziolkowski 1981, 102–3, regards it as a commonplace of funeral speeches, noting the philanthropic quality of the Athenians. On this passage as reflecting the ideal that a stronger and more powerful state (or person) should help others, with no expectation of repayment, see Gomme 1956, 124; Dover 1974, 277; Blundell 1989, 35; Herman 1998, 212. Hands 1968, 29–30, argues that this passage reflects criticism of the still-prevalent concept and practice that one should benefit only those who can repay. On *philia* in interstate relations see also Th., 1.32.1; 41.1; 3.12.1; D., 15.3–12, 18; 16.11–13, 27; Isoc., 14.1. See Wilson 1974; Taillardat 1982, 2 ff.; Hooker 1974.

(2.5). Isocrates (1.16) compares the proper treatment of a *philos* to the respect due to gods, parents, and laws. The idea that interpersonal relations are based on *charis* and on the obligation to repay can be inferred negatively from Thanatus' reaction to Apollo's entreaties in Euripides' *Alcestis*, 38–73: Apollo wishes to help his *philos* Admetus, but cannot negotiate with Thanatus, who, since he has no *philoï* and does not appreciate gifts, refuses to give *charis*.<sup>60</sup>

It is significant that although the aforementioned examples come in different contexts—family, military comradeship, politics, and foreign affairs—they reflect the same notions and use the same terminology when it comes to social relations. What is expected of a person in the context of his household (*oikos*) or in dealings with a friend is also expected of a polis in its foreign relations. Raising children, pleasing a spouse, repaying favours to friends and benefiting other poleis is *charis*; and *charis* begets *charis* (gratitude) and puts the recipient under an obligation to repay the favour. Moreover, the concept of interstate relations in the passage from Thucydides seems to be based on practices in intrastate social relations, employed as a mechanism for acquiring friends; yet even in the context of befriending others, the language used is that of a business transaction. The implication in these passages is therefore that any social contact is a reciprocal exchange of favours and that social relations hold as long as this chain of mutual giving is kept intact. Moreover, since these examples come from various periods, it seems likely that they reflect common Greek notions of social relationships and popular morality.

A more systematic discussion of *philia* is given by Aristotle in books 8 and 9 of the *Nicomachean Ethics*. Since his comments on the possibility of *philia*-relations between master and slave (see above, section 1.2) are central to our understanding of slavery, we should examine carefully his discussion. Analyzing and commenting on the common views of the subject, Aristotle begins his own observations by identifying three qualities that motivate *philia*: the good, pleasant, or useful. He then establishes three conditions for *philia*: (1) *philoï* should

<sup>60</sup> On the dominant concept of mutual giving and obligation, see also Theog., 2, 105–12; Hdt., 1.90–91; S., *OC*, 1202; E., *Hel.*, 1234; [D.], 50.47; Lys., 20.31; Men., *Dysc.*, 797–812; Plut., *Mor.*, 778c–d; Hesych., s.v. φίλος: ἀντὶ τοῦ ὀφελος. ἀντὶ τοῦ χρήσιμος ('instead of "useful"; instead of "profitable"?). See also Hewitt 1927, 143–7; Davies 1981, 92–5.

have a mutual feeling of ‘goodwill’ (εὔνοια); (2) they should be mutually aware of this feeling; and (3) the mutual feeling should be produced by one of the three qualities that motivate *philia*: the good, pleasant, or useful (1155b 19–1156a 5). Accordingly there are three kinds of *philia* (1156a 6–b 5): the first is based on the good (τὸ ἀγαθόν) or on virtue (ἀρετή); the second is based on the pleasant (τὸ ἡδύ); and the third is based on the useful (τὸ χρήσιμον or τὸ συμφέρον). One of the fundamental expressions of *philia*, says Aristotle, is the wish to benefit the other (εὐεργετεῖν); such benefaction is noble (καλόν) and profitable (1155a 7–9, 1162b 36, 1163b 4). Those who benefit others (εὐεργέται), says Aristotle, usually love the beneficiary more than the beneficiary loves them. According to a prevalent view, which Aristotle admits is consistent with human nature, this is because one party is in the position of creditor and the other of debtor; in fact, however, the benefactor feels friendship and obligation towards the beneficiary, even if he gets nothing in return (1167b 16–1168a 9; cf. Thuc., 2.40.4–5, discussed above). A favour (*charis*) must be repaid according to the element that comprises *philia*, that is, according to the degree of familial relationship, *arete*, or usefulness (κατ’ οἰκειότητα καὶ ἀρετὴν ἢ χρῆσιν; 1165a 32). *Philia* exists between equal persons as well as between unequal persons and constitutes relationships between family members, friends, fellow citizens, old and young, rulers and ruled, wealthy and poor, and even between citizens and foreigners (1156a 24–31; 1158b 11–1159a 11). All kinds of *philia* exist in partnership (κοινωνία; 1159b 25–32); but the kind that pertains between relatives and comrades resembles a partnership less than the other kinds do and consists of utility and pleasure (1161b 11–1162a 33). It can be seen that most of the elements of *philia* in Aristotle’s analysis are those noted in the sources surveyed above. What Aristotle adds is his distinction between three kinds of *philia* and the observation that these relations exist between equals as well as unequals. Hence we can infer that *philia* is all-inclusive and characterizes a wide range of social relations. It consists of goodwill and benefit, but can also be motivated by the desire for pleasure or profit. In any case, it operates through the reciprocal giving of services, which creates obligation.<sup>61</sup>

<sup>61</sup> See also Arist., *Rh.*, 1385a 16–b 10. On Aristotle’s analysis of *philia*, cf. Price 1989, 155–66; Millett 1991, 109–26; 1997, 1–72. Konstan 1997, 67–82, emphasizes the friendly side of *philia*.

Our reading of ancient Greek texts thus yields an array of words and phrases employed to describe social relationships in all spheres of Greek life. What marks this language is its blend of the ethical with the social and commercial. Not only must favours be returned; the recipient is also immediately placed in an inferior standing vis-à-vis the benefactor. Repayment, whose timing and value are often uncertain, reverses the situation and leaves the original benefactor obligated to the former debtor. Another important and confusing feature of this vocabulary is its ambiguity. The meanings of the words discussed above are much complex. *Charis*, for instance, is both favour and the gratitude felt—and owed—for a received favour; in other contexts it may also mean ‘grace’. Likewise, *philos* and *philia* have many shades of meanings in different contexts and relations. While it is undoubtedly true that *philia* also consisted of true affectionate relationships, it is obvious that interpersonal and interstate relations were based on the notion of obligatory return. In other words, while ‘friendship’ is not the modern equivalent of *philia*, it is one of its subsets.

The notions of exchange and reciprocity, eminent in *philia*, have been the subject of many recent anthropological and social studies. Ever since Mauss’ influential study of the gift (first published in 1954), sociologists have examined the nature and function of exchange in various societies. Mauss investigated prestation as totally social phenomena. He claimed that ‘the usual form of prestation was that of the gift generously offered, but the accompanying behaviour was formal pretence and social deception. The transaction itself was based on obligation and economic self-interest’ (1). Mauss detected a tendency among tribes of the Pacific Northwest (55–7), as well as among the ancient Romans (63–9), to distinguish ordinary property (the Roman *pecunia*) from family property (the Roman *familia*, including lands and slaves). In the latter category, every item has a spiritual nature, possesses its own individuality and productive power, and remains for a time bound to the original owner even after it has been transmitted (by the solemn *mancipatio* in Rome) to the new owner. The latter, too, is bound by the thing handed to him until he makes the return (price or service) that, in turn, binds the initial owner. Although Mauss does not speak of ancient Greece, his description of the binding power of gifts (and sale) is compatible with the picture presented by the sources discussed above.

Subsequent studies have centered upon this play of exchange and the reciprocal nature of social relations and offered definitions and

classifications. Every form of human transaction, whether of goods, services, words or ideas, is an exchange and is based on the expectation and obligation of requital (von Reden 1995, 3). Accordingly, reciprocity is 'the principle and practice of voluntary requital, of benefit for benefit (positive reciprocity) or harm for harm (negative reciprocity)' (Seaford 1998, 1). According to another definition, reciprocity is 'exchange conceptualized as the performance and requital of gratuitous actions' (van Wees 1998, 20). Different sorts of exchange, however, should be distinguished from one other according to the purpose of the transaction and range of obligations it creates. Thus, commodity or market exchange is immediate and does not create social relationships, whereas social exchange, though also based on the expectation of fair return, assumes good will and can be extended over a long period of time. Some anthropologists are ready to see all kinds of exchange as reciprocity, since requital is expected and involved (e.g., Sahlins 1965, 191–6). Others emphasize the importance of goodwill and the ideological face of social exchange, which presents the transaction as issuing from altruistic, or at least gratuitous, motives (e.g., Polanyi 1944, 7–36). Furthermore, reciprocity has been classified as 'generalized' or 'indirect', and 'restricted' or 'direct' (Levi-Strauss 1969, 265–8), or as 'generalized', 'balanced' and 'negative' (Sahlins, 1965, 193–6; Gould 1991), depending on the number of parties involved and the presence or absence of an expectation of a return.<sup>62</sup>

With regard to ancient Greek society, reciprocity is sometimes said to have been disrupted by the development of market exchange (Seaford 1994, XVIII, 222–3), or as surviving in all social transactions (Brund 1998, 159–62; von Reden 1998, 258). Since exchange and reciprocity characterize all human transactions, however, they are also seen as involved in *philia* (Heath 1987, 74; Konstan 1998, 279–86), whether *philia* is conceived of as entailing both self-interest and disinterestedness (Seaford 1998, 282), as 'a relation of mutual benefit and trust which generates special obligations and sometimes affection' (Price 1989, 11), as 'a series of complex obligations, duties and claims' (Goldhill 1986, 82) or as 'a complex exchange-relationship which blended elements of instrumentality and affection in differing

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<sup>62</sup> For a recent survey of anthropological ideas and classifications of reciprocity, see van Wees 1998. Cf. also Firth 1973, 368–77.



measures' (Mitchell 1997, 21). Was *philia* itself affected by the introduction of money and by commodity exchange? The ancient sources discussed above seem to imply that the code of obligatory return, the ethical values attached to giving and receiving, and altruistic behaviour were still current in Classical and Hellenistic times, side by side with the calculation-motivated relationship and transactions.

#### 1.4 *Vertical Relations and Philia*

How does *philia* relate to slavery? Modern studies tend to emphasize the parity aspect of *philia*-relations. Since giving imposes an obligation to return, a balance is achieved when the return is made. Definitions that limit reciprocal relations and *philia* to persons of equal social status or position are based on the assumption that inequality excludes reciprocity and *philia*—apparently under the influence of Aristotle's rejection of *philia* between dissimilar persons in the *Nicomachean Ethics*. Aristotle says that 'friendship is equality and likeness' (ἡ δ' ἰσότης καὶ ὁμοιότης φιλότης; *EN* 1159b 3), so that when there is a great dissimilarity between individuals (in regard to virtue, wealth, or anything else), they are no longer and do not expect to be *philo*i (1158b 33–4). According to this assumption, relations between non-equals become vertical and assume a patron-client form.<sup>63</sup>

But because the repayment may not be of an equal value and any return reverses the situation and makes the former giver a debtor, this cycle of give-and-take has chasms of imbalance and inequality that may not always be overcome by equal return. As the texts discussed above (1.3) show, relations of *philia* also existed between persons whose relative standing was unequal. Although Aristotle, as noted above, emphasizes the importance of equality, he too includes relations between non-equals in *philia* (cf. Price 1989, 155–6). Besides dividing *philia* into three sorts, depending on its motivation, he also classifies it according to the relative position of its parties: relations between equals (*EN* 1158b 1) and relations between non-equals (1158b 11). Both equal and unequal *philia* encompass the tripartite division

<sup>63</sup> See Herman 1987, 39; Millett 1989, 32–3; Gallant 1991, 152–66; Konstan 1998, 299. Firth 1973, 395–6, stresses the socially asymmetrical face of relationships created by giving and taking.



into *philiai* based on *arete*, on the pleasant, and on the useful, although the types of *philiai* based on pleasure and utility are more frequent between persons of unequal standing (cf. Price 1989, 155–60). The affection (φίλησις) felt in such unequal *philiai* should be proportionate: the better or more pleasant or more useful should receive more affection than he renders, in return for the benefits he confers; this proportionate affection creates equality of sorts between *philoi* (1158b 24–8; 1159b 2). Although *philiai* that are based on the pleasant and the useful last only as long as the elements of pleasure and utility subsist, and from this perspective may not seem to be *philiai*, the fact that the *philia* based on virtue contains also pleasure and utility makes the former seem to be *philiai*, too (1158b 4–10; 1159b 11–12).

Even according to some of the modern definitions, *philia* is applicable to ‘vertical’ relations as well. Although Konstan (1997, 5) understands friendship in the classical world ‘as a personal relationship predicated on affection and generosity rather than on obligatory reciprocity’, he nevertheless concedes that the word *philia* covers ‘relationships far wider than friendship’ (9); it is the noun *philos* that Konstan claims to be equivalent to ‘friend’. Consequently, if *philia* is a reciprocal social interaction involving obligatory exchanges of gifts and services, it could exist (and according to Aristotle, did exist) between unequal parties. Moreover, patronage is not necessarily incompatible with *philia*. According to modern definitions, patron-client relations are reciprocal, personal, and voluntary, and involve exchanges of services over time between two asymmetrical parties.<sup>64</sup> From this point of view, patron-client relations resemble the Aristotelian definition of *philia* based on the useful,<sup>65</sup> which is reciprocal, voluntary, involves obligatory exchange of gifts and services, and often pertains between non-equals. Moreover, any kind of *philia* may be seen as vertical and asymmetrical as long as the return has not been made or if it is deemed to be unequal to the original gift or service.

Related to the assumption that relations between non-equals tend to resemble patron-client relationships is the argument that the latter are a feature of pre-state societies and of oligarchic regimes; hence they should be common in archaic Greek society but absent or at

<sup>64</sup> Saller 1982, 1; Finley 1983, 41; Garnsey and Woolf 1989, 153–4; Wallace-Hadrill 1989, 3.

<sup>65</sup> Cf. Gallant 1991, 160. On the nature of Greek ‘patronage’ and the caution needed in using the term, see Zelnick-Abramovitz 2000a, 65–9.

least minimized in democracies such as classical Athens.<sup>66</sup> Attic sources, however, indicate that patronage-like relations did exist in classical Athens. Some of Xenophon's illustrations of *philia* in book 2 of his *Memorabilia*, for instance, seem to be a striking equivalent of patron-client relations. Thus, in 2.10, Socrates suggests that Diodorus use Hermogenes—a poor man in need of assistance, who would be ashamed not to return a favour if granted one—as 'a willing, well-disposed and steadfast attendant (ὑπηρέτης)', capable of complying with instructions and much more useful than a slave. Following Socrates' advice, Diodorus acquires cheaply a *philos* who strives to help and please him by word and deed.<sup>67</sup> The similarity of the relations created between Diodorus and Hermogenes, both to the Aristotelian useful *philia* and to patron-client relations, is remarkable. It is significant, moreover, that the poor man Hermogenes, who is employed as an attendant, is described as Diodorus' *philos*, even though the newly established relationship is depicted in terms of a profitable purchase, in terms that recall Thucydides' phrasing in Pericles' funeral oration (above, 1.3). In another story in Xenophon (*Mem.*, 2.9.8), Archdemus, who protects Crito from legal suits in return for food and higher social position, is accused by Crito's enemies of being a *kolax*, a flatterer, and counters that he is Crito's *philos* (see above, section 1.2, on the *kolax*).<sup>68</sup> Many other examples indicate that a bond similar to patron-client relations was widespread in democratic Athens, alongside the ideology of equality, both in contexts of personal relationships and in the public domain, such as the Assembly, the Council, and the law courts.<sup>69</sup> For all that the

<sup>66</sup> Millett 1989; Herman 1998, 212; Konstan 1998, 299.

<sup>67</sup> X., *Mem.*, 2.10.6: καὶ οὐ πολὺ τελέσας ἐκτήσατο φίλον, ὃς ἔργον εἶχε σκοπεῖν ὅ τι ἂν ἢ λέγων ἢ πράττων ὠφελοῖη τε καὶ εὐφραῖνοι Διόδωρον.

<sup>68</sup> On the *kolax* as resembling a client, see Millett 1989, 33–4.

<sup>69</sup> For evidence and bibliography on the subject, see Finley 1983, 34–5, 41, 45; Gallant 1991, 158–64; Zelnick-Abramovitz 2000a. On *philia* in Athenian politics, see Connor 1971. In Athenian politics, for instance, the wealthy used their liturgies as a means to compete for the *demos*' support and for political prestige. See Finley 1983, 37, where he holds that liturgy can be subsumed under the heading of patronage, despite the absence of one-to-one patron-client relations in democratic Athens. See also Ober 1989, 228–9, who observes that the Athenian concept of *charis* 'seems to have overtones of what in Roman culture was formalized into the relationship between patron and client', and that the performance of liturgies and the gratitude jurors might feel towards litigants who contributed to the polis may seem to be the elaboration on a national level of donor-recipient relations

obligatory and reciprocal exchange of gifts and services between non-equals can be viewed as contradicting democratic ideals of equality, it still existed in classical Athens and was even harnessed to serve democratic ideology and practice.<sup>70</sup>

Social relations, therefore, also had an unequal aspect that qualified even relations labeled as friendship. According to the evidence, the code of social behaviour embodied by *philia* crossed social and political boundaries and was practiced between parents and children, husbands and wives, friends, and comrades. Moreover, it can be found operating between fellow citizens, politicians and the *demos*, *xenoi* (guestfriends), citizens and foreigners, and—as I argue in the following section—between slaves and masters and between freedpersons and their former masters.

### 1.5 *Philia, Slavery and Manumission*

I now return to the question posed at the beginning of this chapter: what is a manumitted slave? If the slave is property, purchased as a commodity in a commercial exchange, what does it mean to manumit this property? Does the slave cease to be a commodity? If so, how can we visualize this process? Is it the sale of the slave to a third party called ‘freedom’, in which case we conceive of commercial exchange as an abstract, indeed a social process? Or is it selling the slave to him- or herself, in which case we must discard the idea that the slave is mere property?<sup>71</sup> From another perspective, if we regard slaves as ‘outsiders’ or as ‘socially dead’, does manu-

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between individuals. On the *charis* felt and demanded in Attic oratory, cf. also Millett 1991, 123–5; 1998; Schofield 1998.

<sup>70</sup> Even in Rome, the terms *patronus* and *cliens* were used to describe a wide range of relations between persons of unequal status, and patronage operated alongside other systems. See Saller 1989, 60; Wallace-Hadrill 1989, 85; Garnsey and Woolf 1989, 154.

<sup>71</sup> In Rome, it is true, the slave might be allowed to use the *peculium* (property assigned for limited use to someone lacking the right of property) to buy liberty, but even the *peculium* legally belonged to the master. In the Greek world, too, some slaves were allowed to save money. The possibility of a third party’s buying the slave from the master is also problematic, since it again involves the question of owning money (if it was given to the third party by the slave) or that of re-entering slavery (if the third party paid for the manumission and thus owned the ‘commodity’ it bought). For these problems, see below, chapter 2.2.

mission make them 'insiders' or 'socially alive'? And how does such a process come about? These questions, and many others that arise from current theories of slavery, reveal the complicated nature of the subject and the absence of any satisfactory definition of the status of manumitted slaves. As Patterson cogently remarked, if we consider how slaves were defined in legal and socio-economic terms, there seems to be no obvious way in which they could be liberated (1982, 209).

Although scholars have offered some definitions of the status of manumitted slaves, these definitions usually return us to square one: manumitted slaves are the opposite of slaves; hence they have the right to own property, to choose their place of residence, and to come and go as they please (e.g., Westermann 1945, 216; 1955, 35). Samuel, who believes that legal freedom in Greece was essentially a concept of property, regards manumission as a change of property-relations: 'a man no longer is property, but has it' (1965, 295). Finley (1998, 164–5), too, sees manumission as a sudden transformation in status: the slave ceases to be property and is transformed from an object to a subject with rights, regardless of how many conditions are attached to the manumission or how much authority the master retains. Do these definitions accurately describe the legal and social stand of the freed-person? And if they do, why did the Greeks need to use the terms 'freed-person' and 'manumitted slave' and were not content with the term 'free person'? Do not these expressions imply a distinct status, somewhere between 'free' and 'slave',<sup>72</sup> precisely because of the conditions attached to the manumission?

Indeed the Greeks had a special vocabulary for manumitted slaves. Manumitted slaves were referred to as ἀπελεύθερος/α, ἐξελεύθερος/α, or ἀφεθείς/εῖσα. The first two appellations, being compounds of *eleutheros* ('free'), indicate the relationship between manumission and freedom; but they are not easy to translate. Although some ancient lexicographers and most modern scholars consider them to be synonyms, I maintain that they represent different statuses or sub-statuses of manumitted slaves. This issue is discussed in detail in chapter 2.3; as a provisional and literal translation, however, I shall render

<sup>72</sup> I here refer to Pollux's definition (3.83), taken up by Westermann 1945, Lotze 1959, and Finley 1982c, of forms of subordination other than chattel slavery (see above).

them as ‘freed from (someone)’ and ‘thoroughly free’ respectively. These terms by themselves, however, do not clarify the legal or social status of the manumitted slaves and might be confusing; for the former (*apeleutheros/a*) implies that the manumitted slave is only relatively free, and the other (*exeleutheros/a*) casts doubt on the accepted dichotomy slave/freed-slave. The third term, *aphetheis/eisa*, means ‘set away from’ and thus explains nothing about the actual status of the slave within the polis and vis-à-vis his or her former master *after* manumission. This terminology, however, indicates that freed-persons in ancient Greece had their particular status: no longer slaves, but usually (except when granted citizenship by the polis) not citizens and often not wholly free. Moreover, it also calls into question modern scholars’ usual association of manumitted slaves with the metic status.

To provide a preliminary definition of manumitted slaves and to link the discussion to the observations made above in sections 1.2 and 1.3, let us return to Aristotle’s analysis of slavery. As noted above, Aristotle describes relations between slaves and masters as a constituent of social relations in the *oikos*, and hence of the polis. He claims that although the slave ‘belongs to another’, the slave and the master are useful to each other and may enjoy *philia*-relationships in cases where they are naturally fit to be master and slave (*Pol.*, 1252a 32–1255b 31). In this respect their relationship is similar to those between husband and wife or parents and children—relations that are unequal yet based on *philia*. Since the slave is a part of the *oikos* and of the master, their relationship is based on solidarity and dependence.<sup>73</sup> Although Aristotle seems to contradict himself when he denies the possibility of *philia*-relations between master and slave in the *Nicomachean Ethics* (1161b 1–5), his words there should be read in context. In *EN* 1159b 25ff., Aristotle discusses the several kinds of *koinonia* (partnership), of which *philia*, as well as ‘the just’ (τὸ δίκαιον), is a component. The more the parties of a *koinonia* (such as brothers, friends, fellow-soldiers, etc.) have in common (κοινῶνῶσιν), the stronger are *philia* and *to dikaion* (1159b 31; cf. Price 1989, 159–60).<sup>74</sup> Consequently, *philia* and *to dikaion* have different

<sup>73</sup> See Garlan 1988, 22.

<sup>74</sup> See also Osborne (1994, 143–4), who interprets Aristotle’s discussion of *philia* as concerned with alliances in various spheres of life. According to her interpretation, Aristotle emphasizes co-operation, and not only competition, as an important

degrees, according to the degrees of *koinonia*. Now, according to Aristotle, all *koinoniai* seem to be parts of the political *koinonia* and inferior to it (1160a 9–28). Thus personal relationships are linked to the *polis* and to political systems. Aristotle now proceeds to describe the existing forms of government and their relations to the household and the *koinoniai* (1160b 22 ff.). The *koinonia* of a father and son is of the same pattern (ἔχει σχῆμα) as that of a king and his subjects, since kingship aspires to be paternal—except among the Persians, where fathers are tyrannical and treat their children like slaves; for a tyrannical *koinonia* is to the master's advantage (τὸ συμφέρον; 1160b 27–29; cf. *EE* 1239a 4–6). Between husband and wife there seems to be *koinonia* of the aristocratic kind (1160b 32), while that between brothers is timocratic, since they are equal except in age (1161a 3–5).<sup>75</sup> Democracy, on the other hand, parallels households without masters (ἐν ταῖς ἀδеспότοις τῶν οἰκήσεων; 1161a 8–9).

Having assigned different degrees of *philia* and *to dikaion* to different kinds of *koinonia*, Aristotle now distinguishes the various kinds of *philia* in households by comparing them to the various forms of political system. Tyranny, he says, has no *philia*, or very little, since in this form of government the ruler and ruled have nothing in common (οὐδὲν κοινόν); similarly there is no *philia* between the artisan and his tool, the soul and the body, or the master and his slave (1161a 33–35; cf. *EE* 1241b 19, 1242a 28–31). Aristotle explains that *philia* does not exist in relation to inanimate things (τὰ ἄψυχα); nor does justice (*to dikaion*). Just as there is no *philia* in relation to horses or oxen, so there is no *philia* in relation to a slave in his capacity as a slave (οὐδὲ πρὸς δοῦλον ἢ δοῦλος), for master and slave have nothing in common. A slave is an animate tool and a tool is an inanimate slave (ὁ γὰρ δοῦλος ἔμψυχον ὄργανον, τὸ δ' ὄργανον ἄψυχος δοῦλος; 1161b 1–4). Yet it should be noticed that Aristotle distinguishes the slave *qua* slave from the slave *qua* human being: 'in respect of his being a slave, there is no *philia* towards him, but (there is *philia*) in respect of his being a human being' (ἢ μὲν οὖν δοῦλος, οὐκ ἔστι φιλία πρὸς αὐτόν, ἢ δ' ἄνθρωπος; 1161b 5). Aristotle explains

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and valuable component in exchange and social intercourse, of which alliances based on a mutual utility are the most simple and outright examples.

<sup>75</sup> Aristotle's definition of timocracy is slightly different from that of Plato and seems to mean the distribution of political powers among citizens of equal standing and wealth.

this possibility by assuming that there is some *dikaion* in every relationship of one human being towards another human being who is capable of taking part (κοινωνῆσαι) in law and in contract. Hence *philia* indeed exists with anyone who is a human being (1161b 6–8).<sup>76</sup> This *philia* is obviously the useful kind and it exists between unequals. According to Price (1989, 177–8), however, it can also be labeled ‘on the basis of virtue’ (*arête*), because the master and the slave respect and promote in each other the virtues which are appropriate to the capacity of each party. Hence, a slave can be a party to various kinds of friendship (*philia*), since slavery according to nature is a human relation and a kind of friendship.

So there is no incongruity in Aristotle’s association of *philia* with slavery; moreover, his discussion makes it clear that he conceives the slave as more than a tool—as a human being with whom social interaction takes place. This notion is also implied by the difficulties Aristotle notes about whether a slave possesses *arete* of any kind: ‘If there is (*arete* in slaves), how are they different from free persons? And if there is not, it is strange, since they are human beings and have a share in reason’ (*Pol.*, 1259b 27–8). This attitude is also evident in other sources, where interaction with slaves is described or alluded to. Such interactions include not only beating slaves and reprimanding them (these too are human interactions), but also confiding in, co-operating with, and commending them.<sup>77</sup> As noted above (1.2), slaves were outsiders and threatening intruders; but, being slaves, they also became part of the *oikos*.<sup>78</sup> They knew their masters’ secrets and habits, they performed the most confidential and intimate services, they were invisible but always there. Hence masters and slaves depended on each other and their relationships were based on mutual suspicion and fears that generated tensions. These feelings and tensions are particularly evident in drama and other fictions, which, although they are not historical accounts, can teach us about the nature of slavery.<sup>79</sup> The importance of this kind of evidence has been

<sup>76</sup> Cf. Camus 1979.

<sup>77</sup> By this I do not mean to adopt the humanitarian view of Greek slavery (see Vogt 1974, 1–25); I am merely emphasizing that all dealings with human beings fall into the realm of social relations. Cf. Wiedemann 1981, 167–87.

<sup>78</sup> This is particularly true in the case of home-born slaves and those who were the offspring of masters and female slaves (see below, chapter 3.2).

<sup>79</sup> See above, section 1.2. For the nature and contribution of this kind of evidence, see also below, chapter 2.1.

rightly emphasized by Hopkins (1993), in his analysis of the *Life of Aesop*, a fictitious and satiric biography of the famous ex-slave teller of fables, as a source of information for Roman slavery.<sup>80</sup> This biography, of which several versions have been preserved and the earliest manuscript of which (G) is believed to have been written (or rewritten) in first-century A.D. Egypt, is, in fact, a compilation of various stories and sources, whose origins can be traced back to the fourth century B.C. Hence it reflects facts and notions of slavery from various places and periods, many of which are definitely Greek. This apocryphal text explicitly manifests the mutual dependence of master and slave and uses the language of gratitude in describing the interactions between them. For instance, when the Aesop saves his master Xanthus, he says, 'Master, I have saved your life; I am worthy of attaining freedom'. But Xanthus refuses to liberate him, and Aesop is offended by his master's ingratitude (*Vita Aesopi* G 70–76 [= W 74] Perry). Again, when Aesop helps Xanthus to discover a treasure (which belongs to the king), he asks Xanthus what he will give him in return (χαρίζει; W 78, Perry).<sup>81</sup> Xanthus offers him half of the gold and his freedom, but, when they return to the house, he refuses to manumit Aesop in fear that as a free person, Aesop might inform against him (G 80, W 80 Perry). When the Samians ask Aesop to interpret a portent, he explains that, being a slave, he cannot speak freely, but that he will do so, 'if you grant me the favour (χαρίσησθε) of free speech by (giving me) freedom' (W 89–90 Perry).

Both Homer's Eumaeus (*Od.*, 14.61–6) and Sophocles' Tecmessa (*Aj.*, 522–4) use the language of *philia* and *charis* in reference to their masters. Odysseus also promises the slaves Eumaeus and Philoetius wives, houses, and the rank of his son's comrades and kin (*Od.*, 21.212–6). Conversely, in Euripides' *Supplikes*, Adrastus tells how Eteocles refused to accept money from his friends (*philoî*) because it would make his way of life slavish (τρόπους δούλους παρασχέιν; 875–7). Likewise, slaves in Aristophanic comedy expect the gratitude of their

<sup>80</sup> For the versions and history of the text, see Perry 1936. The various versions of the *Life* and the testimonies about Aesop were collected and edited by Perry 1952. See also below, chapters 2 and 6.

<sup>81</sup> Cf. G 80 Perry, where—after Xanthus offers Aesop half of the gold in return for his silence—Aesop says, 'Do not give me (the gold) as a favour (*charis*), but as payment'.



masters for services rendered, as if it was a matter of voluntary help, and often complain of ungratefulness (e.g., *Ra.*, 19–34; *Pl.*, 1–7). Conversely, masters have to remind their insolent and ungrateful (*acharistos*) slaves the past favours they had received (*V.*, 438–51). Xanthias in Aristophanes' *Frogs* is an earlier, less articulate, version of Aesop. He dominates his master, the god Dionysus, mocks his cowardice, and finally gets him beaten (479–673), whereas Dionysus is reduced to flattering and begging his indignant slave (179, 579–88). This reversal of the normal order of things, the topsy-turvy world, is one of the characteristics of Comedy, but it also reflects masters' fears and slaves' wishes.<sup>82</sup> In Menander, too, a well disposed slave is the best asset (fr. 786 K.-A.). Faithful and resourceful slaves expect and receive (or are promised) freedom (*Asp.*, 11–12; *Perik.*, 982–3; *Epir.*, 548, 560–62 Arnott).<sup>83</sup> These examples show that reciprocal relations, entailing the exchange of gifts and services, and of long duration, existed between masters and slaves and were viewed as characteristic of their relationship. Inasmuch as these relations are by definition vertical, they could be described as *philia*.

There is, however, one missing element: relations between master and slave, unlike *philia* and patron-client relations, were not voluntary.<sup>84</sup> The slave was compelled to render services or run the risk of being severely punished. Although humanitarian treatment by masters could make their slaves more co-operative and trustworthy, complete dependency would seem to be the opposite of reciprocal relations. Yet this very argument helps clarify the issue. As animate tools, to use Aristotle's definition, slaves were indispensable and their co-operation was needed in order to get things done. Although slaves apparently did not give of their own volition, potentially they had other options: disobedience, cheating, stealing, and running away—options occasionally adopted in reality. Being human beings, slaves could scheme and manipulate and adapt to their circumstances, even within the confining framework of slavery. As noted above, the word *doulos* referred not only to a person held in slavery, but also to negative moral quali-

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<sup>82</sup> Cf. Hubbard 1991, 209; Dover 1997, 25. It should be considered that such topsy-turvy situations could actually exist. Some masters, indeed, may have become so dependent on their resourceful slaves that they were forced sometimes to entreat their slaves to perform their services and to promise to reward them.

<sup>83</sup> Cf. Plaut., *Casin.*, 279–93.

<sup>84</sup> See Garnsey and Woolf 1989, 158, who emphasize the difference between *clientela* and dependence.

ties, such as chicanery, disloyalty, stupidity, and laziness. If slaves were considered to be no more than property, they would not have been given this image or expected to behave differently. Moreover, although slavery, to use Patterson's phrasing, was 'social death', it preserved the slave's physical life; seeing that most slaves were war captives, debt-bondsmen, or the children of slaves, their lot could well have been death had they not been purchased and fed by their masters.<sup>85</sup> This is not to say that Greek slave-owners were humanitarian; feeding and clothing slaves was left to the discretion of the master. What I want to emphasize is the social aspect of master-slave ties. Master-slave relations may not pertain to the kind of *philia* based on *arete*, but they do pertain to the kind based on the useful, which exists between parties of unequal status.

How can we relate all these observations to the question of manumission? If slavery can be conceived of as social relationship of the *philia* kind, did manumission terminate it? If the slave was a piece of property, totally owned by the master, manumission was the total alienation of property. As we shall see below, however, the evidence about and the terminology of manumission indicate that relations of dependence and obligations persisted between ex-owners and ex-slaves. If, on the other hand, the slave was a human being, under the complete domination of another, yet maintaining social relations with the master, manumission was the elevation or transformation of these relations to a different level. There is, of course, an overlap in the ideas of manumission as commodity-exchange, as market operation, and as gift-exchange, in that slave-owners normally sought profit. But the profit was to be gained in the extended relationships with their ex-slaves. To clarify my argument, I turn again to Patterson's theory of slavery as social death and his definition of manumission of slaves.

Recognizing the problem of defining manumission, Patterson suggests that since slavery is 'social death', manumission can symbolically be interpreted as 'creating life'. Manumission, accordingly, is a double negation: the negation of the negation of life, hence the creation of a liberated person. The masters, says Patterson, renounce their domination; that is, they give it away of their own will. The slaves pay for their liberation, but since their money actually belongs

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<sup>85</sup> Cf. Wiedemann 1987, 12, 27.

to the masters, their giving should also be understood as a gift. Indeed, Patterson regards manumission as an example of gift-exchange (1982, 211). Although Patterson's definition might seem too symbolic, it should be noted that acts of manumission often involved symbolic rituals. Moreover, his theory is compatible with the concepts and attitude of the Greeks as discussed above. The ritual of manumission, argues Patterson, synthesizes the utilitarian (the material exchange of goods) and the ideological (the conscious rationalization and moral expression of what is taking place) components of the gift-exchange and establishes it as a social compact (1982, 212). Gift-exchange, although ideologically presented as balanced and fair, can often be asymmetrical and relative to each party's status and needs (213–14). Some examples of manumission rituals from different societies show the symbolic status of the manumitted slave as being in transition and part of a gift-exchange (215–18).<sup>86</sup>

Patterson's theory is useful in that it accords with Greek evidence relating to *philia*, gift-exchange, and the position of slaves; moreover, it supports the coexistence of the concepts of the slave as a human being and as property. Yet it is exactly his description of manumission as gift-exchange that may seem to be a weak point in his reasoning. For if the slave's money, as Patterson notes, really belonged to the master, the balance in this gift-exchange was never reached: manumission was in fact a loan and the slave became a debtor. If we picture manumission as 'lending' freedom, however, we can understand the relations between ex-master and ex-slave as an extended sort of useful-*philia* between unequal parties, of the kind that the ancient Greek sources describe as relations of credit and debit—and endowed with the previously missing component of voluntary relations. This explanation of the act of manumission can also help us understand the status of the manumitted slave: as long as the debt stands, relations of ex-master and ex-slave must be reciprocal and obligatory. Hence, ex-slaves attain complete independence when the debt is completely repaid or renounced by their creditors; only then are the slaves free not only to go and live wherever they wish, but also to create reciprocal and voluntary relations with others. This hypothesis is corroborated by the distinct manumission-terminology

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<sup>86</sup> On symbols, rituals, and the symbolic value of gift-exchange, see Firth 1973, 15, 176–7, 372.

and its use. It is also supported by evidence associated with acts of manumission and with the status of manumitted persons. As we shall see, complete freedom was not always the immediate outcome of manumission. Manumission was often conditioned by the fulfillment of various obligations; what is more, it was reversible in case of the manumitted slave's failure to fulfill them.

This unique nature of Greek manumission also helps us to understand its function in society. As we have seen, slavery was an accepted institution and regarded as indispensable. Its indispensability is divulged by Aristotle's comment that if every tool could perform its work when ordered or by foreseeing what needs to be done, like the statues of Daedalus or the tripods of Hephaestus, masters would have no need of slaves (*Pol.*, 1253b 34–1254a 1). Moreover, slavery defined freedom and citizenship. Why, then, manumit slaves? Since in Greece, unlike Rome, manumitted slaves were not granted citizenship, manumission was not regarded as a means of enhancing slave-owners' social position by providing them with loyal clients or of strengthening the city by enlarging the citizen-body.<sup>87</sup> The motives behind manumission are discussed below, in chapters 3 and 4; suffice it here to consider two points. First, although manumission enabled slave-owners to recapitalise the value of old and weak slaves (Hopkins 1978, 147), their relations with them, as noted above, were not ended upon manumission. By promising freedom, masters encouraged their slaves to be more loyal and diligent; by granting freedom, they made their manumitted slaves indebted to them—often by stipulating conditions to manumission. The slave, as we have seen, was an outsider, yet a part of the *oikos*. Ideally, manumission dissociated the slave from the *oikos*. In reality, however, the quasi-familial relationship between master and slave persisted. Hence, manumission extended the reciprocal relations between master and slave. Slave-owners could replace freed slaves by purchasing new ones, without losing the benefit of services and the advantage of having inferior persons dependent on them. Second, like slaves, manumitted slaves were *xenoi* (foreigners) in the polis; as such, they constructed the identity of the citizens as full members of the political community. Moreover, they contributed to the economic life of the polis by fulfilling important,

<sup>87</sup> On the clients, see D.H., *Ant. Rom.*, 4.22–23. On the political and military importance of granting citizenship to manumitted slaves, see *IG IX(2)* 517 (= *Syll.*<sup>3</sup> 543; 215 B.C.), Philip's letter to the city of Larissa.

though ‘non-liberal’, roles. Hence, like slaves, freed persons were essential, yet outsiders; they were ‘socially reborn’, but their rebirth recreated and reshaped their function as facilitating the political and economic life of the citizens. The tension between the important role of manumission and the fear of the *xenos* is revealed by many texts and by the legislation of some poleis. This concept of manumission was common in all regions and periods of the ancient Greek world, despite local differences in the social reality of manumission. It is, therefore, to this reality that we now turn.

## CHAPTER TWO

### MANUMISSION: DIVERSITY AND SIMILARITY

Students of Greek slavery and manumission are faced with a vast amount of evidence of different sorts, quality, and value. In order to make sense of it, one must establish some criteria of classification. My aim in this chapter, however, is not to organize the evidence in convenient categories—a task already done more or less satisfactorily in other studies—but to locate general features and concepts in the various modes and terms of manumission. Although different modes of manumission were practised in different places and periods and different terms were used to describe the act of manumission and the manumitted slave, a comparative analysis of the data will enable us to discuss manumission and the status of manumitted slaves as a phenomenon characteristic of ancient Greek society and not only as locally differentiated legal acts.

#### 2.1 *The Evidence*

As mentioned above (see Introduction), the evidence about manumission in the Greek world is ample. Literary sources of various kinds (drama, history, orations, biographies, and lexicons) allude to manumission, to manumitted slaves, and to the latter's rights and obligations. Lexical entries preserve valuable, although problematic, information about legal actions involving manumitted slaves and about the latter's status. The epigraphic evidence is even more informative. Gravestones, commemorating manumitted slaves or engraved by them, and manumission acts, inscribed on stone or bronze tablets, provide plenty information about modes and procedures of manumission and about the status of freed persons, both vis-à-vis their ex-owners and the polis. Likewise, papyri from Graeco-Roman Egypt, which record acts of manumission or refer to manumitted slaves, contain important evidence about modes of manumission practised by Greeks in Egypt and the status of manumitted slaves.

The chronological and geographical distribution of the evidence, however, is uneven. The literary evidence begins in the classical period, and comes almost exclusively from Athens, although it contains some quasi-historical stories about manumission in archaic Samos and some historical data about central Greece in the Hellenistic and Roman periods. The epigraphic evidence, on the other hand, starts in the fifth century B.C., but comes mostly from the Hellenistic and Roman periods and from places outside Athens. Papyri, too, are late, and the information contained in them is limited to Egypt. According to the evidence, slaves were manumitted in many parts of the Greek world: in western, northern, and central Greece, in Thessaly, in Macedon, in Thrace, in the Peloponnesus, in Sicily, in the Aegean islands, in Egypt, in Asia Minor, and in the regions around the Black Sea. But in each of these regions, the extant evidence stems from one or several poleis in a limited period, and many other poleis have yielded no information at all. The nature of the evidence can be likened to the view seen through a window of a plane in a night flight: widely scattered clusters of lights, some of them large, others merely a flicker. 'Manumission in the Greek world', therefore, may seem to be an overstated phrase.

Nevertheless, it seems safe to assume that Greeks manumitted slaves even before our evidence begins, and in periods for which no evidence survives. Furthermore, there is no reason to infer that manumission was an unknown or an undeveloped phenomenon in places that yield scanty or no evidence of it. The Homeric poems, as noted above (chapter 1.2), reflect an institution similar to chattel slavery. Although most slaves in Homer are captives of war and their liberation takes the form of ransom by relatives or friends (Bömer 1960, 9), some were obtained from pirates, perhaps in slave markets. It is probable that their owners sometimes manumitted these purchased slaves of their own initiative, with or without compensation from the slaves. According to Theopompus (ap. Athen., 6, 265b-c = *FGrH* 115 F 122), the first Greeks to hold chattel slaves, as distinct from the Spartan Helots and the Thessalian Penestae, were the people of Chius. These slaves were of barbarian stock. If we accept Finley's theory of the development of chattel slavery (above, chapter 1.1), it is possible that the Chians began using chattel slaves in the late seventh or early sixth century B.C. In any case, by the second half of the sixth century Chian commerce was flourishing (Hdt., 1.165.1, 2.178.2) and they were probably also buying and manumitting slaves.

Herodotus also tells of Rhodopis, of Thracian origin, who had been the slave of Iadmon of Samos, was brought to Egypt and there released by Charaxus of Mytilene in Lesbos (Hdt., 2.134–5). If Herodotus is right in asserting that she lived in the time of Amasis, king of Egypt, the people of Samos and Lesbos practised slavery and manumission already in the sixth century B.C. Aesop, too, Rhodopis' fellow-slave, was of Thracian origin and was manumitted in Samos (ibid.; *Vita Aesopi* Perry). Although the stories about Rhodopis and Aesop contain but a few historical details,<sup>1</sup> there is no reason to doubt that these persons lived in the sixth century B.C., were enslaved, and then were granted freedom.

The terminology of manumission first appears in Attic literary and epigraphic sources from the middle of the fifth century B.C. (see below, 2.3), which fact indicates that manumission was practised in Athens at that time, and probably before that. But the evidence of manumission in Hellenistic and Roman Athens is scarce. Nonetheless, there is no good reason to doubt that manumission continued to be practised there. Another fifth-century source of information is the inscriptions from the temple of Poseidon in Taenaron (*IG* V(2) 1228–32), which most probably record manumission through consecration to the god (see below, 2.2).<sup>2</sup> These inscriptions, as well as a passage in Myron of Priene (ap. Athen., 6, 271f = *FGrH* 106 F 1), who flourished in the third century B.C., imply that the Spartans owned, and manumitted, chattel slaves, in addition to owning and exploiting Helots. Myron says that the Spartans often manumitted slaves (ἡλευθέρωνσαν . . . δούλους), to whom they referred by different names ('released', 'masterless', 'curbers', 'master-seamen', 'newly-enfranchised'); these, he adds, were chattel slaves, not Helots.<sup>3</sup> Apart from this evidence,

<sup>1</sup> For the stories and versions of Rhodopis' and Aesop's lives, see below, 2.2, and chapter 6.2.

<sup>2</sup> The succinct language of these inscriptions and the fact that no explicit indication of manumission appear in them raise the possibility that they record real consecrations of property and slaves (Rädle 1969, 26–34). The general view, however, is that these are manumissions; See Bömer 1960, 18.

<sup>3</sup> The first four terms are otherwise not attested; for the *neodamodeis*, see MacDowell 1986, 39–41, 51; Bruni 1979. For the view that the Spartiates used chattel slaves and practised manumission, see MacDowell (ibid., 37–42), who also cites other sources to that effect. Cartledge (2002, 154–5), however, argues that these slaves belonged to the Perioikoi and not to the Spartiates, who used only Helots. But by the end of the third century B.C., and probably earlier, as Cartledge remarks elsewhere (1992, 70), the Spartiates undoubtedly used chattel slaves.



extant records of manumission from the Peloponnesus are limited to Phigaleia (fifth century B.C.), Olympia (from the fourth century B.C.), and Messenia (third century B.C.). Slavery, however, was practiced in many poleis in the Peloponnesus; it is, therefore, plausible that slaves were also manumitted there.

To judge by the number of inscriptions, manumission was more prevalent in the Hellenistic period. Hundreds of manumission inscriptions, dating from the second century B.C. to the third century A.D. were found in Aetolia, Delphi, Thessaly, Macedon, and Calymna. These findings should not lead us to believe that slavery and manumission were not practised in these places before the second century B.C. First, publication of manumissions on stone was a relatively late development; since manumission was usually a private act, many instances, especially prior to the development of the practice to engrave manumission acts, remain unknown. Second, political and economic changes, brought about by the Roman conquest, may have been the cause of this apparent increase in the number of manumissions. On the one hand, there was a general westward movement of slaves-supply, which significantly decreased the number of slaves in Greece (Westermann 1955, 29–34, 127; Hopkins 1978, 162); on the other hand, the economic decline in many parts of the Greek world, following the Roman conquest, may have made slaveholding too expensive. Consequently, slave-owners were compelled to manumit their slaves or they relied more and more on home-born slaves—whose closer relations with their owners may have motivated the latter to grant them freedom more willingly (Grainger 2000, 39; below, chapter 3.2). Larsen (1959, 418–21) explains that, whereas Achaea, Epirus, and Macedon suffered from the wars, Delos, Athens, Messenia, Thessaly, and Delphi flourished. Such explanations, however, do not account for the fact that, while manumissions in Delphi and Aetolia are attested mostly in the last two centuries B.C., few are recorded for other places in the same period; conversely, while the number of manumission inscriptions in Thessaly and the Bosporan Kingdom increases in the first century A.D. and onwards, in Delphi it decreases. Nor do these theories explain why in Athens, for instance, which, according to Larsen, flourished in the Hellenistic and Roman periods, no manumission by an Athenian is recorded or alluded to after the fourth century B.C.

There may be other reasons for the uneven chronological and geographical distribution of the evidence. First, as we shall see (chap-

ters 3 and 4), the recorded manumissions probably represent only an 'elite' group of slave-owners and slaves (Larsen 1959, 415; Grainger 2000, 40). Not all slave-owners felt the need or had the means to publicize the manumission act, not all slaves could save money to buy their freedom, and not all poleis required the registration of manumissions. Second, the uneven distribution may simply be the result of chance findings and of unknown local developments. As noted above, the extant literary evidence is scattered and alludes to manumission only randomly; manumission inscriptions are attested only from the fifth century B.C. and in a few places. Presumably, though, wherever Greeks used slaves they also manumitted them.

The nature of the evidence, however, presents another problem. Can this scattered and chronologically separated evidence be treated as representing 'Greek' manumission? Were the practices and notions of manumission in fifth-century B.C. Athens the same as those in second-century A.D. Macedon? Granting social and political differences and changes that occurred over time, it is nevertheless possible to trace common and persisting concepts and practices. Manumission through consecration to a divinity, for instance, is first attested in the fifth century B.C. in Poseidon's temple in Taenaron. The same practice is still attested in third-century A.D. Macedon, despite the influence of Roman practices and rules (Cameron 1939b, 147–8). The language and characteristics of manumissions from central Greece in the Hellenistic period also appear in manumission inscriptions from the Bosphorus Kingdom in the first to the third centuries A.D., despite the fact that the Bosporan Greek poleis underwent, in the same period, a process of 'Iranization' (Ustinova 1999, 7–8). The similarity in terminology and practices over centuries and in different parts of the Greek world justifies, I believe, some generalizations.

The extant sources, however, raise other problems. The literary evidence is often anecdotal, lacks legal precision, and is scattered in various sources. Comedy provides us with some important insights on the motives behind manumission, but with very scanty information about modes of manumission or the status of manumitted slaves. Likewise, fictitious biographies, like that of Aesop (see above, chapter 1.5), are a valuable source of information on the nature of slavery and master-slave relationships, but the credibility of whatever details they contain of modes of manumission and the status of freed slaves is uncertain. In one of the versions of the *Life of Aesop*, for instance, the president of the Samian Council tells Aesop's master,

Xanthus, that if the latter does not agree to free Aesop, he himself will make Aesop the freedman (*apeleutheros*) of the goddess Hera. Xanthus' friends urge him to free Aesop, because 'if Aesop becomes the freedman of Hera, he will have the rights of free persons' (*Vita Aesopi* W 90 Perry). Could a magistrate free a privately-owned slave by consecrating him or her to the goddess, and was the status of a slave thus manumitted better than that of a slave freed by a simple declaration (as Aesop eventually was)? And if so, was it true of Samos in the sixth century B.C. (the place and date of the 'historical' Aesop), or of other places and periods, the practices of which were interpolated in the story? Another example is Plutarch's *Life of Nicias* (3.3). Plutarch says that once, when one of Nicias' slaves acted Dionysus in a choral performance, Nicias stood up and, declaring that it was not appropriate for a man called by the name of the god to be a slave, set him free (ἀπηλευθέρωσε). Can this story be taken as evidence for an Athenian practice of manumitting slaves in the theatre? Does it tell us anything about the status of Nicias' slave after manumission or about manumissions outside Athens? Or take the case of Neaera ([D.], 59). She had been bought from her mistress by her two Corinthian lovers and then bought her freedom from them, partly with her own savings and partly with the help of a loan-fund (ἔρανος) headed by Phrynion. After her manumission, she lived with Phrynion, ran away from him, settled with Stephanus in Athens, and eventually was prosecuted by Phrynion for running away and stealing his property. Can we infer from this case that manumitted slaves enjoyed only semi-freedom? Can it serve as evidence for the mode of manumission practised in Corinth or Athens?

These three examples demonstrate the difficulties presented by literary sources. The first two are anecdotes of uncertain credibility, woven into biographies and not intended to elucidate the modes and nature of manumission. The third is part of a prosecutor's arguments in court and hence may be suspected of exaggeration and distortion of facts. The only way to overcome these obstacles is to compare the evidence from contemporary sources and identify the representative data of a given period and area. These characteristics can then be compared with evidence from other places and periods, with the goal of detecting enduring or diverse patterns. Literary sources can teach us about modes of manumission, something about the status of manumitted slaves, and particularly about society's attitude to manumitted slaves and interactions with them. Since these

sources, however, are not strictly concerned with the status of manumitted slaves, it is important to set the information extracted from them against other sources.

The epigraphic evidence, which is of great importance for our subject because of its usually accurate phrasing, use of technical terms, and frequently detailed description of modes and conditions, comes from later periods and from various places. Moreover, inscriptions are 'islands' of information: they are found in limited areas and frequently refer to a limited period. They provide us with ample information about the modes and characteristics of manumission practised in a given area and period, but usually not about other times and places. Furthermore, given the fragmentary condition of many inscriptions, this source of information has its limits and needs careful analysis and judgement. For example, more than 1200 manumission inscriptions were found in Apollo's shrine in Delphi. Dating from the second century B.C. to the first century A.D., these documents are an abundant source of information on manumission. The following sections of a manumission act (*SGDI* 1689), dated to 156–151 B.C., can serve as an example:

ἄρχοντος Πατέρα τοῦ Ἀνδρονίκου μηνὸς Βυσίου, ἀπέ[δ]οτο Σωσίας Σωσία τῷ Ἀπόλλωνι τῷ Πυθίῳ σῶμα γυναικεῖον ἃ ὅ[ν]ομα Νικαία τὸ γένος ἐξ Ἀργεθίας καὶ τὸν ὕν αὐτᾶς Ἴσθμόν, τιμᾶς ἀργυρίου πέντε . . . ἐφ' ᾧ τε ἐλεύθεροι εἴμεν καὶ ἀνέφαπτοι ἀπὸ πάντων τὸν πάντα βίον . . .

In the archonship of Pateras son of Andronicus, in the month of Bysius, Sosias son of Sosias sold to Pythian Apollo a female slave,<sup>4</sup> whose name is Nicaea, by origin of Argethia, and her son Isthmus, for the price of five silver minae . . . on the condition that they will be free and untouchable by anyone for all their lives. . . .

Such inscriptions, however, are limited to Delphi and some other poleis<sup>5</sup> and to a relatively short period. Moreover, they display variants in the mode of manumission, the conditions attached to it, and phrasing. Some of the slave-owners in the Delphic inscriptions came from other poleis; we do not know whether they manumitted in Delphi because they sought greater publicity (see below), because they preferred the modes practised there to those of their home cities,

<sup>4</sup> On manumission through sale to a divinity, see below, section 2.2.

<sup>5</sup> Manumission inscriptions, similar to those of Delphi in the modes of manumission they present and in their wording, were found in neighbouring poleis, in Aetolia, and in Macedon.

or merely because they happened to be there. These are only few of the questions and difficulties raised by the Delphic inscriptions.

We have inscriptions of a very different type from other places in the Greek world. These are catalogues of names of manumitted slaves and their owners, usually grouped under dates. The following is an example from Lamia (*IG IX(2) 74* = *SEG 30, 531*; 2nd half of 2nd century B.C., ll. 1–6):

στραταγέοντος Λέοντος [τ]ού[σδε ὁ τα-]  
μίας Κλέων Θεύρωνος ἀνέ[γ]ρ[αψε· μηνὸς  
Θριξαλλίου· Ἀπολλώνιος ἡλ[ευθερώθη ὑπὸ]  
Δέξωνος τοῦ Πολύωνος.  
μηνὸς Θριξαλλίου Ἀπολλ[ωνι --- ἡλευθε-]  
ρώθη ὑπὸ Σωσιστράτου . . .

When Leon was the *strategos*,<sup>6</sup> the treasurer Cleon son of Theuron registered these: In the month of Thrixallios, Apollonius was manumitted by Dexon son of Polyon. In the month of Thrixallios, Apoll[oni --- was] manumitted by Sosistratus . . .

The list continues with many other names. Although such inscriptions usually tell us very little about the provisions of these manumissions or the status of the manumitted slaves, a comparison with other documents, and especially the language used in them, can help fill in missing information.<sup>7</sup>

Manumissions recorded on papyri also present difficulties. The majority of them are late and may reflect Roman practices. Nevertheless, similarities in modes of manumission, terminology, and the status of the manumitted slaves between these and other documents may point to enduring practices and concepts. For example, lines 5–17 of a papyrus from Oxyrhynchus (*P. Oxy. IV, 722*; 91 or 107 A.D.) read:

. . . ἀφεῖκαν ἐ{u}λευθέραν ὑπὸ Δία Γῆν Ἥλιον Ἀχιλλεὺς  
ὥς (ἐτῶν) κ μέσος μελίχρως μ[ακροπρόσωπος  
[οὐ(λῆ)] μετώπῳ μέσῳ καὶ Σαραπ[ῆς ὥς (ἐτῶν). μέσος  
[μ]ελ[ί]χρως μακροπρόσωπος οὐ(λῆ)] . . . . .  
[. . ἄ]ριστερ[. ἀμφοτέροι . . . . . τοῦ  
[Ἀμ]ωνίου μητρὸς Σαραποῦτος [. . . . .

<sup>6</sup> The *strategos* was the annually elected general in chief of the Thessalian League, of which Lamia was a member at the time.

<sup>7</sup> In the theatre of Buthrotus, such lists also contain more detailed acts of manumission: see Cabanes 1974 (e.g., no. I, ll. 24–7; IV, ll. 33–4; V).

[τῶ]ν ἀπ' Ὀξυρύγχων πόλεως [ἐν ἀγυῖᾳ τὸ ὑ-  
 [πάρ]χον αὐτοῖς ἐξ ἵσου τρίτον μέρος τῆς ἐξαπη-  
 [λευ]θερωμένης κατὰ τὸ ἄλλο δ[ί]μοιρον δοῦ-  
 λης Ἀπολλωνοῦτος ὥς (ἐτῶν) κς μέσ[ης] μελίχρωτος  
 [μα]κροπροσώπου οὐλὴ ποδὶ δ[ε]ξιῷ . . . . .  
 ἐξαπηλευθερωμένης (ταλάντων) δ[ι] . . . . .

Achilleus, aged about 20 years, of middle height, fair skin, long-faced, has a scar in the middle of his forehead, and Sarapas, aged about [---] years, of middle height, fair skin, long-faced, has a scar on his left [---], both sons of [---] son of Ammonius, and of their mother Sarapous, daughter of [---], of the polis Oxyrhynchus, manumitted in the street, under the protection of Zeus, Ge, and Helios, the third part jointly owned by them of the slave whose other two-thirds have been manumitted by Apollonous, aged about 26 years, middle height, fair skin, long-faced, has a scar on his right foot [---] for [---] drachmae . . .<sup>8</sup>

This detailed document is typical of Graeco-Roman Egypt, and is informative about manumission practices. Of special interest here are the joint ownership and the partial manumission, on which see below (2.3.2, and chapter 4.2.2).

The above-cited examples illustrate both the difficulties and the value of our various sources of information. They also show that manumission could be executed by different modes and in different locations.

## 2.2 *Modes of Manumission*

The vast amount of evidence and the great variety of practices justify classification of the material into distinct categories. This task, however, is not easy. The mixed and complex nature of many acts of manumission often defies classification. Prevailing taxonomies organize manumissions according to features such as the public or private identity of the manumitter (the polis or a private citizen), the involvement of a deity in the acts, the involvement of political institutions, and the degree to which the act is publicized. Calderini's taxonomy (1908, 94–5), for instance, divides manumissions primarily into 'ordinary' and 'extraordinary' (during a war or by a decree); these categories are further divided into Graeco-Roman and Greek types,

<sup>8</sup> Translation adapted from Grenfell and Hunt, in their edition of *P.Oxy.*, IV (1904).

and the latter into civil and sacral manumissions (each with several sub-categories).<sup>9</sup>

What Calderini calls 'extraordinary' and 'ordinary' may also be labelled 'public' and 'private', that is, manumissions initiated by the state and those initiated by private owners.<sup>10</sup> To the first category belongs, for example, the mass manumission by Athens, in 406 B.C., of slaves who fought at Arginusae (Ar., *Ran.*, 693–4) and the manumission by Rhodes, in 305/4, of slaves who fought bravely during the siege of Demetrius Poliorcetes (D.S., 20.100.1–4).<sup>11</sup> Grants of citizenship to slaves manumitted by a public decision were rare;<sup>12</sup> these persons usually joined the population of free non-citizens. Slaves were also manumitted by the polis if they provided information about acts of sacrilege (Lys., 5.3–5; 7.16) or about conspiracies to subvert the government (And., 1.15–16; Plut., *Alc.*, 19).<sup>13</sup> Manumissions of individual slaves by the polis, for reasons unknown to us, are represented by an undated inscription from Atrax in Thessaly (Hatzfeld, *BCH* 35, 1911, 231–7, A col. II = Béquignon, 1974, 6 no. 5, ll. 1–2): 'Heracleides, who was freed by the polis, according to the law'

<sup>9</sup> Most scholars follow Calderini's taxonomy in its general lines (especially as to the categories of sacral and civil, or secular, forms), although they recognize its difficulties. See: D-H-R, *Inscr. Jur. Gr.* II, 234–318; Rädle 1969, 1–6; Albrecht 1978, 108–53; Gibson 1999, 31–49. Patterson (1982, 219–39) classifies manumissions under seven categories (postmortem, cohabitation, adoption, political, collusive litigation, sacral, and purely contractual), some of which can also be grouped differently.

<sup>10</sup> Although Calderini divides civil manumissions into individual acts, lists of manumissions, manumissions announced by a herald, and testaments, all these sub-categories can be defined as private acts.

<sup>11</sup> See also D.S., 10.25 on Hecataeus of Miletus; Paus., 7.15.7, on Athens in 490 B.C.; Lyc., 1.41, on Athens after the battle of Chaeronea; Polyæn., 1.28 on Theron in Selinus. Cf. also Aristotle's advice to tyrants to strengthen their position by securing the support of one part of the polis and not by liberating slaves (δούλων ἐλευθέρωσιν) or disarming the citizens (*Pol.*, 1315a 37).

<sup>12</sup> In 406 B.C. the Athenians decided not only to free the slaves who fought in Arginusae, but also to enfranchise them: see Ar., *Ran.* 33, 693–4, and the scholia to line 694 (Dübner); Hellanicus, *FGH* 323a F 25; Osborne 1981–1983 III, 33–7. See also D.S., 20.100.1–4, where the Rhodians are said to have manumitted slaves in 305/4 and to have granted them citizenship; *OGIS* 253 (86 B.C.) from Ephesus, where it is decided to grant the status of free non-citizen residents (πάροικοι ἐλεύθεροι) to public slaves willing to fight in the war against Mithradates. Aristotle, in a much debated passage (*Pol.*, 1275b 36), ascribes to Cleisthenes the enrollment of many metics and slaves in the newly organized tribes of Athens in 508/7 B.C.

<sup>13</sup> On the circumstances in which slaves could testify out of their own will (*menysis*), see Harrison 1968, 171, 182; Todd 1993, 187; Hunter 1994, 70. Osborne 2000, 81–7, on the other hand, argues that slaves could bring denouncements only in religious, but not in political, matters.

(Ἡρακλείδης ὁ ἀπελευθερωθεὶς ὑπὸ τῆς πόλεως κατὰ τὸν νόμον). An interesting case is that of Epigonus, who was liberated by the polis of Rhodes and made a *xenos* (foreigner) by the Council and the Assembly (*IG XII*(1) 383).<sup>14</sup>

The category of ‘ordinary-civil’, or private, manumissions contains various forms. Calderini divides them according to the extent of public awareness of the act. According to his taxonomy, the difference between private manumissions, manumissions announced by heralds, and manumissions by testament lies in the number of people notified of the slave’s new status. In the case of testaments, only the relatives of the deceased, the manumitted slaves, and the witnesses were aware of the act; whereas manumissions inscribed on stone and those announced by heralds made known the slave’s new status to a greater number of people. I shall have more to say about this below; but it should be remembered that private manumissions were not always made public. Some private manumissions are reported in literary sources, without specifying the mode taken. Herodotus, for instance, mentions the manumission of Themistocles’ slave Sicinnus (8.75.1) and of Pythagoras’ slave Salmoxis, who was later deified by the Getae (*ibid.*, 4.95–6). A famous case is that of the Athenian banker Pasion, who had been manumitted by his owners and eventually was granted citizenship; while still a manumitted slave he manumitted his own slave Phormio and left instructions that Phormio marry his widow after his death ([D.], 36.43–6). Many private acts, however, obviously escape our knowledge.

Manumission proclaimed by heralds could take place in the theatre. Such is the case of Nicias’ slave, mentioned above (2.1), although Plutarch does not use any of the common verbs for proclamation (ἀποκηρύσσειν, ἀνακηρύσσειν, or ὑποκηρύσσειν). According to Aeschines, in his oration *Against Ctesiphon* (3.41, 44), manumissions heralded in the theatre had become so frequent that they (and other proclamations) were prohibited by law. The purpose of proclaiming manumissions in the theatre, says Aeschines, was to make all the Greeks witnesses to the acts; his explanation, therefore, indicates that great importance was attached to the publicity of manumissions. Aeschines further says that the law prohibiting this practice was

<sup>14</sup> On this inscription, see further below. See also *SGDI* 1706, where the polis of Delphi manumits a slave by a sale to Apollo (on this mode, see below).



meant to prevent any proclamation—whether of manumission or some other sort—that was not authorized by the Assembly. If Plutarch's story about Nicias is true, we can date this practice in Athens to as early as the second half of the fifth century B.C. The law against proclamations in the theatre must antedate 336 B.C.<sup>15</sup> Many manumission inscriptions of the catalogue type (see above, 1.1) have been found in the theatre of Epidaurus (*IG* IV(2) 353–66; ca. 3rd century B.C.); it seems probable that these slaves, too, were proclaimed free during a performance in the theatre. If so, the inscriptions from Epidaurus reflect a mixed form of manumission, as we shall encounter again in many other acts.

Manumissions could also be proclaimed in a sanctuary. Thus, *IG* V(2) 274 II (= *Syll.*<sup>3</sup> 1209 II; 2nd century B.C.?), from Mantinea, seems to have contained several manumissions proclaimed in the temple of Poseidon, although only one act is preserved: after naming the priest in office and noting the date, the inscription continues with the phrase: 'those proclaimed as free' (οἱ ἀποκαρυχθέντες ἐλεύθεροι).<sup>16</sup> An interesting case is *IG* VII(1) 1780 (end of 3rd century B.C.), from Thespiae, in which the owner obligates his manumitted slaves to remain with him until his death;<sup>17</sup> only then it will be proclaimed (ἀποκαρυξάτω; ll. 19–20) by three persons, at the ex-owner's tomb, that these slaves had been freed, as inscribed on the stele in the temple of Asclepius. Manumission by proclamation could also take place at an altar, if an anecdote about the philosopher Crates (*Souda*, s.v. Κράτης) can be taken as safe evidence. According to this tale, Crates gave a large amount of money to the Thebans, stood by the altar, and announced: 'Crates frees Crates the Theban' (ἐλευθεροῖ Κράτητα Θηβαῖον Κράτης). Although the anecdote seems to have no historical basis, it presumably contains elements of the

<sup>15</sup> Nicias was born ca. 470 B.C. and was executed in Sicily in 413. Aeschines' motion against Ctesiphon's proposal to vote a golden crown to Demosthenes was launched in 336 B.C., after the defeat at Chaeronea, but the trial was held only in 330. Westermann (1955, 18) cites an inscription from the middle of the fourth century B.C. (*IG* II<sup>2</sup> 1177), which is a decision of the deme Piraeus to ban certain activities during the Festival of the Thesmophoria. Among these activities is ἀφέτους ἀφιεί. But I am not sure, as Westermann is, that this clause refers to manumission of slaves; all the other activities pertain to the religious sphere.

<sup>16</sup> Cf. *IG* V(2) 342a from Mantinea (1st or 2nd century A.D.), where line 1 reads: [---τ]ούτοις δὲ καὶ ἀποκεκαρ[ύκασι] ('and to those who have proclaimed'), and lines 7–8 (following the date): οἱ ἀποκαρυχθέ[ντες ἀ]πελεύθεροι ('those proclaimed as free'). Both headings are followed by names.

<sup>17</sup> On the obligation to remain with the owner, see below, chapter 4.2.2.

mode (or one of the modes) of manumission practised in Thebes: payment to the owner and a public declaration by the altar.<sup>18</sup> Evidently here the altar was a convenient public venue and served no religious function. Latte (1920, 106–7) believes that one mode of manumission, practised at Cos (*Ins. of Cos*, 29) was a symbolic escape of the slave to an altar: by sitting upon the altar, the slave received the protection of the god and became free.<sup>19</sup> A list of proclaimed manumissions from Calymna (*Syll.*<sup>2</sup> 868 IV; 1st or 2nd century A.D.), on the other hand, has no (extant) specification of the place of proclamation. The name of the eponymous magistrate is followed by the words, ‘these were proclaimed for the purpose of freedom’ (τοῖδε ἀνεκαρύχθησαν ἐπ’ ἐλευθερίᾳ) and a list of names.<sup>20</sup>

Other modes of private manumission, which do not coincide with Calderini’s categories, relate to those performed in law courts and in the family circle. The first of these modes is attested in Athens sometime after 358 B.C., in Isaeus’ oration *For Eumathes* (fr. 15 Thalheim): the speaker declares that Eumathes was freed by his master in the law court.<sup>21</sup> There is no other indication of this practice, in Athens or elsewhere, although the Attic inscriptions known as the *phialai exeleutherikai* (‘bowls of manumitted slaves’), discussed below, may belong to this category. Isaeus’ oration, together with Aeschines’ claim that public proclamations required the approval of the demos, implies some kind of public regulation of manumissions. This implication is corroborated by a fragment from a lost oration of Demosthenes (quoted by Pollux, 3.83): ‘Demosthenes says: laws of the *exeleutheroi* and laws of the *apeleutheroi*.’<sup>22</sup> Laws regulating manumission or the status of the manumitted slave are also known from other parts of the Greek world and catalogues of manumissions (discussed below) often refer to them.

<sup>18</sup> Against Rädle (1969, 16), who regards this story as evidence for manumission practices in Athens.

<sup>19</sup> On Latte’s view that the right of asylum was the source of the mode of manumission through consecration to a god, see below.

<sup>20</sup> Cf. also *Syll.*<sup>3</sup> 1210 I, II (1st century A.D.): two individual proclamations from Calymna.

<sup>21</sup> The date of Isaeus’ oration is inferred from the mention of the speaker’s service as a trierarch in a sea battle (near Chius) in the year of the archon Cephisodotus.

<sup>22</sup> Δημοσθένης φησὶν ἐξελευθερικοὺς νόμους καὶ ἀπελευθερικοὺς νόμους. These appellations of manumitted slaves and the difference between them are discussed in section 2.3 below. What is important to note here, though, is that Demosthenes refers to two categories of manumitted slaves and to two sets of laws.

Manumission within the family circle is attested by Demosthenes, *Against Aphobus III* (29.25–26), who claims that the slave Milyas was manumitted by his dying father. In this form of manumission, the only witnesses were members of the household. That is why, in order to prove that Milyas was no longer slave, Demosthenes expresses his willingness to call the housemaids and his mother to testify that Milyas was a manumitted slave.<sup>23</sup> To this category also belongs, probably, the manumission of a female slave in Aristophon's comedy, *Philonides* (fr. 13 K.-A.; ap. Ath., 472c–d): after relating how her master gave her a shield full of wine, the woman says: 'then he vigorously soaked me [in wine] and set me free' (εἴτ' ἐλευθέραν ἀφῆκε βαπτίσας ἐρρωμένως). It would seem that the slave was manumitted by the symbolic act of sprinkling her with wine.<sup>24</sup>

It is important to note that all the aforementioned modes of manumission, whether performed in the house or in a public place, were conducted before witnesses. Family members, priests and visitors to temples, spectators in theatres, and judges ensured publicity. The story of Aesop's manumission, therefore, although it appears in a fictitious and late biography, seems to consist of actual practices (although of which date and place is not certain). Xanthus, Aesop's master, compelled by the Samians to free his slave, stood with Aesop in the midst of the Samians and declared: 'Xanthus, requested by the Samians, lets Aesop free'.<sup>25</sup> Likewise, manumission by testament

<sup>23</sup> Since legal evidence could be delivered by slaves only under torture, Aphobus challenged Demosthenes to hand over Milyas to be put to the wheel. To prove that Milyas was free, Demosthenes declares his willingness to have his female slaves put to the wheel (29.25). Female citizens, too, could not testify in the Athenian law courts (except, perhaps, in homicide cases); legal evidence, therefore, had to be obtained from them by evidentiary oath (see Todd 1993, 96, 208). Concerning his mother, Demosthenes uses the word πίστις, 'pledge' (29.26), which may be understood as an oath. Cf. Harrison (II 1971, 136–7), who rightly remarks that by this time (4th century B.C.) all evidence was given in writing; it therefore made no difference in what form women gave evidence.

<sup>24</sup> The passive participle βαπτισμένοι is used in Pl., *Sym.*, 176b, to denote drunkenness ('soaked in wine'); cf. Eub., fr. 126 K (βεβρεγμένος, from βρέχω, 'to wet'). For the ritual use of shields, see Ar., *Lys.*, 185 ff. Beauchet 1897, 473, maintains that the passage in Aristophon may imply an Athenian mode of manumission, similar to the Roman *per mensam*. On similar symbolic acts in other cultures, see Patterson (1982, 214–19, esp. 216), who describes manumission in ancient India, involving the act of showering the slave's head with parched rice and flowers.

<sup>25</sup> *Vit. Aesop.* G 90 Perry: Ἐάνθος ἀξιωθείς ὑπὸ τοῦ δήμου τοῦ Σαμίων ἀφίησιν ἐλεύθερον τὸν Αἰσωπον. A slightly different wording is found in Manuscript W 90 Perry. On the circumstances and other details of Aesop's manumission, see also below, and in section 2.3.1.

was naturally witnessed, although not always inscribed on stone. The wills of Plato, Aristotle, Theophrastus, and Lycon are known to us from Diogenes Laertius' biographies of these philosophers.<sup>26</sup> The following passage from Aristotle's will concerns one of his slaves (Diog. Laert., 5.14):

εἶναι δὲ καὶ Ἀμβρακίδα ἐλευθέραν καὶ δοῦναι αὐτῇ, ὅταν ἡ παῖς ἐκδόθῃ, πεντακοσίας δραχμὰς καὶ τὴν παιδίσκην ἣν ἔχει.

And Ambracis is to be free and to be granted, when my daughter is given in marriage, 500 drachmae and the slave girl she has now.

Sometimes, however, the owner (or his heirs) decided to have the will inscribed in stone, as in the following example from Mantinea (*IG* V(2) 274 I = *Syll.*<sup>3</sup> 1209 I; end of 2nd century B.C.):

ἐπὶ ἱερὸς τῷ / Ποσιδᾶνος (sic) Ἀπ/ολλωνίου, δεκ/τῆρος δὲ Μάρκου / τοῦ Τίτου, ἔτους ἐ/βδόμου καὶ τεσσαρα/κοστοῦ, διαθήκης ἀν/αγνωσθείσης γ', μην/ὸς τρίτου τριακάδι, Πιτ/ύλος Ποσειδίππου ἀφῆ/κε τὰν ἰδίαν θερά-  
παιν/αν ἐλευθέραν Σαφὼ / καὶ τὸ ἐξ ἑατᾶς παιδίον / Ὀνησιφόρον, μηδενὶ  
μη/δὲν προσήκοντα.

When Apollonius was the priest of Poseidon and Marcus, son of Titus, was the receiver,<sup>27</sup> in the year 47, after the testament had been read three times,<sup>28</sup> on the thirtieth day of the third month, Pitylus, son of Poseidippus, set free his personal maid Sapho and the child born to her, Onesiphorus, so that they do not belong to anyone in any manner.

Such wills were, in fact, delayed manumissions; they protracted slavery in spite of the declaration of freedom (see also below, chapter 4.2.2).<sup>29</sup> A special case is found in four acts of manumission from Achaia Phthiotis (*IG* IX(2) 102a, 109b), according to which the manumissions were performed in compliance with the owners' thought or intention (κατὰ διανόησιν). These are not wills per se, but documents

<sup>26</sup> D.L., 3.42 (Plato); 5.14–16 (Aristotle), 54–55 (Theophrastus), 72–74 (Lycon).

<sup>27</sup> See Hesych., s.v. δεκτήρ: ἀποδοχεύς. This was apparently an official. Dittenberger (*Syll.*<sup>3</sup> 1209 I) thinks he may have been in charge of receiving money for individual manumissions.

<sup>28</sup> Dittenberger's reading (*Syll.*<sup>3</sup> 1209 I) has no number.

<sup>29</sup> Cf. *BCH* 25 (1901), 361–2, no. 2: an act of manumission by testament from Thespieae, end of 3rd century B.C.; *IG* IX(2) 546, 118 from Thessaly; *P.Oxy.* III, 494 from Oxyrhynchus in Egypt (156 A.D.). Patterson (1982, 224) sees manumission by testament as a gift exchange between the master and the god (the release from slavery being a substitute for the sacrifice of the slave) and between the master and the slave.

implementing the owners' intentions, probably expressed orally during their lifetime but never written down.<sup>30</sup>

A special form, practised in Graeco-Roman Egypt, was manumission in the presence of the *agoranomos* (the public notary), probably with the intention of achieving better publicity and an official warrant of the validity of the act. An example of this mode is the papyrus cited above, in section 2.1 (*P.Oxy.* IV, 722). It states that the manumission is being performed before three *agoranomoi* (ll. 4–5, not cited above), in the street, and after invoking Zeus, Helios, and Ge. A charge of 10 drachmae was usually paid to the bankers, who notified the *agoranomos* and authorized the act of manumission (e.g., *P.Oxy.* I, 48, 49; II, 349; IV, 723). The purpose of the 10-drachmae payment is discussed below (in chapter 4.1). Sometimes, a proclamation by the herald was added (e.g., *Freib.* II, 10).<sup>31</sup>

A unique mode of manumission, still not explained satisfactorily, is attested in several acts known from catalogue-inscriptions from Thessaly (e.g., *IG IX(2)* 22, 207c, 1296). Here the manumission verb (usually *apeleutheroun* or *aphienai eleutheron/an*) is followed by the word ξενικῇ (e.g., *IG IX(2)* 1296, l. 3, from Azorus) or by the more elaborate formula ξενικῇ λύσει or λυτρώσει (e.g., *IG IX(2)* 27, 28). The same phrase, in the form ξενικαῖ λύσει ἀπολύει, also appears in three manumission inscriptions from Dodona in Epirus (*SGDI* 1351, 1360; Carapanos, XXXII, 2).<sup>32</sup> The word *xenikei*, the feminine dative of the adjective *xenikos* (a derivation of *xenos*), implies that some foreign element was involved; the interpretation of these phrases, however, is controversial. The older view, that the manumitters in these acts were themselves foreigners—thus rendering the formula: 'by a release pertaining to foreigners'—has been rightly abandoned. This phrase does not appear in many other manumission acts certainly performed by foreigners. Moreover, at least one inscription (*IG IX(2)* 1268, from Doliche in Thessaly) records two acts of manumission performed by the same woman, but only one of them is described as *xenike* (Rensch 1908, 120; Calderini 1908, 274; Cabanes 1976, 462).

<sup>30</sup> See Babacos 1966, 63–4.

<sup>31</sup> Cf. Biezunska-Malowist 1977, 144 and n. 148.

<sup>32</sup> C. Carapanos, *Dodone et ses ruines* (Paris 1878).

<sup>33</sup> Cf. Cabanes (1976, 421–2), who suggests that the varied forms of manumissions in Buthrotus reflect two legal traditions: an older, local one, and the other newly imported from central Greece.

Calderini (1908, 276–7; cf. D-H-R, *Inscr. Jur. Gr.* II, no. 47) suggests that *xenikei lysei* was a *mode* of manumission, brought to Thessalian cities by foreigners (which would explain why some of the manumitters in acts so described were indeed foreigners) and adopted by the local citizens.<sup>33</sup> Although ‘foreign’, these manumissions had to conform to the local laws, that is, they had to be registered and a registration fee had to be paid. That is probably why, says Calderini, except for the phrase *xenikei*, these acts are formulated in the same way as the many others recorded on the stones. The use of the feminine dative of *xenikos* may indeed suggest that a *mode* of manumission is indicated, one that is somehow foreign or associated with foreign practices. Moreover, in several Thessalian grave inscriptions, the deceased are described as ‘*apeleutheroi xenikei*’ (e.g., *IG IX(2)* 851, from Larissa: ‘Farewell Acoutus, the blessed one, the *apeleutheros* of Lyciscus by *xenike*’).<sup>34</sup> But the very fact that manumitted slaves (or whoever was responsible for the engraving on the tombstone) took the trouble to commemorate their being manumitted *xenikei* implies that their status was somewhat different from that of slaves manumitted according to the customary modes. In other words, *xenikei* may indicate not only a mode of manumission, but also a distinct status of the manumitted slaves, as Calderini, too, suggests (1908, 277).

Most scholars hold (e.g., Rensch 1908, 121–3; Cabanes 1976, 462) that *xenikei lysei* granted the manumitted slaves the distinct legal status of *xenoi* (foreigners).<sup>35</sup> Rensch supports this interpretation by referring to the *koinoi xenodokoi* in Thessaly and to a grave inscription from Rhodes. The *xenodokoi* (literally: ‘recipients of foreigners’), who are mentioned in several inscriptions from Thessaly, sometimes with the epithet *koinoi* (public) or *idioi* (private), have usually been explained as witnesses. They appear in some manumission inscriptions as officials to whom manumitted slaves paid the registration fee. Rensch believes that these officials were called *xenodokoi* because the manumitted slaves were granted the status of *xenoi*. He also conjectures that the inscriptions that mention *xenodokoi* may have contained the heading, ‘those manumitted *xenikei* and who paid to the polis the money due (for

<sup>34</sup> *IG IX(2)* 851: Ἀκούτε Λυκίσκου ἀπελεύθερε ξενικῇ ἥρως χρηστὸν χαίρει. It is not clear whether the second name, in the genitive, is the name of the manumitter or the patronymic of the deceased. I tend to adopt the first possibility for reasons explained below, in section 2.3.

<sup>35</sup> Cf. D-H-R, *Inscr. Jur. Gr.* II, 314–5; Babacos 1966, 44; Rädle 1969, 104–5.

registration)'. But *xenodokoi* also appear in honorific decrees and interstate agreements; their jurisdiction, therefore, cannot have been restricted to manumitted slaves.<sup>36</sup> Moreover, none of the inscriptions that mention *xenodokoi* contain the word *xenikei* and none of the *xenikei*-inscriptions refer to *xenodokoi*.

The text of the inscription from Rhodes (*IG* XII(1) 383) that Rensch offers as evidence of the grant of *xenos*-status to manumitted slaves reads: '[The tomb of] Epigonus of Rhodiopolis, the metic, who was made free by the polis, was made a *xenos* by the Council and the People, and was twice a *choregos*'.<sup>37</sup> Epigonus, a metic at the time of his death, had been a slave in Rhodes. He was manumitted by the polis, a fact that makes the act public or, to use Calderini's terminology, 'extraordinary' (see above).<sup>38</sup> Epigonus was then 'made a *xenos*', as the passive participle of the verb *xenoun* suggests. *Xenoun* usually described the act of making one a guest-friend or an ally; if we accept Rensch's view (1908, 122–3), this inscription is the only known occurrence of the verb in the sense of 'granting someone the legal status of a foreigner'.<sup>39</sup> Nevertheless, the fact that Epigonus was made a *xenos* by the Council and the People may indeed imply that *xenos* was considered to be a distinct legal status and was conferred on Epigonus by a special decision. This fact, claims Rensch, together with its association with manumission in our inscription, should make us understand the Thessalian *xenikei*, too, as manumission leading to the status of a *xenos* (cf. Rädle 1969, 104–5).

<sup>36</sup> On the *xenodokoi* in Thessaly, see Zelnick-Abramovitz 2000b, 110–12.

<sup>37</sup> Ἐπιγόνου Ῥοδιοπολίτα μετοίκου ἐλευθερωθέντος ὑπὸ τᾶς πόλεως καὶ ξενωθέντος ὑπὸ τᾶς βουλᾶς καὶ τοῦ δάμου καὶ χοραγῆσαντος δῖς. The text was first published by L. Ross, *Inscr. Gr. Ined.* III (1845), 278. See also *Museion de Smyrna* II, 1 (1876), no. 113; J. and L. Robert, 'Bulletin épigraphique', *REG* 72 (1959), 157, no. 41; *SGDI* 4007. The name of Epigonus' Lycian polis is also written Rhodiapolis. On this place, see Theopomp. Ap. Phot., *Bibl.*, 176; Plin., *HN* 5.28.101; Behrwald 2000, 169 n. 35, 175, 226. Hiller de Gaertringen (*IG* XII(1) 383) comments that manumitted slaves and metics appear in the inscriptions with ethnics instead of patronymics. See also Fraser 1977, 144–5, n. 308 (who mistakenly transcribes ἐξελευθερωθέντος instead of ἐλευθερωθέντος). On this inscription, see also L. and R. Robert, 'Bulletin épigraphique', *REG* 72 (1959), 157, no. 41. A *choregos* was a rich citizen or (as here) metic, charged by the polis with the liturgy of defraying choruses.

<sup>38</sup> There is no need to assume with Hiller (*ad loc.*) that Epigonus was a public slave.

<sup>39</sup> The ninth edition of *LSJ* (1940) gives this inscription as an example for the verb ξενόω, II.2: 'take up one's abode with one as a guest, to be entertained'; but the 1968 Supplement deletes it. The 1996 revised Supplement, however, inserts another definition before it: 'to give someone the rights of a ξένος'.



There are, however, some problems with Rensch's interpretation. First, although both manumission and the grant of the *xenos*-status to Epigonus are similarly formulated—a state decision expressed in an aorist passive participle—the two actions are not necessarily connected. If the manumission and the grant of the *xenos*-status were one and the same deed, there would have been no need for Epigonus (or whoever inscribed the text) to separate the two actions by ascribing one to the abstract polis and the other to specific political institutions. Second, this inscription seems to commemorate all the social and legal stages in Epigonus' life: slave, manumitted slave, *xenos*, *choergos* (a liturgy performed while a *xenos*?), and finally metic. It should be noted that the inscription refers both to Epigonus' status as metic *and* to the fact that he was (previously?) granted the status of *xenos*. Evidently—although there is no other evidence to support this conjecture—being made a *xenos* in Rhodes meant that one was granted a distinct status, different from and superior to that of a manumitted slave but apparently inferior to that of a metic. But can we infer the existence of the same legal distinctions in Thessaly or in Dodona? Our knowledge of the legal status of *xenoi* and other non-citizens in Thessaly and Dodona is as deficient as it is for Rhodes,<sup>40</sup> and it is unsafe to infer anything about the status of manumitted slaves in Thessaly from one Rhodian inscription. Third, the fact that Epigonus was manumitted by the polis and, latter, was a *choergos* indicates that he was held in respect (perhaps because of some service rendered by him); it is, therefore, possible that the verb *xenoun* describes here his honorific entertainment by the polis, something similar to the *xenia* granted by Athens to benefactors (cf. Henry 1983, 262–75; Herman 1987, 136).

There are also other difficulties in the prevalent interpretation of the *xenikei* inscriptions. The word *xenikei* is different from other words and phrases employed in inscriptions to characterize the status of the manumitted slave; these take the form of an adjective in the nominative case (e.g., *anephaptos*, *anepileptos*—‘untouchable’, ‘immune’) or a more elaborate clause (e.g., ‘he/she may go wherever he/she wishes’, etc.; see below, chapter 4.4). If we accept the view that

<sup>40</sup> In Rhodes, metics were distinguished from foreigners, and some of the latter were privileged, as can be inferred from the inscription *IG* XII(1) 49. There is also evidence for Rhodian officials in charge of foreigners (ἐπιμεληταὶ τῶν ξένων; *Clara Rodos* II, no. 6). See also Sokolowski 1969, 265–6, no. 137A.



*xenikei*-phrases point to a distinct status of the slave *after* manumission, we have to explain this peculiar use of the adjective: why write ‘by a foreign release’ and not simply ‘he/she shall be a foreigner (ξένος/η εἶναι)’? Moreover, it seems unlikely that the status of foreigners was specifically conferred on some manumitted slaves, when, in fact, *all* manumitted slaves were *xenoi* in the poleis where they were manumitted. If, on the other hand, we assume that a distinct status of *xenos* was conferred by law on *all* manumitted slaves in Thessaly and Dodona, why is this phrase not mentioned in all the extant inscriptions—for that matter, why was it mentioned at all? It should also be noted that the words *lysis* and *lytrosis* in the more elaborate form of the phrase (*xenikei lysei/lytrosei*) do not usually indicate the manumission of slaves, but rather release from captivity and the ransom paid for it. In the inscriptions from Dodona, the manumission verb (rather than *apeleutheroun*, typical of the Thessalian inscriptions) is *apolyein*—a verb that in the context of liberation usually describes ransoming captives. Could *xenikei* refer somehow to the ransoming of captives and prisoners of war? The use of the vocabulary of ransom raises the possibility that a different situation is involved, especially since the more common manumission verb in Dodona was *aphienai eleutheron/an* (Cabanis 1976, 461). If the verb *apolyein* and the words *lysis* and *lytrosis* have their regular connotations, it may be that these manumitted slaves were captives (of war or pirates), who had been sold into slavery and were now able to pay for their release—whether from their own savings or thanks to a third party. This conjecture can be supported by the fact that in several manumissions from Thessaly, the term *lytra*—from which *lytrosis* is derived and which usually denotes ransom—indicates the payment made by manumitted slaves for their freedom (see below, chapter 4.2.1). *Xenikei lytrosei* or *lysei* would then refer to the fact that these captives were citizens of a foreign state who had been released through that state’s intervention (ξενικὴ χώρα/πόλις).<sup>41</sup>

Since, however, this interpretation does not explain the appearance of the word *xenikei* in the Thessalian grave inscriptions, I would like to suggest another possibility. Broadcasting one’s status as a manumitted slave was of great importance both to the manumittor and

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<sup>41</sup> As Bielman (1989) postulates for the phrase τὰ λύτρα ἐκ τῶν πολέμιων in manumission inscriptions from Delphi and Elatea.

his heirs and to the manumitted slave and his heirs (see below, section 2.3.1). Gravestones that publicized the fact that the deceased enjoyed certain privileges fall into a different category. Such were those of the *isoteleis* in Athens, metics who were granted the privilege to pay the same taxes and levies as citizens (and thus were exempted from the special metic tax). These privileged metics took care to commemorate this fact on their gravestones (e.g., *IG* II<sup>2</sup> 7862–81). It may be that in Thessaly the phrase *xenikei* (*lysei/lytrosei*) indicated a privileged status of manumitted slaves. It is impossible to know what this privilege may have been. In Athens, the term *xenika* meant taxes paid by *xenoi*—so, at least, can be inferred from Demosthenes (57.34). It is therefore possible that in Thessaly *xenikei* signified manumitted slaves who had been exempted from the taxes paid by *xenoi*. *IG* IX(1) 82c from Thermon may corroborate this assumption: the manumitted female slave is granted not only freedom, but also the status of *isoteles* and *enteimon* (the latter term may indicate civic rights; see below, chapter 6.1). As for Dodona, the verb *apolyein* employed there may also be taken in its meaning of ‘discharge’, ‘release from debt’. Hence, the formula *xenikei lysei apolyei* can likewise be understood to mean ‘[he/she] discharges [the manumitted slave] from the obligation to pay the taxes of *xenoi*’.

Another mode of manumission is defined by some scholars as a ‘sale for the purpose of release’ (πρᾶσις ἐπὶ λύσει). In this mode, the slave was bought from the owner by a third party with the intention of liberating him or her. The phrase *prasis epi lysei*, however, is used in Attic inscriptions and in some other places to describe a fictitious sale, by which land was given as security for a loan; the land remained in the possession of the ‘vendor’, and he regained ownership when the loan had been repaid.<sup>42</sup> Hence, scholars who define manumissions as *prasis epi lysei* use this phrase in its literal meaning. This is the case in *SGDI* 1356 (= *Syll.*<sup>3</sup> 1206) from Dodona, according to which Matydika bought (ἐξέπριάτο) the slave Polyxenus from Damoxena for the price of 1 mina. Although no explicit indication of manumission appears in the inscription, it is logical to infer it (cf. D-H-R, *Inscr. Jur. Gr.* II, 315–6). Cabanes (1976, 463) suggests that a similar case may be *SGDI* 1354, also from Dodona, where the phrase ‘has released for the purpose of liberation for three minae’

<sup>42</sup> Finley (1985, 29–35) explains the *prasis epi lysei* as security in the form of conditional sale. Cf. also Schaps 1979, 5; Todd 1993, 253–4.

appears (ἀπέλυ[σε ἐπ]ὶ λύσει τριῶ[ν μνᾶν; ll. 2–3). But the inscription is too mutilated for us to be sure that it dealt with manumission; it may have recorded a sale of a mortgaged property. Note also that the language used in *SGDI* 1354 resembles the *xenikei* manumissions from Dodona.<sup>43</sup>

A clearer case is Hyperides' oration *Against Athenogenes* (3.3 ff.). The speaker tells the judges how he tried to obtain the freedom of a young slave, with whom he fell in love, by paying money to his owner, Athenogenes. The speaker was then induced by Athenogenes to buy the boy's father and brother, too, together with the shop they managed, and manumit them later. Herodotus recounts the story of the *hetaira* Rhodopis, who had been the slave of Iadmon of Samos, was probably bought by Xanthus, who brought her to Egypt to practice her trade there, and then released by Charaxus, Sappho's brother, for a lot of money (2.134–5). According to Manuscript G of the late biography of Aesop, a fellow-slave of Rhodopis, the president of the Samian Assembly suggested to pay Xanthus the value of Aesop and thus make the latter free (*Vita Aesopi* G 90 Perry). It is puzzling, however, that the president's exact words are '... and I'll make him a freedman (*apeleutheros*) of the polis'.<sup>44</sup> It may be that the procedure intended here was to buy Aesop with public money and thus make him a public slave before liberating him. The case of another *hetaira*, Neaera, ([D.], 59), mentioned above in section 2.1, is often brought up as another example of this mode of manumission. But it should be remembered that Neaera bought her freedom with the help of a loan fund *and* her own savings. In fact, since in most acts of manumission slaves had to pay for their freedom (see also chapter 4.2.1) and probably not all of them could pay the high price demanded, it is possible that slaves often had recourse to a third party. Hence, manumissions defined as proclamation, private, *xenikei*, sacral (see below), etc., can also be classified as 'sale for the purpose of release'—another indication of the diverse nature of manumission.

<sup>43</sup> This, however, cannot be used to explain the *xenikei* manumissions. Although it is tempting to suggest that slaves manumitted in Thessaly and Dodona *xenikei lysei* were liberated by a third party who was a foreigner, it does not clarify the use of *xenikei* in funerary inscriptions; in such a case, moreover, we should expect the formulation to be ξένῳ or ὑπὸ ξένου.

<sup>44</sup> Manuscript W 90, which mentions no purchase of freedom, seems to refer to manumission by consecration (see below); in this version, the president says 'I'll make him an *apeleutheros* of Hera'.

In some places, manumissions were engraved in the form of catalogue lists (an example was given above, in section 2.1). Such inscriptions commemorate many acts of manumission, in a language that is often very concise and formulaic. Usually the manumissions are grouped in chronological order. Although these manumissions, too, were private, the form of publication implies some official intervention. The lists of manumissions from Mantinea and Epidaurus, mentioned above, combine proclamation (in a sanctuary or the theatre) with public regulation. The lists of manumission from the theatre in Buthrotus (Cabanes 1974, 116–68) reveal another mixed form: these acts were inscribed on the walls of the theatre in a catalogue; hence the publication, at least (if not manumission itself), was regulated by the polis. In some of the cases, moreover, the manumitted slaves were also consecrated to the god Asclepius (on this mode, see below). The Buthrotus catalogues, as well as those from Thessaly, show many variants in the mode of dating and the manumission-formulae and include some more elaborate manumissions.<sup>45</sup>

Some of the manumission catalogues mention payments made to the polis; there is also some evidence of such payments in private manumissions that are not inscribed in catalogue form (e.g., *IG* V(2) 345, from Orchomenus; see below, chapter 4.1). The payment to the polis (whether it was a publication fee or a manumission tax) indicates that some poleis viewed manumission as concerning all the citizenry. In some places, as mentioned above, there is evidence of laws on manumission and manumitted slaves (such as referred to by Demosthenes for Athens); these laws may have also prescribed payment. The heading of *IG* IX(2), 74 (= *SEG* 30, 531; 2nd half of 2nd century B.C.), from Lamia, cited above (2.1) contains the name of the treasurer of the polis, to whom, we may infer, payment was made for publication. The names of the manumitted slaves are given in chronological order by month.

In Athens, similar lists of names appear in a special form. These lists, known as the *phialai exeleutherikai* ('bowls of manumitted slaves') or *Catalogi Paterarum Argentearum*, because of the dedicated silver bowls

<sup>45</sup> In fact, Thessalian manumissions described as *xenikei* are contained in such catalogues, where many other manumissions are described in a different and uniform way. For other manumission catalogues, see *IG* IX(1) 2, 74–8 from Lamia, *IG* IX(1) 2<sup>2</sup>, 419 from Oeniadae, *IG* IX(2) 415 from Pherae, *IG* IX(2) 539–68 from Larissa, *IG* IX(2) 1296 II–V from Perrhaebia, *IG* IX(2) 302a from Tricca, and *Syll.*<sup>2</sup> 868 IV, *Syll.*<sup>3</sup> 1210 from Calymna.

mentioned in them, were inscribed on two sides of a stele. They date from 333–317 B.C. (side A) and 334–320 (side B) (Lewis, 1959). The inscriptions list the names of owners and manumitted slaves in the roles of prosecutors and defendants in the legal procedure known as *dike apostasiou*. According to Harpocration, this procedure was instituted by ex-masters against their manumitted slaves if the latter were disobedient or ran away, registered another person as their *prostates*, or failed to comply with the laws.<sup>46</sup> The use of judicial language, plus the fact that the manumitted slaves mentioned in these inscriptions are already registered in demes and have their own occupations, has puzzled scholars. The prevalent interpretation is that these were fictitious prosecutions that served as a mode of manumission. I discuss these lists in detail below (chapter 5.1), where I propose to view them as genuine verdicts in *apostasiou*-trials, grouped together and publicized in a catalogue form. Like some of the other catalogues mentioned above, the manumissions on these lists are of a mixed nature: whether or not the prosecutions were fictitious, these were private acts, but officially registered and executed as court verdicts. Moreover, if these were fictitious trials, they provide further evidence for the use of the law courts for manumission in Athens. Since only fragments of Isaeus' oration *For Eumathes* survive (see above), we have no way of knowing whether Eumathes' manumission was a result of the same legal procedure as ascribed to the 'Lists of Silver Bowls'. Either way, both Eumathes' case and these lists indicate the involvement of Athenian institutions in manumission. It should be noted, however, that this is the only epigraphic evidence concerning manumitted slaves in Athens and that these inscriptions appear quite abruptly and disappear shortly afterwards.

The following inscription from Daulis (*IG IX*(1), 63; 2nd century B.C.) also combines an explicit private manumission with public regulation, this time with the involvement of the sovereign body of the polis:

[θεὸς τύχαν ἄγα]θάν. ἄρχοντος ἐ[ν Δαυλίᾳ]  
 [-----εο]ς τοῦ Τειμαγόρου, ἐν [ἐννόμῳ]  
 [ἐκκλησίᾳ] τᾶς πόλις, βουλαρχέ[οντος]

<sup>46</sup> Harpocration, s.v. ἀποστασίου, does use the word *epistates*, but it is safe to assume that he means the *prostates*, a term used by the *Souda*, s.v. ἀποστασίου. On the *prostates* of manumitted slaves, see below, chapter 4.3; on laws concerning manumitted slaves and their possible contents, see chapter 5.3.

[-----] τοῦ Φιλονίκου, μηνὸς δεκά[του,]  
 [-----]ίσαντο κατὰ τὸν νόμον Πο[----]  
 [-----]ωνος, Εὐάνδρα Ἐπαρμόστου [τὰς  
 [ιδίας δούλας] Τειμοκράτειαν, Ἀριστάρχ[αν,]  
 [καλέσαντες] ἐπὶ τὰν ιδίαν ἱστ[ία]ν. μάρ[τυρες· ---]

May God give good luck! In the archonship of [...], son of Teimagoras, in Daulis, in the lawful Assembly of the polis, when [...] son of Philonikos was *boularchon*,<sup>47</sup> in the tenth month, Po[...], son of [...], and Euandra, daughter of Eparmostos, [manumitted?] according to the law their personal female slaves Teimocrateia and Aristarcha, after summoning them to the private hearth. Witnesses: [...]

Not only was the manumission performed ‘in accordance with the law’, it was also done in the Assembly. This mode of manumission probably combines the ancient custom of manumitting slaves within the family circle—something along the lines of Milyas’ manumission by Demosthenes’ father (see above)—with a formal authorization by the Assembly. Since newly purchased slaves, too, were first brought to the family’s hearth, it seems that manumitting them by the hearth was a symbolic act of granting them a new identity: they were excluded from their former capacity in the household and re-included in it in another.<sup>48</sup>

An interesting example of official involvement is *IG IX(1) 109* from Elatea. This is a formal decision (*psaphisma*) of the Council, followed by a decision of the Assembly, to manumit a slave and engrave the act in the shrine of Athena, in the name of Menecleia. This woman was apparently left without a guardian (*kyrios*), after the death of her father, who owned the slave.

The fact that many manumission inscriptions disclose the involvement of the polis prompted Albrecht (1978, 107–53) to sub-divide his two main categories (civil and sacral) into ‘formal’ and ‘informal’ acts. He explains the ‘formal’ element as the requirement by the state that acts of manumission be publicized, both for financial and political reasons and to the advantage of the manumitted slaves (*ibid.*, 119); in the case of informal manumissions, on the other hand, the decision to make them public was left to the owner’s discretion.<sup>49</sup>

<sup>47</sup> The literal meaning of the word is ‘ruler (or ‘head’) of the Council’.

<sup>48</sup> Cf. Albrecht 1978, 122. See above, chapter 1.5, on manumission and symbolic acts.

<sup>49</sup> For Albrecht’s explanation of the procedures of ‘formal’ manumissions, which he interprets as actually performed in the Assembly or Council, see below, chapter 4.1.

This division, however, has its flaws. For instance, Albrecht classifies the Attic 'Lists of Silver Bowls' (see above) as informal civil manumissions (109–13), although the public verdict of an Athenian law court (fictitious or not) can be seen as formal publication. Moreover, the formal requirement of publicity is not always stated explicitly, while some manumissions appear to be of mixed categories, as shown above. This multifarious nature of manumission is even more evident in the so-called 'sacral manumissions'.

Sacral manumission appears in two main forms: the consecration of slaves or their sale to a divinity. Manumission through consecration is attested in many places in the Greek world from the fifth century B.C. onwards. Having been consecrated by their owners for the purpose of freedom, the slaves became 'sacred persons' (ἱεροί).<sup>50</sup> The standard phrase in these manumissions is ἀνατιθέναι ἐλεύθερον/αν ('consecrate as free'), but other verbs were also used, such as χαρίζεσθαι ('give graciously'), δωρεῖσθαι ('present with'). Some consecrations, although lacking the expression 'for the purpose of freedom', are believed to record manumissions. Such are the inscriptions from Taenaron, mentioned above (2.1), or the following inscription from Chaeronea (*IG* VII 3330, ll. 1–4; first half of the 2nd century B.C.):

Ἄρχοντος Μνασέου, μηνὸς Ἰπποδρομίου πεντεκαίδεκά-  
τηι, Τελλέας Εὐνόμου καὶ Παραμόνα Κηφισοδώρου καὶ  
Κηφεισόδωρος Τελλέου ἀνατιθέασι τὴν ἰδίαν δούλην  
Ζωΐαν ἱερὰν τῷ Σεράπει...

In the archonship of Mnaseas, on the 15th day of the month of Hippodromius, Telleas, son of Eunomus, Paramona, daughter of Cephisodorus, and Cepheisodorus, son of Telleas, consecrate their personal female slave Zoila as sacred to Serapis...

Manumission by sale to a divinity is first attested towards the end of the third century B.C. The bulk of the evidence comes from

<sup>50</sup> In one version of the *Life of Aesop* (*Vit. Aesop.* W 90 Perry), the president of the Samian Assembly tells Xanthus that if he refuses to manumit Aesop, he himself will make Aesop the freedman (*apeleutheros*) of the goddess Hera. There is no way of knowing whether these words refer to an actual practice of consecration-manumission in Samos and, if it does, in what period. Aesop lived in the sixth century B.C., but the *Life* is a late and apocryphal text, probably compiled in Egypt in the first century A.D. (Perry 1981, 24–6; see also above, chapter 1.5). However, an inscription from Samos, *SGDI* 5702 (346/5 B.C.), mentions Pelysius, a *hieros* of Hera (l. 39), who may have been a slave consecrated to the goddess. Cf. Bömer 1960, 158, for slaves and religion in Samos. Cf. also *IG* XII(6) 1, 169.

Delphi, but this mode is also found elsewhere in central and western Greece, in the Peloponnesus, and in Asia Minor.<sup>51</sup> In this mode of manumission, the owner sold the slave (usually described as σῶμα, 'body') to the god for the purpose of freedom (ἀποδιδόναι ἐπ' ἐλευθερίᾳ); the slave entrusted the purchase-money to the god on the condition that he or she be free. A typical example of this mode is the following inscription from Delphi (*SGDI* 1689, ll. 1–6; ca. 156–151 B.C.):

Ἀρχοντος Πατέρα τοῦ Ἀνδρονίκου μηνὸς Βυσίου, ἀπέ[δ]οτο Σωσία  
 ας Σωσία τῷ Ἀπόλλωνι τῷ Πυθίῳ σῶμα γυναικεῖον αἱ ὅ[ν]ο-  
 μα Νικαία τὸ γένος ἐξ Ἀργεθίας καὶ τὸν ὕδν αὐτᾶς Ἴσθμόν, τιμᾶς  
 ἄργυρίου μνᾶν πέντε, καὶ τὰν τιμὰν ἔχει πᾶσαν, καθὼς ἐπίστευσε Νικαία  
 καὶ Ἴσθμός  
 τῷ θεῷ τὰν ὀνάν, ἐφ' ᾧ τε ἐλεύθεροι εἴμεν καὶ ἀνέραπτοι ἀπὸ πάντων τὸν  
 βίον.

In the archonship of Pateras, son of Andronicus, in the month of Bysius, Sosias, son of Sosias, sold to Pythian Apollo a female slave (literally: a female body), whose name is Nicaea, by origin of Argethia, and her son Isthmus, for the price of five silver minae, and he has received the whole price; accordingly, Nicaea and Isthmus have entrusted the sale to the god, on the condition that they be free and untouchable by anyone for all their lives.

Calderini (1908, 99 n. 4) distinguishes a third form of sacral manumission—that with the protection of a god. As already noticed by Albrecht (1978, 116–7; cf. Gibson 1999, 37), this third category is closely related to 'civil' manumission, since the divinities play no active role; they are simply invoked as guarantors of the manumitted slaves or as witnesses to the act. Thus, the proclamations from Mantinea (*IG* V(2) 274 II) and the manumission from Thespieae (*IG* VII(1) 1780), both mentioned above, combine civil or secular with sacral elements. The proclamations in Mantinea took place at the sanctuary of Poseidon; the manumission from Thespieae was inscribed and published in the sanctuary of Asclepius. The inscription from Thespieae is most curious, for in ll. 10–14 Eutychus, the ex-owner,

<sup>51</sup> For lists of places and the cases, see Calderini 1908, 103; Bömer 1960, 18–111. From Egypt we have a dubious case in *BGU* VII 1564 (138 A.D.): ἀπελεύθερος τοῦ μεγάλου θεοῦ Σαραπίδος. The meaning can be 'freedman of the great god, Sarapis' or, as Taubenschlag (1955, 97) believes, 'of Sarapis, the freedman of the great god'.



attaches another provision in case of his death:<sup>52</sup> the manumitted slaves are to be entrusted (παρκατατίθεται) in the presence of Asclepius to the three persons who are later to proclaim the slaves' freedom at Eutychus' tomb (ll. 18–24; see above). Another inscription from Thespiac (IG VII(1) 1779; end of 3rd century B.C.) shows the same combination:

[Ε]ὐρυμείλω ἄρχον-  
τος ἀφίειτι Σά-  
ων Ἀτ[έ]αν ἐλευ-  
θέρων ἐναντία  
τῷ Ἀσκληπιῷ  
κὴ τῷ Ἀπόλλων-  
ος· φίστορες . . .

In the archonship of Eurymeilos, Saon sets Ateas free (*aphieiti eleutheron*) in the presence of Asclepius and Apollo. Witnesses: . . .<sup>53</sup>

An interesting case is an inscription from Oropus (*SEG* 15, 293; 3rd century B.C.): Moschus, the Jewish manumitted slave of Phrynidas, decided to inscribe his manumission in the shrine of Amphiaraus, following the instructions of Amphiaraus and Hygieia, who appeared to him in a dream. It seems that Moschus came to the oracular shrine of this healing deity to be cured and, although his manumission was civil and he was a Jew, decided to invoke the pagan god as his protector.<sup>54</sup> Another example of this mixed form is an inscription from Hymapolis in Phocis (*IG* IX(1), 86; 98–117 A.D.):

ἄρχοντας ἐν Ὑμαπόλι Σωτήρου  
[----]ς, μηνὸς ὀγδόου, Βουβαστίοις,  
Ζώσιμα Ζωσῶ ἀφίητι τὰν ἰδίαν δού-  
λαν Ἰσόχρυσον ἐλευθέραν ἀπὸ τᾶς σά-  
μερον ἀμέρας, παρόντος Ἐπικτήτου τοῦ  
Σωσικράτους, τοῦ ἱερέως τοῦ Σαράπιδος  
καὶ τῆς Εἰσίδος, ἐνώπιον τῶν προγεγραμ-  
μένων θεῶν καὶ τοῦ Σεβαστοῦ Τραγιάνου  
Καίσαρος Γερμανικοῦ . . .

<sup>52</sup> The words ἐ[π]ὶ δέ [τί] κα πάθει Εὐτυχος ('if anything happens to Eutychus [the manumitted]') in line 10 should be understood as 'if Eutychos dies', although in lines 18–19 the more usual formula (ἐπὶ δέ κα τελευτάσει Εὐτυχος) is used.

<sup>53</sup> See also the manumissions from Dodona (Cabanes 1976, 461).

<sup>54</sup> For this case, see Lewis 1957.

In the archonship of Soterus, son of [. . .], in Hymapolis, in the eighth month, during the Boubasteia,<sup>55</sup> Zosima, daughter of Zosas, sets free (*aphieti eleutheran*) her personal slave Isochrysus, as from this very day, in the presence of Epictetus, son of Sosicrates, the priest of Sarapis and Isis, before the aforementioned gods and Augustus Trajan Caesar Germanicus . . .

Similarly, some of the Jewish manumissions in the Bosphorus Kingdom were carried out in the prayer-house (ἐπὶ τῆς προσευχῆς or ἐν τῇ προσευχῇ; e.g., *CIRB* 70, 81 A.D., and 71, 1st century A.D.), but the language used in them is ‘secular’ (*aphienai eleutheron/an*).<sup>56</sup>

In some cases, the consent of the polis was added to the invocation of deities, producing what looks like a combination of secular, sacral, and state-regulated manumission, as in *IG* IX(1) 119, ll. 8–11, from Elatea (4th century B.C.):

ὁ δᾱμος αἰνεῖ. ἐπιμελη-  
ταί· Ἀθάνᾱ, Ζεύς, Ἑρ-  
μᾱς, Ἀπόλλων, Πο-  
τειδάν, Χάριτες.

The people consent. Overseers: Athena, Zeus, Hermes, Apollo, Poseidon, the Graces.

From Chaeronea comes a consecration-manumission (*IG* VII, 3314; end of third century B.C.), authorized by the Council and employing the usual verb of consecration:

Ἀρχεδάμω ἀρχῶ, μεινὸς Ὁμολώϊω πεντεκαίδεκάτῃ, Μηλὶς  
Φιλήμονος ἀνατίθητι τὼς φιδίως δούλως Σώτιμον κὴ Σωτη[ρί]-  
χαν ἱερῶς τεῖ Σεράπῃ παραμείναντας αὐτῇ ἀνεγκλείτως ἄς κ[α]  
ζῶει, τὰν ἀνάθεσιν ποιουμένα διὰ τῷ συνεδ[ρίῳ] κατὰ τὸν νόμον.

<sup>55</sup> This was a festival to the Egyptian cat-headed goddess Boubastis, who was identified with Isis and with the Greek goddess Artemis (Hdt., 2.59.1, 137.5, 156.5).

<sup>56</sup> *CIRB* 985 is the only inscription from the Bosphorus Kingdom which has the verb of consecration (*anatithenai*). See Nadel 1976, 214; Gibson 1999, 100–1; Ustinova 1999, 229–30. These slaves were not consecrated to the prayer-house, but only in it (Gibson 1999, 128–30) or with the help of a common chest (Harrill 1995, 175–7). For a similar combination of ‘secular’ (*aphienai eleutheron/an*) and ‘sacral’ (*hieros/a*) language, see the manumission inscriptions from Buthrotus in Epirus (Cabanes, 1974, nos. I, V, VIII, IX, XI, XIV, XIX, XXIII, XXVI, XXVII, XXIX, XXX, XXXI: οἱ ἀφεωθέντες ἐλεύθεροι καὶ ἀνατεθέντες ἱεροὶ τῷ Ἀσκληπίῳ) (‘those set free and consecrated as sacred to Asclepius’) and the consecrations from Leucopetra (Petsas, e.g., nos. 23, 26, 44).

In the archonship of Archedamus, on the 15th day of the month of Homoloious, Melis daughter of Philemon consecrates her personal slaves Sotimon and Sotericha as sacred to Serapis, on condition that they remain with her as long as she lives, giving no reason for reproach, and she makes the consecration through the Council,<sup>57</sup> according to the law.

The involvement of the polis is also found in manumissions by sale to the god, as in the following inscription found in Phaestinus (*IG IX(1)* 3<sup>2</sup>, 709a; 166/5 B.C.):

ἀγανοθετέοντος Λύκωνος Φυσκέος, μηνὸς ἑβδόμου, πεντεκαιδε-  
κάτη, ἐν ἐννόμῳ ἐκκλησίᾳ τὰς πόλιος τῶν Εὐανθέων, ἀπέδοτο Εὐρύτιμος Εὐαν-  
θεύς, συνευδοκούσας καὶ τὰς ματρὸς αὐτοῦ Κλεονίκας, τοῖ Ἀπόλλωνι τοῖ  
ἐμ Φαιστίνῳ  
σῶμα γυναικεῖον, ἃ ὄνομα Εὐτυχίς, ἐπ' ἐλευθερίᾳ τιμᾶς ἀργυρίου μνᾶν  
πέντε. βεβαιωτῆρ  
κατὰ τὸν νόμον Ἀγέλαος Χαιρελάου. τὰν ὧνὰν φυλάσσουντι Διοίτας,  
Καλλίδαμος οἱ ἄρχον-  
τες καὶ ιδιώτας Μηνόδοτος. μάρτυροι οἱ πολῖται.

When Lycon of Physceis was *agonothetes*,<sup>58</sup> on the 15th day of the seventh month, in the lawful Assembly of the polis of the Oeantheans, Eurytimus of Oeanthea, with the consent of his mother Cleonica, sold for the purpose of freedom to Apollo of Phaestinus the female slave, whose name is Eutychis, for the price of 5 minae. The guarantor according to the law (is) Agelaus son of Chairelaus. The guardians of the sale are Dioitas and Callidamus, the *archontes*, and the private person Menodotus. Witnesses: the citizens.<sup>59</sup>

<sup>57</sup> Rädle (1969, 59 n. 8) believes that the expression διὰ τῷ συνεδρίῳ means 'before the Council'. Albrecht (1978, 135), noting that διὰ with the genitive case never has the denotation of place, translates 'with the mediation of the Council'. It is, however, plausible that to attain the mediation manumitters had to appear before the Council or apply through a councillor.

<sup>58</sup> This official was the director of athletic competitions in the West Locrian League.

<sup>59</sup> For a possible explanation of the fact that an Oeanthean is selling a slave to Apollo in Phaestinus, with the authorization of the Assembly of his polis, see Albrecht 1978, 152–3, and below, chapter 4.1. The mixed nature of Greek manumission is also evident in a sale-manumission performed by the polis of Delphi (*SGDI* 1706); in this case the manumission is both public, or 'extraordinary', and sacral. See also *SEG* 12, 272 from Tolophon, in which the sale-manumission was performed 'in the lawful Assembly of the polis' (ἐν ἐννόμῳ ἐκκλησίᾳ τὰς πόλιος; l. 3). Likewise *IG IX(1)* 193 from Tithora, in which the sale-manumission was authorized by an official decision in the 'lawful Assembly' (δοῦσας τὰς πόλιος τὸ ψάφισμα . . . ἐν ἐννόμῳ ἐκκλησίᾳ; ll. 24–8). Cf. Blavatskaja (1972, 18), who notes the concern shown by the small West-Locrian poleis with their unfree populations. On pages 41–2, on the other hand, she provides another explanation for manumissions in the Assembly,

These cases, like the examples of ‘civil’ manumission given above, demonstrate how problematic any attempt at a consistent taxonomy is. Even in what are assumed to be ‘pure’ sacral manumissions, this blend of the formal with the informal, the secular with the sacral, and even the language of consecration with that of sale, can be observed. For instance, an inscription from Delphi (*FD* 3.3.329; late 1st century B.C.) contains the words: ‘consecrates . . . the sale . . . for the purpose of freedom’ (ἀν[α]τί[θ]ητι . . . [ᾧ]νὸν . . . ἐπ’ ἐλευθερίαι). Again, in some manumissions from Chaeronea (*IG* VII(2) 3321, first half of the 2nd century B.C.; 3327, mid-2nd century B.C.), the acts are formulated using the words ‘set her free (*aphiasin eleutheran*), as sacred (*hiera*) to Sarapis’, thus combining secular with sacral language.<sup>60</sup>

The unique and complex nature of the two principal modes of sacral manumission—consecration and sale to a divinity—has given rise to various interpretations and debates. The fact that these modes made use of religious (consecration) and legal (sale) practices has stimulated scholars to uncover juridical concepts underlying them. These attempts reflect the perplexity felt in modern times in the face of practices that are often unintelligible or intolerable to a modern mind; it is therefore worthwhile to dwell upon these attempts. Some scholars believe that manumission through consecration evolved from the actual consecration to temples of persons, who thus became temple slaves (ιεροδοῦλοι) and the property of the god.<sup>61</sup> But if the slave was consecrated to the god like any votive object, how did he or she, now the property of the god, become free?<sup>62</sup> It has been

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in her discussion of *SGDI* 2097—a Delphian copy of a manumission act from Physceis in West Locris (see further in chapter 4.1). For manumissions in the Assembly, cf. also Albrecht 1978, 119–23.

<sup>60</sup> Albrecht (1978, 125) argues that the case from Delphi is a sale-manumission, in which the owner, or the manumitted slave, preferred the verb of consecration in order to create a special bond with the god. He explains the cases from Chaeronea (131–2) as demonstrating the original secular character of Greek manumission, to which, in time, sacral elements were added (see also below). In view of the bad Greek, the numerous mistakes, and the sometimes careless phrasing of such documents, it is also possible that the inscriptions under consideration were drafted and carved in a careless way. For another example of mixed language, see Petsas, no. 35, and cf. Cameron 1939b, 147.

<sup>61</sup> Busolt 1920, 289; Sokolowski 1954, 176; Roesch and Fossey 1978a, 137; Mulliez 1992, 32–3. Temple slavery is known from several parts of the Greek world: e.g., Str., 8.6; 11.4.7; 12.2.3, and see Debord 1982, 83–90.

<sup>62</sup> For the problems presented by consecration-manumission, see Bömer 1960, 14–6.

therefore argued that, since temple slavery diminished over time, the consecrated slaves (who, formally, were owned by the gods) were in fact free. To overcome the difficulties presented by the idea that gods owned the slaves consecrated to them, it has been also postulated that the divine ownership was only fiduciary: the god provided protection to the slaves and their freedom was realized through him (Koschaker 1934, 69; Sokolowski 1954, 176). Latte (1920, 106–7), followed by Sokolowski (1954, 176–9), claims that consecration-manumission evolved from Greek sanctuaries' right of asylum: by escaping to a temple, slaves became 'sacred' to the god, who thus helped them attain their freedom. The consecration formed a moral link between slaves and gods; the latter could keep the slaves, give them back to the owners, or make them completely free.

The view that consecration-manumission placed slaves under the god's ownership or protection is based on inscriptions that seem to imply the god's right to their labour.<sup>63</sup> In *IG VII(2)* 3083 from Lebadeia (early 2nd century B.C.), for instance, the manumitted slave is obligated to sacrifice to the gods (λειτωργῶμεν ἐν τῆς θεοσίης τῶν θιῶν οὐτῶν; ll. 24–5).<sup>64</sup> In *CIRB* 985 from the Bosphorus Kingdom (16 A.D.), the slave is asked to perform certain services in the prayer-house (Gibson 1999, 134–50). An inscription from Cos (*Ins. of Cos*, 36 = *SGDI* 3634; ca. 300 B.C.) records the consecration by Diomedon of his property for the purpose of founding a cult to Heracles; the slave Libys, who was also consecrated, is declared free on the condition that he and his descendants supervise the shrine and the cult.<sup>65</sup> Likewise, several inscriptions from Macedon have been interpreted as real consecrations, which tied the consecrated slaves to the service of the gods (Latte 1920, 102–5; Bömer 1960, 86–97). It has been shown (Albrecht 1978, 128), however, that such obligations as recorded in Lebadeia were stipulated by the ex-owners in their own interest (e.g., they demanded sacrifices to commemorate their dead fathers or themselves, after their death). In the case of the Bosporan inscriptions the right of the ex-owner to the slave's labour was transferred to the prayer-house (Gibson 1999, 151). The religious obligations of the consecrated slaves in Cos were stipulated simply as a

<sup>63</sup> On obligations attached to manumissions, see further in chapter 4.2.2.

<sup>64</sup> Cf. Latte 1920, 105; Roesch and Fossey 1978a, 128; Lazaridis 1975, 647–648.

<sup>65</sup> D-H-R, *Ins. Jur. Gr.* II, 94; *SGDI* 3634; *Syll.*<sup>3</sup> 1106. See also Bömer 1960, 77–80; Sherwin-White 1978, 173, 365. For other examples from Cos, see *SEG* 14, 529; Sokolowski 1969, 280–1, no. 160.

guaranty to the execution of the owners' wills (Sherwin-White 1978, 365). In Macedon, the obligations towards the temple were limited to certain days and, in some cases, were to begin only after the ex-owner's death (Cameron 1939b; Petsas, 35, 60). Perhaps we may adduce here one version of Aesop's manumission (*Vit. Aesop.* W 90 Perry), where the president says 'I shall make Aesop an *apeleutheros* of Hera and he will be equal to you in his rights'. These words prompt Xanthus' friends to urge him to free Aesop, because 'if he becomes Hera's *apeleutheros*, he will gain the rights pertaining to the free'. It is obvious that *apeleutheros* in this text denotes Aesop's potential status after manumission by consecration or sale to the goddess. If the text has any historical value, the idea seems to be that sacral manumission made the freed slaves dependent somehow on the god, but completely free from their ex-master, and conferred on them certain rights.

Westermann (1948, 9–10; 1955, 46) rejects the idea that gods were slave-owners; he also objects to the notion that the transfer of ownership could lead to freedom or that the god guaranteed the slave's freedom (cf. Bömer 1960, 118). He therefore accepts the view that the consecration was fictitious: the act of manumission was purely civil and performed according to legal customs, but it was given the guise of consecration to the god (D-H-R, *Inscr. Jur. Gr.* II, 234; Calderini 1908, 171 n. 1; Busolt 1920, 289; Westermann 1948, 58–9; 1955, 46). Rädle (1969, 58–62), on the other hand, suggests two stages in the process: first the slave was actually manumitted, and then consecrated (as a free person) to the divinity. Rädle bases his interpretation on several inscriptions that use both a 'secular' (*aphienai*, *apeleutheroun*) and a 'sacral' (*anatithenai*) verb of manumission (*SGDI* 1545, 1546, from Stiris), or in which the consecrated slave is defined as *apeleutheros* (*IG VII*(2) 3318, 3360, from Chaeronea). These inscriptions are further discussed below; note, however, that Rädle's theory raises two questions. First, do these inscriptions necessarily reflect two stages of manumission, or are they simply further examples of mixed categories and phrasing of the type discussed above? Second, did the Greeks actually devise and formulate such a complicated legal device? It should be remembered that Greek temples were full of votive offerings and also owned slaves. If we accept the idea that the slave was consecrated to the god *after* manumission, we are still left with the puzzling question, how did such a procedure result in the slave's total freedom?

Rädle's interpretation has been developed by Albrecht (1978, 131–4). He accepts the idea that secular manumission preceded the sacral mode in Greece, but does not see them as two distinct procedures. Manumission in Greece, he argues, was originally secular; in time, sacral elements were added in order to achieve wider disclosure and better protection than could be conferred by secular manumission (cf. Bömer 1960, 11).<sup>66</sup> In Albrecht's view, this process is not made clear by the inscriptions themselves because what we have are only abridged copies of the original documents, which were kept in the temple archives. Where sacral manumission was practised, the only way to obtain publicity and the god's protection was through these sanctuaries and by adding sacral elements to the manumission process. That is why the inscriptions refer only to the sacral features. Albrecht's suggestion seems plausible when it comes to public notice in the sanctuaries. The priests may have required the inclusion of sacral elements in the acts of manumission as a precondition for publication in their precincts. But if the sacral elements were added only to gain publicity and divine protection and were devoid of genuine religious content, why were slave-owners not content with a simple invocation of gods? Did the sanctuaries in Delphi, Chaeronea, and elsewhere require the consecration (and the sale) mode? Why were some acts also authorized by the political institutions and performed according to the local laws, whereas others were not? Furthermore, in Chaeronea, at least, consecrated slaves seem to have 'belonged' to the god in some way: manumitted slaves, who themselves had attained their freedom by consecration (*hieros/a*) and had become slave-owners, consecrate their slaves to gods in the presence of the *hierarchos*—an official appointed to administer the temples and their property.<sup>67</sup>

These intricate problems are even more evident in manumission through sale to the god. The first and primary question is how slaves, if conceived of merely as property, could be party to a transaction in which they were both the commodity sold and (eventually) the

<sup>66</sup> See the arguments of Blavatskaja (1972, 5–6) against this view.

<sup>67</sup> E.g., *IG* VII 3331, 3333, 3366; cf. Roesch and Fossey 1978, 136. So, too, *IG* VII 3202 from Orchomenos, in which the consecrated female slave is warned that, should she not fulfill the conditions attached to the act, she 'shall be under the authority of the priests' (ἐν ἐπὶ τῶν ἐξουσίας ἔστω).

new owners? Moreover, as argued in the case of consecration-manumission, how could transfer of ownership to the god lead to the slave's freedom? Some scholars believe that the sale was genuine and that freedom resulted from the god's renunciation of his newly purchased property (Latte 1920, 109–10). This view is founded on the standard phrase in sale-manumissions: 'sold . . . for the purpose of freedom' (ἀπέδοτο . . . ἐπ' ἐλευθερίᾳ). This 'genuine' sale is explained by Foucart (1867, 2, 44) and Beauchet (1897, 478–9) as evolving from the ancient practice of temple slavery. Although the sale was real in what relates to the mutual liabilities of the parties, maintains Beauchet, the god merely acted as a mediator. Calderini (1908, 122) argues that this mode of manumission evolved from the Egyptian cult to Serapis and Isis (cf. Latte 1920, 110–11). Sokolowski (1954, 178), on the other hand, proposes that the ownership of the god was fiduciary. According to his theory that sacral manumission evolved from the sanctuaries' right to offer asylum, he argues that it was not the sale to the god which effected the slave's liberation, but his flight to the sanctuary and the consecration to the god.

Pringsheim (1950, 184–211) has postulated a similar idea. He sustains his interpretation by referring to the standard phrase in Delphic sale-manumissions (which usually follows the statement of the price): 'even as [the slave] entrusted the *ona*, on condition that he/she be free' (καθὼς ἐπίστευσε ὁ δεῖνα τὸν ὀνάν, ἐφ' ᾧτε ἐλεύθερος εἴμεν). Pringsheim understands *ona* to mean 'ownership' and explains that the slave entrusted the ownership of himself to the god, after which the slave became free. Comparing this transaction to the English trust, Pringsheim infers that, in a sale-manumission, legal ownership went to the god, but in equity the slave was free. In other words, the slaves, who paid the money to purchase their freedom, conveyed the ownership (the *ona*) to the god in trust and thus became the beneficial owners of themselves. This concept, Pringsheim argues, was familiar in the Greek legal thought, as testified by phrases like 'her own mistress' (κυριεύουσα αὐσαντᾶν; e.g., *SGDI* 1818). However, the phrase 'according as he/she entrusted the *ona*' usually comes after the statement that the payment was received by the original owner; hence, the verb 'entrust' has quite a different connotation than that of the English trust, as rightly argued by Finley (1987, 150). Moreover, unlike Roman law, there was no 'Greek Law'. There may have been similar laws and practices in various poleis and, as



I argue, the status of manumitted slaves' vis-à-vis their ex-owners was similar in many poleis; but we cannot speak of a single juridical model for the entire Greek world and in all its periods.<sup>68</sup>

Unlike Pringsheim, Westermann (1945a; 1950, 54; 1955, 45–6) interprets the word *ona* as the act of sale itself and argues that the words 'on the condition that he/she be free' show that the slaves kept the results of the sale, that is to say, the ownership, for themselves (cf. Bömer 1960, 31 n. 2; Gibson 1999, 40). Accordingly, he suggests, the slaves entrusted the sale (*ona*) to the god and enrolled him as the intermediary in the transaction; and because Greek gods were not slave-owners, argues Westermann, the slave became automatically free by self-purchase. Another attempt to find an underlying legal concept is Rädle's contention (1969, 64–5) that the (genuine) purchase by the slave, through the mediation of the god as trustee, led to the slave's freedom. He finds support in the distinction made in Hyperides' oration *Against Athenogenes* (3.3 ff.), mentioned above, between 'sale' (πρᾶσις) and 'sale for the purpose of release' (πρᾶσις ἐπ' ἐλευθερίᾳ). The problem with Rädle's view is that, unlike the case of sale-manumissions, in Hyperides' oration the purchase of the slaves is not simultaneous with their manumission. Moreover, although the speaker initially intended to obtain the boy's freedom by paying Athenogenes, the money (collected from relatives and friends) came from the speaker, not from the slave. The case in Hyperides' oration is more likely to be manumission through payment by a third party, a mode referred to above.<sup>69</sup> In sale-manumissions, on the other hand, it was not the god's money with which the slave was bought from the original master. In Neaera's case ([D.], 59), also mentioned above, Neaera paid for her freedom from her own savings and with the help of a loan fund; but because Phrynion was the chief contributor and organizer of the loan fund, she remained in his possession even after her manumission. The case of manumission by sale to the god is different: the transfer of ownership and emancipation take place simultaneously, and the slave does not remain in the god's possession, even if he or she entrusted the purchase to the god.

<sup>68</sup> See Finley's criticism of Pringsheim (1987, 149–51). Cf. Gibson (1999), 40.

<sup>69</sup> According to Idomeneus (*FGrH* 338 F 14), Hyperides himself was involved in a purchase of a slave—the *hetaira* Phila—for the purpose of freedom.

Albrecht (1978, 141–8) emphasizes that, because the slave entrusted the purchase-money to the god, the latter actually bought the slave with the money of another (cf. Samuel 1965, 267–8). He therefore concludes that the god acted as a third party, on the surrogate-principle (cf. Latte 1920, 109), that this mode of manumission was purely secular, and that the use of the god as mediator was intended only to provide greater protection for the slave's freedom. Only later, he maintains, did owners start to use guarantors for the sale. Thus Westermann, Bömer, and Albrecht suggest that this mode of manumission was not a genuine sale. Indeed, several scholars believe that the sale to the god was a fiction intended to obtain the god's protection and that the slave acquired the same freedom as in any other mode of manumission (Foucart 1867, 44; Calderini 1908, 102; Busolt 1920, 289; cf. Beauchet 1897, 478–9).<sup>70</sup> The fictitious nature of manumissions by a sale to a god can be inferred from an inscription from Delphi (*BCH* 17, 1893, 360–1, no. 38), in which a citizen of Delphi sells a slave to Apollo in Delphi *and* to Asclepius in Amphissa; the act is dated by the eponymic magistrates of both Delphi and Amphissa and the 'guardians of the sale' (ὄντων φυλάσσοντι) are two citizens of these two poleis. Even by the loosest legal interpretation it is impossible to understand this double sale. Another example is *SGDI* 1918 from Delphi (178 B.C.), in which a couple sells to Apollo 'for the purpose of freedom' a female slave and obligate her to remain with them as long as they live. After their death, the manumitted slave is to 'belong to the god' (τοῦ θεοῦ ἔστω) for the rest of her life; but a few lines later she is described as free (*eleuthera*).<sup>71</sup> Finley (1987, 143–4) takes a more cautious and noncommittal approach, noting that legal fictions were familiar in Greece and that 'no trace of any ancient discussion of the procedure survives', a fact that should warn us against trying to find an underlying legal concept. Such attempts, he adds, result in nothing 'but a tangle of confusions and Procrustean manoeuvres.'

Finley's warning is in place; if we are looking for legal reasoning in sale-manumissions, we still have to account for the gods as parties to transactions in which they simultaneously buy and surrender

<sup>70</sup> Cf. Samuel (1965, 268), who argues that sale-manumission was a fiction intended to obviate slaves' legal incapacity of owning property.

<sup>71</sup> Cf. the discussion above of the consecration-manumission and its adjacent obligations.

ownership. This confusion, however, is caused not only by modern intolerance of 'such untidiness' (as Finley puts it), but also by our overlooking another 'untidy' notion, namely, that the slave was both a piece of property and a human being. In some places, indeed, Greeks used religious and economic practices to set their slaves free. Whether or not these forms were fictions, however, some unsolved questions remain. What was meant by freeing slaves through consecration or sale to divinities and why did owners use these methods? If the purpose was to obtain a religious sanction, why was it not enough to invoke the gods or perform the manumission in their temples? Patterson's suggestion (1982, 238) that sacral manumission developed in places where the authority of the state was not strong enough to guarantee manumissions may be compatible with the condition of some poleis in the Hellenistic period (which is indeed when our first evidence for sale-manumissions appears). But although this was also the fate of Athens, there is no evidence that sacral manumission (whether through consecration or sale) was ever practised there.<sup>72</sup>

Only by adopting a different approach, suggested above in chapter 1, can we understand not only how legal transactions could be conducted between owners, their property, and gods, but also the concept of manumission. What Patterson calls 'the problem of inalienability' holds true for any form of manumission, in which a person who is subject to the total ownership of another person becomes almost instantaneously free. If we view the slave as 'an animate tool', as one human being subject to another and thus involved in social interaction, we can come closer to understanding how property was given life, or why symbolic acts (sprinkling wine, manumitting by the hearth or the altar, consecrating or selling slaves to gods) were used to make slaves free. Starting from this point of view, we can then try and understand the legal mechanisms of the various modes of manumission and the juridical concepts underlying them. Gernet's suggestion (1955, 169–70) comes closer to this understanding. He maintains that manumitted slaves were legally bound by obligatory services to their former masters (cf. below, 4.2.2), but since slaves lacked legal personality, they could not undertake them in a legal contract. To do so, they had to be free; but then the obligations

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<sup>72</sup> The assumption that sacral manumission was practised in the sanctuary of Poseidon in Sounion cannot be proven. See Bömer 1960, 24.

could not be laid down as a condition to manumission. In order to bypass this legal barrier, the Greeks exploited forms of religious transaction for purely legal purposes. Hence, although, like others, Gernet accepts the fictitious nature of sale- and consecration-manumissions and sees the god as a party to the transaction, he rightly captures Greek manumission as an ongoing dependence or as semi-freedom.

Our survey of Greek modes of manumission has shown that although the evidence can be categorized into several groups, the multifarious and mixed nature of manumission acts defies a too-rigid taxonomy. The question whether to manumit in the narrow circle of the family, in a public place, or in a pan-Hellenic temple, as well as whether to publicize the manumission and how to phrase the manumission document, depended on many factors. These included the owner's place of residence, local laws, the prospect of greater publicity, the resources available to the owner, and personal preferences of phrasing. Manumissions also reflect the importance attached by the Greeks, in different ways and to different degrees, to protecting the newly achieved freedom and to publicizing the ex-slave's new status. Despite the diversity of modes of manumission, we can see that manumission was a widespread social interaction. Moreover, the fact that the same modes of manumission were practised in places distant from each other in space and time implies the existence of a conceptual and legal common ground.

### 2.3 Terminology

Another important feature of Greek manumission is its vocabulary. Notwithstanding the diversity displayed by the sources, the terminology of manumission is suggestive of a common Greek concept of manumission. Our sources use several verbs to refer to manumission: ἀφιέναι, ἀπελευθεροῦν (and rarely: ἐξελευθεροῦν), ἀνατιθέναι (in consecration-manumission), and ἀποδιδόναι (in sale-manumission). To these we may add the simple verb ἐλευθεροῦν, which was used much less. It should be noted that when verbs with wider semantic fields were used (*aphienai* 'to send forth, let go', *anatithenai* 'to consecrate', and *apodidonai* 'to give, sell'), the purpose of the action was specified. Thus we find the phrases *aphienai eleutheron/an* ('to let go' or 'set free'), *anatithenai/apodidonai ep' eleutheriai* or *eis eleutherian* ('to consecrate/sell for the purpose of freedom' or 'into [literally towards]

freedom'). The verbs *apeleutheroun* and *exeleutheroun*, in contrast, had the sole meaning of manumission from slavery, and they are the source of the most common appellations for manumitted slaves: *apeleutheros* and *exeleutheros*. Another appellation derives from the verb *aphienai*—*aphetheis/a* ('set [free]').

In Homer, where most slaves are captives of war, the verb conveying the notion of liberation is *λύειν*, 'to unbind, release', or the compound *ἀπολύειν*, 'to set free from'. Hence, in the context of captivity, both verbs have the additional meaning 'to hold to ransom' or, in the middle voice (*lyesthai*, *apolyesthai*), 'to ransom'. It is therefore significant that, in the classical period and afterward, other verbs replaced these to describe the freeing of chattel slaves. Why this terminological distinction between captives of war and chattel slaves if the outcome was the same—freedom? (I exclude the verbs of consecration and sale from the discussion, since they were used for particular modes of manumission.) One possible answer is that the verb *apo/lyein* denotes the loosening of chains or other restraints and is thus appropriate to the release of prisoners of war, usually by relatives and friends. Chattel slaves, on the other hand, were bought in slave-markets and bred at home; although they, too, could be chained, their release was initiated by their owners. This answer, however, does not explain why the Greeks were not satisfied with the simple verb *eleutheroun* and formed the compounds *apeleutheroun* and *exeleutheroun*, or why they used the verb *aphienai*, which in the case of manumission had to be complemented by the predicate adjective *eleutheron/an*.

I believe that the answer is linked to the development of the notion of freedom, *eleutheria*, discussed in chapter 1.2. Although *eleutheros* and *doulos* already convey the antithesis free/slave in Homer, and the status of the *douloi*, both in Mycenaean Greek and in Homer, seems to have been similar to that of chattel slaves in the archaic and classical ages, most Homeric slaves were, as noted above, captives of war, and the only verb used in the epics to describe the transition from slavery to freedom is *apo/lyein*.<sup>73</sup> By the sixth century B.C., with

<sup>73</sup> This is also true in the case of Lycaon, son of Priam, who was captured by Achilles and sold in Lemnos. The verb employed to describe his release by his friend is *lyein* (*Il.*, 21.42). On the vocabulary of ransoming prisoners of war, see Bielman 1994, 251–75. For a case of a Jewish woman in Egypt, ransomed together with her children by a Jewish community, see *P.Oxy.* IX, 1205 (291 A.D.). It is also significant that the verb used to denote release from *paramone*-obligations (the obligation to remain with the manumitter after manumission; see chapter 4.2.2) is always *apolyein*, indicating that not a slave is being released.

the development of the polis and the concept of citizenship, the spread of modes of private holding, and the rise of commercial exchange, chattel slavery became a widespread phenomenon (Finley 1998, 141–5). By then, however, the word *eleutheros* and its derivatives had acquired the additional notions of noble descent, moral behaviour, and—after Solon’s reform at Athens—political and economic freedom. Thus Solon, in early sixth-century Athens, used the words ‘I made them *eleutheroi*’ (ἐλευθέρους ἔθηκα; fr. 36.15 West) to describe his action in restoring to citizenship all those who had fallen into slavery. In the fifth century B.C., the free person was not only the opposite of a slave, but also a citizen, possessing rights, privileges, and duties. Moreover, ‘freedom’ came to mean the independence of one state in relation to another state, or the independence of the Greeks in relation to a non-Greek power. In fifth-century Athens, the verb *eleutheroun* usually implied liberating a state, both in internal and external matters, in addition to obtaining the freedom of an individual in the political, social, and mental spheres.<sup>74</sup> Although *eleutheroun* was still used by Attic authors and elsewhere to denote manumission of slaves, its incidence in the sources is quite rare and it is always used in a context that leaves no doubt that a slave is being released.<sup>75</sup> Moreover, the recurrent phrase in manumission inscriptions, ‘he/she shall be *eleutheros/a*’ (ἐλεύθερος/ἐλευθέρα εἶναι), does not indicate the manumitted slave’s legal status as a free citizen. The phrase is normally found in clauses that define the freed slaves’ position vis-à-vis their ex-owner and heirs or other persons. Because manumitted slaves in the Greek world were not as a rule incorporated into the body of citizens, the phrase describes only their social—and not their political—position.

It may be a mere coincidence that the adjectives *apeleutheros* and *exeleutheros* and the verbs *apeleutheroun* and *exeleutheroun* first occur in fifth-century sources; but it is significant that their appearance was

<sup>74</sup> For the use of *eleutheroun* in the political sphere, see, for instance, Hdt., 4.137.1, 5.62.1; A., *Pers.*, 403, *Ch.*, 1046; Th., 1.95.1; 3.62.5; D.S., 4.2.6. For other meanings, see above, chapter 1.2.

<sup>75</sup> E.g., *IG IX(2)* 74 (= *SEG* 30, 531 A) from Lamia in Thessaly. Cf. D.S., 10.26.1; 12.76.1. In Th., 8.15.2, *eleutheroun* is used to describe the Athenians’ emancipation of the slaves who served on the eight Chian boats captured after the secession of Chius. This act was politically motivated and did not involve the question of the freed slaves’ subsequent status. See also Bielman (1994, 273), who notes that in the context of release, *eleutheroun* (like *apeleutheroun*) was used of slaves and not of prisoners of war.

almost simultaneous with the semantic development of *eleutheros* and *eleutheroun*. The earliest employment of the verb *aphienai* in the context of manumission is also in the fifth century B.C.<sup>76</sup> Hence, I suggest that new terms had to be introduced to differentiate citizens, who for various reasons (debt, captivity in war) fell into slavery and—when liberated—regained their former status, from purchased slaves (both of Greek and foreign origin) who, after being manumitted, were not automatically granted citizenship (unlike the Roman practice). The use of the terms *ap/exeleutheroun*, *ap/exeleutheros*, and *aphienai eleutheron/an* made clear that the freed-person never was and never will be a full member of the community in which he or she lived as slaves.

Another puzzling question is why the Greeks used two sets of seemingly identical terms—both *apeleutheroun-apeleutheros* and *exeleutheroun-exeleutheros*. Were these verbs and adjectives synonyms, used interchangeably according to one's fancy? The fact that these two sets are used in the sources contemporaneously may indeed imply that they are synonyms. Yet it should be noted that in many of the concise catalogues of manumissions only *apeleutheroun* and *apeleutheros* are used, and that in Athens, at least, *apeleutheroi* and *exeleutheroi* were two distinct categories with two distinct sets of laws, according to Pollux's citation of Demosthenes (3.83).

The difference between *apeleutheroun/apeleutheros* and *exeleutheroun/exeleutheros*, however, is not easy to trace; the problem already confused ancient lexicographers. Aristophanes of Byzantium (fr. 332.333 Slater), for instance, seems to have taken these terms as synonyms: 'an *apeleutheros* [belongs] to a master and *exeleutheros* (is) the same.'<sup>77</sup> A passage in Athenaeus (3, 115b) demonstrates the difficulty in differentiating the terms: the mention of the Athenian comic actor Aristomenes and his depiction as an *apeleutheros* of Hadrian leads Ulpian to ask where this term is found. He is answered that Phrynichus

<sup>76</sup> The verb *aphienai*, however, indicates political freedom in Th., 1.139.1.

<sup>77</sup> Ar. Byz., fr. 332.333 Slater: ἀπελεύθερος τῷ δεσπότη καὶ ἐξελεύθερος ὁ αὐτὸς. Conversely, this elliptic sentence can be understood to mean 'an *apeleutheros* (belongs) to a master and an *exeleutheros* is the same (as the master)', indicating that the second term denotes complete freedom. See also Ammonius' comment (s.v. ἀπελεύθερος) that by his time the two words were used indiscriminately; cf. also Harp., s.v. ἀπελεύθερος; An. Gr. Bekker 1.95.12. Ps.-Didymus, in his *On Difficult Words in Plato* (Περὶ τῶν ἀπορουμένων παρὰ Πλάτωνι λέξεων, Miller 1868 = Latte and Erbse 1965, p. 251), comments that the word *apeleutheros* does not exist in common use, unlike *exeleutheros*, and that there is a law called 'of the *exeleutheroi*'.

wrote a play named *Apeleutheroi* and that Menander, in his *Rhaphizomene*, used the term *apeleuthera*. Ulpian then asks: 'What is the difference between *apeleutheros* and *exeleutheros*?' But just then the interlocutors decide to postpone the discussion to another time, never to resume it. Since the surviving fragments of the plays of Menander (K.-A. VI,2, 321–32) and Phrynichus (K.-A. VII, 52–60) do not contain these terms, we are left frustrated, as Ulpian must have been. If this was the famous Roman jurist, his question is natural for a person who seeks accurate and legal definitions; his question, however, may imply that the difference between the terms had already been forgotten.

Other commentators and lexicographers defined *exeleutheroi* as free-born persons who, because of debts or for some other reason, were enslaved and then manumitted (Eust., 2.1751; Harp., s.v. ἀπελεύθερος; Ammon., s.v. ἀπελεύθερος, ἐξελεύθερος).<sup>78</sup> This explanation, however, cannot hold for cities (including Athens) where debt-bondage had been abolished at a relatively early date; in any case, a citizen released from slavery regained his citizen status. Hesychius (s.v. ἐξελεύθεροι) defined them as children of manumitted slaves, apparently thinking of the Roman *libertini*. Hesychius also explained the word *isoteles*—a privileged metic in Athens who paid the same taxes as citizens—as an *exeleutheros* who was exempt from the *metoikion* (the tax paid by metics and thus a mark of their status). According to Hesychius' definitions, then, manumitted slaves were metics and their children were privileged metics. Although not in agreement, the lexicographers' explanations point to an important distinction: the *exeleutheroi* seem to have been a separate category of persons. They were demarcated from citizens, but were completely free and differed from another group of manumitted slaves—the *apeleutheroi*. Very few modern scholars accept that there was a distinction between the two groups of terms, but even those who do leave the question unresolved.<sup>79</sup> Gernet (1955, 169 and n. 1) explicitly claims that *apeleutheros* indicates the continuous dependence of the manumitted slave on his or her former master. This term, he states, assimilated the freed person to a slave and implied ongoing obligations towards the former master. But Gernet does not explain what the difference between

<sup>78</sup> Cf. *Etym. Gud.* (Sturz), 485.

<sup>79</sup> See Harrison (1968, 181), who tends to accept the lexicographers' explanations. Against any distinction, see: Clerc 1893, 283; Beauchet 1897, 481; Calderini 1908, 299; Busolt 1920, 288; Whitehead 1977, 17 n. 90.



*apeleutheros* and *exeleutheros* was.<sup>80</sup> The need to answer the question is not only philological; it also bears on the status of manumitted slaves: if these terms were not synonyms, we have to assume that manumitted slaves were not only persons released from slavery, but also a defined social group with two sub-categories of rights and obligations. Moreover, if the legal status of the *exeleutheroi* was indeed closer to that of citizens than was the status of the *apeleutheroi*, the prevalent assumption that all manumitted slaves automatically acquired metic status in Athens, or equivalent statuses in other poleis, needs rethinking.

Indeed, to judge by the terminology, the Greeks distinguished manumitted slaves from other non-citizen groups. In addition to *apeleutheros* and *exeleutheros* for manumitted slaves, other terms were used to describe the population of free non-citizen residents, such as metics and *πάροικοι* ('dwelling around, nearby'); in most cases the distinction seems to have carried legal aspects. In official Athenian documents, manumitted slaves do not usually appear as a separate group. As far as I know, there is only one state resolution in which the term *apeleutheros* appears along with other categories or statuses (*IG* I<sup>3</sup> 237; 410–400 B.C., where in lines 9–10 the words [---τὸς ἀπελ]ευθέρους are restored). A fifth-century author (Pseudo-Xenophon, *Ath.*, 1.10), complains that in Athens one cannot tell between a citizen, a slave, a metic, and an *apeleutheros*. The author may intend legal distinctions by these terms. Outside Athens, an inscription from Coresia in Ceos (*IG* XII(5), 647; 3rd century B.C.) regulates public sacrifices and names the groups that may take part in them: citi-

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<sup>80</sup> Likewise, Martini (1997) argues that the *apeleutheroi* at Athens, in contrast to the *exeleutheroi*, were not completely free. But he does not clarify the difference between these terms and he seems to be unaware of Gernet's work. Klees (2000, 6–7, 10), on the other hand, distinguishes three groups of manumitted slaves: those who were released from their obligations towards their former masters (whether immediately upon their manumission or as a result of their acquittal in *apostasiou* trials) and thus equated with metics; those who were bound to their former masters by a *paramone*-clause; and those who lived apart from their masters (the *χωρὶς οἰκοῦντες*) but nevertheless were obligated to register their former masters as their *prostatai*. Klees further claims (*ibid.*, 13–14) that the appellation *apeleutheroi* designated those of the first group, who were not obligated by a *paramone*-clause upon their manumission. On the *apostasiou dike*, see below, 5.1; on the *paramone*, 4.2.2; on the *choris oikountes*, 3.2 and 4.1; and on the *prostatai*, 4.3. As I hope to show below, *apeleutheroi* were all manumitted slaves, who were bound to their former masters, whether by *paramone*-clauses, by the obligation to register them as *prostatai*, or by any other condition.

zens, metics, and *apeleutheroi* (ll. 9–11). In Ephesus (*Syll.*<sup>3</sup> 742; 86 B.C.), *exeleutheroi* were distinguished from *isoteleis* (privileged metics) and *paroikoi* (at variance, it should be noted, with Hesychius' explanation mentioned above). In two inscriptions from Sillyum in Asia Minor, commemorating the donations of Menodora (*IGRR* III, 801, ll. 15–22; 802, ll. 19–26), *apeleutheroi* appear alongside *ouindiktarioi* (slave manumitted by the Roman method of *vindicta*), *paroikoi*, and citizens.<sup>81</sup> Furthermore, as already noted, several poleis enacted special laws for manumitted slaves. In Athens, according to Pollux (3.83), who cites Demosthenes, there were two sets of laws: the one for the *apeleutheroi* and the other for the *exeleutheroi*; elsewhere, the designations of such laws and the legal proceedings concerning them are without exception derived from the term *apeleutheros*: ἀπελευθερικοὶ νόμοι, ἀπελευθερωτικά δίκαια (as in Thessaly and Calymna; see further below). In other cases, only the fact that manumission was performed according to the law is noted (e.g., *IG* IX(1) 412, ll. 3–4, from Thermon: the laws of the Aetolians; *IG* IX(2) 1100b III, l. 11: laws of Magnesia). It is important that we try to deduce the content and purpose of such laws: did they regulate only the act of manumission, or did they define the status of the manumitted? This question is discussed below, in chapter 5.3; note, though, that several poleis had particular laws for the population of manumitted slaves, thereby distinguishing them from other free non-citizens.

In order to elicit the precise meaning of *apeleutheroun-apeleutheros* and *exeleutheroun-exeleutheros* we must first examine their morphology

<sup>81</sup> For these inscriptions, see de Ste. Croix 1981, 179 and n. 17; on Menodora, see van Bremen 1996, 62, 77, 108–13. For status distinctions, see also D.S., 17.11.2; Plut., *Quaest. Graec.*, 49; *IG* XII(5), 721 (from Andros); *OGIS* 338 (from Pergamon); *IPr* 108, l. 258; 109, l. 178. In a papyrus from Graeco-Roman Egypt (*P.Oxy.* III, 480, ll. 11–13; 132 A.D.), a distinction is made between foreigners (ἐπίξενος), Romans, citizens of Alexandria (typically Greeks), Egyptians, and *apeleutheroi*. Cf. Beauchet 1897, 483; Francotte 1910, 207; Busolt 1920, 291; Gernet 1955, 169–70; Klees 2000, 6, 10. It has been suggested that in Cos, manumitted slaves were absorbed in the metic status, because they are not mentioned separately in the Coan lists of the various categories of the population (see Sherwin-White 1978, 173) and because of Knox's (1966) restoration of lines 8 ff. of Herodas' *Pornoboscus*: Battarus, a slave-dealer, refers to himself and to Thales, a manumitted slave, as metics. The correct reading, however, is still not safe (see the comments of Cunningham 1971). It should be noted, though, that a third-century B.C. inscription from Cos (Sokolowski 1969, 280–1, no. 160) instructs manumitted slaves (the word used is a participle of the verb *eleutheroun*) to sacrifice to Adrasteia and Nemesis, and mentions the term *apeleutherosis* (l. 7). Adrasteia and Nemesis had a joint cult in Cos and they presided over manumissions (Farnell 1971, 499–500; Sherwin-White 1978, 325).

and semantic functions. The two groups of terms are compounds of *eleutheroun* and *eleutheros*, using two different prepositions as preverbs: *apo*-, and *ex*-. Although both *apo* and *ex* imply a ‘movement from’ or ‘a location with respect to’ and both take the genitive case, there is a difference between them: *apo* means ‘off’, ‘away from’ (an ablative), whereas *ex* implies ‘out of’, ‘from within’ (an elative). In verbal compounds this difference is not always maintained, and the two prepositions became semantically closer from Herodotus on.<sup>82</sup> Nevertheless, I believe that in the case of manumission terminology they retained their original meaning and did not convey the same notion; nor were they used as an empty emphatics prepended to *eleutheroun* and *eleutheros*. Rather, the verb *ap-eleutheroun* should be taken as implying an unspecific movement *away from* slavery (or the status-group of slaves)<sup>83</sup> and the substantive *ap-eleutheros* as implying a relative, or unspecific location with respect to slavery, as well as expressing the partitive and possessive value of the genitive case (one’s *apeleutheros*). The verb *ex-eleutheroun*, on the other hand, should imply a specific movement *out of* or *from within* slavery (or the status-group of slaves) and the substantive *exeleutheros* a concrete location *out of* slavery (cf. chapter 1.5). Seen from the standpoint of freedom, an *apeleutheros* is closer to slave and still ‘part’ of the ex-master, whereas an *exeleutheros* is separated from the ex-master and closer to free persons.

The distinction I suggest is largely corroborated by the use of these terms in the sources. In many cases *apeleutheros*, unlike *exeleutheros*, is used together with a name or pronoun in the genitive case. Although the phrase ‘[name of manumitted slave], the *apeleutheros*/a of [name in genitive]’ may simply mean that X was manumitted by Y, the fact that in most of its occurrences a continuous bond between ex-slave and ex-master can be inferred, and that *exeleutheros* is usually not employed in this grammatical construction, may imply that the *apeleutheros* still belonged in some way to the ex-master (cf. Gernet 1955, 169 n. 1). Where *apeleutheros* is used absolutely, it is usually still possible to infer a persistent bond.<sup>84</sup> Moreover, the verbs most

<sup>82</sup> For the functions and meanings of Greek prepositions, see Schwyzler 1953, 434–6. On the meanings and semantic extensions of *apo* and *ex*, see Luraghi 2003, 95–103, 118–30.

<sup>83</sup> On the absence of specification of *apo* as to ‘the initial position of the trajectory relative to the landmark’, see Luraghi 2003, 118.

<sup>84</sup> Nothing can be safely inferred from Ps.-X., *Ath.*, 1.10 (mentioned above), and D., 17.15, where Demosthenes refers to the clause in the treaty with Alexander, in

frequently used to denote the action of manumission are *apeleutheron* and *aphienai* (although *eleutheron* is also used sometimes). In what follows I analyze our evidence of the two sets of terms.

### 2.3.1 *apeleutheros* and *apeleutheron*

The first occurrence of *apeleutheros* in the literary sources—the words ‘being an *apeleutheros*’ (ἀπελεύθερος ὢν), followed by a lacuna—is assigned as line 193 (Pearson 1963) or 199 (Radt 1977) to Sophocles’ satyr play, the *Ichneutae*.<sup>85</sup> According to what remains of the play, Apollo promises Silenus and his sons freedom in return for their help in finding his lost cattle (ἐλεύθερος σὺ [πᾶν τε γένος ἔσται τέκ]νων: l. 57 Pearson = 63 Radt and Lloyd-Jones [1996]),<sup>86</sup> and, to judge by line 193 (199 Radt), he seems to have kept his promise. Lloyd-Jones, however, in his recent edition of Sophocles for the Loeb Classical Library (1996), excludes lines 183–202 from the text. But since he provides no explanation for his editorial decision, there seems to be no good reason to reject the reading of Pearson and Radt. Lloyd-Jones (141–3) argues that the satyrs’ master must have been Dionysus, as in other texts, and that Apollo did not keep his promise to release them. Yet, if their master was Dionysus, how could Apollo promise them freedom? This difficulty should make us consider the possibility that, notwithstanding the literary tradition, in this play Apollo was presented as the satyrs’ owner (cf. Pearson 1963, 231–3).<sup>87</sup> It is also significant that so long as the satyrs’ freedom is

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which the Greek delegates are instructed to see to it that there be no freeing of slaves for the purpose of revolution (μηδὲ δούλων ἀπελευθερώσεις ἐπὶ νεωτερισμῷ). Yet it is noteworthy that neither author uses the term *exeleutheros*. In Aeschin., 3.41 (where he mentions the prohibition on manumission in the theatre; above, section 2.2), Blass and Cobet emended the MSS ἀπελευθέρους to ἐλευθέρους, which seems more appropriate with the verb ἀφίεσθαι; in view of the special meaning of *apeleutheros*, however, as will be shown below, the MSS reading may be correct. Cf. also Arist., *Pol.*, 1278a 2, where he refers to the non-citizen population and argues that the *apeleutheroi* do not belong to the classes of metics or foreigners; *IG* XII(5), 647 from Coresia, cited above, where *apeleutheroi* are said to pay taxes.

<sup>85</sup> The date of the play is unknown, but it may have been one of Sophocles’ earlier works, from the late forties of the fifth century B.C.

<sup>86</sup> Cf. lines 158–9: καὶ τὴν ἐλευθέρωσιν ἢ κατήνεσεν/ὅμῳν τε κάμοι; (‘and the liberation he promised for you and for me?’), and line 445, where the word ἐλεύθερο[-appears.

<sup>87</sup> It is also possible that Apollo was to play the role of a third party in a manumission transaction between Dionysus and his satyr-slaves, as in the ‘sale for the

a wish and a promise, it is referred to by *eleutheros* (l. 57/63) and *eleutherosis* (ll. 158–9); after it is realized, however, the manumitted satyr is called *apeleutheros* rather than *eleutheros*, thus implying a status different from that of free persons.

In Lysias, 7.10, the speaker tells the judges that he had leased his land to Alcias, the *apeleutheros* of Antisthenes (Ἀλκία Ἀντισθένους ἀπελευθέρῳ). Alcias is one of four leaseholders and there is no apparent reason for noting that he was a freedman or for mentioning the name of his ex-master. A similar instance is the remark in [Demosthenes], *Against Neaera* (59.18), that Nicarete, Neaera's former mistress, is the *apeleuthera* of Charisius of Elis (Χαρισίου μὲν οὖσα τοῦ Ἡλείου ἀπελευθέρᾳ). Apart from the speaker's obvious attempt to establish Neaera's base status by mentioning the fact that even her mistress was a manumitted slave, there is no legal justification for this remark. Moreover, it is significant that Nicarete, who lived and worked in Corinth, was still referred to as the manumitted slave of her former master, who lived in another polis. These examples of Alcias and Nicarete may indicate that, although they had been freed, they were still related in some way to their former masters.<sup>88</sup>

This notion comes out even more explicitly in Demosthenes, *Against Aphobus I* (27.19), where the orator describes Milyas as 'our *apeleutheros*' (ὁ ἀπελεύθερος ὁ ἡμέτερος). In section 22 of the oration, Demosthenes attempts to refute Aphobus' claim that Milyas supervised the sword factory, but his arguments are neither convincing nor conclusive. This Milyas is said in *Against Aphobus III* (29.25–26) to have been manumitted by Demosthenes' father on his deathbed (above, section 2.2), but it seems that he was still working for the family and considered to belong to it. Likewise, the speaker in Isaeus, 6.19, says that Euctemon's *apeleuthera* managed his tenement house in Piraeus and that she kept young prostitutes. In these last two examples the manumitted slaves continued to work for their former masters.<sup>89</sup> In

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purpose of release' (πρᾶσις ἐπὶ λύσει) and the later sacral manumissions of central Greece, discussed above (2.2), since he also promises to give the satyrs gold, with which their freedom could be bought. But this is to extend speculations too far.

<sup>88</sup> In Aeschin., 1.114, the words ἀπελεύθερον εἶναι ἑαυτοῦ (i.e., of Timarchus) do not necessarily import the same notion, since according to Aeschines, Timarchus was bribed by Philotades' brother-in-law to assert during the scrutiny of the citizen-lists that Philotades was his manumitted slave. In this case, 'being one's *apeleutheros*' is brought up only to point out Philotades' supposedly false pretense to citizenship.

<sup>89</sup> In Is., 6.20, Alce, one of the prostitutes maintained by Euctemon's *apeleuthera*, is said to have later lived with Dion, who was an ἄνθρωπος ἀπελεύθερος ('an *apeleutheros* man').

another oration of Isaeus (4.9), the speaker lists all those who have laid claim to Nicostratus' estate, among whom were Ctesias and Cranaus. These two men, failing to prove that Nicostratus owed them money, claimed that he was their *apeleutheros*. Although Ctesias and Cranaus could not prove this claim, it implies that ex-owners retained a right to their manumitted slaves' property. It seems probable that they employed the word *apeleutheros* precisely because of this specific right.<sup>90</sup> The *Souda* (s.v. ἀνάκλειον [sic!]) explains that the *anankaion* was a jail, in which scoundrel slaves and disobedient *apeleutheroi* were detained. The *Souda* quotes from a lost oration of Isaeus for Hermon: 'He (Hermon) threw Hermocrates into jail, claiming that he was an *apeleutheros*'. Although no direct link is made here between the two, it is clear from the *Souda*'s explanation that Hermocrates was Hermon's manumitted slave and that he was obligated in some way to his former master.

Plato's regulations for manumitted slaves (*Ig.*, 915a–b) are unambiguous on this point. Although it is debatable whether Plato relied on Athenian laws and practices, his use of *apeleutheros* and *apeleutheron* when prescribing ex-owners' rights vis-à-vis their manumitted slaves and the latter's obligations towards the former implies, at least, that these terms suited his description of the enduring relationship between ex-master and ex-slave in the ideal state.<sup>91</sup> Another telling case is Aristotle's example of metrical speech: 'Whom does the freed-person (*apeleutheronoumenos*) choose as guardian?' (τίνα αἰρεῖται ἐπίτροπον ὁ ἀπελευθερούμενος; *Rh.*, 1408b 25). Aristotle adds that the children's ready answer to the herald's question was 'Cleon', the Athenian demagogue and general of the third quarter of the fifth century B.C. The use of a historical figure makes it likely that, in Athens, *apeleutheroi* indeed had to have a guardian—although, if this evidence is credible, he was not necessarily their ex-master.<sup>92</sup> An important observation is made by Chrysippus, the third-century B.C. Stoic, in the

<sup>90</sup> For the right of former masters to their manumitted slaves' property, see below, chapter 4.2.2, and cf. D., 36.4–6.

<sup>91</sup> In 915b Plato uses the participle ἀφεθείς, from the verb *aphienai*, but otherwise the verb *apeleutheron* is predominant. On the obligations of manumitted slaves according to Plato's *Laws*, see below, chapter 4.2.2. See Ps.-Didymus' comment, cited above, n. 65.

<sup>92</sup> On Aristotle's use of *epitropos* instead of *prostates*, see chapter 4.3. In Kassel's edition of Aristotle's *Rhetorica* (1976, 161), it is conjectured (following Reinach) that Aristotle's example is taken from Aristophanes' comedy *Babylonians*; in this case, the first use of the verb *apeleutheron* can be dated to 426 B.C.

second book of his *De Concordia* (ap. Ath., 267b = *SVF* III, fr. 353). The difference between *apeleutheroi* and slaves, he says, is that the former are still slaves, whereas the latter are those who are not yet released from ownership (διὰ τὸ τοὺς ἀπελευθέρους μὲν δούλους ἔτι εἶναι, οἰκέτας δὲ τοὺς μὴ τῆς κτήσεως ἀφειμένους). Although Chrysippus discusses, in this context, moral slavery, his choice of the term *apeleutheros* to convey the idea of a protracted dependence is revealing.

In later sources it is not easy to decide whether this use is uniquely Greek or influenced by Roman practices and by the notions of patron-client relations. Thus, when Polybius writes that Popillius Laenas' *apeleutheroi* accompanied him to Massilia (33.9.5), he is probably referring to the latter's *clientela*; in Rome, manumitted slaves became their ex-masters' *clientes* and used to accompany them and render them services. But the fact that he chose to render the Roman *clientes* by *apeleutheroi* and not *exeleutheroi* may imply that he considered the former term equivalent to the Latin.<sup>93</sup> In his criticism of Timaeus' treatment of the Locri (12.6a.4), Polybius says that those who have been slaves, when they meet with unexpected good luck and time goes by, endeavour to attach to themselves and renew the affections, friendships, and relationships that their former masters create (with friends and allies), in the hope of erasing their earlier inferiority by their effort to appear as their ex-owners' offspring rather than their *apeleutheroi*. Although this passage does not explicitly state a continuing bond between manumitted slaves and ex-masters, Polybius' description of *apeleutheroi* as trying to be viewed as relatives and social equals points to the peculiar status of *apeleutheroi*: they are not wholly disassociated from their ex-owners, but are in a position to enter a social relationship with them—a relationship that may resemble familial and friendly ties. In this respect, Polybius' description is in line with the evidence of the Attic sources cited above. The same conclusion can be deduced from Plutarch (*Mor.*, 70e), who recounts how once, when his teacher Ammonius noticed that some of his students had been given a heavy meal, he ordered the *apeleutheros* to flog his

<sup>93</sup> See also Plut., *Mor.*, 66d (where a person who behaves rudely to his friends, because he wants to conceal his inferiority, is compared to an *apeleutheros* in a comedy, who thinks that rude speech is equal to freedom of speech); 200b, 278e; *Sul.*, 1.4; *Cic.*, 7.5; App., *BC.*, 4.6.44; 5.9.78; D.C., 36.42.2; 39.38.6; 60.16.4; 63.10.1a; 12.2; Philostr., *VS.*, 2.560.



personal slave. Although the term is used here without Ammonius' name in the genitive, the context makes it clear that this *apeleutheroi* was his former slave and that he continued to work for him.<sup>94</sup>

Dionysius of Halicarnassus (*Ant. Rom.*, 4.23.6) says that the Roman king Servius Tullius proposed to grant citizenship to the *apeleutheroi*, claiming that the rich citizens would thus earn their support in the Assemblies and elections and would have the children of their manumitted slaves as *pelatai*. Elsewhere Dionysius uses *pelatai* to render the Latin word *clientes* (2.9–10; 4.22.4–23.7), as does Plutarch (*Rom.*, 23). In the classical period, the word *pelates* defined a person who for some reason appealed to another person for assistance and came to be dependent on him for his livelihood.<sup>95</sup> We cannot be sure that Dionysius and Plutarch used the word *pelatai* because in their times it conveyed the same meaning as *clientes* (on which see above); all the same, it is significant that they chose this particular word to describe the continuing bond between Roman owners and their manumitted slaves, a bond that was manifested, inter alia, in politics. Although in the Greek world manumitted slaves did not become citizens (except by a special grant of the polis), this does not rule out the possibility that Dionysius and Plutarch were relying on a Greek practice by which manumitted slaves continued to be dependent on their ex-masters. In this case, both *apeleutheroi* and *pelatai* would connote the enduring reciprocal relationship between ex-masters and the families of their manumitted slaves. Indeed, on the basis of an inscription from the Bosphorus Kingdom (*CIRB* 976; 151 A.D.), in which the king grants land together with its *pelatai* to a shrine, Nadel (1976, 213–4) argues that in the Roman period the word *pelatai* referred to manumitted slaves and was synonymous with *clienets*. If this interpretation is right, these freed-persons were also bound to the land.<sup>96</sup>

<sup>94</sup> Cf. Plut., *Nic.*, 3.3, for the use of the verb *apeleutheron*, and *Pomp.*, 40.1, 78.4, 80.3; *Cat. Min.*, 38.3; *Cic.*, 3.4, 41.4, 49.4; *Gal.*, 7.1, 24.1, 24.3, 28.3; *Mor.*, 277f. In six of these cases the term is followed by a name or pronoun in the genitive; in yet another case—*Pomp.*, 40.1—the link is evident, though the possessive case is missing.

<sup>95</sup> This meaning can be deduced from Pl., *Euthyph.*, 4c, and Arist., *Ath. Pol.*, 2.2 (who describes, though, the poor in archaic Athens). In earlier sources the word usually means 'the other', 'one who approaches another' or 'neighbour', but in A., *Suppl.*, 384, the related term ὁ/ἡ πέλας seems to convey an idea similar to that expressed by Plato and Aristotle.

<sup>96</sup> It is also possible, however, that these Bosphoran *pelatai* were of a status similar to that of the *coloni*, as argued, e.g., by Latyshev in *CIRB* 976, or to the king's peasants, as argued by Rostovzeff 1941, 1515.



More difficult to understand is Josephus Flavius' use of *apeleutheros* with the genitive. In *Ant. Jud.*, 18.167.2, and 19.64.1, he uses this construction when referring to manumitted slaves of Roman emperors, a construction common in Latin usage (see below); but in 7.263, 17.79.1, and 18.169.1, 228.1, he employs it to describe the manumitted slaves of Saul, Antipater, and Agrippa respectively. In *Bell. Jud.*, 1.33.9, Josephus mentions that 500 slaves and *apeleutheroi* attended Herod's funeral. Although the number is apparently exaggerated, the respect shown by the freed-persons to the dead king reminds us of both the Roman custom of *clientes*' rendering services and showing respect to their ex-masters and the stipulations made by slave-owners in some Greek manumission documents regarding their own funeral rites (below, chapter 4.2.2). Was Josephus reflecting the practices of Hellenized Jews or did he 'Romanize' Jewish practices? It should be noted that manumission practices in the Second Temple period and afterwards were similar to those of the Greeks;<sup>97</sup> hence the status of slaves manumitted by Jews might have been similar as well. In fact, inscriptions recording manumissions by Jews in the Bosphorus Kingdom show the same characteristics of Greek manumissions (Gibson 1999).

In the apocryphal biography of Aesop (*Vita Aesopi* G 90 Perry), the verb employed to describe the Samians' appeal to Xanthus to free Aesop is *eleutheroun* and the verb describing Aesop's manumission is *aphienai*. But the president of the Samian Assembly, when suggesting to free Aesop if Xanthus refuses, use the words 'I shall make him an *apeleutheros* of the polis'. It seems that, had the purchaser of Aesop's freedom been a private person, Aesop would have been labelled 'his *apeleutheros*'. There is no way of knowing whether *apeleutheros* in this text has any special meaning, but it seems that being an *apeleutheros* of the polis would have released Aesop from any obligation to Xanthus and made him equal to him. Hence, by transferring the ownership (and the right to manumit) from the private owner to the polis, the ex-owner's rights to his ex-slave were also transferred.<sup>98</sup>

Dio Cassius uses the term *apeleutheros* with a name in the genitive case to describe freed-persons of Romans (60.16.4; 63.10.1a, 12.2) and the same word without the genitive case to describe a Roman

<sup>97</sup> See Urbach 1964, 1–94.

<sup>98</sup> For the version of Manuscript W, see above, 2.2.

custom (53.30.3). So does Appian (*BC*, 4.6.44; 5.9.78). Although these are late sources, it is significant that they chose to use *apeleutheros* with the genitive to render the Roman *libertus* (freed-person). In Diodorus Siculus (20.36.3), *apeleutheroi* are not the freed-persons but their sons, whom Appian Claudius allowed to be senators. But elsewhere (30.6), Diodorus uses *apeleutheroi* to indicate manumitted slaves. Another late example—referring, however, to earlier times—is Diogenes Laertius’s story (4.46) about the philosopher Bion (c. 325–255 B.C.). Bion, we read, was born to an *apeleutheros* who had been sold into slavery, together with his family, after being found guilty of fraud. Bion was set free and eventually inherited his ex-master’s fortune. It is of no relevance here whether or not these biographical details are true; what is important to note is, first, that Bion’s father is described as an *apeleutheros*, despite the lexicographers’ explanation that those who fell into slavery because of debt or any other reason and were then released were called *exeleutheroi*; and second, the close relationship between Bion and his ex-master.

Our earliest epigraphic evidence may be the first line of an inscription from Gortyn (*IC* IV 78 = *Nomima* I, 16; early fifth century B.C.), which preserves only τὸν ἀπελευ[---]. Most editors restore ἀπελευ[θέρων] (‘of the *apeleutheroi*’) and believe that the decree permitted manumitted slaves to settle in a certain quarter, the name of which they believe to be Latosion, mentioned in line 2 of the inscription. Accordingly, they assume that the *xenion kosmos* (a Cretan official in charge of foreigners) referred to in line 4 was also in charge of manumitted slaves. The editors of *Nomima*, on the other hand, argue, on the basis of a similar text from Lyttus (*BCH*, 109, 1985, 187–8), that the persons referred to in line 1 are citizens who had emigrated and were now returning to Gortyn. They restore the text to read τὸν ἀπελευ[σαμένον Φοικιάδε] (‘of those who came back home’) and understand ‘Latosion’ in line 2 as an adjective of place. It is tempting to go back to the older and prevalent view, not only because it would provide us with our earliest evidence of the use of *apeleutheros*, but also because line 3 of the inscription reads: ‘and no one is to reduce him to slavery or to seize him’ (καὶ μέτινα τοῦτον μέτε καταδολό[θαι μέτε συλῆν]), a warning formulated in terms very similar to those found in manumission inscriptions (see also chapter 4.4). The explanation of the editors of *Nomima* that these persons, although now citizens, are being granted immunity against any injury consequent on their former status seems unnecessarily forced. While the verb *sylein*

was regularly used to indicate the seizure of a foreigner and his property, *katadoulousthai* has hardly any meaning outside the context of manumitted slaves: if the people mentioned in line 1 had already regained their citizen status, there was no need to guarantee that only they, and not all other citizens, be protected against enslavement. I therefore incline to accept the older conjecture that these were manumitted slaves. If this is correct, this inscription implies that *apeleutheroi* in early fifth-century Gortyn enjoyed legal protection and were probably required to live in a neighbourhood set aside for manumitted slaves and foreigners.

Another early occurrence, already mentioned above, is in *IG I<sup>3</sup> 237* from Athens (410–400 B.C.), which seems to decree contributions of agricultural products and lodgings. Although the *apeleutheroi* in this inscription seem to be mentioned as a status group and not as individuals who belong in some fashion to their former masters, the fact that they are instructed to contribute along with other status-groups may indicate their position in society. Manumission catalogues from several places and from later periods usually employ the verb *apeleutheroun* and the term *apeleutheros*: e.g., those from several Thessalian poleis (*IG IX(2) 74–8* from Lamia, where the manumitted slaves are described as ‘*apeleutheroi* of [a name in genitive]’; *IG IX(2) 415* from Pherae; and *IG IX(2) 539–68* from Larissa), from Calymna (*TC 168, 182, 184*), and from Epidaurus (*IG IV(2) 353–66*).<sup>99</sup> In one manumission document from Calymna (*TC 177*), the manumitted slave is obligated to remain with the ex-owner’s children as their *apeleutheros*.<sup>100</sup> Conversely, other manumissions from Calymna stipulate that the manumitted slave will be no one’s *apeleutheros*.<sup>101</sup> Conditions attached to manumissions are discussed in chapter 4.2.2; here it is important to note the continuing bond of service with the family of the ex-owner, implied by the use of the term *apeleutheros* in these inscriptions. Moreover, in Calymna we find what seems to be an equivalent to the Athenian ‘Laws of the Manumitted’. In some

<sup>99</sup> Not so in Buthrotus, where the usual verb is *aphienai eleutheron/an*, and in several cases also the verb of consecration (*anatithenai*). See Cabanes 1974, 116–68. In Silyum, however, the category of manumitted slaves is indicated by both οὐνδύκταροι (indicating slaves manumitted by the Roman method of *vindicta*) and *apeleutheroi* (*IGRR III, 801, ll. 15–22; 802, ll. 19–26*).

<sup>100</sup> A similar provision is attached to other manumissions from Calymna: e.g., *TC 170, 171, 181* (to the benefit of the ex-owners). See below, chapter 4.2.2.

<sup>101</sup> E.g., *TC 153, 155, 167–9, 176b*.

acts the manumitted slaves are exempted from the ‘regulations’ or ‘legal proceedings of the *apeleutheroi*’ (ἀπελευθερωτικά δίκαια; e.g., *TC* 168, 182, 184) or are granted immunity from the ‘right of leading away *apeleutheroi*’ (ἀπελευθερωτική ἀγωγή; e.g., *TC* 198); many documents refer to the ‘laws of the *apeleutheroi*’ (ἀπελευθερικοί νόμοι; e.g., *TC* 158, 167, 176b). What can be inferred from these documents is that in Calymna the term *apeleutheros* implied a persisting bond between the manumitted slave and the ex-owner and that the *polis* regulated manumission and enacted laws that prescribed the rights and duties of the manumitted slaves.<sup>102</sup>

This picture, however, is not exclusive to Calymna. The term *apeleutheros* appears in two manumissions from Larissa (*IG* IX(2) 541, 542) and in another from Tithora (*IG* IX(1) 190). In Tithora, at least, the term seems to have indicated the former masters’ rights over their manumitted slaves. The word is found in a punitive-clause: ‘if anyone lays hands on Sotericha (the manumitted slave) for the purpose of enslavement or *apeleutheros* . . .’ (εἰ δέ τις ἐπιλάβοιτο Σωτηρίχας εἰς δουλίας χάριν ἢ ἀπελευθερώσεως . . .).<sup>103</sup> Since enslavement is put on the same level as *apeleutheros*, it seems that the latter term refers to the rights that ex-owners or their heirs exercised over their manumitted slaves. In this document, the manumitted female slave will not be subject to these rights if she fulfils the conditions of her manumission.<sup>104</sup> Thessalian manumissions, too, mention laws of the *apeleutheroi*, which seem to regulate the former owners’ rights over their manumitted slaves (e.g., *IG* IX(2) 1290; *SEG* 26, 644; 670).<sup>105</sup> An inscription from Hypata in Thessaly mentions ‘the supervisor of the money of the *apeleutheroi*’ (ἐπιμελητὴς τῶν ἀπελευθερικῶν χρημάτων; *IG* IX(2) 22, ll. 1–2). This probably means that he collected the fees for the publication of manumissions, since lines 4–5 mention payment

<sup>102</sup> The *apeleutherotike agoge*, especially, implies that the obligations of the *apeleutheroi* to their former masters (or other persons indicated by the former masters) were established by law and that if the *apeleutheroi* failed to perform their duties they were liable to seizure. Cf. Pl., *Lg.*, 915a–b, and below, chapter 5.

<sup>103</sup> It should be noted, though, that the reading of *SGDI* 1555c is εἰς δουλίας χάριν ἢ ἀπ’ ἐλευθερώσεως, that is, ‘into slavery or away from liberation’. This reading makes good sense, but is tautologous. The reading of *IG* IX(1) 190 takes χάριν as relating to both nouns, indicating two different objectives to the action of leading away.

<sup>104</sup> In Larissa the term is linked to the payment made to the polis (τὰ γινόμενα τῆς ἀπελευθερώσεως δηνάρια).

<sup>105</sup> See also Lazaridis 1975, 647–8, and below, chapter 5.3.

for the *stelographia* ('inscription'). Except for Demosthenes' mention of laws of the *exeleutheroi* in Athens (together with those of the *apeleutheroi*), only laws of the *apeleutheroi* are ever mentioned in our sources.

A strange occurrence of the term *apeleutheros* is in *SEG* 26, 670 from Doliche in Thessaly (= Helly, 1976, 147–9; 2nd half of 2nd century B.C.), in which Eutychus manumits his young slave Alexander, but obligates him to remain with him as long as he lives and to do whatever he is told to do. In line 5 of the inscription Helly restores the verb of manumission thus: '(Eutychus) set (Alexander) as *apeleutheros*' (ἀφῆκεν ἀπελεύθε]ρον). This restoration is completely different from that of the first editor of the inscription (who restored [ἀφιᾶσιν ἐλεύθερ]ο[v], understanding two manumittors);<sup>106</sup> if Helly is correct, his restoration poses a problem. As noted above, the verb *aphienai* in the context of manumission is usually followed by the predicate adjective *eleutheros/a*, whereas *apeleutheros* describes the slave's status *after* manumission. Releasing someone as an *apeleutheros* seems to be a tautology. But it should be noted that Alexander was also obligated to remain with his manumittor until the latter dies (on this obligation, see below, in chapter 4.2.2). It seems that the manumittor decided—for unknown reasons and in contrast to the typical formulation of manumissions in Thessaly—to note already in the manumission clause Alexander's protracted dependence on him.<sup>107</sup> That Alexander would have been so described after his manumission is clear; *apeleutheros* is the usual appellation of manumitted slaves in Thessaly, his obligation to remain with his ex-master indicates his dependence, and the inscription also refers to the 'law of the *apeleutheroi*' (see above). This interpretation is corroborated by other similar uses of the term. In *IG* XII Suppl. 368 (Thasus, 4th century B.C.), the manumitted slave is instructed to remain with the ex-owner (on this obligation, see chapter 4.2.2) for six months, 'being an *apeleutheros*'. Again, since the obligation to remain was to be fulfilled *after* manumission, the manumitted slave's status would then have been that of an *apeleutheros* and it is significant that this term is closely linked

<sup>106</sup> The inscription was first edited by A.S. Arvanitopoulos in 'Αρχ. Έφ. (1923), 151, no. 383, and corrected by A. Babacos, *BCH*, 86 (1962), 499–500 (= *SEG* 23, 462). Helly's new restoration is based on a squeeze made by Arvanitopoulos.

<sup>107</sup> Cf. the use of '*apeleutheros* of the polis' and '*apeleutheros* of Hera' in the *Life of Aesop*, discussed above, 2.2.

here to the obligation towards the manumittor. In an inscription from Beroea (*EV*, 150, no. 48; 205 A.D.), a woman manumits her female slave as an *apeleuthera* ‘at once’ (l. 3). Immediately following this declaration the manumittor states ‘after my death . . .’, but the rest of the inscription is lost. It seems, however, that the manumitted slave was obliged to continue to serve her mistress. But two inscriptions from Chaeronea may indicate another situation. In *IG* VII 3318 (mid-2nd century B.C.), and 3360 (1st half of 2nd century B.C.), the manumission formula is ‘consecrates his private *apeleutheros*’ (ἀνατίθησι τὸν/τὰν ἴδιον/ίδιαν ἀπελεύθερον). Rädle (1969, 58–9) interprets this formula as indicating a two-stage manumission: first the slaves were manumitted in a ‘civil’ mode, and only then consecrated to the god (see above). Although his interpretation seems reasonable, this formula is found only in these two inscriptions; in other manumissions from Chaeronea, the usual verb is ‘consecrate as sacred’ (*anatithenai hiaron/an*) or ‘release and consecrate’ (*aphienai kai anatithenai*). It seems unsafe to infer a general Greek procedure from two local inscriptions. I suggest that the owners in these two manumissions, or the inscribers, mistakenly used a term that describes the slave’s status after manumission, in addition to ‘sacred’ and as an equivalent to ‘and he/she shall be free’. If I am correct, this slip can point to the way these owners conceived of their manumitted slaves’ status.

Funerary inscriptions, too, register the fact that the deceased were *apeleutheroi*. A gravestone from Thrace, for instance, bears the inscription (*GV* 379; 2nd century A.D.): ‘Here I lie, Antonis Hilarus, the *apeleutheros* of Antonius Rufus . . .’ (Ἀντωνίου Ῥούφου ἀπελεύθερος ἐνθάδε κε[ῖ]μαι, Ἀντώνις Ἰλαρο[ς] . . .). Since the name of the ex-owner is Roman, and since the manumitted slave seems to have taken a name similar to that of his ex-owner, it is very probable that this inscription reflects Roman practices.<sup>108</sup> An inscription on a first-century A.D. sarcophagus from Jericho (Hachlili 1989) reads: ‘The sarcophagus of Theodotus, the *apeleutheros* of queen Agrippina’

<sup>108</sup> See also *GV* 380: Ἀρχελάου ἀπελεύθερος (‘the *apeleutheros* of Archelaus’; Lydia, 2nd or 3rd century A.D.); *IG* IX(2) 851–5, from Thessaly (in no. 855, the deceased is described as the wife and *apeleuthera* of Tiberius). In Greek inscriptions from Rome and its provinces, of course, the structure ‘*apeleutheros* of (name in genitive)’ indicates Roman practices, but the choice of this particular term implies that it was identified with *libertus* (e.g., *IG* XIV(1) 389, from Lipara; 408, 611, from Sardinia; 1504, from Rome; *IG* XIV(2) 1946 [where the term πάτρων is also used] and 2435, from Rome).

(Θεοδότου ἀπελεύθερος βασιλίσσης Ἀγριππείνης σορός). Theodotus (whose Jewish name, Nathanel, is known from his daughter's sarcophagus) had been the slave of the Emperor Claudius' wife, was manumitted between 50 and 54 A.D., went back to Jericho, and was interred there in his family burial chamber. Since Theodotus had been a slave in Rome, it seems safe to infer that the use of *apeleutheros* with the name of the ex-owner in the genitive case reflects Roman practice (see above). But this use may also reflect a resemblance between Roman practices and notions and those of the Greeks.

Other inscriptions disclose mutual feelings of good will and gratitude. A gravestone in the Chersonesus was erected for Aurelia Tyche by 'her heirs and *apeleutheroi*' (οἱ κληρονόμοι καὶ οἱ ἀπελεύθεροι; *IPE* I(2), 508, 2nd century A.D.). The fact that heirs and manumitted slaves are mentioned together as fulfilling a moral and familial obligation may indicate a special kind of social relationship between the deceased woman and her manumitted slaves. In this case, too, it is difficult to distinguish between Greek practices and Roman influence.<sup>109</sup> In an inscription from Panticapaeum (Kertsch), however, it seems likely that Greek practices and notions are involved (*CIRB* 145 = *GV* 1475; late 1st or early 2nd century A.D.):

A:

Στρατόνεικε υἱὲ Ζήνωνος, χαῖρε.

B:

καὶ πινυτήν, Στρατόνεικε, καὶ ἦθεα κεδνὰ φυλάσσω  
ᾧλεο, τῷ λυγρῷ πατρὶ λιπὼν δάκρυα.  
θεῖε φίλε, προτέροις ἐναρίθμιε· μυρία δ' αἰὼν  
πεύσεται ἐκ βίβλων σὴν σοφίην ἐρατήν.

C:

Στρατονεῖκωι Ζήνωνος τῷ-  
ι ἰδίωι δεσποσύνωι ἀνέστη-  
σε τὴν στήλην Σωσίας  
ἀπελεύθερος μνήμης χάριν

A: Farewell, Stratonicus, son of Zeno. B: You perished, Stratonicus, clinging to your wisdom and sage ways, leaving tears to your mournful father. Godlike *philos*, esteemed among those of former times; countless generations will learn your charming wisdom from books. C: Sosias the *apeleutheros* erected the stele in memory of his own master, Stratonicus, son of Zeno.

<sup>109</sup> The text of *GV* 809 (Naples, 1st century A.D.) is definitely influenced by Roman practices, since line 7 mentions ὁ πάτρων (the patron).



The names of both the ex-master and the manumitted slave are Greek. This *apeleutheros* still refers to Stratonicus as his ‘master’. If, moreover, Sosias was also responsible for the inscription of parts *A* and *B*, the reference to Stratonicus as ‘divine *philos*’ implies a persistent bond of *philia* between them.<sup>110</sup> Likewise, it is not clear who was responsible for the erection of the stele and the funerary inscription *CIRB* 360 (1st century A.D.), which reads ‘Farewell, Aristonicus, *apeleutheros* of Damas’ (Ἀριστόνικε ἀπελευθέρε Δαμῶ, χαῖρε). If it was a relative of Aristonicus, it is noteworthy that he mentioned the status of the deceased; advertising the fact that one was an *apeleutheros* may have been important while the manumitted slave was alive, but should have been irrelevant after death. It is true that privileged metics at Athens took care to inscribe their status as *isoteleis* (paying the same taxes as citizens), but being an *isoteles* was a mark of honour for a non-citizen and his descendants;<sup>111</sup> not so being someone’s *apeleutheros*. The fact that Aristonicus was Damas’ *apeleutheros*, therefore, may have been significant to Damas’ and Aristonicus’ heirs and imply continuing obligations. This may also be our inference if it was Damas, the ex-master, who was responsible for the inscription.

The relationship of the inscriber of *CIRB* 710 (Panticapaeum, 143 A.D.), on the other hand, is specified:

Φιλοφήμωι τῶι καὶ Λαιο-  
νάκωι ἀπελευθέρῳι  
Μηνοφίλου τὴν στή-  
λην ἀνέστησεν Πο-  
ντικίων ὁ ἀδελφὸς  
μνείας χάριν ἐν τῶι  
μν’ ἔτει.

In memory of Philophemus, also known as Laionacus, *apeleutheros* of Menophilus, his brother Ponticion erected the stele in the year 440 (143 A.D.).

Here, too, Ponticion advertised his brother’s status as an *apeleutheros* and noted his link to the ex-master.<sup>112</sup>

<sup>110</sup> It may be, however, that Stratonicus’ father was responsible for part *B*; see the commentary in *CIRB*. For the term *philos* and its implications in the context of slavery and manumission, see above, chapter 1.3–5.

<sup>111</sup> E.g., *IG* II<sup>2</sup>, 7862–7881. See also above, section 2.2.

<sup>112</sup> See also *CIRB* 474 (1st century A.D.): ‘Farewell, Monime, *apeleuthera* of Alexander’ (Μονίμη ἀπελευθέρα Ἀλεξάνδρου, χαῖρε). *IG* IX(2) 856, from Thessaly, commemorates both an *apeleuthera* and a female slave (οἰκέτις); the two were buried together,



To sum up, the word *apeleutheros* seems to impart the notion of a continuing bond between owners and their manumitted slaves, particularly when the word is followed by a name or pronoun in the genitive case. This impression is particularly strengthened by several catalogue inscriptions from Lamia (e.g., *SGDI* 1448), in which the standard formula is ‘X the *apeleutheros* of Y’, indicating that this term signifies a status and not only the act of manumission.<sup>113</sup> Moreover, *apeleutheroun* is the most common verb describing manumission along with *aphienai eleutheron/an* and verbs of consecration and sale. In several places *apeleutheroi* were also subject to special laws, which seem to have regulated their obligations towards their former masters.

### 2.3.2 *exeleutheros* and *exeleutheroun*

The term *exeleutheros* is less frequently employed and usually does not govern a genitive. Both the substantive and the verb *exeleutheroun* can be traced to the fifth century B.C. The first occurrence in literary sources is, again, Sophocles. In *Aj.*, 1258, the verb *exeleutheroun* is compounded with the noun ‘mouth’ (στόμα) in the form ἐξελευθεροστομεῖς (‘you talk like a freed-person’). Agamemnon says this of Teucer; since Teucer was born to Hesione, who was taken captive by Heracles and given as a reward to Telamon, Agamemnon treats him as a slave. In fact, the verb is coupled with another verb, *hybrizein*, implying that Teucer forgets his place. In lines 1260–3, moreover, Agamemnon wishes that someone else, a free person (*eleutheros*), would come up and speak instead of Teucer, since he does not understand his barbaric tongue. The verb *exeleutherostomein* may simply be a strengthened form of *eleutherostomein*, ‘to be free of speech’ (see A., *Pers.*, 182; E., *Andr.*, 153), implying that Teucer is speaking freely, although his status is not equal to that of free citizens. Sophocles’ use of both *apeleutheros* (*Ichn.*, 193[199]) and *exeleutheroun*, however, indicates that both terms were in everyday use in Athens around the middle of the fifth century B.C., and may imply that *exeleutherostomein*

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suggesting that the manumitted slave remained in her ex-owner’s house. Cf. *IG* IX(2) 851, cited above, in section 2.2. Although the name of the deceased manumitted slave is probably Roman (Rensch 1908, 119 n. 2), similar inscriptions bear Greek names (e.g., Woodward, *BCH* 33, 1913, 316, no. 6: Φίλα Μηδέο[υ] ἀπελευθέρα ξενί[κ]/ῆ ἥρωσ χρηστὴ/χαίραι).

<sup>113</sup> It is interesting to note that in *SGDI* 1448, ll. 5–6, two manumitted slaves take the name of their manumittor as their patronymic.

here refers to the distinct status of the *exeleutheros*. Moreover, the passage from *Ajax* suggests that in fifth-century Athens *eleutheros* described a full citizen who has freedom of speech (see above, chapter 1.2).

In other Attic sources, the phrase 'laws of the *exeleutheroi*' appears in Pollux's citation of Demosthenes (3.83). In Hyperides (fr. 197 = Harp., s.v. Ἐλευθέριος Ζεὺς), the name of Zeus Eleutherius is said to derive from a Stoa erected by the *exeleutheroi*. The Stoa of Zeus Eleutherius in Athens, however, was probably erected after 479 B.C. to commemorate the victory over the Persians (cf. Ar., *Pl.*, 1175 with scholia; Isocr., 9.57). According to Roscher (1965, 619), on the other hand, the appellation Eleutherius predated the Persian Wars; persons acquitted in trials, as well as manumitted slaves, used to bring thanks-offerings to this god. Nothing safe, therefore, can be inferred from this fragment; but if Roscher is right, it is significant that these manumitted slaves are referred to as *exeleutheroi*, the same term employed in the 'Lists of Silver Bowls' to describe manumitted slaves who were (fictitiously) acquitted in legal procedures.

Dionysius of Halicarnassus (*Ant. Rom.*, 4.22.4) uses the phrase 'the class of *exeleutheroi*' (ἐξελευθερικὸν φύλον) to describe the manumitted slaves who were assigned to the four urban tribes of Rome. As mentioned above, Dionysius used the word *apeleutheroi* in chapter 23 of the same book to describe manumitted slaves as a source of political support for their Roman ex-owners. If, as seems logical, he meant by the phrase *exeleutherikon phylon* not only manumitted slaves, but also their descendants, this would fit the status of *libertini*, the descendants of manumitted slaves who were exempted from the restrictions imposed on their fathers.<sup>114</sup> If so (though we cannot prove it), Dionysius chose a Greek term that imparted the same notion as *libertini* and made a legal and a social distinction between *apeleutheros* and *exeleutheros*.<sup>115</sup> In Dio Cassius, 39.38.6, *apeleutheros* and *exeleutheros* seem to be used indiscriminately: Dio mentions a version, according to which the theatre in Rome was built, not by Pompey, but by 'his *apeleutheros*' (ἀπελευθέρος αὐτοῦ); he then says that this manumitted slave rightly gave the credit to Pompey in order to prevent

<sup>114</sup> On the *liberti* and *libertini*, see Treggiari 1969.

<sup>115</sup> It is possible that Dionysius reflects Roman propaganda, which sought to connect Roman history and culture with the Greeks' (thus Dubuisson, 1979, 92–3); or he may have wanted to present his Greek readers with a uniform Graeco-Roman world (thus Gabba, 1991, 3–11, 190–216).

evil rumours that his *exeleutheros* (ἐξελεύθερος αὐτοῦ) financed the project. Here, the same person is referred to by the two terms. In 36.42.2, Dio recounts the deeds of the tribune Gaius Manilius, who proposed in 67 B.C. to grant ‘the race of the *apeleutheroi*’ the right to vote together with those who manumitted them [lit. ‘made them *exeleutheroi*’] (τῷ ἔθνει τῷ τῶν ἀπελευθέρων . . . μετὰ τῶν ἐξελευθερωσάντων). Why does Dio use the term *apeleutheroi* to denote the manumitted slaves and a participle of *exeleutheron* to denote the manumitting owners? Although the text offers no proof, it is tempting to suggest that, since Manilius’ proposal would have put the manumitted slaves on par with the citizens, they would become completely free.<sup>116</sup> It should be noted, however, that Dio’s lifetime roughly coincides with that of Athenaeus, who, as mentioned above, reflects the confusion about these two terms (3, 115b). Moreover, the two passages in Dio are taken from the epitome of Xiphilinus (11th century A.D.) and may actually reflect the latter’s stylistic preferences or the prevalent use and meanings in his time. In any case, we should consider Roman influence on Dio’s vocabulary and ideas, although, as seen above, he uses *apeleutheros* to render the phrase ‘one’s freed-person’.

The epigraphic incidence of *exeleutheros* is also quite rare. The ‘Lists of Silver Bowls’ from Athens (see above, 2.2), refer to manumitted slaves only as *exeleutheroi*. Since Demosthenes refers both to laws of the *apeleutheroi* and to those of the *exeleutheroi*, and since *apeleutheroi* appear in *IG I<sup>3</sup> 237* and in Attic literature, it seems safe to infer the existence of two distinct status groups of manumitted slaves in Athens. The *apeleutheroi*, as we have seen, are usually described as still depending on their former masters. Hence, the fact that the manumitted slaves in the ‘Lists of Silver Bowls’ are called *exeleutheroi* indicates, I believe, that they had no further obligation to their former masters (this issue is discussed in detail in chapter 5.1). Note that Harpocration, who explains the legal procedure that was used in these cases—the *dike apostasiou* (‘lawsuit on the occasion of desertion’)—emphasizes that, following an acquittal, the slaves became ‘completely free’.

An inscription from Aegialae in Amorgus (*Syll.*<sup>3</sup> 521, 3rd century B.C.) refers to the ransoming of citizens, slaves, and *exeleutheroi* who were captured by pirates (ll. 17–19); but we have no way to know

<sup>116</sup> Cf. D.H., *Ant. Rom.*, 4.23.6, on Tullius’ proposal to grant citizenship to the *apeleutheroi* (discussed above). See also Plut., *Sul.*, 33.2, where Sulla is described as granting land καθάρμασιν ἐξελευθερικοῖς (to ‘*exeleutheric* refuse’) and to actors.

whether these *exeleutheroi* were the sole category of manumitted slaves in Aegialae. In an inscription from Pergamum (*OGIS* 338, ll. 21, 37, 133 B.C.), the only category of manumitted slaves is that of the *exeleutheroi*; likewise in Priene (*IPr* 108, l. 258, after 129 B.C.; 109, l. 178, ca. 120 B.C.). In Ephesus (*Syll.*<sup>3</sup> 742, 86 B.C.; see above), it was decided to grant citizenship to all ‘the *isoteleis*, the *paroikoi*, the *hieroi*, the *exeleutheroi*, and the foreigners’ (τοὺς ἰσοτελεῖς καὶ παροίκους καὶ ἱεροὺς καὶ ἐξελευθέρους καὶ ξένους) who joined the Ephesians in their struggle against Mithradates (ll. 44–5). The *isoteleis* were probably privileged *paroikoi*, as the *isoteleis* in Athens were privileged metics. The *hieroi* (‘the sacred persons’) are more difficult to understand. If they had the same status as the *hieroi* of Chaeronea, who appear in several inscriptions as manumitters, they may have been themselves slaves who had been manumitted through consecration or sale to divinities; if so, there were at least two different categories of manumitted slaves in Ephesus.<sup>117</sup> Furthermore, since in lines 49–50 the Ephesians also decide to manumit public slaves and grant them the status of *paroikoi*, it seems that in Ephesus the status of *paroikoi* differed from that of the *exeleutheroi*. Although there is no indication what this difference may have been, it seems probable that, as in Athens, the population of Ephesus was comprised of citizens, free non-citizen residents, free foreigners, and two groups of manumitted slaves.

A puzzling case is *IG* IX(1) 188 from Tithora, dating to the second century A.D., in which two men sell to Serapis for the purpose of freedom their ‘private *exeleutheros*’ (ἴδιος ἐξελεύθερος) Nikon. To judge by the term *exeleutheros*, Nikon was already free at the time of his manumission—which, of course, does not make sense. Dittenberger (ad. loc.) suggests that the manumitted slave had been previously released by the manumitters from captivity. If so, it must also be assumed that Nikon was considered to be their slave until he could pay back the ransom money. But in that case, he could not be described as free. It may be that *exeleutheros* is used here mistakenly, instead of ‘on the condition that he be free’—as I have proposed to understand the two inscriptions from Chaeronea (*IG* VII 3318, 3360),

<sup>117</sup> On the *hieroi* in Chaeronea see, e.g., *IG* VII, 3313–15, 3321–33; these *hieroi* manumitted slaves by consecration to divinities and with the consent of the Council. For the view that the *hieroi* were themselves manumitted slaves who were consecrated to the god, see Rädle 1969, 40, Roesch and Fossey 1978a, and Albrecht 1978, 127; cf. also below, chapter 3.1.

mentioned above, in which the manumission formula is ‘consecrate as *apeleutheros*’. But it seems to me that the use of *exeleutheros* here has the same purpose as *apeleutheros* in *SEG* 26, 670 from Doliche, and *IG* XII Suppl. 368, from Thasus (both cited above, section 2.3.1). In these inscriptions, the manumitted slaves were obligated to remain with the manumittors and do whatever they were told to do. Hence, the provisions of their manumissions made them *apeleutheroi*, that is, they still belonged to their manumittors. In the inscription from Tithora, Nikon is not obligated to remain with his manumittors. Furthermore, in contrast to most sale-manumissions, there is no reference to his status after manumission (such as ‘untouchable’, ‘immune’, for which see chapter 4.4); the only other sign of his freedom, apart from his sale to the god, is a warning against any attempt to re-enslave him. I suggest, therefore, that *exeleutheros* here—although uniquely used—describes Nikon’s status as free of any further obligation to his manumittors.

Finally, a grave inscription from Gordus (K.-P., *Erste Reise*, 157; 109–110 A.D.) mentions all those buried in this family grave, along with the husband of the woman who inscribed it: a *synexeleutheros*, a family member (? οἰκεῖον), a *philos*, a child of the inscriber and her dead husband (σύντεκνος), a foster-father (θρέψας), a neighbour, and more distant relatives. Apart from the interesting order of names, which may imply social position (or simply a chronological order of the deaths), the inscription is important in the terms it uses. *Synexeleutheros* seems to mean that this person had been once owned by both the inscriber and her husband. The use of a compound of *exeleutheros* may indicate that he was completely free of any obligations towards his former owners; but the fact that he was buried in the family grave, together with other non-relative persons who were linked to the couple by quasi-familial and *philia* relations, seems to imply continuous bonds of affection. However, in Egypt (*BGU* IV, 1141, l. 20; *PSI* V, 473, l. 2) and in Dio Cassius (60.15.5) *synexeleutheros* denotes a fellow-freedman. Moreover, *synteknos* denotes in Cyzicus (*BMus. Inscr.*, 1010) a foster-brother or sister, which may be the case here, since a foster-father is mentioned. Fosterage in the context of slavery and manumission will be discussed below (in chapter 3.2); but it should be mentioned here that the woman responsible for the inscription may have been an ex-slave, who had been raised from infancy (fostered) by the foster-father mentioned in this inscription,

had a foster-brother, and was released from slavery together with the *exeleutheros*.

Thus far we have seen that *exeleutheros* is usually employed in a construction different from that of *apeleutheros* and that the verb *exeleutheroun* is seldom used to describe the act of manumission. Although, in some cases, these terms are used interchangeably with *apeleutheroun* and *apeleutheros* and, in other cases, we cannot tell whether the *exeleutheroi* formed the sole category or a sub-category of the manumitted slaves, the evidence suggests that the *exeleutheroi* formed a distinct status-group of manumitted slaves, free from any obligation to their former masters.

This is demonstrated by a curious combination of manumission terms (*exapeleutheroun*) found in a document from Egypt (*P. Oxy.* IV, 722; late 1st century or early 2nd century A.D.; see above, section 2.1). Two brothers jointly manumit one-third of a female slave whose other two-thirds had already been manumitted (τρίτον μέρος τῆς ἐξαπηλευθερωμένης κατὰ τὸ ἄλλο δίμοιρον δούλης; ll. 13–15); the same combination of *exeleutheroun* and *apeleutheroun* is repeated in line 17. In line 19, however, where the money intended for the owners is mentioned, the text reads: ‘of the money for the third part, which is being made *apeleutheros*’ (ἀπελευθερουμένου . . . τρίτου μέρους ἀργυρίου). Partial manumission is also known from another papyrus, *P. Oxy.* IV, 716 (186 A.D.), in which the guardians of three minor brothers request permission for the public auction of their wards’ two-thirds share in a slave; the remaining third had been already manumitted by their half-brother (ll. 13–18). Here the manumission of one-third of the slave is described by the simple verb *eleutheroun*.

What is the meaning of the double compound verb in *P. Oxy.* IV, 722? My view is that it describes the status or condition of the female slave regarding the two-thirds already manumitted: in what concerns this part of her, she was already completely free (*ex-eleuthera*). The manumission of the remaining third left her an *apeleuthera* of the two brothers, perhaps (as suggested above) indicating a continuing bond with them. This assumption is corroborated by the description of one of the guardians in *P. Oxy.* IV, 716 as an *apeleutheros* of another person (Ἀβασκάνττου ἀπελευθέρου Σάμου Ἡρακλείδου). The fact that in no. 716 two-thirds of the slave are being *sold* and not manumitted may explain the use of the simple verb *eleutheroun* to describe the previous one-third manumission; in what regards this part, he was

considered to be free. The verb *eleutheroun* also appears in other manumissions from Egypt (*P. Oxy.* I, 48, 49), but the standard term for manumitted slaves is *apeleutheros/a*.<sup>118</sup>

The terms used in these papyri do not, of course, explain the practical meaning of partial manumission (known from other places, too) and its implications for daily life.<sup>119</sup> Moreover, although communal ownership (as is attested by *P. Oxy.*, 716 and 722), is also known from other parts of the Greek world, these two papyri imply that in Egypt—unlike other places—a joint-owner could manumit his own share and the slave thus manumitted was considered to be partly free. This was also the status of a slave, if (as in *P. Oxy.*, 716) he or she was sold by the other co-owners. This practice reaffirms the difficulty of defining slaves merely as property. Attempts to interpret partial manumission in legal terms inevitably come to a dead end: how can a piece of human property be partly alienated? What was in practical life the position of a slave two-thirds of whom were free and the other third still in slavery? And how can we understand the status of a slave, one-third free, whose other two-thirds were sold at auction?<sup>120</sup>

## 2.4 General Features

The overall impression given by the above survey is that manumission was a widespread phenomenon that, despite diversity in modes and phrasing, had similar features throughout the Greek world. Differences and variants, however, should not be overlooked. Many places have provided scanty or no evidence at all of manumission, or only in a limited period. Although the diverse modes of manumission do not seem to coincide with political or ethnic boundaries,

<sup>118</sup> See, e.g., *BGU* VII 1564; *P. Oxy.* III, 478, ll. 3–4; 485, ll. 2–3, 11; 490, l. 4; 494, l. 23.

<sup>119</sup> Partial manumission is known in Judaea: see Ostersetzer 1936, 1–4; Urbach 1964, 35–6. Although the papyri cited here come from Roman Egypt, the practice was not recognized under Roman law: see Buckland 1908, 755; Urbach, *ibid.*; and the commentary to *P. Oxy.* IV, 716, 722. On the status of slaves who were partially manumitted, see chapter 4.2.2.

<sup>120</sup> This situation was not possible under Roman law, where a slave manumitted by a co-owner still remained a slave or was also manumitted by the other owners. See Buckland 1908, 755; Westermann 1955, 122; Taubenschlag 1955, 100; Urbach 1964, 36.



some modes appear to be dominant in certain areas and absent in others, or to evolve later in some areas than others. Moreover (as we shall see in detail in chapter 4.1), different poleis used different procedures or emphasized different legal elements. Nevertheless, the evidence does allow some broad conclusions.

Slaves were manumitted in many places, from the classical period to the Roman age. Given that chattel slavery was institutionalized in the archaic period and that we have some evidence (though dubious) of manumission in that period, it is plausible that slaves were manumitted before the classical period. In any case, the fact that the two groups of manumission terms are used in mid-fifth century sources indicates that both were already in regular use in this time and hence also manumission. Since most slaves were owned by private individuals or families, manumission, too, was a private act, executed in the narrow circle of the family during the owners' lifetime or according to their last will; that is why it frequently left no signs behind. As time passed, public notification seems to have become increasingly prevalent, with significant implications for the status of the manumitted slave, as is shown below (chapter 4.1).

Manumission appears in many forms in the Greek world. Beside the simple declaration of freedom (whether by the family hearth, at the owner's deathbed, or by a symbolic ritual of pouring wine), manumission could be declared in public by a herald, at the altar, in the theatre, in a sanctuary, or before a magistrate. In some places and periods manumissions were authorized by the law-court, the Council, or the Assembly. Manumission could also take the form of a simple sale-transaction. In several places, laws were enacted to regulate the procedures of manumission and the payment due for publication, indicating that, despite the private nature of manumission, the state had an interest in controlling its non-citizen population. The means and reasons of this control are discussed in detail below (chapters 4.1, 5, and 6). From the fifth century onward we can detect a growing demand for religious sanction. This could be achieved by invoking the gods as witnesses to the act, by combining manumission according to the local laws with the protection of the gods, or by consecrating or selling the slave to a divinity with the declared purpose of emancipation. In some poleis, manumission by consecration or by sale was also authorized by the political institutions. Evidence for sacral manumission becomes extensive from the third century B.C., but not everywhere. The lack of evidence, of course,



does not rule out the possibility that this mode was practised in places where it is not attested; it bears notice, however, that when it comes to Athens, which has yielded vast information on its social, political, and cultural life, in both literary and epigraphic sources, there is no solid evidence that sacral manumission was ever practised.

Despite the various modes of manumission in the Greek world, some common features can be detected. First, manumission, in whatever form it took, was a transaction between the owner and the slave or—to bypass legal obstacles—a third party (whether human or divine). Second, this transaction, whether terminating the bond between masters and slaves or protracting it on a different level, implies social relations that involved reciprocity. Third, great importance was attached to publicizing the act, whether among relatives and neighbours, by means of witnesses, or among a wider public by inscribing the act on stone in addition to witnesses. Fourth, all our evidence indicates that manumitted slaves became free non-citizens with a status inferior to that of the metics in Athens or parallel groups in other poleis. Although local differences in the scope of rights and duties may be assumed, the terminology used by the sources suggests that manumitted slaves were not wholly assimilated to other free non-citizens.

Fifth, the terminology of manumission indicates a common concept of the status of manumitted slaves. The manumitted slave is never an *eleutheros*, a fully free person. Hence, the Greeks developed a special terminology to communicate this distinction. In most of the cases, regardless of the mode of manumission, the freed-person was called *apeleutheros* or *exeleutheros*, never an *eleutheros*—except as a predicate following the verbs *aphienai*, *anatithenai*, or *apodidonai* (and thus qualifying the act, not the status), or as a description of his or her new position in contrast to their previous status. The vocabulary of manumission implies not only a common Greek concept of manumission and a distinction between freed-persons and citizens; it also implies that the population of manumitted slaves was divided to at least two groups. One group, represented by *apeleutheron* and *apeleutheros*, implied a persisting bond between owners and their manumitted slaves, whereas the other group, represented by *exeleutheron* and *exeleutheros*, implied the severing of such bonds. Although Roman influence can be suspected in some cases, it is evident that even in the Roman period, the use of the manumission terminology in most cases reflected

Greek notions and practices or was used as equivalent to Roman terminology.

Hence the language of manumission demonstrates the diverse nature of social classes in the Greek world. Slavery, as suggested in chapter 1, was dependence; moreover, like freedom, slavery comprised different shades of statuses. Between the chattel slave and the full citizen there existed other degrees: not only debt-bondsmen, dependent groups, and metics, but also manumitted slaves with less freedom and manumitted slaves with less dependency, and even partially manumitted slaves. This relative nature of freedom and slavery, offensive as it may be to modern legal minds, corroborates the concept of slavery and manumission as social relations. Having exchanged money or past services for freedom, manumitted slaves became *exeleutheroi*, if reciprocal relations between them and their ex-owners came to an end; or they became *apeleutheroi*, if some bond persisted between them. The latter group, I believe, was the larger. In the mid-third century B.C., Chrysippus the Stoic, as noted above, wrote that the *apeleutheroi* are still slaves. To test this argument, we have to weigh the evidence of language against the reality of manumission. In the next two chapters, then, we shall examine the relations between manumitters and manumitted slaves and the contents and provisions of acts of manumission.

## CHAPTER THREE

### MANUMITTORES AND MANUMITTED SLAVES

Manumission, as argued above, was a transaction between two parties. To investigate the dynamics of this transaction, we move from a broader view of manumission as a general phenomenon to the act of manumission itself. This chapter focuses on the principals of manumission: the manumittors and the manumitted slaves. Section 3.1 examines the group composition of manumittors, both as individuals and as familial groups, the act of manumission as the alienation of family property, and the possible motives behind manumission. Section 3.2 discusses the gender and age composition of the manumitted slaves, their origins, their relations with their former masters, and their family ties. These two sections reveal the double nature of slavery as both ownership and social relationships. A note of caution, however, is in place. Although individual places have provided us with sufficient evidence to allow general conclusions about some topics (such as the number of manumitted slaves and the proportion of females to males in a given era), when it comes to other topics (such as the economic position of both slave-owners and slaves and the motives behind manumission) we must often rely on speculation. Nevertheless, a comparison of the evidence from different places and periods may enable us reach plausible conclusions.

#### 3.1 *Manumittors*

The first step towards manumission was a decision by the owner, whether of his or her own initiative or in response to the slave's request. Most manumittors were adult men, but in the Hellenistic period women figure increasingly among manumittors,<sup>1</sup> and occasionally also children. Along with individual manumittors, moreover,

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<sup>1</sup> On women as manumittors, see: Calderini 1908, 189–91; Babacos 1963, 314–5; Rädle 1969, 125–7; Vatin 1970, 241–51; Cabanes 1976, 399–461; Albrecht 1978, 243–4; Hopkins 1978, 163–4; Schaps 1979, 7–8, 50–1; Garlan 1988, 74; Grainger 2000, 37–8.

we find groups of joint-manumittors in central Greece, as well as in Epirus, Aetolia, Thessaly, and Calymna. These were primarily family groups—spouses, parents and children, siblings, cousins, uncles and nephews, and larger groups—but also persons whose relation to one other is unclear or who are obviously not related.<sup>2</sup> The economic and legal significance of these group manumissions is disputed. The question is further complicated by different interpretations of the recurrent expressions of co-operation in or acquiescence to the act of manumission by family-members or other persons. So let us begin by examining the position of women and minors as manumittors and these co-operation and acquiescence clauses.

The role of women as manumittors deserves attention. In the Greek world, a woman had to be represented or assisted in every legal transaction by her *kyrios*, the head of the family (her husband, father, brother, or any other man whose ward she happened to be). In manumission acts from several poleis in Boeotia, female manumittors do appear with their *kyrios* (e.g., *IG* VII 3081, from Lebadeia; 3204, from Orchomenus; 3322, from Chaeronea). So also in a manumission act from Oxyrhynchus in Egypt (*P. Oxy.* I, 48, ll. 10–13), in which the female manumittor is aided by her nephew.<sup>3</sup> In many

<sup>2</sup> For manumissions by husbands and wives, see, e.g., *IG* VII 2228 (Thisbe), 3315 (Chaeronea); IX(1) 63 (Daulis), 190 (Tithora); *SGDI* 1448, ll. 3–6 (Thessaly), 1717 (Delphi); *CIRB* 74 (Ponticapaenum); Cabanes 1974, no. I, ll. 38–9 (Buthrotus).

For parents and children: e.g., *IG* VII 3330 (Chaeronea); *IG* IX(1) 36 (Stiris), 120 (Elatea), 624e (Naupactus); *SGDI* 1777 (Amphissa); *IG* IX(2) 109a, ll. 67–9 (Halus in Thessaly); *SGDI* 1359 (Dodona); Cabanes 1974, no. I, ll. 42–3 (Buthrotus); Petsas, nos. 20, 59, 146 (Leucopetra).

For siblings: e.g., *IG* VII 3198 (Orchomenus), 3363 (Chaeronea); *SGDI* 1705 (Delphi); *CIRB* 1125 (Bosporus Kingdom); Petsas, no. 6 (Leucopetra); *P. Oxy.* IV, 716, 722 (from Egypt, cited in chapter 2.1 and 2.3.2).

For cousins and nephews: e.g., Cabanes 1974, no. XVI, ll. 30–1 (Buthrotus); *IG* VII 3199 (Orchomenus); *IG* IX(1) 188 (Tithora).

For larger family groups: e.g., *IG* IX(2) 109a, ll. 21–2, 25–7, 109b, ll. 63–5 (Halus); Cabanes 1974, no. V, ll. 8–9; no. XIX, ll. 25–8 (Buthrotus).

For persons whose relation to each other is not clear: e.g., *IG* II<sup>2</sup> 1559 B, ll. 79–92 (Athens); *IG* IX(1) 639 II (Phyllae); *SGDI* 1555a (Tithora), 1714 (Delphi), 2025 (Amphissa). Cf. Roesch and Fossey 1978b, 140–1.

For persons obviously not related: e.g., the members of loan-funds (*eranoi*) that appear in the 'Lists of Silver Bowls' (e.g., *IG* II<sup>2</sup> 1559 A, col. II, ll. 26–31), the manumittors of Neaera ([D.], 59.29–32), and probably *IG* IX(1) 1<sup>2</sup>, 108, from Proschion.

<sup>3</sup> For the *kyrieia* of women in Egypt, in various transactions, see also *P. Oxy.* III, 478, ll. 45–8 (the *kyrios* here had been appointed because the woman was illiterate); 479, ll. 3–5, 24–6 (here the *kyrios* is the son); 485, ll. 45–8, 52–3 (the original *kyrios*

other cases, however, women manumitted their slaves independently;<sup>4</sup> some even acted as witnesses to acts of manumission or as guardians (*epitropoi*) for their children. For example, in 235 B.C., Attina of Beroea in Macedon manumitted, without a *kyrios*, three slaves with their wives and children and another female slave (*EV*, 145–6, no. 45 = *SEG* 12, 314);<sup>5</sup> in 176 B.C., Agesa from Amphissa sold a slave to Apollo in Delphi for the purpose of freedom (*SGDI* 1855)—also without a *kyrios*. Towards the end of the third century B.C., three women from Phoenice in Epirus (together with two men) witnessed the manumission-consecration of the slave Dazos (*SEG* 23, 478); an inscription from Coronea in Boeotia, dating to the second half of the third century B.C., seems to mention two women (together with three men) as witnesses to another consecration-manumission (Roesch and Fossey 1978b, 138–41). In the late first-century B.C. or early first-century A.D., Orthopolis, daughter of Dicaeocrates from Gonnoi, acted as a co-manumittor and as guardian of her two sons, although her husband's brothers were still alive (*IG* IX(2) 1040 b, ll. 11–15).<sup>6</sup>

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of the woman—again, illiterate—was replaced by another, appointed by the *strategos*; 490, ll. 2, 12–13 (the cousin).

<sup>4</sup> The question whether the *kyrieia* over women was universal and binding has been disputed, but it is generally agreed that in some regions it was an unknown or nonbinding institution. Beauchet 1897, 361, for instance, argues that the evidence suggests that women had a higher legal standing among the Dorians. Babacos (1964, 116–27) maintains that it was binding in all transactions, including religious matters, but that it was not recognized in many places (especially western and northern Greece); cf. Babacos 1963; 1966, 93–5, on Thessaly. Vatin (1970, 243–52) follows Babacos and argues that a binding *kyrieia* over women existed in Athens, the Aegean islands, Ionia, and Boeotia; that it was unknown in western and northern Greece; and that it is impossible to come to any conclusion regarding the Peloponnese or Crete. But he is also confused by the fact that in several late manumissions from Delphi, women manumit with a *kyrios*; he therefore suggests that *kyrieia* may have penetrated areas where it did not previously exist. See also Cabanes 1976, 408–13, on female manumittors in Epirus; Albrecht 1978, 242–4; Schaps 1979, 49–51. Van Bremen (1996, 219–20) argues that one should not infer from manumission performed by women without a *kyrios* the absence of obligatory *kyrieia* in other transactions.

<sup>5</sup> Many other inscriptions from Macedon, dating from the second to the fourth century A.D., show Roman influence combined with Greek practices. The manumittors are Roman women, who describe themselves as ἔχουσα (τριῶν) τέκνων δίκαιον, 'having the right of (three) children' (that is, the *ius trium liberorum* of Augustus, which gave mothers of at least three children the right to transact without a *kyrios*), but they use consecration to Greek gods (see *EV*, 153–6, nos. 51, 52, 53, from Beroea; Petsas, e.g., nos. 6, 27, 52, from Leucopetra). The mention of this right in the context of Greek manumissions may have been used merely as a honorific title (Petsas, 41).

<sup>6</sup> *IG* IX(2) 1040 b, ll. 12–13: καὶ ὑπὸ Ὀρθοπόλεως τῇ[ς] Δικαιοκράτους τῆς μητρὸς καὶ ἐπιτρόπου. Cf. Babacos (1963, 316–20), who argues that in Thessaly a

Moreover, women appear as equal members in collective manumissions, sometimes even at the head of the group (Cabanes 1976, 409–10).<sup>7</sup> Minors, on the other hand, always manumitted with the help of a guardian, as in *BCH*, 17 (1893), 386, no. 88, from Delphi, where Alexander son of Alexander manumits ‘in the presence’ (an expression discussed below) of his *kyrios*. In *IG IX(1)* 3<sup>2</sup> 643 I and II, from Naupactus (second century B.C.), two acts of manumission were carried out with the consent of the ‘Guardians of Orphans’ (ὀρφανοφύλακες; ll. 1, 5–6); evidently these were officials charged with the *kyrieia* of minor orphans, but in another inscription (*IG IX(1)* 3<sup>2</sup> 654g) a woman appears as the *orphanophylax* of her children.<sup>8</sup>

It is debatable, though, whether the clause ‘in the presence of’ ([συν]παρὼν, or παριὼν αὐτῷ/ῇ), which appears with both female and minor manumittors, refers to this *kyrieia* (Albrecht 1978, 217–18 n. 13; Schaps 1979, 50 n. 15) or to the practice of registering the

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woman could be the guardian of her children *ex lege*, in addition to her legal competence to alienate property without a *kyrios*. In Erythrae, a woman appears as an *epitropos* of her son in a dedication to a god, but she herself is represented by her *kyrios* (*Syll.*<sup>3</sup> 1014, ll. 123–4). Menodora of Sillyum, who made handsome contributions to the polis and left instructions for the establishment of a fund, was an *epitropos* of her son (*IGRR* III, 801, 802; van Bremen 1996, 62, 77, 108–13, 230). In Leucopetra, the only occurrence of a female manumittor who is aided by a *kyrios* is that of a Roman woman (Petsas, no. 51, ll. 1–5: Αἰλία [Σ]οτηρίς μετὰ τούτορος αὔκτορος Λικινίου Φιλίππου), who may have been too young to transact by herself (Petsas, 41, 118). The term ἐπακολουθήτρια in the papyrus *BGU* IV 1070 (218 A.D.) has been interpreted as equivalent to women’s legal guardianship of their children (Taubenschlag 1955, 153–5; Babacos 1963, 319 and nn. 39, 40). Note that whereas the female manumittor in *P. Oxy.* I, 48 needed a guardian, in no. 49 another woman manumits independently. It may be that the former was underage, since the latter is also described as mother of a son. This is also the impression given by *P. Oxy.* III, 490, the will of a woman who bequeaths her house to the child of a freedman, with her guardian (*kyrios*), who is her cousin; probably she was still too young to dispose of her belongings independently, but could have done so had she been older. But see Taubenschlag 1955, 155. Cf. also *P. Oxy.* III, 494 (156 A.D.), in which Acousilaus bequeaths his property to his son, but authorizes his wife to sell or mortgage anything she chooses and to pay off his debts.

<sup>7</sup> In such cases, however, Cabanes assumes that the woman stood in the role of the head of the family until her son came of age (1976, 412).

<sup>8</sup> Cf. Rädle (1969, 128), who compares the *orphanophylakes* of Naupactus with the Athenian officials charged with war-orphans, mentioned by Xenophon (*Vect.*, 2.7). Schaps (1979, 51 n. 38) argues that these *orphanophylakes* were not officials, but private persons acting as *epitropoi*. On the guardianship of minors in Thessaly, see also Babacos (1963, 316–9), who argues—on the basis of three manumission inscriptions—that male guardians in Thessaly were usually appointed in wills, whereas women had this right by law. On guardianship in Egypt, see Taubenschlag 1955, 157, and cf. *P. Oxy.* IV, 716, cited in chapter 2.3.2.

acquiescence of family members (Rädle 1969, 128).<sup>9</sup> Admittedly, this phrase is found in manumission acts carried out by women (whether they appear alone or as part of a group of manumitters), by minors, and by persons who were themselves manumitted slaves (see below), apparently indicating that a guardian was needed. For instance, Caphisa, daughter of Mnasia of Chaeronea, manumitted her slave in the presence of two *philo*i (Roesch and Fossey 1978a, 132, no. 9);<sup>10</sup> in another act from Chaeronea, carried out by a man, his wife, and their son, the man was 'present' for his wife as her husband and for his son as his father (*IG VII* 3330).<sup>11</sup> But in *BCH*, 17 (1893), 386, no. 88, from Delphi, mentioned above, in which the young Alexander manumits a slave girl in the presence of his *kyrios*, two women appear as his co-manumitters<sup>12</sup> in the presence of yet another man, who is not explicitly described as their *kyrios*. Some time later, one of these women released the manumitted slave from the *paramone* to which the slave was obligated by the original manumission contract; this time she acted independently (*BCH*, 17, 1893, 387, no. 89). Irana, daughter of Nicias of Delphi, manumitted three slaves without a

<sup>9</sup> In Leucopetra, one consecration-manumission is carried out in the presence of the priests (Petsas, no. 52). But since most of the inscriptions from this sanctuary are dated by the priests of the goddess, it seems that this 'presence' clause is another wording for the same purpose.

<sup>10</sup> The Greek reads παριόντων αὐτῇ φίλων. The name of the second *philos* is identical to the patronymic of the female manumitter, so he may have been her father. If so, in Chaeronea the term *philo*i may have described relatives as well as friends. Cf. Schaps (1979, 48), who suggests that these *philo*i were distant relatives. See also *IG VII* 3329, in which Callo daughter of Timiadas manumits in the presence of Callon son of Timiadas (her brother?) and another person with a different patronymic; no. 3357, in which Lampris daughter of Molyntus manumits in the presence of three men, two of whom share a patronymic and may have been her nephews or cousins; no. 3365, in which Mnasicia manumits in the presence of two *philo*i who bear the same patronymic (her sons?); no. 3387 is too fragmentary to infer any affiliation. The presence of *philo*i, however, was not confined to Chaeronea: in *SGDI* 501, from Orchomenus, in which two women with different patronymics (mother and daughter?) are the manumitters, Caloclidias son of Calligiton is 'present' for the first as her *philos* and for the second as her husband. In light of the social implications of this term, however (see above, chapter 1.3), and the fact that not all the attested *philo*i in these manumissions can be definitely proved to be close relatives, a *philos* might be any person with whom obligatory reciprocal bonds existed.

<sup>11</sup> For women manumitting in the presence of family members, cf., from Chaeronea: *SGDI* 406m (in the presence of her brother and his sons), 406o (in the presence of her brother); from Lebedeia: *SGDI* 429 (in the presence of her son); from Orchomenus: *SGDI* 498 (in the presence of her son).

<sup>12</sup> The two women have different patronymics and thus are not closely related to each other or to Alexander. Perhaps the three were cousins.

*kyrios*, though with the consent of her brother (*BCH*, 17, 1893, 387, no. 91); in the same month she manumitted another female slave, whom she bound by a *paramone*-clause, this time without her brother's consent (*ibid.*, 388, no. 92). Some time later, however, she released this female slave from the *paramone*, with the consent of her brother *and* in his presence (*ibid.*, 390, no. 98). These cases imply that in Delphi, at least, the 'presence'-clause did not necessarily refer to the *kyrieia* and seems not to have been obligatory.

Considering, however, that in the aforementioned manumissions from Chaeronea the 'present' person seems to be the *kyrios* and that women needed a *kyrios* in all the attested acts from Chaeronea and other Boeotian poleis, it can be assumed that in Boeotia—though not in other places—the phrase 'in the presence of' referred to the *kyrios*.<sup>13</sup> Yet even in Chaeronea, the presence of another person did not always indicate the involvement of a *kyrios*; recall that in Boeotia women could witness manumissions (see above). In *SGDI* 400, in which two brothers—Aristocleis and Nicostratus—appear as manumittors, the son of Aristocleis is 'present for him' and gives his assent. Both here and in *BCH* 17 (1893), 390, no. 98, mentioned above, the 'presence' is accompanied by the expressed consent of a son or a brother; this raises the possibility that, in some cases, the 'presence' of a third person meant merely his physical presence at the time of the manumission, while in others it meant actual involvement and acquiescence in the act.<sup>14</sup> This impression is corroborated by the wording of several acquiescence-clauses in manumission acts.

Acquiescence by family members and other persons is attested in cases where the manumittor was a man, a woman, or a minor. Acquiescence was given by parents to their sons and daughters and

<sup>13</sup> So Rädle (1969, 126), who nevertheless notes that even in Delphi women manumitted with a *kyrios*, though in less than half the cases. See also Albrecht (1978, 243) and Calderini (1908, 189–91), who explain this fact by the greater protection provided by the priests, magistrates, and guarantors in Delphi.

<sup>14</sup> Albrecht (1978, 243 n. 47) who, as noted above, argues that the presence of a third person meant the involvement of a *kyrios*, is confused by the occurrence of this phrase in poleis where—in his opinion—*kyrieia* was non-existent or nonbinding. He therefore admits that in such cases the phrase meant only the actual presence (but not the legal responsibility) of a third person. Such are *FD* 3.2.130, from Chalcion, and *IG IX*(1) 86, from Hymapolis. A similar case is the clause 'in the presence and by the order of', which refers to the manumittors themselves (e.g., *IG IX*(1) 3<sup>2</sup> 755 a, b; *FD* 3.6.124, 133). In such instances, illiterate persons asked others to write the contracts for them in their presence; on this, see Keramopoullos (1904) and chapter 4.1, below.



vice versa,<sup>15</sup> by grandparents to their grandchildren, by husbands to their wives and vice versa, by brothers to their sisters and vice versa, by in-laws (e.g., by a female to her brother-in-law), and by persons whose relation to the manumittor is not clear. Furthermore, all these permutations and combinations can be found, in various modes of manumission and in acts carried out by individuals as well as by groups, in central Greece (Boeotia, Phocis), western Greece (Ozolian Locris, Epirus, Aetolia, Acarnania), northern Greece (Thessaly, Macedonia), and the Bosphorus kingdom. The verbs typically used to express acquiescence were ‘to agree with’, ‘to give one’s consent’, or ‘to approve jointly’ (συνευδοκεῖν, συνευαρεστεῖν, and συνεπαινεῖν, respectively), as participles or as finite forms of the verbs.<sup>16</sup> The fact that women give their consent to manumissions conducted by their husbands, fathers, brothers, and children reinforces the impression that, at least from the fourth century B.C. onwards, the legal status of women in some parts of the Greek world was better than it was in other parts.<sup>17</sup>

Analysing manumission acts from Thessaly and Calymna, Babacos (1963, 321–2; 1964, 31–6; 1966, 79–85) concludes that in these regions acquiescence-clauses had the same legal meaning as collective manumissions. Considering, however, that there are relatively few attested collective manumissions in Thessaly, Babacos argues that in Thessaly the manumittors’ relatives had a legal right to further services from the manumitted slaves, that is, a *paramone ex lege* (1963, 315 n. 19; 1966, 79–86).<sup>18</sup> The involvement of other members of the family in the manumission, he argues, indicated their consent to

<sup>15</sup> In the inscriptions from Buthrotus in Epirus, children never give their consent to manumissions transacted by their parents; but since in the four attested cases of consent the manumittors were childless (see below), the purpose of the acquiescence-clause seems to have been different in Buthrotus than elsewhere. See Cabanes 1976, 417–8.

<sup>16</sup> As participles, e.g., συνευδοκούντος/ούσα αὐτῷ/ῇ τοῦ δέινος; as a finite verb, e.g., συνευαρεστεῖ. Roesch and Fossey (1978b, 140) argue that the participle συναφιόντων in an inscription from Coronea (Il. 12), followed by several names, is not identical to acquiescence-verbs but implies collective manumission.

<sup>17</sup> See, for instance, *IG IX(1) 3<sup>2</sup>*, 624d (Naupactus); *SGDI* 1726 (Chaleion); Petsas, no. 134 (Leucopetra), in which a daughter gives her consent to a manumission performed by her mother.

<sup>18</sup> The *paramone*, a substantive derived from the verb *paramenein*, ‘to stay, remain’, was the general term for the obligation (often attached as a condition to manumission) of the slave to remain with his or her former master after manumission and perform certain services. On this obligation, see below, chapter 4.2.2.

the cancellation of this right. In other words, Babacos believes that although relatives were sometimes called on to express their consent to or take an active part in manumission, there was no collective ownership of the property of the *oikos* (1966, 33). It should be noted, however, that whether or not acquiescence-clauses indicate collective manumission and the abrogation of the right to further services, slaves are an important part of the family property.

The significance of slaves as household property is also emphasized in other modern interpretations. Westermann (1950, 54–8) argues that acquiescence-clauses were obligatory in Delphi. He explains them as the annulment of any future claim to the manumitted slave by legal heirs and as a guaranty to the ‘purchaser’ (the god in sale-manumissions) that the sale will be honoured even after the manumittor’s death.<sup>19</sup> Rädle (1969, 128–30, 188), as noted above, maintains that the acquiescence- and ‘presence’-clauses had the same meaning and purpose; he further asserts—following Babacos and applying the latter’s inferences to all regions where these clauses appear—that this consent was needed when the property was owned collectively by the entire family. Hence, wherever such clauses appear, we must assume that these manumissions were collective. In *SGDI* 1359, from Dodona, for instance, a couple declare that they release their female slave both from their ownership and from that of their descendants (ἐλευθήραν ἀφίεν[τι αὐ]τοὶ ἀπ’ αὐτῶν καὶ τῶν ἐκγόνων). A similar view is that of Petsas, who claims that joint ownership by families existed in Macedon and that the use of the acquiescence verb in two manumission inscriptions (nos. 36, 134) proves this case (Petsas, 39–40). Blavatskaja (1972, 49–50, 74–5), too, maintains that any manumission contract touched upon rights of ownership and concerned not only the interests of the manumittors, but also those of potential heirs. Family-members’ agreement to manumission in Western Locris and in Aetolia, she argues, was required by law and the consenting persons acted as co-manumittors.<sup>20</sup>

<sup>19</sup> Cf. Calderini (1908, 188), who maintains that this clause was quasi-obligatory in various places and periods. See also Schaps 1979, 4.

<sup>20</sup> Although her view is similar to that of Babacos concerning Thessaly, Blavatskaja seems to distinguish between acquiescence-clauses and collective manumissions (1972, 50). Schaps (1979, 8) claims that there is no evidence that indicates that family members in Greece had an equal share in the property, although such relations, secured in a contract, are known from Egyptian papyri.

Albrecht (1978, 216–31, 245–77), on the other hand, distinguishes between collective manumissions and acquiescence given to single manumittors. He argues that the first involves equal legal standing for all members of the family, whereas acquiescence-clauses imply a legal status inferior to that of the manumittor. Cabanes (1976, 418–22, 459–61) draws a different conclusion. Comparing the low proportion of collective manumissions in Thessaly with the much higher proportion in Epirus (especially Buthrotus), he suggests that, in Thessaly, collective ownership was voluntary: the head of the family could summon all its members to take part in the transaction or limit participation to some of them. In Epirus, on the other hand, the collective ownership of family property, he says, was enshrined in the law, as is shown by the numerous manumissions conducted collectively by parents, children, grandchildren, and in-laws. But because not all manumissions in Buthrotus were carried out by family groups, and because their percentage in Dodona was low, Cabanes suggests that, in Epirus, manumissions reflect a conflict between two legal traditions. The older and local tradition assumed collective ownership and required the participation of all family-members in the act of manumission; according to this tradition, single women could sometimes stand in for the head of the family and manumit slaves without *kyrieia*. The other tradition, which reached Epirus from central Greece, emphasized the father's prerogative and minimized that of other members of the family, especially women. This new tradition, adopted by some Epirotan families, contributed to the dissolution of collective family property.

Hence manumission inscriptions can be an abundant (although controversial) source of information about modes of family holdings and the legal status of members of the household in different regions of the Greek world. My purpose in referring to the various interpretations, however, is not to suggest a different explanation, but to draw attention to the economic and legal implications of manumission. Manumission seems to have affected the entire family and to have been the focus of economic and legal concerns. This is true whether slaves (like other family assets) were owned collectively and equally by all members of the family or were the exclusive property of the head of family, and whether 'presence'- and acquiescence-clauses indicate collective manumission (and, hence, collective ownership) or merely reflect the interests of relatives with lesser legal claims. Manumission meant the alienation of family property and

the reduction of the descendants' patrimony. Hence, future claims by heirs had to be forestalled by involving them in the act or by obtaining their formal consent. Thus, in *CIRB* 1021, from the Bosphorus Kingdom, the female manumittor Glycaria manumits her slave Philodespotus ('Master-lover!') with the consent 'of my heirs Dadas, my elder son, and Maesooos, Tauriscus, and Apollonius' (ll. 8–12).<sup>21</sup>

The ever-existing danger of legal heirs challenging the act of manumission is made clear by these 'presence'- and acquiescence-clauses, by collective manumissions, by the increasing careful and detailed formulation of manumission-contracts, and—as we shall see—by the specification of guarantors and witnesses. It is also explicitly displayed by legal actions taken against manumitted slaves or against persons who asserted their freedom on their behalf. I discuss this subject in the next chapter; here, though, we may recall the case of Eumathes, mentioned above (chapter 2.2). Isaeus' oration in defence of Eumathes, of which only fragments survive (frs. 15–7 Thalheim), was delivered by Xenocles, an Athenian citizen, who had asserted Eumathes' freedom against Dionysius, the son of Eumathes' former master.<sup>22</sup> Harporation (s.v. ἄγει = fr. 16 Thalheim) cites Dionysius' claim (it is not clear whether this is a part of Dionysius' prosecution speech or Xenocles' citation of his rival's words): 'When I was leading (Eumathes) into slavery, in accordance with my share (in the inheritance)'.<sup>23</sup> Eumathes' case also shows, as will be argued later, that the consent or involvement of other members of the family, as well as other guaranties inserted in the contract, worked to the interest of the manumitted slave too.

But the overall impression of these precautions taken by manumittors is that slaves were an important part of the family property and that any action that concerned this property required a decision

<sup>21</sup> An inscription of great interest from Beroea (*EV*, 150–53, no. 49; 181 A.D.), contains both the act of consecration-manumission, performed by a woman, and a letter from her two younger brothers, expressing their consent to the manumission. The formulation of their consent, however, explicitly recognizes her complete authority to dispose of her property as she wishes (ll. 15–28).

<sup>22</sup> In the legal procedure involved here, the *aphairesis eis eleutherian*, the prosecuting side was the person who claimed ownership of the slave. Beside Eumathes' case, we have other evidence for this procedure in Athens and some indication of its existence in other places. For this procedure, see below, chapter 5.

<sup>23</sup> The Greek reads ἄγοντος ἐμοῦ εἰς δουλείαν κατὰ τὸ ἐμὸν μέρος. Since only this isolate sentence is left of Xenocles' arguments, it may also mean 'because I was leading . . . '.

by the entire family. The extent to which collective manumissions were conducted and acquiescence-clauses were employed should not be overrated, however. In Athens, for example, although collective ownership of slaves by non-relatives is recorded (e.g., *IG* II<sup>2</sup> 1569 A col. II, ll. 3–5),<sup>24</sup> there is no evidence for acquiescence-clauses. In other places, too, they seem to have been unknown. Moreover, family ties between co-manumittors, or between consenting persons and manumittors, are not always clear. Still, Eumathes' case proves that even where there is no evidence of collective manumissions by families or acquiescence-clauses, slaves were considered to be an important part of the family property and a potential source of legal disputes. This can also be inferred from the case of a unique group of manumittors in Epirus, the 'childless'.

Several inscriptions from Buthrotus and Dodona in Epirus label manumittors as 'childless' (ἄτεκνοι) or state that the manumission is transacted according to 'the law of the childless' (κατὰ τὸν τῶν ἀτέκνων νόμον). Cabanes offers some possible explanations of this law. In his study of the inscriptions from Buthrotus (1974, 198–200), he surmises that manumission of slaves by consecration may have been practised as a means of appeasing the gods, since childlessness was considered to be a religious offence;<sup>25</sup> alternately, childless slave-owners manumitted their slaves to ensure that there would be someone to conduct their obsequies. Cabanes (*ibid.*, 201) also suggests that the 'law of the childless' was meant to guarantee that no rights of potential heirs (the father, for instance) were abused. This last notion is developed in Cabanes' later study of Epirus (1976, 402–4, 418–21, 459), where he argues that the 'law of the childless' was local and allowed or required unmarried persons or childless couples to manumit their slaves one at a time and not all at once. He further claims that, since the only known acquiescence-clauses from Buthrotus are in four acts conducted by 'childless' persons,<sup>26</sup> this law required the

<sup>24</sup> This example, an entry in the 'Lists of Silver Bowls' (see above, chapter 2.1, and 2.2), illustrates the ownership of slaves by associations. See further below, chapter 4.2.1, and chapter 5.1.

<sup>25</sup> It is noticeable, however, that childless manumittors also appear in 'secular' manumissions in Buthrotus; see Cabanes 1974, nos. V.19, VII.3, XVIII.10, XX.33, XXI.16, XXIV.12.

<sup>26</sup> This fact refutes the view of D-H-R, *Ins. Jur. Gr.* II, 303, that the term 'childless' was a declaration by the manumittor that he or she did not need acquiescence of family-members.

father's consent when he had already transferred his responsibility as the head of the family and his son or daughter had no children. Cabanes suggests that in manumissions carried out by childless owners with no acquiescence-clause (attested in many cases in Buthrotus and in the three cases of childless manumittors from Dodona), the father may have already been dead. Whatever the correct explanation of this unique law, it is clear that in Epirus manumission related to family property-rights and that measures were taken to ensure that fathers agreed to the alienation of property by childless persons—sometimes, perhaps, by the last of the lineage. According to Cabanes (1974, 201), this concern, sanctioned by law, reflected the older and local tradition in Epirus—of a collective regime of property. Hence, although 'the law of the childless' seems to have been confined to Epirus, it reflects notions and concerns shared by slave-owners in other places.

This concern is also evident in cases where slave-owners manumitted their slaves outside their own poleis. These manumittors were apparently foreigners (*xenoi*), but their exact legal status is usually not clear. The standard formula that indicated the metic's deme of residence in Athens—'residing in [name of deme]' (οἰκῶν/οἰκοῦσα ἐν)—enables us to identify metics as manumittors/prosecutors in the 'Lists of Silver Bowls' (e.g., *IG* II<sup>2</sup> 1557 A, col. II, ll. 47–9; 1565, ll. 5, 20). Literary sources, too, provide some evidence about foreign manumittors at Athens. Thus the wealthy banker Pasion, a manumitted slave of Archestratus and Antisthenes—and hence, legally, a foreigner in Athens—may have manumitted his slave Phormio before he became a citizen; he also left instructions in his will for Phormio to marry his widow (D., 36.48; 45.3, 73–88; 46.20–1).<sup>27</sup> There are similar examples, both in Athens and elsewhere (D., 36.28–30). It is more difficult to infer the exact legal status of foreign manumittors in other poleis. In Delphi, for instance, in the early second century B.C., most manumittors came from neighbouring poleis; starting around the middle of the century, though, most of them were Delphian citizens.<sup>28</sup> These foreigners might be travellers passing through, slave-

<sup>27</sup> On Pasion and Phormio, see in detail below, chapter 6.

<sup>28</sup> See Calderini 1908, 177–8; Rädle 1969, 124–5; Albrecht 1978, 139–41; Hopkins 1978, 138–9. Blavatskaja (1972, 37) notices that most manumittors from Amphissa and Chaleion manumitted in Delphi and that all manumittors from Oeanthea manumitted in Delphi or in Apollo's sanctuary in Phaestinus. See also Mulliez (1992,

owners who came to Delphi on business and took the opportunity to manumit their slaves, others who intentionally came there in the purpose of securing the sanction of this important religious centre, or foreign residents of Delphi.<sup>29</sup> Other sanctuaries also attracted foreign manumittors, presumably because of the religious sanction afforded by them or because of personal preferences of certain gods and cults. Among the manumissions engraved in the sanctuary of the Mother of Gods in Leucopetra, for instance, many were performed by foreigners (Petsas, e.g., nos. 45, 65, 93, 94). In Naupactus, too, the sanctuaries of Asclepius, Dionysus, and Sarapis, as well as that of Asclepius in near-by Crounoi, attracted manumittors from both Naupactus and other poleis (Blavatskaja 1972, 37); so also the temple of Syrian Aphrodite in Phistyon (Grainger 2000, 36). Some slave-owners may have intentionally manumitted their slaves where the practices or laws of manumission seemed to suit their needs, for reasons that escape us. For example, slave-owners from Chaeronea, where manumission practices combined consecration with the consent of the Council, manumitted their slaves in Delphi exclusively by sale to the god as was the custom there; whereas slave-owners from other poleis manumitted their slaves in Chaeronea according to the local practice.<sup>30</sup>

The question of manumittors' legal status is linked to the mode of manumission and procedures followed by these foreigners. Although, as it seems, sale-manumission was imported to Delphi by citizens of West-Locrian poleis (Albrecht 1978, 138–41, 232–7), the Locrian manumittors in Delphi adapted to the form that developed there later; so did citizens of other poleis in which different modes where

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33), who argues that the decline in the number of foreign manumittors in Delphi indicates a decline in the sanctuary's importance. The percentage of foreign manumittors fell from 55% in the first half of the second century B.C. to 16% in the first half of the first century B.C. (Hopkins 1978, 138 n. 10; Mulliez 1992, 33).

<sup>29</sup> Mulliez (1992, 43) offers some examples of manumissions by foreigners, whose presence in Delphi can be linked to a known event. For instance, an emissary of king Attalus I, who came to Delphi in 197 B.C. in order to inspect the construction of a colonnade donated by the king, took the opportunity to manumit a slave (*SGDI* 2001).

<sup>30</sup> E.g., *SGDI* 2191, a manumittor from Chaeronea in Delphi; *IG* VII 3312, 3360, manumittors from Lebadea in Chaeronea; *IG* VII 3376, a manumittor from Panopeus/Phanateus in Chaeronea. Cf. the foreign manumittors in Naupactus (*IG* IX(1), 634 a, 614) and in Physceis (*IG* IX(1), 681, 684 I). In an inscription from Beroea (*EV*, 156, no. 55; 164/5 A.D.), the manumittor's name, Arabianus Marcus, may imply that he was of a foreign origin or even a manumitted slave himself.

practised. Albrecht (*ibid.*, 100–07) maintains that these manumittors adapted to local practices so that the act would have legal force, both in the places of manumission and in their own poleis, by right of their belonging to a political Federation or the Amphictyonic League or by virtue of interstate agreements (συμβολαί).<sup>31</sup> Collective manumissions and acquiescence-clauses in manumissions conducted by foreigners in Delphi or other poleis, he argues, were meant to render the act compatible with the family property rights in their home-cities. *IG VII 3372*, from Chaeronea (1st half of the 2nd century B.C.), may support this assumption. According to this inscription, Aristo, daughter of Callicrates—in the presence of her husband, Euandrus son of Timogiton—and Callicrates, Simias, and Cephisodorus—in the presence of their father, Simias—deposit a document with the archons through the Council, giving their consent to the consecration of Ptolemaeus by Philoxenus of Orchomenus. Schaps (1976) suggests that the woman and three men attempted to claim the person of Ptolemaeus, the manumitted slave, and that this document records their renunciation of this claim. Hence, says Schaps, this inscription may be a unique example of ‘an actual claim being pressed by parties who might “approve” the manumission’. Albrecht (1978, 229 and n. 95), too, suggests that these persons’ consent was given after the event, but he interprets it as reflecting the manumittor’s concern with the validity of the act. Albrecht notes that, although the consecration was performed in Chaeronea, the manumittor was a citizen of Orchomenus. He believes that the woman was Philoxenus’ aunt, that the three men were his nephews, and that their consent was given to a consecration-manumission already performed by Philoxenus in Chaeronea; the consent seems to have been in accordance with the laws of Orchomenus. Hence, Albrecht infers that foreigners in Delphi or other poleis were transients who intended to return to their home cities.<sup>32</sup>

<sup>31</sup> For instance, *SGDI* 1712 (150–140 B.C.), a manumission conducted by a citizen of Elatea in Delphi, is dated by the eponymous magistrates of both cities and the guaranty-clause is said to be in accordance with the law of Delphi and with the agreement (*symbolon*) of the Phocians. Cf. *SGDI* 1715, 1853, 1855.

<sup>32</sup> Such is apparently the case of Asandrus of Beroea in Macedon (*SGDI* 2071), who in 178/7 B.C. manumitted in Delphi the young female slave Euporia by selling her to Apollo, but intended her to go back to Beroea with him (cf. Mulliez 1992, 43). Concerning *IG IX(1) 3<sup>2</sup>*, 705, from Physceis (137/6 B.C.), which is a consecration of a slave to Apollo in Delphi but authorized by the Assembly of



Yet it is reasonable to assume that metic manumittors, being permanent foreign residents of the places where they freed their slaves, would adapt to local practices.<sup>33</sup> This is the impression given by several inscriptions in which the manumittors are described as ‘residing in’ (οἰκῶν or κατοικῶν), a description that calls to mind the Athenian metics. Thus, in *IG* VII(2) 3378, from Chaeronea, the manumittors are described as ‘residing (*katoikountes*) in Chaeronea’. Likewise, in *SEG* 39, 494, from Echinus in Thessaly (133/4–ca. 150 A.D.), the manumittor, a citizen of Larissa, is described as ‘residing in Echinus’.<sup>34</sup> Although it has been claimed that these manumittors were only transients and lacked the rights of metics,<sup>35</sup> the possibility that they were foreign residents should not be discarded. Cleogenes of Chaleion (*IG* IX(1) 331; shortly after mid-second century B.C.), for instance, describes himself as ‘working in Amphissa’ (ἐν Ἀμφίσῳ ἐνεργᾷ[ζ]όμενος; l. 3). He manumitted his slave in Chaleion, but made sure to date the contract by the eponymous magistrates of both Chaleion and Amphissa and to entrust copies of the manumission-contract to citizens of both poleis. Since the manumission took place in Chaleion, it is not clear why Cleogenes saw fit to publicize the fact that he worked in another city, unless he also resided there.

The care taken by foreign manumittors to ensure that their acts would be valid both in the place of manumission and in their home city may reflect caution about family property rights and local manumission laws. It cannot, however, be taken as a decisive indication of the manumittors’ status in the place of manumission or the slaves’ place of residence after manumission. Usually we have no means to find out whether a manumitted slave returned with his or her ex-owner to the latter’s home city or stayed in the place of manumission. The only indication is supplied by conditions attached to manumissions, which obligated the slaves to stay with or near their

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Physceis, Albrecht (1978, 136–7) argues that since the consecration was to be engraved and valid in Delphi, too, it required an official request by the polis of Physceis and hence had to be proclaimed in the Assembly. For manumissions dated and guaranteed by magistrates and laymen of two cities, but not according to interstate agreements, see, for example, *SGDI* 1854, 2143. Cf. also Hopkins 1978, 138 n. 10.

<sup>33</sup> Thus Calderini (1965, 178), who argues that manumittors who came from distant cities to Delphi were metics there. Cf. Rädle 1969, 125; but see also Hopkins 1978, 138.

<sup>34</sup> On this inscription, see also Collins Reilly 1971. Cf. *SGDI* 1983, 2011, 2228.

<sup>35</sup> See Albrecht 1978, 238.

ex-owners (such as *paramone* clauses). For example, the female slave Sotia was manumitted in Phistyon by two brothers from Arsinoe, on condition that, should she die childless, her property would go to her ex-owners and their heirs (*IG IX(1)* 1<sup>2</sup>, 96a). It is improbable that Sotia could go and live far away from her manumittors, if they wished to keep control of her whereabouts and fortune. A clearer case is *SGDI* 1718 (170–157/6 B.C.), in which a citizen of Lilaea manumits his female slave in Delphi, on the condition that she not go and live anywhere except Lilaea without his permission. So also *SGDI* 1719 (ca. 161/60 B.C.), in which Mnasixenus, a citizen of Erineus, manumits a female slave in Delphi and obligates her to stay and work for him until his death and to raise and provide for two children.<sup>36</sup> Another indication of the place of residence of manumitted slaves—and hence, indirectly, of the legal status of their manumittors—is the appellation ‘sacred’ (*hieros/a*) attached to manumittors in Chaeronea. These manumittors were themselves slaves manumitted through consecration to a divinity, who had themselves become slave-owners and now manumitted slaves ‘in the presence’ of the *hierarchos* (e.g., *IG VII* 3331).<sup>37</sup> The fact that these persons had to be aided by the *hierarchos* indicates that they remained in Chaeronea. A slightly different case is *IG VII* 3333, in which Parthena, ‘sacred’ to Sarapis, manumits her female slave in Chaeronea and binds her with a *paramone* clause to the benefit of her husband, a citizen of Daulis. Since Parthena manumits in the presence of the *hierarchos*, it seems that she lived in Chaeronea and not in her husband’s city; it follows that her husband was a foreigner resident in Chaeronea.<sup>38</sup> A manumission performed by a ‘sacred’ person is also known from the sanctuary of the Mother of Gods in Leucopetra: Maria, a ‘slave of the goddess (*hierodoulos*)’ and in charge of lighting the lamp in the temple, manumits a slave boy (Petsas, no. 39).<sup>39</sup>

<sup>36</sup> See also, e.g., *SGDI* 1854, 1855 (in Delphi); Petsas, nos. 45, 106 (in Leucopetra).

<sup>37</sup> On the *hieroi* and *hierarchos* in Chaeronea, see Foucart 1884, 404. Roesch and Fossey (1978a, 136–7) argue that the *hierarchos* was a magistrate in charge of sacred objects, to which category belonged the *hieroi*. They also maintain that the obligation to use the *hierarchos* did not apply to those who married a citizen of Chaeronea. See also chapter 2.2; for other examples in Chaeronea, see *IG VII* 3366, 3367, 3374, 3377.

<sup>38</sup> Cf. also *IG VII* 3381, where a manumitted woman sets free a slave in the presence of her manumittors ([. . . παριόντων] αὐτῇ τῶν ἀπελευθερωσάντων; ll. 1–2).

<sup>39</sup> So also are the manumittors in Petsas, nos. 109, 112, 113, 117, 151. The same status can be inferred concerning Petsas, no. 43, in which Crispina, an ‘*apeleuthera*

We have other clues that indicate the slave origins of manumitters. Being manumitted slaves themselves, it is probable that they usually needed the consent and mediation of a citizen in the act of manumission. Thus, in *IG IX(1)* 36, from Stiris, Eameris and Bithys, a married couple, ask permission of the polis to inscribe the manumission act (which is described both by a secular [*apeleutheroun*] and sacral [*anatithenai*] verb) in Asclepius' temple and perform the manumission with the consent 'of the *prostates* of E[ameris, . . .] whom Eameris has'.<sup>40</sup> Since both manumitted slaves and other non-citizen residents were usually required to register a *prostates*, however, Eameris' exact legal status is not clear. In *IG IX(2)*, 555, ll. 3–4, 6–7, from Larissa, on the other hand, the manumitters are explicitly described as *apeleutheroi* (on which term, see chapter 2.3.1). Likewise, in an inscription from Atrax (Béquignon 1974, 3, no. 1), Eros is manumitted by two brothers (ll. 10–11); later he himself manumits a slave (ll. 14–15).<sup>41</sup> It should be noted that as manumitter he is described as 'Eros the *apeleutheros* of Leontichus and Leon', indicating not only his status of manumitted slave but also his continuing dependence on his manumitters. Acts of manumission from Buthrotus also provide evidence of freed slaves who themselves manumitted slaves in concert with their ex-masters. Menexius, for example, who was manumitted by four members of one family (Cabanes, 1974, no. XXX, ll. 9), appears later as one of a group of manumitters of the same family (*ibid.*, no. I, l. 34). Cabanes (1976, 411–12) suggests that Menexius was adopted by the family or integrated into the household with an inferior status.<sup>42</sup> Other cases from Buthrotus are those of Sibylla, who had been manumitted by three men (Cabanes 1974,

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of the Mother of Gods', manumits a female slave by consecration. Presumably, Crispina herself was manumitted by consecration to the Mother of Gods. See also Cameron 1939b, concerning Edessa.

<sup>40</sup> καὶ τοῦ προστάτα Ε[αμερίδος . . .]λου ὃς καὶ εἰλάφει Ἐάμερις (ll. 5–6). Cf. Albrecht 1978, 213–4. On the *prostates* of manumitted slaves see below, chapter 4.3.

<sup>41</sup> The inscription records eight acts of manumission, dated according to the annual *strategoi*. The *strategos* of the year in which Eros was manumitted—Demothereses—is also mentioned in *IG IX(2)* 549, of the end of the first century B.C. The year of the *strategos* in which Eros manumitted his slave, however, is not known. But according to the order of the manumissions in this inscription, Eros manumitted his slave the year after his own manumission, unless the two actions were separated by a longer interval during which no manumissions were recorded.

<sup>42</sup> In *SGDI* 1348, from Dodona, the manumitted female slave is probably adopted, since she is 'to be Crateraeus' daughter'; it is not clear, however, who this adoptive father is. See Cabanes 1976, 464.

no. IV, ll. 31–2) and later appears as a co-manumittor with the same men (*ibid.*, no. XIII, ll. 29–30), and Neaera, who had been manumitted by three men and two women (*ibid.*, no. XIII, l. 12) and later appears with the same group as a manumittor (*ibid.*, no. XIX, l. 93). These women's status in the family is not clear, but they seem to have been legally equal to the other members.<sup>43</sup>

Finally, the question of the motivation for manumission should be addressed. In doing so, the socio-economic status of manumittors may be seen as a possible motive. It is a plausible assumption that wealthy persons owned many slaves and could therefore afford manumission. However, since our sources provide meagre information on this issue, the question of manumittors' socio-economic status is not easy to answer. Allusions to manumission by famous figures in the literary sources could prove more helpful. Demosthenes' father, for instance, who manumitted Milyas (D., 29.25–6), was a wealthy manufacturer of swords and employed many skilled slaves. His fortune, when he died, was estimated at a little less than 15 talents. Nicias, who manumitted his slave in the theatre (Plut., *Nic.*, 3.3; above, chapter 2.1), was one of Athens' wealthiest citizens; he had a thousand slaves working in the mines in Laureum (X., *Vect.*, 4.14). Xenophon recounts other examples of large slave-holdings in Athens (*ibid.*, 4.15–16). Pasion, mentioned above, was the owner of a bank and a shield factory and made a generous contribution to Athens (D., 36.14; 45.85). In 170 B.C., according to Diodorus Siculus (30.6), a citizen of Abdera defended the besieged city together with his 200 slaves and manumitted slaves (*apeleutheroi*). Themistocles, too, who manumitted his slave Sicinnus (Hdt., 8.75.1), was probably a man of means, since it is said that he was accustomed to entertain lavishly (Plut., *Them.*, 5).

Inscriptions, on the other hand, contain no direct information, and we can therefore only conjecture about the socio-economic position of the manumittors mentioned in them. We can plausibly surmise that owners who manumitted more than one slave were well-to-do.<sup>44</sup>

<sup>43</sup> See also Blavatskaja (1972, 75), who infers from the ethnic name of the woman manumittor in *IG IX(1) 1<sup>2</sup>, 137e*—Bio Calydonia—that she was a manumitted slave whose origin was the polis of Calydon. But the inscription itself is from Calydon; hence, Bio was Calydonian. Cf. *IG IX(1) 1<sup>2</sup>, 137c* (also from Calydon), in which the female manumittor is also identified by the ethnic name Calydonia.

<sup>44</sup> See, for example, *IG II<sup>2</sup> 1559 B*, ll. 79–92, and 1561, col. II, ll. 22–30 (Athens); *IG IX(2) 555*, ll. 19–24 (Larissa); *SGDI 1523* (Daulis); *SEG 12, 314* (Beroea);

On several occasions we are even able to identify individuals and families who manumitted individual slaves in successive months, years, or at longer intervals.<sup>45</sup> Prosopography also enables us, in some cases, to establish the social milieu of manumittors. Thus in Aetolia, most of the known manumittors descended from noble and distinguished families (Blavatskaja 1972, 75). In Delphi, many manumittors in the second century B.C. belonged to a narrow circle of archons, priests, and councillors (Hopkins 1978, 139 and n. 11). It should also be noted that Delphic manumissions necessitated some expenses: the act had to be written down on papyrus and engraved on stone, and it was probably also customary to pay the priests of Apollo (Hopkins 1978, 138; cf. below, chapter 4.1). This must be true about all manumissions performed in sanctuaries and, generally, about all manumissions recorded on stone. Hence the apparent inference seems to be that manumittors came typically from the upper classes of society. This inference, however, may be mistaken. First, in most acts of manumission only one slave was freed (Hopkins 1978, 169; Petsas, 27–8), which fact may imply that, in these cases, the owners had few slaves and hence were of modest means. Second, neither the epigraphic nor the literary evidence is representative in this respect, since it concerns limited areas and periods. Although the Delphic manumission inscriptions offer a complete picture of sacral manumission in Apollo's shrine over a period of almost three hundred years, this picture represents only one type of manumission and manumittors who could afford it. We have no way of knowing what other modes of manumission were practised at Delphi, if any, or how many slave-owners manumitted their slaves. This ignorance holds for every place in the Greek world.

Calculating the total number of manumitted slaves recorded for a given area can be used as another method for inferring the socioeconomic position of slave-owners. This method, however, also has its limitations. In Delphi, for example, more than 1,200 slaves were manumitted between the years 201 B.C. and 100 A.D. The major-

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*IG IX(1)* 2<sup>2</sup>, 419, ll. 1, 3, 7 (Thessaly); Petsas, nos. 2 with 26, 12, 44 with 58 and 74, 77 with 133, 86 with 95. Cf. Hopkins 1978, 169 n. 56, who also notes the increase in the size of slave-holdings in Delphi from 201 B.C. to 100 A.D.

<sup>45</sup> E.g., *SGDI* 1461, ll. 21 and 24–5 (Halus); 1783 with 1888 (Delphi); Cabanes 1974, no. V, l. 19, with no. XXI, l. 16; no. XX, l. 33, with no. XXVI, ll. 9 and 16, and no. XXVIII, l. 3; No. I, ll. 22–3, with no. V, ll. 3–4, no. VIII, ll. 41–2, no. XIX, ll. 25–8, and no. XXVII, ll. 5–6 (Buthrotus).

ity of them, 71%, were manumitted in the second century B.C., 20% in the first century B.C., and only 9% in the first century A.D.<sup>46</sup> Does the high number of manumitted slaves in Delphi in the second century B.C. indicate that slave-owners were well-to-do or, on the contrary, that they were impoverished and could no longer afford to hold slaves, as Vogt has argued (1974, 42)? Does the drop in the number of recorded manumissions in the first century A.D. reflect an economic decline in this region or in Greece in general (Rostovtzeff 1941, 625–6), or only a change in the prestige of Apollo's sanctuary? Again, we have to take into consideration the possibility that many other manumission inscriptions have been lost and, what is more important, that many manumission acts were never recorded on stone in the first place. About 400 slaves were manumitted in Buthrotus in Epirus in the first half of the second century B.C. (Cabanès 1974, 188–9; 1976, 401–2). Over the roughly 29 years covered by the manumission inscriptions, the number of slaves manumitted varies widely from year to year. In Dodona, only 31 slaves are known to have been manumitted between the middle of the fourth century B.C. and the middle of the second century B.C. Only four of them were manumitted in the fourth century, nine were manumitted in the third century B.C., and some sixteen in the first half of the second century B.C. (Cabanès 1976, 458). Do these figures imply, as argued by Cabanès (*ibid.*, 459), that slaveholders in Epirus prospered in the first half of the second century B.C. and not before or after? Does the large number of manumitted slaves in Buthrotus tell us anything about the socio-economic status of the manumittors? Cabanès (1974, 191; 1976, 421) answers in the affirmative; he believes that the multiple manumissions by some families in Buthrotus testify to their wealth. But what do we know about other manumittors, who manumitted only one slave, or about manumittors whose acts of manumission have not survived or were not inscribed at all? Caution should also be applied to Blavatskaja's suggestion (1972, 95) that the scarcity of recorded manumissions in Hellenistic Macedon (as compared to their frequency in the Roman period) indicates a higher demand for free labour and lower demand for servile work.<sup>47</sup>

<sup>46</sup> For the number of slaves manumitted in Delphi and their distribution by age, gender, and origin, see Hopkins 1978, 140, Table III.I.

<sup>47</sup> For the number of manumitted slaves in northwestern Greece, see Blavatskaja 1972, 37–95; cf. *ibid.*, 79, for multiple manumission in Oeniadae.

Referring to the increase in the number of consecration-manumissions in Leucopetra in the first half of the third century A.D., Petsas (27) admits that both prosperity and impoverishment could be the cause, though he points to the fact that a parallel increase in the number of *paramone* clauses (on which see below, chapter 4.2.2), inserted in these manumissions, is also noticeable.

Scholars have tried to infer the economic situation in a given place from the number of manumitted slaves who are explicitly described as 'home-born'. According to this line of argument, a high proportion of home-born manumitted slaves indicates, on the one hand, a self-reproducing slave population and, on the other hand, economic difficulties in obtaining slaves in markets. Thus Blavatskaja (1972, 72–3) concludes that in second-century B.C. Aetolia, the small number of manumitted slaves who had been purchased on the market as compared to those who were home-born indicates an economic decline that was brought about by the Roman conquest.<sup>48</sup> Conversely, in Delphi, the number of home-born manumitted slaves sharply increased between the years 153 B.C. and 47 A.D., but declined afterwards (Hopkins 1978, 140, Table III.I). Westermann (1955, 29–34) suggests that the increase was caused by the movement of purchased slaves from Greek to Italian markets, in the wake of the Roman conquest.<sup>49</sup> The decline in the numbers of home-born slaves in the first century B.C. can be explained by the smaller number of inscriptions found (113 manumitted slaves are recorded for the first century A.D. against 1,124 in the last two centuries B.C.; cf. Hopkins 1978, 134 and Table III.I). On the other hand, it could be ascribed to the more peaceful conditions of the first century A.D., which caused a reduction in the number of war captives (Hopkins 1978, 156). But the latter conjecture also implies that a high proportion of the home-born among manumitted slaves does not necessarily indicate economic hardships. Moreover, there are many other instances of manumission in Delphi and elsewhere in which the origin of the

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<sup>48</sup> Cf. Grainger (2000, 40), who suggests that the largest proportion of the 149 slaves with no origin recorded (as against 66 whose origin is noted) were home-born.

<sup>49</sup> Cf. de Ste. Croix (1981, 229–30), who also cites Pol., 38.15.3, as an example of the high number of home-born slaves in the middle of the second century B.C. He believes that the breeding of slaves was an essential factor in the gradual change in the forms of exploitation in the Graeco-Roman world, a change that involved heavier pressure on the free population. See also Mulliez 1992, 40–1.

slaves is not indicated or did not survive. I shall have more to say about the origin of slaves in the next section. For now, it suffices to realize that the absolute number of manumitted slaves and the proportion of home-born among them cannot be safely taken as an indicator of the economic position of slave-owners and hence of their motives for freeing their slaves. Nevertheless, home-born slaves did have special relationships with their masters; it is these intimate relationships, as we shall see in the next section, which served as one motive for manumission. On the whole, though, it seems that owners of a few or only one slave rarely manumitted them or not at all. In fact, most households seem to have had few slaves and multiple manumissions were not numerous.

Everything we have discussed highlights the nature of slaves as property—the frequent inclusion of family-members in manumissions, the acquiescence-clauses attached to them, the attempts by heirs and other persons to re-enslave manumitted slaves, and the ensuing legal procedures. We also have the case of ‘childless’ manumittors, who in some places could dispose of their slaves only in accordance with a special law. The Greeks seem to have been preoccupied with protecting their rights of ownership and family property. What, then, motivated owners to manumit their slaves and give up their property and the benefits accruing from it? The most obvious reason would be the wish to get rid of old and feeble slaves whose physical condition made it impossible to sell them, while the price that slaves usually paid for their freedom (see below, chapter 4.2.1) compensated the owners and helped them re-capitalize the value of the property so as to purchase younger and stronger slaves (Hopkins, 1978, 118–129, 134).<sup>50</sup>

But the sources disclose other motives as well. In his will (*P. Oxy.* III, 494), Acusilaus instructs his wife and son to manumit five female slaves, ‘because of their goodwill and affection’ (κατ’ εὐνοιαν καὶ φιλοστοργίαν; l. 6). Of course, since two of the slaves to be manumitted are a mother and daughter, the woman may have been his

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<sup>50</sup> There is, however, evidence of manumissions of young slaves. See Hopkins (1978, 139) for manumissions in Delphi, and below, section 3.2. Slave-owners’ reluctance to manumit their slaves may be deduced from the story of Aesop: when the Samians ask Xanthus to free Aesop, he says, ‘I do not manumit a slave who has served for a long time’ (*Vit. Aesop.* G 90, Perry: οὐκ ἐλευθερῶ δοῦλον παντελῶς πολὺν χρόνον δεδουλεγκότα). In Manuscript W 90, on the other hand, Xanthus’ answer is that he does not manumit a slave who has served for a short time.



concubine (see below, 3.2). Still, this document discloses motives other than profit. A female slave in Aristophon's comedy *Philonides* says that her master manumitted her as a reward for *arete*, virtue (fr. 13 K.-A.). Although brought in a comic context, this motive should not be rejected. As we have seen (above, chapter 1.5), slaves expected to be rewarded with freedom for their loyalty and services, and slave-owners may have granted freedom out of *charis*. Thus the slave Daus, in Menander's *Aspis* (ll. 11–12), bewails his master's supposed death in battle, because it frustrated his hopes to be freed after long years of loyal service (cf. *Perik.*, 982–3). Xanthus promises Aesop his freedom in return (*charis*) for the latter's help in discovering a treasure (*Vit. Aesop.* W 78, Perry); and although he ignores his promise, he later manumits Aesop as a *charis* to the Samians (*ibid.*, 90). Xenophon (*Oec.*, 5.16) and Aristotle (*Pol.*, 1330a 32–4), indeed, recommended promising slaves their freedom as a way to keep them disciplined and loyal. The multiple manumissions specified in the wills of philosophers cannot have stemmed from a mere intention to tidy up their estates after death, since other slaves are mentioned who were to remain in service or to be sold. It is also significant that both Aristotle and Lycon bequeathed many items of furniture, clothing, money, and even books to slaves who were to be manumitted after their deaths (*D.L.*, 5.14, 72–74). Furthermore, two slave boys of Lycon were to be manumitted and then raised and educated by Lycon's brother.

Inscriptions, too, refer to motives other than profit. Some manumission inscriptions required the manumitted slaves to perform their manumittors' funeral rites (see below, 3.2, and in chapter 4.2.2). These manumittors may have been childless and wished for someone to take care of their funeral and grave, as was customary of children. Hence close relationships were created between them and their slaves. Other inscriptions state that the manumission is performed according to the vows of the manumittors. Such are, for instance, *CIRB* 70 and 73, from the Bosphorus Kingdom, and Petsas, no. 14, from Leucopetra.<sup>51</sup> Other consecration-manumissions from Leucopetra (Petsas, nos. 12, 69, 134) were performed as a repayment for a loan given by the sanctuary, and one (*ibid.*, no. 65) was

<sup>51</sup> Cf. Petsas, nos. 52, 139, 157. Similar cases may be no. 45, in which the manumittor manumits a slave boy, whom she swore to consecrate to the goddess when he was still an infant, and no. 87, in which the manumittor consecrates a young female slave, in accordance with a prior promise of his mother.

performed in appeasement of the goddess, because the manumittors 'have suffered many misfortunes from the Mother of Gods'. A couple from Scydra (D-H-R, *Ins. Jur. Gr.* II, 250, no. 14) consecrated their female slave Onesima in gratitude for her loyal services. Another female slave was manumitted in Azorus 'in gift', because she had been 'well pleasing' (*IG IX(2)* 1296 A = Helly 1976, 143–7). Some inscriptions, moreover, record manumissions performed according to wills (e.g., *IG V(2)* 274 I, from Mantinea; *IG IX(2)* 546, from Thessaly) or to the oral intention of the deceased owner (*IG IX(2)* 102a and 109a, from Phthiotic Thebes). Although we do not know the motives of these owners, the fact is that they could not profit themselves from manumission (but their heirs did).

Hence manumission was not only a business transaction. In many cases it was an exchange of freedom for services, a *charis* for *charis*, or a fulfilment of vows. In some cases it manifested close relationships between masters and slaves, in a way that challenges the concept of the slave as a mere piece of property. In the next section we shall see that other motives were involved and that manumission was often an expression of familial relations.

### 3.2 *Manumitted Slaves*

In the language of manumission, the beneficiary is not a person. Manumittors did not set free, consecrate, or sell a person, but either a 'slave' (*doulos/e*) or a 'body' (*soma*); the sex or age of the manumitted slave was indicated by 'male/female body' (*gynaïkeion/andreion soma*) or by 'a girl' or 'a boy' (*korasion* or *koridion, paidarion*). This language, together with the demand for payment, the conditions attached to manumission, and the punitive-clauses that threatened manumitted slaves with punishment and retraction of manumission should they violate these conditions, makes manumission look like a strictly commercial transaction, devoid of sentiment. Yet different relations may be hidden behind these austere texts; one of the goals of the following survey is to detect such relations.

In some places, manumission records indicate that women accounted for a slight majority of all manumitted slaves. More than half of the slaves manumitted in Buthrotus were women (Cabanès 1974, 190), although in Dodona most of them were men (Cabanès 1976, 459). In Delphi, 63% of the recorded manumitted slaves were adult women

(Hopkins 1978, 139–40). The inscriptions from Leucopetra record the manumission of 109 female slaves and 77 males (Petsas, 42). These figures raise the question whether intimate relations between masters and their female slaves are responsible for this difference in the proportion of manumitted slaves women and men. But it should be noted that in other places the ratio is reversed: a slight majority of the manumitted slaves in Aetolia, for instance, were males: 113 men and 102 women (Blavatskaja 1972, 38; Grainger 2000, 38). Since evidence of manumitted slaves' gender is lacking in many other poleis, it is not wise to infer motives for manumission from a few places, however complete the picture they provide. Grainger (2000, 38–9) suggests that in more economically developed and industrial places, such as Delphi, the division of labour between male and female slaves (men being used for heavier outdoor work, and women for domestic tasks) accounted for the rates of survival and, hence, for a higher proportion of females among the manumitted slaves. This may be the reason, he says, why in rural Aetolia the proportions were different. Moreover, it seems that, in the case of consecration-manumission, more women than men were manumitted by consecration to certain goddesses, such as Syrian Aphrodite in Phistyon (Blavatskaja 1972, 74) or the Mother of Gods in Leucopetra (Petsas, 42). Another question is how female slaves acquired the money to buy their freedom (e.g., Hopkins 1978, 139, 169; Tucker 1982, 227–31). Since slaves of both sexes, however, could not legally own property, the same question must be asked about male slaves, and I shall deal with it below (chapter 4.2.1). It is nevertheless a fact that, in Delphi, female slaves paid less for their freedom than male slaves did (Hopkins 1978, 159–61; Tucker 1982, 226). The reason for this difference is not obvious, given that women were prominent among the few recorded highly skilled slaves (see below). Since, however, slave women were an important source of new slaves—if we may use this crude formulation—it may be that many of them were allowed to pay less for their freedom because they were leaving their children behind. This assumption is corroborated by the conditions attached to several acts, in which the manumitted women were required to hand over a child or children to the manumitters or their heirs (e.g., *FD* 3.3.291, Delphi; *TC* 176a, Calymna).<sup>52</sup>

<sup>52</sup> Cf. Segré, *TC*, 177–8; Hopkins 1978, 155–8; Tucker 1982, 233; below, chapter 4.2.2.

The age of manumitted adult slaves might be an indicator of the owners' motives. If they were old, they may have been manumitted because their owners wanted to replace them with younger slaves (in addition to the wish to reward long and faithful service). If they were still young or middle-aged, other factors might have been at play (unless they were ailing). Unfortunately our sources seldom refer to the manumitted slaves' age, and it seems that the custom to record the slave's age was not widespread. Descriptions of freed slaves as 'a female/male body' (*soma gynaikeion/andreion*) do not inform us about the exact age and, moreover, are sometimes misleading. First, we do not know what age marked the beginning of adulthood.<sup>53</sup> Second, in some places, the terms 'a boy' (*païs, paidion*), or 'a girl' (*paidiske, korasion, koridion*) were used for both children and adults (cf. Petsas, 42). In an inscription from Susa (*SEG* 7, 15; first half of 2nd century B.C.), for instance, which has been studied and emended by Robert (1969, 1216–27), the female slave Micra was manumitted through consecration to the goddess Nanaea. According to Robert's emendations, Micra was 'about 30 years old' ([ὥς ἐτῶν τριάκοντα; l. 8), although she is described as *paidiske*.<sup>54</sup> Other female slaves, manumitted in Susa (*SEG* 7, 22 and 25) and in Beroea (*EV*, 153–54, no. 51), were also about 30 years old; it is strange, though, that the slave from Beroea is described as 'a girl' (κοράσιον). In Graeco-Roman Egypt, a female slave aged about 35 was manumitted in 86 A.D. (*P. Oxy.* I, 48, l. 3). A male slave of about 30 was the subject of the request made by three minor brothers to auction off two-thirds of him in 186 A.D. (*P. Oxy.* IV, 716; see above, chapter

<sup>53</sup> See Hopkins (1978, 139 and n. 13), who refers to age-categories in Aphrodisias, where 15 marked the end of childhood.

<sup>54</sup> The inscription was published by F. Cumont, as restored by B. Houssoullier, in 1928, followed by additional corrections in 1931 and 1932 (see Robert 1969, 1216–7). Cf. also Koschaker 1931, 68–83. According to Cumont's reading, the word *paidiske* in line 3 indicates that the slave was a young girl, and the condition of her manumission was that she serve the goddess for 30 years, or until age 30. Robert has shown that the words ὥς ἐτῶν τριάκοντα cannot be understood otherwise than as an indication of age and that *paidiske* is an appellation that applies to both young and adult female slaves (ibid., 1220). Yet it should be noted that *paidiske*—whether referring to a free woman or to a slave—is usually employed to describe a young woman, a maiden. The evidence of Phrynichus (s.v. παιδίσκη), on which Robert relies for the meaning of *paidiske* (p. 1220 n. 1), cannot be conclusive, since Phrynichus, who says that 'this word is applied today to a female servant, but the ancients applied it to a young girl', lived in the second century A.D., and our inscription predates him by almost 300 years.

2.3.2)—and thus was younger when the first third was manumitted by the minors' half-brother. The female slave whose third part was manumitted in 91 or 107 A.D. by two brothers (*P. Oxy.* IV, 722; see above, chapter 2.3.2) was about 26 years old, and hence was younger when the first two-thirds were manumitted some years earlier. The slave manumitted in an inscription from Beroea (*EV*, 155–6, no. 53) was also 26 years old. Another inscription from the same city (*ibid.*, 156, no. 55) is the manumission of a young female slave, aged 22, together with her brothers. Finally, in *SGDI* 2322, from Delphi, a 20-year-old woman is manumitted by sale to Apollo.

Considering the fact that in the above examples the slaves were between the ages of 20 and 35, can we infer that this was the usual range for manumission? If so, what does it imply about the slaves' physical condition and the manumittors' motives? In light of the impact of the hard physical labour they performed, it can be assumed that by the age of 30 most slaves, and especially women, were no longer considered to be young and physically fit to perform their duties satisfactorily and were, therefore, manumitted. Another explanation is possible, however. In ancient times, age was often a matter of rough estimation—all the more so for slaves, although owners could estimate the age of house-born slaves more accurately than that of purchased ones. It may be that when manumittors wished to record the slave's age they gave an approximate figure, based mainly on the slave's physical appearance and condition. Hence, 'about 30 years old', or even the more precise '20-year-old', '(about) 26' or '35-year-old', could be equivalent to 'in the prime of his/her life'.<sup>55</sup>

In Macedon, however, it seems that the custom was to register the exact or estimated age of manumitted slaves. The inscriptions from the sanctuary of the Mother of Gods in Leucopetra, especially, reveal a wider range of ages. In addition to slaves manumitted at the age of 20 to 30 (Petsas, e.g., nos. 37, 69, 89, 108), others were forty years old (*ibid.*, e.g., nos. 69, 117) and even sixty (*ibid.*, no. 69). It should be noted, though, that older slaves were usually manumitted in Leucopetra together with their children and even grandchildren. No. 69, in fact, is the manumission of a whole family of

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<sup>55</sup> Cf. Robert (1969, 1222). For the estimation of age on the basis of physical signs in classical Athens, see Arist., *Ath. Pol.*, 42.1; cf. Ar., *V*, 578; Robertson 2000, 151–52.

slaves: Nicē (aged 60), her daughter Alexandra (aged 40), and the latter's children, Paramonus (aged 20), Helene (aged 18), and Alexandros (aged 12). Such manumissions imply the existence of family ties among slaves (also attested in other parts of the Greek world) and the owners' recognition of them; it may also imply that the motives behind manumission had to do with affectionate relations between masters and slaves (on which topic, see below). In this particular inscription from Leucopetra, however, the motive for manumission is explicitly stated (as is in most of the inscriptions from this place): the manumittor decided to consecrate this family in return for loans given to her husband by the sanctuary. Moreover, the manumitted slaves are described as purchased by the manumittor from another person. This description is intended to verify the manumittor's right of ownership (see also below, chapter 4.1), but it also implies that Nicē's daughter and grandchildren may have not been born in the house of the manumittor or raised by her.

Where the age of the manumitted slave is not indicated, we may rely on speculation. Looking at manumissions with *paramone* clauses is one way to indirectly infer the age of manumitted slaves. We can speculate, for instance, that *paramone* clauses were inserted in manumission contracts because of the owners' wish to continue to exploit their slaves' labour as far as possible. Hence, whenever manumittors stipulated that their slaves remain with them for as long as they live, we may infer that these slaves were not old. But this speculation also depends on information concerning the manumittor's age and life expectancy; however, this information, too, is absent in the sources. In *SGDI* 425, from Lebadeia, Doilos consecrates Andrikus to Zeus Basileus and to Trephonius. Andrikus is to remain with Athanadora, Doilos' mother, for ten years. If she lives longer than that, he is to pay her money and be free; if, on the other hand, she dies earlier, Andrikus is to stay the remaining time with Doilos. It can be seen that the manumittor was not expecting his mother to live more than ten years; but we can only guess that Andrikus was not too old. A similar case is *IG IX*(1) 3<sup>2</sup>, 638.9, from Naupactus. But in no. 639.7, Soso, the manumitted female slave, is to remain in the house of her woman manumittor for only four years, 'so long as Hagesippa [the manumittor] lives' (ὅσον μὲν καὶ χρόνος ζῇ 'Αγ[η]σίππα)! The manumittor apparently did not expect to live longer than that (cf. *IG IX*(1) 3<sup>2</sup>, 640). Another hint may be provided by manumissions in which owners stipulate that their manumitted slaves arrange their funerals

(e.g., *FD* 3.2.172, Delphi; cf. Hopkins 1978, 154) or look after them in their old age (e.g., *SGDI* 1723, Delphi). These manumittors were probably already old—but, again, there is no safe evidence to rely on and nothing can be inferred about the age of the manumitted slaves.

Another thread involves cases in which slaves are manumitted together with their children. For instance, *IG IX(1)* 3<sup>2</sup>, 639.4, from Naupactus, is the manumission of a woman, a man, and their daughter. Although the age of the child is not specified, the female slave must have been at least in her teens when she gave birth; since the daughter is referred to as a child, the mother could have been still young. Following the same line of conjecture, we can guess that the famous Neaera was still young when she bought her freedom from her owners, because she continued to practise her “trade” for some years and gave birth to three children after her manumission ([D], 59). In the inscriptions from Leucopetra, as we have seen, the age of manumitted slaves is usually specified. From the inscription referred to above (Petsas, no. 69), we can see that Nicē was 20 years old when she gave birth to Alexandra and that the latter was also 20 when she gave birth to Paramonus.

We are not on safer ground when it comes to manumitted children. In Delphi they constituted 17% of all the slaves manumitted between 201 B.C. and 100 A.D. Of all the slave children manumitted in Delphi (a total of 201), 80% were freed without their mother or father, with an increasing proportion in the last two centuries B.C. Hopkins (1978, 165–6) suggests that an increase in the price of freedom induced parents to buy their own liberty first and leave their children in slavery, hoping to buy their freedom later. This implies that all or most manumitted children had been living in slavery with their parents. This may be true of children born to slaves or purchased together with their parent(s), but we must also consider the possibility that children were purchased without their parents, as we shall see below.

Considering the accepted view that manumittors sought profit, why did they manumit children, whom they could go on exploiting for many years? Children paid less for their release from slavery than adults did; this rules out the possibility that the price paid by children was a tempting compensation for manumittors. Nor does Hopkins’ suggestion that children were bought by their previously manumitted parents explain this phenomenon satisfactorily; it would have been

more profitable for owners to wait until the children grew up and then exact a higher price. So we must look for other motives. As we shall see, some children manumitted together with their mother were probably the master's offspring. But let us first examine the ages and the possible motives for the manumission of children without adults.

As with adults, there are few references to the age of manumitted children. In Macedon, as noted above, the ages of manumitted slaves, including children, were usually noted. For instance, a woman from Beroea manumitted an eighteen-year-old boy, born to her female slave (*EV*, 154–5, no. 52).<sup>56</sup> It is possible that in this case the mother paid for her son's freedom; but the fact that the boy was home-born could have created bonds of affections between him and the manumittor. In three other inscriptions from Beroea, the manumitted children aged four (*ibid.*, 156, no. 54), twelve and six (no. 55), and eight (157, no. 56). In the inscriptions from the sanctuary of the Mother of Gods in Leucopetra, the ages of manumitted children range from 3 to 14 (Petsas, e.g., nos. 3, 39, 25, 42, 69, 79, 117). The motives behind the manumission of these children are seldom specified. One boy, whose age is not recorded (Petsas, no. 45), was manumitted because four other young slaves of the manumittor have not survived; apparently the manumittor hoped that by consecrating the boy she will attain for him the protection of the goddess. In no. 14, a young female slave (her age is not given) is manumitted according to a vow (*cf.* no. 139). In no. 69, on the other hand, in which a twelve-year-old boy is manumitted together with his brother, sister, mother, and grandmother (*see above*), the motive is a repayment of loans given by the sanctuary to the manumittor's husband. As for the other instances of manumission of children, we can only guess. The three-year-old boy, manumitted in no. 39, for instance, was bought by the manumittor 'as an infant and raised' by her (ὁ ἡγόρασα ἐξ αἵματ[ος] καὶ ἀν[έθ]ρεψα; ll. 6–8). It may be that ties of affection were created between her and the boy and that she regarded him as her son. On such ties and slaves raised in the house, *see below*.

<sup>56</sup> It is interesting that the manumitted slave is called a παιδάριον, a term usually employed to describe a boy, although he is already eighteen, and that his mother is labelled *paidiske*—a fact that reinforces Robert's argument (*above*, n. 54); *cf.* Petsas, 42. However, it should be noted that the stone has δέκα ΟΑΤΟ; *cf.* the notes of the editors *ad. loc.*



The evidence of the ages of manumitted children from other places is less clear. *FD* 3.6.12, from Delphi, for instance, is the manumission of a male slave and a one-year-old boy. The fact that a baby is being freed makes it likely that he was the adult male's son. In *SGDI* 1555c = *IG IX*(1) 190, from Tithora (early second century A.D.), a couple manumit a female slave by sale to Sarapis. The clause containing the details of the manumitted slave has the abbreviation ΓΕΙ (l. 6). The editor of *SGDI* 1555c (following Ulrich) renders the clause thus: 'a young female body (of the age 10), who had been sold at auction, whose name is Sotericha' (σῶμα κοράσιον γε(γονὸς) ἔ(τη)ι, δημιόπρατον). This restoration of the abbreviation into the girl's age has been rejected by Dittenberger in *IG IX*(1) 190; his reading is, 'that has been sold at auction' (γενόμενον δημιόπρατον). If we accept this emendation, the inscription does not tell us Sotericha's age. Nevertheless, we learn that a slave girl, who had been previously bought at auction by a couple was now (perhaps not longer after that) being manumitted. Note that the price she paid for her freedom was ten minae, a high price for children, probably fixed as a compensation for the price her owners paid at the auction. The prices paid by slaves for their freedom and the likely means by which they obtained the money are discussed below (chapter 4.2.1); but this case presents particular problems: where did a girl (ten years old?) find the money to pay for her freedom, if—as seems to be the case—she was alone in the world?<sup>57</sup> Manumission of children, indeed, reveals another cruel aspect of slavery. Although, as noted above, some children were manumitted together with one or both parents (see below), many others were manumitted alone. Furthermore, although the manumitters' decision to free children and spare them long years of complete dependence can be regarded as humanitarian and benevolent, the thought that young children were sent out alone into the world, where they had to fend for themselves, seems unbearable.

Let us look closely at the case of the child Philinus. He was manumitted by sale to the goddess Artemis Laphria shortly before 143/2 B.C. by Agemacha, daughter of Andromenes of Calydon, with the

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<sup>57</sup> The miserable plight of enslaved children is described in Xenophon's praise of Agesilaus (*Ages.*, 1.21) for taking care of little children abandoned by dealers (who followed the camp and purchased captives of war) when they could not find a buyer for them.

consent of her husband and son, both named Dionysius (*IG IX*(1) 1, 137a). We are not told how old Philinus was; but not only did he pay three minae for his freedom, he was also required to decorate the statue of his manumittor's son, Andronicus (probably an Olympic victor) with Olympic wreaths for fifteen days every year, from the age of ten until his death. Hence Philinus must have been ten or a bit younger at his manumission. How could this little child survive on his own and buy these wreaths every year? Moreover, he could not even leave Calydon, at least not while still a child, if he had to perform this duty every year. It was further stipulated in the contract that should he breach the condition attached to his manumission he would be liable for monetary damages for every day he failed to decorate the statue and that he and his property could be seized by the manumittors' heirs to cover the balance. We would like to know whether Philinus had any relatives; his appellation of 'home-born' makes it possible that his mother was still a slave in the house of Agemacha, the manumittor, or had been already released. Perhaps she paid for his freedom and perhaps he could rely on her for further help, or even keep on living in the house. Unfortunately we do not know. An answer may be provided by lines 6–7 of the inscription, where it is stated that the sale-manumission will take effect only after the deaths of Agemacha and her husband Dionysius. This means that, although there is no explicit stipulation that Philinus must remain in Agemacha's house, he was to be free only after her husband's death and her own. Hence, it can be assumed that Philinus did remain in the house. There is, however, one puzzling detail: why was Philinus required to decorate Andronicus' statue, when Andronicus' brother, Dionysius, was still alive? Perhaps certain circumstances (the illness of her husband and son?) made Agemacha anticipate the possibility that no family member would remain to tend to Andronicus' statue. Philinus was still young and his home-born status may have created ties of affection between Agemacha and him and made him a good candidate to replace family members in this duty. From this point of view, Philinus' manumission resembles those of adult slaves who were instructed to arrange their manumittors' funeral.<sup>58</sup>

<sup>58</sup> My assumption is corroborated by another document. Some years later (after 143/2), a woman named Agemacha, daughter of Andromenes of Calydon, manumitted a slave with the consent of a man (*IG IX*(1) 1, 137c). The formulation of the acquiescence-clause in this inscription (συνε[υδοκούντος καὶ τοῦ υἱοῦ Ἀνδρομένεος

Ties of affection between masters and slave children are also observable in the case of the slave girl Hedyla, manumitted in Delphi in 172 B.C. by Nikon, son of Theoxenus (*SGDI* 1803, ll. 4–8). Hedyla had to pay three and a half minae for her freedom, yet it was stated that ‘she will be considered the daughter of Dorema and do for Dorema all that it is customary for children (to do)’ (l. 6). Dorema was apparently the manumittor’s daughter. This is clearly a case of adoption through manumission, of which we have other examples (see below): fifteen years later (*FD* 3.3.8), the former slave Hedyla expressed her consent to the manumission of a slave by Dorema. It is also interesting to note that the same inscription that records Hedyla’s manumission reports another manumission (ll. 1–3), that of the slave woman Ionis. Although the inscription does not state that Hedyla was home-born or that she was related in any way to Ionis, it is a probable conjecture that they were a mother and daughter; we may perhaps also speculate that Ionis was given her freedom as compensation for the adoption of her daughter by the owner’s daughter. A similar case is *SGDI* 1806, in which a manumitted female slave is required to fulfil the customary duties of children for her manumittor. Another example is the manumission by Pythis of the slave girl Nico, who was the daughter of Pythis’ slave fosterling (θρεπτή) Carais (*IG* VII 3331; Chaeronea, 1st half of 2nd century B.C.). I shall discuss *threptoi* below; here we need only stress the affectionate ties that existed between owners and their foster-

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Προσχείου; ll. 41–2) can be translated either ‘with the consent of her son, Andromenes son of Proscheius’ or ‘with the consent of the son of Andromenes, Proscheius’. Although the former option is grammatically better, it poses some difficulties. First, if we opt for it, we must assume that Agemacha of no. 137a is a different person from that of no. 137c: the former is married to Dionysius and the latter to Proscheius (the consenting Andromenes’ father). But the identical personal names, patronymics, and ethnic names of the manumittors, and the proximity in time make it very probable that Agemacha of no. 137a and Agemacha of no. 137c are one and the same woman. But if so, why is her husband’s name different in 137c? We can speculate that in the few (?) years that intervened between the two manumissions, Agemacha remarried and had a son by Proscheius, her second husband. But could this son be old enough shortly after 143/2 to give his consent to the act of manumission? Hence it seems that the second translation is logically better. If I am right, the consenting person in no. 137c was Proscheius, Agemacha’s brother, and both her husband and son, Dionysius, have died. This situation was partly anticipated in no. 137a, ll. 6–7. For manumissions of slave children who were required to remain with their manumittors—and hence were cared for—see, e.g., *SGDI* 2071 (178/7 B.C.), the manumission of a girl, performed in Delphi by a citizen of Beroea; *IG* VII 3085, the manumission of a boy by a woman from Lebadeia.

children—ties that in this case almost certainly contributed to Pythis' decision to manumit Nico.<sup>59</sup> But we cannot always infer such ties or assume that the manumitted child had somewhere to go. For instance, in *IG VII* 3080, from Lebadeia, a boy is manumitted by consecration, with the note that 'he is to be sacred as from this very day' (ll. 2–3). There is no indication that he was required to remain with the manumittor.

One or several children might be manumitted together with their mother, as in *IG IX(1)* 3<sup>2</sup>, 622, from Naupactus (a woman and her children), and *SGDI* 1689, from Delphi (a mother and son).<sup>60</sup> It was less common for children to be manumitted with both parents. An interesting inscription from Beroea (*EV*, 145–7, no. 45 = *SEG* 12, 314) records the manumission by the woman Attina of three men, together with their wives and children, 'both the children now living and those who will be born in the future'. These slave families also have property. Attina also manumits Spazatis, an unmarried slave woman. It seems, then, that these families had some kind of a privileged status in Attina's household (Blavatskaja 1972, 98). In Leucopetra, as mentioned above, a woman and her daughter and grandchildren were manumitted together (Petsas, no. 69); it is noticeable, though, that no adult male slaves are mentioned. Another example is *IG IX(1)* 3<sup>2</sup>, 639.4, from the sanctuary of Asclepius in Crounoi, near Naupactus (ca. 137/6 B.C.), in which a man, a woman, and their daughter are manumitted. To this group of manumitted families probably also belongs *FD* 3.1.566, from Delphi, in which a woman, her three daughters, her son, and 'another male body' were manumitted; all of them were obligated to remain with the manumittor until his death. It is probable, therefore, that the anonymous male slave was the husband of the female slave and the father of her children (Tucker 1982, 228). There is also one example of explicit recognition of a marital bond between two manumitted slaves (*SGDI* 2183, from Delphi). There are also examples of siblings manumitted

<sup>59</sup> Cf. Petsas, no. 39, from Leucopetra (discussed above), which states that the manumitted slave boy was bought by the female manumittor when he was born and raised by her. This may be a case of a *threptos*, sold by his parents to the manumittor, because they could not afford to raise him. See further below.

<sup>60</sup> For other examples from Delphi, see, e.g., *SGDI* 1722; 1879; 2041; 2074; *FD* 3.2.233; 3.6.6. Cf. *FD* 3.6.12, mentioned above, which is probably the manumission of a father and his infant son. This may be also the case in *SEG* 23, 479 from Phoenice (Cabanes 1976, 450–1). For Leucopetra, see, e.g., Petsas, no. 117.

together. In an inscription from Beroea (*EV*, 156, no. 55), the three manumitted slaves are described as 'a young girl . . . and her (two) brothers'. In Leucopetra, a girl was manumitted together with her brother (Petsas, no. 83); both are described as home-born.<sup>61</sup>

The manumission of families points to owners' occasional recognition of family ties among their slaves. This is a striking finding with regard to a social institution that gave human beings the right, generally exercised, to split families. Owners usually did not purchase whole families; hence, parents were separated from their children, husbands from their wives, and siblings from one another. To use Patterson's definition (above, chapter 1.1), enslaved persons became socially dead. Slaves, however, often created new family ties, as attested by the examples cited above. The manumission of parents and children together revoked their social death. The inscription from Beroea, mentioned above, in which a girl and her two brothers were manumitted together, points to the same conclusion. It should be noted, though, that all three of them were home-born, hence ties of affection may have been created between them and the manumittor. But owners' recognition of these family ties was far from universal; nor should we see such manumissions as indicating a legal recognition of the slave's right to family ties.<sup>62</sup> As noted above, most of the children manumitted in Delphi, for instance, were set free without their parents. There are few extant examples of manumissions of entire families. Manumission itself split families and caused them another social death: first when they were enslaved and again when they were manumitted. Moreover, masters could sell their slaves' children or sell the parents and keep the children. Had masters recognized their slaves' right to family ties and manumitted them together, they would have lost a considerable amount of labour;<sup>63</sup> moreover, they would have harmed their heirs by reducing their patrimony. Although in some cases the manumission of parents together

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<sup>61</sup> Cf. Petsas, no. 90, which is the manumission of two female slaves, born in the house of the manumittor to her female slave.

<sup>62</sup> See X., *Oec.*, 9.5, where Ischomachus recounts how he had shown his young wife the women's quarters, which were separated from those of the men, so that the slaves would not breed without his consent.

<sup>63</sup> Breeding among slaves could distract women from their work; moreover, it could cause the owner to lose slaves, because of deaths in childbirth and among infants. See de Ste. Croix 1981, 231. Cf. also D.Chri., 15.8, where speaker B says that many female slaves kill their babies, either before or after birth, so as not to add the trouble of raising children to that of slavery.

with their children can point to owners' warm feelings towards their slaves (especially home-born slaves), replacing two, three, or even more related slaves, manumitted at the same time, was more troublesome than manumitting only one and keeping the others. So owners who manumitted entire families may simply have been better off economically and able to afford this 'luxury'.

There could be other reasons, such as Hopkins' assumption (1978, 165–6) that owners recognized the maternal ties of their female slaves because slave status derived from the mother and because they were interested in procreation by slaves as a source of new slaves. He further suggests, as noted above, that manumissions of children alone may have been the result of the parents' inability to pay for their children's freedom along with their own; they preferred to buy their own release first and then save money for that of their children (cf. Tucker 1982, 227).<sup>64</sup> A few inscriptions, which I discuss below (chapter 4.2.1), may support this possibility. An explicit reason for manumission of a whole family is given in Petsas, no. 69, from Leucopetra: the female slave Nicē, her daughter, and three grandchildren were manumitted through consecration to the Mother of Gods, in return for loans, given by the sanctuary to the manumittor's husband. As noted above, since this whole family was purchased by the manumittor from another person, it may be that affectionate ties were not created between the slaves and the manumittor; yet it is significant that three generations of slaves were bought and kept at the house. This may also be the case in Petsas, no. 90, from Leucopetra, in which the manumittor consecrates two female slaves with the explicit reason that she had vowed to do so when these slaves were still infants; but it is important to note that these manumitted females are described as born in the house of the manumittor to a female slave of her.<sup>65</sup> But in most cases we do not know the reason for

<sup>64</sup> Tucker (1982, 229 and n. 17) cites *FD* 3.2.216 from Delphi, in which a slave girl was manumitted by her father (Πίστιος πατὴρ λύσει). The editor suggests emending πατὴρ to μητὴρ, because in *FD* 3.2.215, the same owner manumitted a slave woman whose name is Pistis. Cf. Blavatskaja (1972, 36), who maintains that it was worthwhile for owners to manumit children, because their mothers worked harder to pay for their children's and, eventually, their own freedom.

<sup>65</sup> Cf. Petsas, no. 83 (in which a manumitted slave girl and her brother are described as home-born). In nos. 7, 22, 26, 70, in all of which female slaves and their children are manumitted together, no explicit reason is given, but the children may have been born in the house. Nos. 91 and 115 are the manumissions of individual slave boys, who are described as born to female slaves of the manumittors.

manumission of families or of children without adults; we can infer it only by examining the possible relationships between masters and slaves and the conditions attached to manumissions. Thus the manumission contract of the young female slave Meda obligated her to support her father and mother and treat them properly when she reached womanhood, whether they were still slaves or already free. Should she fail to support them or treat them properly, they will have the right to punish her (*SGDI* 1708, ll. 12–18, from Delphi). It seems probable that Meda's parents, who were slaves in the same household, paid for her manumission (cf. Tucker 1982, 229–30). More significant, however, is that Meda's mistress inserted this condition in an act of alienation of her property rather than stipulate obligations to her own benefit. This implies an affectionate relationship between the manumittor and these three slaves.

Family ties between slaves can also be suspected in many other multiple manumissions in which the relationships between those manumitted together are not stated explicitly. Thus in *FD* 3.3.294, from Delphi, two women, two men, and two girls are given their freedom; they may have composed two families (Tucker 1982, 229). Between 130 and 120 B.C., a man of Calydon manumitted a slave woman and a boy (*IG* IX(1) 1, 137f); although not specifically indicated, it is probable they were mother and child.<sup>66</sup> In *SGDI* 1693, from Delphi, two women and a home-born man attained their freedom. The names of one of the women (Aristoboula) and of the man (Aristoboulos), together with the fact that the latter was home-born, may point to family ties between them. In Leucopetra, four home-born slaves, who were manumitted together, may have been brothers (Petsas, no. 89). It is also possible to infer family ties in the Attic 'Lists of Silver Bowls'; whether these inscriptions record genuine verdicts or manumissions, the persons 'acquitted' in these trials were manumitted slaves. Four ex-slaves are mentioned in *IG* II<sup>2</sup> 1559 B, ll. 79–92, and there is no way to know whether they were related. But *IG* II<sup>2</sup> 1561, col. II, ll. 22–30, records a man and a woman, both of them sesame-sellers and both living in the deme Melite. It seems prob-

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<sup>66</sup> In another inscription from Calydon, a boy and a girl are manumitted together (*IG* IX(1) 3<sup>2</sup>, 623); they may have been a brother and sister. Cf. *SGDI* 1703, from Delphi, in which two boys with similar names (Soteridas and Sosicrates) are manumitted together; *SGDI* 1751, from Delphi, in which a slave girl is manumitted and a manumitted slave woman is released from her *paramone*-obligation.

able that they were husband and wife. Likewise, in two other inscriptions (*IG* II<sup>2</sup> 1563, ll. 4–12; 1564, ll. 2–14) the manumitted slaves are two men and a woman, all of them living in the Piraeus. Since all the manumitted slaves in these lists live in different demes than their ex-masters, it seems to be more than a coincidence that slaves who were manumitted together chose to live in the same deme.

The best evidence for manumission motivated by affection, however, comes from cases that point to family ties between masters and slaves. In *IG* VII 3301, from Chaeronea, Xenophantus consecrates to Sarapis the boy Damatrius, his son by his slave fosterling (*threpta*), with the authorization of the Council and with the consent of his sons. As mentioned above, affectionate relationships existed between masters and their slave fosterlings (see below); many of the latter were adopted by their masters. Since the manumitted slave boy in this inscription was the owner's offspring, though illegitimate, here manumission was another way of acknowledging paternity; hence the need to obtain the assent of the legitimate heirs. A more explicit case is that of Zosimus of Phthiotic Thebes (Lazaridis, 1975, 647–8, no. 1, ll. 7–13 = Helly 1976, 157–8), who manumitted his sons, Zosimus and Leon, and stipulated that they use his name;<sup>67</sup> he also manumitted Didyma, 'his wife' (τὴν ἐαυτοῦ γυναῖκα), and his daughter by Didyma, Anioche.<sup>68</sup> It seems that Zosimus decided to acknowledge the sons borne to him by his female slave as his legitimate heirs and later—whether as a token of affection or because he did not want his sons to have a slave for a mother—he also manumitted

<sup>67</sup> Helly emends Lazaridis' reading: χρη[—]ς πατρός ἐμοῦ τοῦ Νικοκράτου (ll. 8–9) to χρη[ματίζοντα δ]ὲ πατρός ἐμοῦ. Στρα(τηγούντος) Νικοκράτου . . . (starting another manumission act). He compares this phrase to similar phrases found in manumissions from Calymna. For the interpretation of the phrase, see below, chapter 4.3. The whole clause can be taken to mean either that Zosimus acknowledges his parenthood ('so that they use me as their father') or that he instructs his sons to use his father as their *prostotes*—an interpretation suggested by Babacos (1962, 495–503) for similar clauses in Thessaly. In our inscription it seems better to take the first interpretation, because the fact that the manumitted boys are Zosimus' sons is explicitly stated.

<sup>68</sup> A similar situation can be inferred from Men., *Epir.*, 538–40: the slave Onesimus tells the *hetaira* Habrotonon that if Charisius, who hired her, believes that she is the girl he raped and who bore him a child, he will buy her freedom. Later Onesimus says that Habrotonon (who declared that she craved for freedom more than anything in the world [548]), who realized that she cannot gain her freedom through love, chose another way, that of plotting and scheming—a way not open to him, because he is impudent, dumb, and incapable of plotting (557–62).



her and their daughter. We would like to know whether in these two cases the manumitted slaves stayed in the house of their master-father. In the inscription from Chaeronea this would have meant not only that the legitimate sons consented to the manumission—and, hence, acknowledged the boy as their half-brother—but also that they had to live with him as an equal in the same house. This situation is perhaps similar to that of the female slaves in Buthrotus, who were manumitted and later joined the family-groups in manumitting other slaves.<sup>69</sup> The case of Zosimus seems to be different. It may be (although we cannot rely on the silence of the inscription) that he was a widower and perhaps also childless by his wife; the manumission of his slave concubine and children provided him with legitimate heirs.

That slave-concubines were common seems to be a safe supposition.<sup>70</sup> Such relationships sometimes led to the masters' adopting children borne to them by their slave women or at least to a public acknowledgement of paternity, as in the cases cited above (cf. *SGDI* 1803, discussed above—the case of Hedyla).<sup>71</sup> In the Law of Gortyn, such relationships were regulated: children born to a free woman and a slave could be free only if the slave came to live in the woman's house; they were slaves if the woman came to live in the slave's house (VII 1–4; Westermann 1955, 23). The children of free women and manumitted slaves, however, were free (*IC IV* 231).<sup>72</sup> In

<sup>69</sup> See Cabanes 1974, no. IV, ll. 31–2, with no. XIII, ll. 29–30; no. XIII, l. 12, with no. XIX, l. 93.

<sup>70</sup> In his will (*P. Oxy.* III, 494), Acousilaus of Oxyrhynchus left instructions to free five female slaves, two of them a mother and her daughter; he further names his son heir to all his property, including slaves and 'the offspring that may be born to the female slaves mentioned above'. It may be, but cannot be proved, that these female slaves were Acousilaus' concubines, that the girl was his daughter, and that he expected these slaves to bear him other children. See also D.Chr., 15.5, where speaker A says that many Athenians have children by their female slaves.

<sup>71</sup> See Patterson (1982, 232–4) on adoption as a mode of manumission. Patterson describes manumission through adoption as an extension of the process of the slave's assimilation into the family.

<sup>72</sup> It is interesting to compare the Greek evidence with the Aramaic papyri from the Jewish military colony at Elephantine in Upper Egypt (449–420 B.C.). In document no. 2, from 449 B.C. (E.G. Kraeling, *The Brooklyn Museum Aramaic Papyri* [New Haven, 1953]), the Jew Meshullam gives his female slave Tamut in marriage to another Jew, Ananiah. The marriage contract stipulates that should either Tamut or her husband die, the survivor would inherit the deceased spouse's property. But 22 years later (427 B.C.), Tamut was manumitted by her former master, Meshullam (document no. 5), together with her daughter by her husband Ananiah. Hence, although legally married, both Tamut and her daughter were still considered to be

other places, it was left to the masters' discretion to decide whether to acknowledge or adopt their slave-born sons or daughters. Thus, in *SGDI* 1348, from Dodona, a woman (only the first two letters of her name are preserved) manumits the female slave Canthara and her future children. She adds that 'Canthara is not to be re-enslaved by anyone, being Crateraeus' daughter and free' (ll. 4–5). Perhaps Crateraeus was the manumittor's husband.<sup>73</sup> Another case in point is *FD* 3.3.329, from Delphi, in which Cleomantis manumits his woman slave Eisias and binds her with a *paramone* clause to remain with him until his death and to do everything she is ordered to, 'like a slave'. Some years later (*FD* 3.3.333), Cleomantis released Eisias from the *paramone*-obligation, together with the son born to her in the interim. The inscription also records the fact that Eisias had renamed her son Cleomantis and that she and the boy were to be the elder Cleomantis' heirs, after his wife. The change of the boy's name and nomination as Cleomantis' heir undoubtedly point to adoption. Less explicit is another inscription from Delphi, *SGDI* 1715, in which Agamestor son of Telestas, from Lilaea, manumits the slave woman Zopyra and two home-born males, whose names are Agamestor and Telestas. These two male slaves, who bear the names of their master and his father, may well have been Zopyra's sons by the manumittor.<sup>74</sup>

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slaves as long as the marriage endured. Moreover, in the manumission contract, Tamut and her daughter agree to remain and serve Meshullam and, after his death, his son Zakkur, as a child provides for his or her father. In document no. 8 (416 B.C.), on the other hand, Zakkur son of Meshullam gives a slave boy as a gift to Uriah son of Mahseiah; the latter agrees to adopt the boy and not to allow anyone to enslave him. On these papyri, see Falk 1954; Porten 1968, 205–13; Westermann 1955, 19–22.

<sup>73</sup> Cf. *SGDI* 1935 from Delphi, where the manumitted slave girl is to be 'free and the daughter of Sosicha and Hermogenes, the children of Dioscouridas'. These names are different from that of the female manumittor and may have been those of her children. The case of Menexius from Buthrotus may be the same: he appears as a co-manumittor in the same family group that manumitted him sometime earlier (Cabanes, 1974, no. XXX, l. 9 with no. I, l. 34; 1976, 411). In a very fragmentary inscription from Beroea (*EV*, 147–9, no. 46), from the third century B.C., the slave Amyntas was manumitted and, in addition, given in marriage the daughter of his manumittor. This seems to be a case of adoption. Another fragmentary grave inscription from Massilia (*IG* XIV(2) 2435) seems to disclose similar relationships: '[. . . Apo]llo[do]rus, the *apeleutheros*, and his owner, Primigenia, in memory of their daughter and *apeleuthera*'.

<sup>74</sup> For other examples of manumitted slaves with names similar to those of their masters, cf. *SGDI* 2144; *FD* 3.3.287; 3.6.125.

But slaves bearing their master's name (or some derivation thereof) were not necessarily the master's offspring. Below I discuss slaves' names as a possible indication of their origin. Suffice it here to note that sometimes owners bestowed their names on their slaves either as a token of affection (Tucker 1982, 230 n. 22) or to publicize and increase the slaves' dependence on them. In chapter 2.3.1, for example, we encountered Antonis, the *apeleutheros* of Antonius (*GV* 379, from Thrace). There are other examples, less suspect of Roman influence.<sup>75</sup> This practice is most noticeable in Thessaly (e.g., *IG IX(2)* 109a)—though it has been suggested that the identical names indicate family ties or point to the use of the manumittor as the *prostates* of the manumitted slave; this practice has also been suggested for Calymna (Roussel 1942; see further below, chapter 4.3).

Manumitted slaves are often characterized by their origin. Some, as noted above, are described as 'home-born' (*oikogenes*, *endogenes*), thus distinguished from those purchased in the market (*onetos*).<sup>76</sup> Those in the former group, as we have seen, may have developed special relationships with their masters and may even have been their offspring. This, however, did not much affect the prices they paid for their freedom. In Delphi, they paid 6% less than purchased slaves, on average (Hopkins 1978, 167 and n. 55). In West Locris, on the other hand (Blavatskaja 1972, 24), home-born slaves actually paid more for their freedom. In Asclepius' sanctuary in Crounoi (West Locris) and in Aetolia, in the second century B.C., home-born slaves accounted for a little over 50% of all recorded manumissions. In an inscription from Phistyon in Aetolia (*IG IX(1)* 1<sup>2</sup>, 96b, l. 19) we also find the curious appellation τὸ γένος ἐκ τῶς χώρας, which may be understood as 'of local origin'. Blavatskaja (1972, 71–2; cf. Grainger 2000, 40) suggests that this phrase may have been originally employed to register slaves born and raised in Aetolian lands or for the children of public slaves, whom the state could sell or manumit. It may also be that 'of local origin' was a distinct category indicating slaves born

<sup>75</sup> In *SGDI* 406c the editor reads the female manumittor name as Call[is], which is the same as that of the manumitted slave woman. But the reading of *IG VII* 3329 is Call[o]. Even so, the slave's name is a variant of the manumittor's.

<sup>76</sup> In the inscriptions from the sanctuary of the Mother of Gods in Leucopetra, all home-born slaves are also described as 'of Macedonian origin' (γένι Μακεδονικόν; e.g., Petsas, nos. 89, 76), whereas in the case of a purchased slave, the manumittors usually indicate this fact and sometimes also the person from whom the slave was bought (e.g., Petsas, nos. 24, 39, 69).

in Aetolia, but not in the houses of the manumittors. In Delphi, the proportion of home-born slaves rose during the last two centuries B.C., but then declined (Hopkins 1978, 139–40; Mulliez 1992, 40–1).<sup>77</sup> In late fifth-century Athens only three slaves are thus described (*ML* 79), but their number must have been higher.

Purchased slaves could be of Greek or barbarian origin. In the literary sources the origin of manumitted slaves is seldom mentioned. Aesop and Rhodopis (see above, chapters 2.1), the slaves of Iadmon, or Xanthus, from Samos, where of Thracian origin (*Hdt.* 2.134–5). Phormio, the slave of the Athenian banker Pasion (himself a manumitted slave) could not speak Greek properly (*D.* 45.86); hence he was a barbarian. The epigraphic evidence is more informative. Some manumission inscriptions specify the slave's ethnic origin, using either the formula 'of the origin X' (τὸ γένος [ἀπὸ] . . .) or an ethnic adjective. For instance, Polycleitus, who was manumitted in Phistyon some time after 170 B.C. (*IG IX(1)* 1<sup>2</sup>, 101), and Libanus, who was manumitted in Naupactus (*IG IX(1)* 3<sup>2</sup>, 624d), were Arabs. The female slave Polemo, who was manumitted in Naupactus, was from Cyprus (*IG IX(1)* 3<sup>2</sup>, 622; ca. mid-2nd century B.C.); another female manumitted in Naupactus was from Phrygia (*ibid.*, 640). Four male slaves and a female slave, manumitted together in Thespieae, were Syrian (*SGDI* 811). A Jewish slave woman and her two daughters were manumitted in Delphi between 170 and 157 B.C. (*SGDI* 1722; cf. 2029); Praxo and Heracleiodorus, a woman and her son who were manumitted in Naupactus, were from Scyros (*IG IX(1)* 3<sup>2</sup>, 616).<sup>78</sup> Owners often changed their slaves' names—another sign of the total loss of the enslaved person's identity; the new names often indicated the slaves' barbarian origin. Thus, in the inscriptions mentioned above,

<sup>77</sup> On the reasons for the increase and the decline in the numbers of home-born slaves, see above, section 3.1. Westermann 1955, 32, argues that the registration of the fact that the slave was home-born was obligatory in Delphi.

<sup>78</sup> Blavatskaja (1972, 29) rightly observes that the fact that both Praxo and her son are described as 'of Scyrian origin' makes it probable that the son was born before enslavement; that is, he was not home-born. She is wrong, however, when she argues that whenever a woman slave was freed together with her child, the latter had been born prior to enslavement. For other examples of slaves' origins, cf. *SGDI* 1856 (two female slaves from Perrhaebia); 2065 (a male slave from Mysia); 1696 (a male slave from Paphlagonia); 1711 (a female slave from Thrace); 1712 (a female slave from Egypt); 1854 (a male slave from Galatia); 2142 (two Sarmatian women); 2143 (a male slave from Cappadocia). See also Mulliez 1992, 41; Grainger 2000, 39–40.

we find Libanus the Arab and Seleucus the Syrian. Asia in *SGDI* 1718 is also described as ‘of Syrian origin’<sup>79</sup> (whereas Europa in *SGDI* 1698 was a home-born female slave); Cyprius in *SGDI* 1749 is also described ‘of Cyprian origin’. In *SGDI* 1696, Manes, a typical Phrygian and Paphlagonian slave name, is described ‘of Paphlagonian origin’. The girl Meda in *SGDI* 1708 may have been of Persian origin.<sup>80</sup>

But the names of slaves can be misleading. Masters often gave their barbarian slaves Greek names, some of them common among the Greeks, other that invoked ideal qualities, such as Philodespotus (‘Master-lover’), Euphrosyne (‘Prudence’), Technes (‘Artful’). The inscription *OGIS* 345 records the gratitude of the polis Delphi for the arrival of 30 slaves, sent at their request by Nicomedes III, king of Bithynia; these slaves were given various functions and their names were changed to ‘local (Greek) names’ (ll. 15–24). The grave inscription *CIRB* 710 commemorates the deceased manumitted slave Philophemus, ‘also known as Laionacus’ (see chapter 2.3.1). Calling slaves by both their new name and their original name is also known from Egyptian papyri (e.g., *P. Oxy.* III, 494, 6–7).<sup>81</sup> It is only when Greek poleis are named as the slaves’ origin that we can be sure they were Greek. For example, Demetrius, who was manumitted in Amphissa by a citizen of Chaleion, was from Laodicea (*IG IX(1)* 331), but he may also have been a Lycian. The slave woman Harmodica, manumitted between 150 and 140 B.C. in Delphi, was from Elatea (*SGDI* 1685). Nicaea, who was manumitted together with her son Isthmus between 156 and 151 B.C. in Delphi, was from Argethia (*SGDI* 1689). Sometimes the slaves came from the same poleis as their masters, as in *SGDI* 2016, from Delphi, where both the manumittor and the manumitted slave are described as Amphis-

<sup>79</sup> But Asia was also the name of the daughter of Themistocles the Athenian (Plut., *Them.*, 32), who had two other daughters named Italia and Sybaris.

<sup>80</sup> For typical slave names, see Bechtel 1917, 550–59; Robert 1963, *passim*; Masson 2000, 228. See also in general, Reilly 1978. Greek comedy, of course, has many such examples; recurrent names are Getas, Daus, Sicon, Xanthias (pointing to a northern origin), Thratta (for a Thracian female slave), and in Aristophanes’ *Equites*, the telling name Paphlagon.

<sup>81</sup> Cf. the Aramaic papyrus Kraeling no. 8, from Elephantine: the slave boy given as a gift by Zakkur to Uriah has the Jewish name Yedoniah, although he was apparently Egyptian.

seans, and *FD* 3.2.226, where the manumittor and the slave are both described as Delphians.<sup>82</sup>

Why should slaves' origin be recorded? Was there any different purpose in recording their ethnic origin and in recording their home-cities? It seems to me that ethnic origin was added as another identifying sign of the manumitted slave, along with his or her name, age, and sex, as well as an indication of a non home-born status. The specification of the slave's home-city, on the other hand, would emphasize his or her new status as a free person with a new social life, and eligible to rejoin his or her former community. The indication of the home-city was, therefore, another mark of the slave's newly purchased freedom, along with others (see below, chapter 4.4).

The presence of Greeks among the slaves testifies that, despite some protests (by, e.g., Pl., *R.*, 469b–c; 471a), Greeks continued to enslave other Greeks.<sup>83</sup> Along with prisoners of war, captives held for ransom and enslaved when they could not pay, and debt-bonds-men, we find children who were abandoned or sold into slavery by their needy parents. Aelian (*VH* 2.7) recounts that the law in Thebes prohibited the exposure of children; if a father was extremely poor, he was to bring the newborn child to the magistrates, who handed it over to the person who agreed to the lowest payment (probably paid by the father for bringing the child up). According to the agreement with this person, he or she had to raise the child as a slave, benefiting from its services when it grew up. Aelian's evidence (whether or not of any credibility) brings us to the subject of a special group among the slaves—the *threptoi*, or fosterlings.

In many manumission inscriptions, the manumitted slave is described as *threptos/e* in the place where we usually find the description 'home-born' or 'of the origin X'. *Threptos*, then, should indicate origin. Moreover, in several manumission acts, the manumitted slave is instructed to foster (*trephein*) a child for his or her ex-master as a condition of the manumission. Since *threptos* is a derivative of the verb *trephein*, it seems that such children became known as *threptoi*.

<sup>82</sup> Euthymenes, the manumitted slave in *SGDI* 1853, from Delphi, is described 'of Laconian origin'; this description, however, does not necessarily indicate that he was a Spartan.

<sup>83</sup> In Aetolia, more than two thirds of the recorded manumitted slaves were Greek (Grainger 2000, 39).

This term also appears in Roman-era inscriptions in Asia Minor (Cameron 1939a) and in the Black Sea region (Nadel 1976, 204–19) that have nothing to do with manumissions. *Threptoi* are also attested in Bithynia, where they posed legal problems for the governor Pliny, as can be learned from his correspondence with the Emperor Trajan (Pliny, *Ep.*, 10.65, 66; Sherwin-White 1966, 650–4). It is therefore important that we try to elucidate the meaning of this term in the context of slavery and manumission.

Cameron, in his study of *threptoi* in Asia Minor (1939a), distinguishes three types of relationships to which this term and its synonyms refer: (a) between a foster-parent and a foster-child; (b) between an adoptive parent and an adopted child; and (c) between a master and a slave or manumitted slave who was raised from infancy in the master's house.<sup>84</sup> Cameron argues that this term described not a legal status, but a personal relationship, which endured even in the case of manumitted slaves. It was already known to Homer, he claims; the use of the verb *trephein* in the epics indicates that the bond created by caring for a foster-child was considered to be as important and enduring as family ties. Cameron bases his conclusions on occurrences of *trephein* and the substantive *tropheia*, which denotes both nursing or maintenance and the fee paid for it. According to his analysis, Neaera and her friends were *threptai*, because they were reared (*trephein*) by their mistress, Nicarete, from childhood ([D.], 59) and treated as her daughters, although they were slaves. Cameron also cites (*ibid.*, 55–6) Egyptian papyri, which seem to imply that *tropheia*, the money paid for nurturing a child, could be the basis of a claim on the child and lead to a change of status. Fosterage itself conferred some right over the foster-child and could lead to adoption, but the adopted person was in a state of slavery (Cameron 1939a, 56). Cameron further argues that *threptoi*, the sale of children to others, the conveyance of children for the purpose of adoption, and the legal problems connected with all these phenomena developed independently in Asia and in Greece, and later affected areas under Roman control.

Looking at the manumission inscriptions, it seems that *threptos* indicated a special relationship created by foster-care of children. This

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<sup>84</sup> The last type could include home-born slaves or exposed children, whom the masters raised as slaves (the type referred to in Pliny's letter (10.66.1). Cf. Sherwin-White 1966, 650.

is the case, for example, with *IG VII* 3301 and 3331, from Chaeronea, mentioned above, in which the manumitted children are the son and the daughter (respectively) of the manumittors' *threptai*. *IG IX(1)* 63, from Daulis, is a manumission act for several slaves, who are referred to as *threptoi* (l. 7); the manumittors further specify that these are 'bodies (i.e., slaves), whom they have fostered'.<sup>85</sup> A curious case, to which I shall return below (chapter 4.2), is *IG VII* 3376, from Chaeronea: Theon manumitted Soson, 'his own *threptos*, who was born in his house' (τὸν ἴδιον θρεπτὸν ὃν εἶχε οἰκογενῆ). Cameron rightly argues that these words prove that *threptos* was not equivalent to 'home-born' (1939a, 42). But if *threptoi* were children sold or handed over to other persons by their biological parents (whether with the clear intention of adoption or for a limited time), what was the status of a slave who was both a *threptos* and home-born? It may be that Soson, while still an infant, was handed over to his manumittor by one of his female slaves, who had been manumitted with the condition that she remain in the house. This assumption is corroborated by the special conditions attached to Soson's manumission, which seem to point to Soson's ability to be a party to a legal transaction while still a slave (see below, chapter 4.2.1, and 4.2.2). This case can also be compared to several manumission acts in which the manumitted slaves are freed on condition that they hand over children to the manumittors or foster (*trephein*) children for them. For instance, the manumitted female slave in *IG IX(1)* 193, from Tithora, is required to raise a boy for the manumittors' son (who also gives his consent to the act) and to hand the child over when it reaches the age of two (ll. 16–18), or pay additional money for her freedom. This condition, which will be further discussed below (chapter 4.2.2), was widespread in central Greece and Calymna and may have been intended to compensate masters for manumitting their slaves (Hopkins 1978, 158; Tucker 1982, 234–5).

*Threptoi* were not always conveyed to their masters by manumitted slaves. *SGDI* 2123, from Delphi, records the manumission by Timon of the slave girl Eucleia, who—as is customary in the Delphic sale-manumissions' formula—entrusted the sale to the god. But another clause in the inscription adds that 'her mother, Sotion, entrusted her/it' (τὸν ἐπίστευσε ἡ μήτηρ αὐτᾶς Σώτιον). The object of the verb

<sup>85</sup> ὃ ἐξεθρέ(ψ)αντο σώ(μ)ατα (l. 5). Cf. *IG IX(1)* 65 (= *SGDI* 1524), also from Daulis, and Albrecht 1978, 135 n. 175.



'entrust' is indicated only by the article. Rädle (1969, 73) holds it meant 'entrusted the *sale*' (τὸν ὀνάν); Albrecht (1978, 181) understands 'entrusted the *price*' (τιμών), meaning that the mother paid for her daughter's freedom. Tucker (1982, 229), on the other hand, suggests that 'in all probability a needy mother sold her daughter or simply handed her over into slavery . . .; the manumission price may have come from the mother'. According to these three interpretations, the object of 'entrust' is either 'sale', 'price', or Eucleia herself. We may have here the case of a mother who paid for her daughter's freedom after she herself had been manumitted, as in other cases we have seen above; or it may be a case of a *threpte*, bought out of slavery by the mother who had previously sold or conveyed her to the manumittor. The only problem with the latter interpretation is that the verb 'entrust' (*pisteuein*) is usually not employed for handing over or selling persons to others.

Another example of great interest is an inscription from Orchomenus, containing two manumission acts (D-H-R, *Ins. Jur. Gr.* II, 309, no. 43 = *IG* V(2) 345; 164/3 or 76/5 B.C.).<sup>86</sup> The first part of the first manumission in this inscription (ll. 1–5) records the decision of the magistrates and councillors of Orchomenus to inscribe the manumission of Sosicles upon the altar of Aphrodite. Sosicles is referred to here as 'residing in Orchomenus' (Ὀρχομενῶι κατοικῶν), a formula typical of free non-citizens, but not of slaves. The second part (ll. 5–13), which is the text of the manumission document, reads: 'Damoxenus son of [—], from Orchomenus, sets free Sosicles, his own foster-brother (*syntrophos*), after receiving from him the *trophēia* of three silver minae, according to the last wish of the dying Damoxenus son of Hagias, of Orchomenus, the father of his (i.e., Damoxenus the manumittor) mother, Anteia.' We learn that the elder Damoxenus

<sup>86</sup> The reading of Hiller in *IG* V(2) 345, differs in several points from that of Reinach (*BCH*, 28, 1904, 5–19; cf. D-H-R, *Ins. Jur. Gr.* II, 309, no. 43), especially in the division of the inscription: Reinach correctly discerns two parts, corresponding to two manumission acts: (a) ll. 1–13; (b) ll. 14–23. Hiller, on the other hand, divides the inscription into three manumissions (ll. 1–12, ll. 13–18, and ll. 19–24), ignoring the perfect analogous construction of the two parts (both record a state decision, followed by its content). The dating of the inscription depends primarily on the interpretation of the phrase 'of silver League drachmae' (ἐπ' ἀργυρίου συμμαχικοῦ δραχμῶν; ll. 21–2). For the question of which league is intended here and suggestions for dating, see Reinach, *ibid.* (who dates the inscription to 164/3 B.C.), D-H-R II, 309; Hiller's notes *ad. loc.*; Rädle 1969, 114–23 (who accepts Reinach's reading); Grandjean, *BCH*, 119 (1995), 14 (who dates it to 76/5 B.C.).

bought or received Sosicles when the latter was still a child and raised him. Growing up in the same household, Sosicles and Damoxenus' grandson, Damoxenus the younger, became *syntrophoi*. I suggest that this is why Sosicles is referred to as 'residing in Orchomenus': although a slave, he was a member of the family and thus closer to free non-citizens than to other slaves. The *tropheia* he pays to Damoxenus, therefore, is intended to pay both for his upbringing and for his freedom.<sup>87</sup>

Roussel (1942) has studied an inscription from Calymna (*TC* 198),<sup>88</sup> in which he finds an equivalent to the phenomenon of *threptos*. The inscription records the manumission of the young girl Aphrodisia by Agathas daughter of Dorotheus. The manumitted slave is described in a very obscure clause, the literal rendering of which is 'whom (Agathas) obtained out of *epeleutheros* blood from Aphrodius and Nice' (ὃ ἔλαβε ἐξ αἵματος ἐπελευθέρου παρὰ Ἀφροδείου καὶ Νείκης; ll. 3–4). Segré understood the term *epeleutheros* as synonym of *apeleutheros* and explained that Aphrodisia was born to manumitted slaves. Roussel considers the expression 'from . . . blood' to be an equivalent to the Latin expression *ex sanguine*, which applies to infants bought from their parents,<sup>89</sup> and hence infers that the girl Aphrodisia had been bought in infancy by Agathas from her parents, Aphrodius and Nice, who were perhaps themselves the manumitted slaves of Agathas. Roussel further suggests emending the word 'of manumitted' (*epeleutheroi*) to 'for the purpose of freedom' (ἐπ' ἐλευθερίᾳ), meaning that Agathas had bought Aphrodisia with the promise of manumitting her later. There is, however, no need to emend the text: the clause as it stands means that Aphrodisia was the offspring of Agathas' manumitted slaves, who had handed the girl over to her. It seems,

<sup>87</sup> It is interesting to note that Phylarchus (ap. Athen., 6, 271e–f = *FGH* 81 F 43) defines the *mothakes* in Sparta as non-citizens who were chosen by the Spartans' sons and were 'raised together' (*syntrophoi*) with them. Xenophon (*Hell.*, 5.3.9) calls them *trophimoi* and says they were poor young men who could not contribute to the common meals. On the *mothakes*, see further Bruni 1979; Cartledge 1999, 39–51. A grave inscription from Rome (*IG* XIV(2) 1946), was inscribed by Gaius Plinius Zosimus for Gaius Plinius Eutychus, his *syntrophos* and *apeleutheros*.

<sup>88</sup> The inscription was first published by Segré in *Relazione preliminare sulla prima campagna di scavo nell' insola di Calino* (1938), 55.

<sup>89</sup> The expression is found in an edict of Constantine and Licinius (*Fragmenta Vaticana*, 35); in the *Codex Theodosianus* (5.10.1), it appears in the form *a sanguine*. For similar uses, see Petsas, nos. 39, 71, 86, 94, 103, from Leucopetra, in which the manumitted slaves are described as purchased or raised ἐξ αἵματος (l. 7).

then, most probable that Aphrodisia's position was equivalent to that of a *threpte*: she was raised by a foster-parent and was considered to be a slave. Moreover, her manumission is conditioned by a *paramone* clause to the advantage of the manumittor for as long as the latter lives; after that, Aphrodisia is to 'use (χρηματίζειν) the name of Nicomachus son of Philonidas'. Roussel understands the last provision as adoption and suggests that this person was Agathas' husband. In favour of interpreting this verb as indicating adoption he compares *SGDI* 1803, discussed above, where Hedyla is to 'be considered Dorema's daughter'.

*Threptoi* and related terms (such as *trophimos*) are also known from the Black Sea regions; Nadel (1976, 204–19) argues that most persons thus described were slaves. Most of the manumitted slaves in the Bosphorus Kingdom are described as *threptoi* (e.g., *CIRB* 70, 71, 74, 985, 1021, 1123, 1125). In Leucopetra, too, several manumitted slaves are described as *threptos/e* (e.g., Petsas, nos. 10, 21, 55, 113). In some cases, the fact that the slaves were *threptoi* can be inferred from the use of the verb *trephein* (Petsas, nos. 19, 71, 81, 95) or *anatrephein* (ibid., nos. 16, 39, 115), or from the use of the expression 'whom I have bought/raised as a baby (*ex haimatos*; ibid., nos. 39, 71, 86, 94, 103). Sometimes, both the verb of purchase and *trephein* are used, as in no. 39.<sup>90</sup> Evidence from classical Athens implies that a distinction was made between purchased slaves and *threptoi*. In the oration *Against Nicostratus* ([D.], 53.19), Apollodorus attempts to prove that a certain slave belonged to Arethusius, Nicostratus' brother, by claiming that Arethusius 'raised (the slave) since he was a little child' (ἐκ μικροῦ παιδαρίου ἐξεθρέψατο). According to Plato's *Meno* (85e), Meno's slave was 'born and raised in the house' (ἐν τῇ σῇ οἰκίᾳ γέγονεν καὶ τέθραπται)—a situation similar to that of Soson in *IG* VII 3376, discussed above. Nicias' slave, Hieron, was 'a man raised in the house of Nicias' (Plut., *Nic.*, 5.2).

The examples given above imply that a special relationship existed between owners and slaves whom they raised from infancy, whether bought or received from needy parents or accepted in part-payment

<sup>90</sup> A strange expression appears in Petsas, no. 128: the manumittor states that he consecrates a girl aged ten, whom he had taken *ex haimatos* and ἀνεποιήσάμην. This verb, which is rare, is explained by the editors as equivalent to *anatrephein*. For its meaning as 'stir, make up', see *LSJ*, s.v.

for their manumission. It should be noted that when manumitted slaves were required to raise children and later hand them over to their manumittor, this requirement was anchored in the contract as a condition of freedom. Since *tropheia* could create a basis for a claim on the person who received it, owners had to protect against any claim by their manumitted slaves on the person of a child they cared for and were to hand over to their ex-masters when it reached a certain age. *Threptoi*, moreover, seem to have been considered to be part of the family; their manumission sometimes was followed by their adoption by their manumittors. These quasi-familial relations can be compared to *philia*; indeed, they are the clearest manifestation of *philia*-relations between masters and slaves.<sup>91</sup>

What was the difference between *threptoi* and 'home-born', if both categories enjoyed a privileged position in the household and often obtained their freedom because of their masters' warm feelings for them? Soson of Chaeronea and Meno's slave in Athens, as we have seen, were both *threptoi* and home-born. Laius' slave, in Sophocles' *Oedipus Rex* (l. 1123), says that he is not a purchased slave, but 'fostered in the house' (οἴκοι τροφείς), indicating thereby that there are only two categories of slaves and that home-born slaves may be considered to be *threptoi*. In the *Etymologicum Magnum* (590.15), 'home-born' (*oikogenes*) is explained as the equivalent of the Attic οἰκότρυψ, but Ammonius (101) explained the last word as 'he who has been fostered in the house, what we call *threptos*', in contrast to a purchased slave.<sup>92</sup> Aelian (*VH* 12.15) recounts how the statesman and philosopher Archytas of Tarentum enjoyed playing with his slaves' children, whom he refers to as *oikotribes*. Cameron (1939a, 52–3) argues that 'home-born' was a legal designation indicating the origin of the slave, whereas *threptos* was a correlative term applied to the slave only in relation to those who fostered him. Hence, there was, as Cameron admits, a certain overlap: a *threptos* could also be described as 'home-born'. We can conclude, then, that although there

<sup>91</sup> Cf. the grave inscription cited by K.-P., *Erste Reise*, 157 (Gordus, 109–10 A.D.) and Cameron (1939a, 45), and discussed above, in chapter 2.3. The woman responsible for the inscription may have been a manumitted slave, because the persons buried in this family grave, along with her husband, include a *synxeleutheros* (who may have been a slave released together with the woman), a foster-father, and a *synteknos* (which may indicate here a foster-brother), in addition to a *philos*, a neighbour, and relatives.

<sup>92</sup> Cf. Ar., *Th.*, 426, where Euripides is abusively called οἰκότρυψ.

was a circumstantial difference between the two terms, both could refer to a slave born in the house.

Why do manumission contracts specify that the manumitted slave is home-born or *threptos*? If the slave was manumitted and free of all obligations and constraints, surely it was unessential to note that he or she had been born or raised in the manumittor's house (whereas this information may have been essential when masters sold their slaves to someone else). It may be that where manumission led to adoption or there was an agreement between the biological and the foster-parents, the information that the manumitted slave was a *threptos* was added as confirmation that the agreement was fulfilled. Judging by Pliny's letter (*Ep.*, 10.65), however, it may also be that this information was meant to forestall claims and legal problems associated with raising other persons' children and holding them in slavery. Referring to a manumitted slave as a *threptos* was a statement that the manumittor owned the person in question by right of the *trophēia*. As for the term 'home-born', I see no other way to understand its insertion in manumission inscriptions than as one more identifying mark, intended to enable the manumitted slave to prove his or her identity when needed. But references to home-born slaves and *threptoi* may also disclose the motives—or one motive—behind manumission, a motive that points to the concept of slavery and manumission as social relations of exchange and *philia*, and not only as relations of property.

Finally, the economic position and occupations of manumitted slaves should be addressed. The Attic sources provide us with scanty information. Some manumitted slaves had worked outside their owners' houses while still slaves, allowing them to save up money to pay for their freedom. After manumission, they continued to apply their skills. Pasion managed his owners' bank; later, after being manumitted, he had his own bank as well as a shield factory. His slave Phormio managed the bank for him, both before and after his own manumission (*D.*, 36.45–6). Midas and his two sons managed the perfume shop of Athenogenes (*Hyp.*, 3.3 ff.); Milyas, who had been manumitted by Demosthenes' father, may have managed the sword factory (*D.*, 27.22). Euctemon's *apeleuthera* was the manager of his tenement house (*Is.*, 6.19); Nicarete, Neaera's old mistress, ran a brothel. Neaera herself paid for her freedom partly with her own savings, indicating that, although she was owned by two Corinthians, she also worked as a "free-lance" *hetaira* or that her masters allowed

her to keep some of the money paid for her services. Finally, the manumitted slave Alcias rented a plot of land which he farmed (Lys., 7.10). But agricultural labour was not the dominant occupation of slaves and manumitted slaves in Athens. According to Westermann's analysis of the 'Lists of Silver Bowls' (1955, 13), the majority of manumitted slaves were engaged in manufacturing (48 women and 26 men); there were 21 male retailers (and 7 women), as well as 12 men engaged in agriculture and ten in transport. We also find women as cithara players, nursemaids, and seamstresses.<sup>93</sup> Among the slaves mentioned on the Attic Stelae, one was a goldsmith (*ML* 79). We have no way of knowing whether masters were more willing to manumit slaves with technical skills, but it can be safely assumed that these slaves found it easier to save money to pay for their manumission. Prices and slaves' means of payment will be taken up in chapter 4.2.1, below.

Outside Athens, our information is even scantier. The *hetaira* Rhodopis, who came from Samos to Egypt (in the sixth century B.C.) and was manumitted there, was so charming that she acquired great wealth; some Greeks were even mistaken to believe that she built a pyramid (Hdt., 2.134–5).<sup>94</sup> In *IG IX(1) 3<sup>2</sup>, 630a*, from Naupactus (2nd century B.C.), for instance, the manumitted slave is described as a skilled baker (τεχνίτας ἄρτοποιός); probably he was employed in his master's bakery outside the house. In the Delphic inscriptions we encounter a bronze worker (*FD* 3.1.565), skilled seamstresses (*FD* 3.2.230; 3.3.26), a flute-player (*SGDI* 1842), and the vague description 'craftswoman' (τεχνίτις; *SGDI* 2154). In Aetolia, some inscriptions record the manumission of female slaves by multiple male owners, whose relation to each other is not clear. Blavatskaja (1972, 73–4) infers that these slaves were *hetairai*, who—like Neaera in Athens—had put away money for their manumission. She also argues (*ibid.*, 41–5, 73–8) that manumissions made in the Assembly in some West Locrian poleis, with no obligations attached to them, reflect the economic significance of the manumitted slaves. These poleis, she maintains, authorized and guaranteed the manumissions because they were interested in reinforcing the working population with skilled manumitted slaves. Blavatskaja reaches a similar conclusion in her

<sup>93</sup> Cf. Rädle 1969, 133–4.

<sup>94</sup> On Rhodopis, see further below, chapter 6.2.

analysis of manumissions in Aetolia, where the Assembly was not involved, but *paramone* clauses were rare. She explains their rarity as an indication of the skills and earning power of the manumitted slaves, who could buy full freedom.

As we shall see, however, high prices for freedom, wherever they are provided by the sources, cannot be taken as safe evidence of technical skills. There are other difficulties with Blavatskaja's theory as well. First, in order to accept her argument that poleis authorized manumissions of skilled slaves for economic reasons, we need to know whether these slaves continued to live in these poleis after manumission; the fact that in such manumissions no obligation bound them to their manumitters calls this into doubt. Second, even in West Locris manumissions in the Assembly are not numerous. In Physceis, for example, only two of the 20 extant manumissions were made in the Assembly, in Tolophon one of the two recorded manumissions performed there, and in Oeanthea two out of five. Should we infer from this that the majority of manumitted slaves in Locris were not skilled workers? The extant evidence does not permit any conclusive inference. Third, the absence or rarity of *paramone* clauses and, conversely, the conditions sometimes attached to manumissions, namely, that the slaves are not to procreate or that their property is to be inherited by their ex-masters (as in *SGDI* 2097, from Physceis, with a copy in Delphi; *IG* IX(1) 3<sup>2</sup>, 624d, from Naupactus), do not necessarily imply the economic significance of the manumitted slaves in question. On the contrary, we would expect manumitters to have wanted to bind their skilled slaves to themselves. For instance, in *IG* IX(1) 3<sup>2</sup>, 624d, from Naupactus, Libanus pays only three minae for his freedom, but is instructed not to foster children. Does this condition indicate that his economic position was too weak to resist such a restriction, as Blavatskaja believes (1972, 44)? Or—on the contrary—does it imply that his manumitters expected to inherit his substantial property on his death?<sup>95</sup>

Blavatskaja, however, is right in suggesting that the poleis were interested in reinforcing their working population. As we shall see (in chapters 4.1 and 6), many poleis required the authorized publication of manumissions (but not the manumission itself) so that the

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<sup>95</sup> This is what Blavatskaja (1972, 41–2) infers in the case of Mnaso (*SGDI* 2097), who was manumitted on condition that, should she die childless, her property would go to her manumitter.

number and names of the manumitted slaves would be known. This knowledge enabled the poleis to guard the legal and political distinctions between citizens and non-citizens. Moreover, manumitted slaves, like metics, made an important contribution to the economic lives of the poleis. But these freed persons need not have been skilled workers. We may assume, then, that skilled slaves were better able to pay for their freedom; however, it was not necessarily their technical skills that motivated manumission. As we have seen, profit-seeking was not the only motive behind manumission. Slaves were sometimes (if not often) rewarded with freedom for their loyalty and services. Slave-owners often manumitted their home-born slaves and offspring. Explicit or implicit family and filial ties between owners and slaves remind us that an 'animate tool' that served its master for many years, especially if born in the house, was always more than just a piece of property.



## CHAPTER FOUR

### THE ACT OF MANUMISSION

When manumittors' willingness and slaves' wishes and money met,<sup>1</sup> it was time to start the process of manumission and choose its mode, its terms, and means of making it public. This chapter focuses on the act of manumission itself, by examining the procedures of manumission, the ways and means by which slaves bought their freedom, the restrictive and punitive clauses, the conditions attached to manumission, and the rights and obligations of manumitted slaves vis-à-vis their former owners or other persons to whom these rights were transferred. Despite the variety of modes of manumission and the uneven geographical distribution of the evidence, an analysis of acts of manumission along these lines will help us detect typical practices and concepts.

#### 4.1 *Procedures*

Manumission was not necessarily implemented immediately, but the decision had to be declared in unequivocal terms and in circumstances that would render the act unambiguous. This is made clear by the large number of publicized manumissions, by the nomination of guarantors and witnesses, and, in many cases, by the precise and detailed phrasing of the document. Publicity served the interests of three parties. First, it was in the manumitted slave's interest to make known his or her new status so as to avoid future claims and to enjoy whatever rights were conferred on manumitted slaves by law. As will be seen below, many manumission documents emphasize the manumitted slaves' freedom and warn against any attempt to re-enslave them. Second, it was in the interest of the polis to differentiate manumitted slaves from citizens, so as to avoid infringement by the former of the rights of the latter. Third, it was in the interest of the

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<sup>1</sup> For the assumption that slaves usually paid for their freedom, see below, section 4.2.1.

manumittors to publicize the fact that their slaves were no longer their property. By doing so, they tried to forestall any future challenges by their legal heirs to an act that diminished the family property. Publication was also important for owners whenever they obligated their manumitted slaves to continue to serve them; public knowledge of the ex-slaves' obligations compelled them to obedience.<sup>2</sup> These obligations were often specified in the acts of manumission; but if I am correct that the term *apeleutheros* indicated the manumitted slave's continued dependence on the master, these obligations were implicitly contained in the act itself, even if not publicized. However, since the means of publication in the ancient world were limited, manumitted slaves' position was always precarious, as can be gathered from the legal procedure known as *aphairesis eis eleutherian* ('carrying off for the purpose of freedom'), discussed below in chapter 5, and from the detailed formulation of the manumitted slave's marks of freedom in the manumission documents.

This was also true in cases of manumissions performed within the family circle, for which, admittedly, we have scant evidence. Whether the manumission was effected through a ritual act or by a simple declaration, as in the case of Milyas, the slave of Demosthenes' father (see above, chapter 2.2), witnesses were needed. To support his assertion that Milyas had been freed, Demosthenes suggested that his mother and the female slaves testify; he could not have proved it otherwise. In manumission by will, of course, witnesses and guarantors were named, especially because the manumission was implemented only after the testator's death. Thus executors and witnesses are named in the wills of Plato, Aristotle, Theophrastus, Strato, and Lycon (D.L., 3.43; 5.11; 56–57; 62; 74). Likewise, the will of Acousilaus from Oxyrhynchus (*P.Oxy.* III, 494) states that it was made in the street (l. 3)—apparently to achieve the greatest publicity (and perhaps also as a safeguard against future challenges to the will)—and

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<sup>2</sup> Gibson (1999, 52–5) applies to manumission inscriptions Thomas' theory of the monumental and symbolic role of inscriptions in a society that depends on public reputation (1992, 140; cf. Posner 1972, 98). Gibson suggests that manumission inscriptions enhanced the slave-owners' status and reputation as benefactors and, hence, their social reputation. This interpretation of the motivation behind inscribing manumissions, however, does not contradict the archival value of such inscriptions. Moreover, if manumission inscriptions were the public signs of social standing, surely they served the manumitted slaves as well as the manumittors.

four persons witnessed it (ll. 32–43).<sup>3</sup> Manumission itself, in Graeco-Roman Egypt, was performed before the *agoranomoi* in the street (e.g., *P.Oxy.* IV, 722, ll. 4–5, 12).

Greater publicity was achieved by manumission in law courts and theatres. Both places provided large audiences<sup>4</sup> and, in the case of law courts, perhaps also legal sanction. It is not clear what procedure was adopted in courts; it is possible that such manumissions were the outcome of prosecutions brought against slaves or against persons alleged to be slaves (see below, chapter 5.1). The only direct evidence of manumission in a law court, however, is Isaeus' oration in defence of Eumathes, written for Xenocles sometime after 358 B.C. (fr. 15; see above, chapter 2.2). According to the speaker, Eumathes 'had been set free in the law court by Epigenes' (ἀφειμένον ἐν τῷ δικαστηρίῳ ὑπὸ Ἐπιγένους). Another possible example of this procedure comes from Hyperides' oration against Athenogenes, who was charged with fraud (3.27). The plaintiff, who had intended to buy the freedom of Athenogenes' slave boy, with whom he had fallen in love, was persuaded by Athenogenes to buy the boy, together with his father and brother and the perfumery they ran for the defendant. A possible result of the trial, says the plaintiff, is that the boy will not be his but will be manumitted by the judges' vote.<sup>5</sup> This statement is far from clear. He may mean that should Athenogenes be convicted, the sale will be declared void. But in this case, the slaves would have not been manumitted, but returned to their former master. If, on the other hand, he has in mind the possibility of losing the case and as a consequence losing his citizenship (as he says in the same passage), his property, including the slaves, would have been confiscated and auctioned.<sup>6</sup> Hence the plaintiff seems to

<sup>3</sup> Cf. the inscribed will from Mantinea *IG* V(2) 274 I (= *Syll.*<sup>3</sup> 1209 I), in which it is stated that the will has been read three times (above, chapter 2.2).

<sup>4</sup> See Is., fr. 15; Aeschin., 3.41, 44 (above, chapter 2.2).

<sup>5</sup> Hyp., 3.27: οὐχ ὥστε ἐμὸν εἶν[αι, ἀλλ' ὥστε ὑ]φ' [ὑμῶν] τῇ ψήφῳ ἐλεύθερον ἀφ[εθῆναι]. The text I use is the Oxford edition of Kenyon, 1907 (reprinted in 1954).

<sup>6</sup> Burt (Loeb edition, 1954, 452 n. a) suggests that the plaintiff may have meant that if he wins, the boy will be freed, since he never intended to buy him as a slave. But this interpretation is difficult to accept, not only because, as Burt notes, the next sentence indicates that he has in mind the consequences of his losing the case—in which event the slaves would be transferred to the plaintiff's creditors (cf. Whitehead 2000, 330–1)—but also because the Athenian court could not have had any interest in the plaintiff's intentions, when the fact was that he agreed to buy the boy as a slave.

be referring to a legal procedure unknown to us. But it is significant that the oration was delivered between 330 and 324, when the 'Lists of Silver Bowls' (the *phialai exeleutherikai*) appear.

As noted above (chapter 2.2), scholars are divided about the nature and purpose of these lists. Since Wilamowitz (1887, 110), it has been held that the inscriptions list the results of *apostasiou* prosecutions, that is, law suits against manumitted slaves who evaded their obligations to their manumitters or registered another *prostates*; such cases were brought to court by the Polemarch.<sup>7</sup> Conviction led to re-enslavement; acquittal meant full freedom for the slave (the meaning of which will be discussed below). The disputed question is whether these were fictitious trials, whose real purpose was manumission, or real prosecutions. Those who support the first interpretation rely, among other things, on the fact that the inscriptions list numerous names on one stone and under a single date,<sup>8</sup> which seems to rule out the possibility that these were real trials. I shall have more to say about this argument in chapter 5.1. Here it is important to note that these inscriptions are dated to the years 333–317, that is, more than 20 years after Isaeus' oration. If these inscriptions record manumissions executed under the guise of legal proceedings, it may be deduced that manumission in the law court was still common in Athens in the last third of the fourth century B.C. and that the use of the law court for manumission is the reason why the legal verb ἀποφεύγειν ('to be acquitted') was employed to indicate manumission (Kränzlein, 1975, 264). The sudden appearance of these inscriptions about 333 B.C. can be further explained by the enactment, some time before 330 B.C., of the law that prohibited declarations of manumission in the theatre, as attested by Aeschines (3.41, 44). If we accept the view that these lists record manumissions, however, we must also assume that manumitters fabricated offences, attained the co-operation of the numerous judges in this sham, and, moreover, falsely presented their slaves to the court as manumitted slaves. This seems rather implausible. Hence it is doubtful whether we should associate these lists with Isaeus' oration, whose surviving

<sup>7</sup> Wilamowitz (1887, 110), restored the words πολεμαρχούντος ('when [...] was the Polemarch') and ἀποστασίον ('of a defective [ex-slave]') in the heading of *IG* II<sup>2</sup> 1578. On the *prostates* and the *apostasiou* prosecution, see below, 4.3 and chapter 5.1.

<sup>8</sup> In *IG* II<sup>2</sup> 1578, for instance, all the names appear under the date 15 Hecatombaion.

fragments do not give details of the procedures of manumission in court.

The procedure of manumission in the theatre must have been very simple—a proclamation by the herald upon the request of the owner. Yet it may be that this very simplicity is why a ban on this form of manumission was enacted in Athens before 330 B.C. Aeschines (3.41, 44), who is our source for this prohibition, mentions manumission of slaves among other kinds of proclamations in the theatre, primarily those concerning the honorific grant of crowns. He explains that such proclamations were prohibited because they were not authorized by the Assembly. Since Aeschines mentions crowning and manumission together, it could be inferred from him that slave-owners in Athens were required to obtain the people's consent to manumission. Legal procedures concerning slaves and freed persons, referred to by several sources (below, chapter 5), may point to the same conclusion, as may Demosthenes' mention of laws concerning manumitted slaves (according to Pollux, 3.83). However, not only is there no safe evidence of manumissions in court and none of manumission in the Assembly in Athens, the Assembly's approval was needed for publication of the manumission, not for the act itself. I hope to prove this point by first discussing other instances.

The involvement of the Council or the Assembly in manumission is widely attested in other places. It is known in three poleis in Phocis (Elatea, Daulis, and Hymapolis), in Chaeronea, and in three West Locrian poleis (Physceis, Oeanthea, Tolophon).<sup>9</sup> Such manumissions combined secular with sacral elements: some of them employed a secular manumission verb but were inscribed on the walls of sanctuaries; others were consecrations or sales to divinities, but involved the political institutions.<sup>10</sup> For instance, in *IG IX(1)*, 119, from Elatea (4th century B.C.), the people gives its assent (ll. 8–9) and several gods are named as 'supervisors' (ll. 9–12).<sup>11</sup> In other manumissions from Elatea (*IG IX(1)* 120, 125–7), the Council's involvement was

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<sup>9</sup> Some of the West Locrian manumissions were found in Delphi and in Phaestinus, indicating that there were at least two copies of the act.

<sup>10</sup> It seems better to accept Blavatskaja's claim that in ancient Greece there was no clear division between the secular and sacral (1972, 6), rather than Albrecht's rigid division into civil-formal and sacral-formal manumissions (1978, 119–23, 135–7).

<sup>11</sup> Cf. *IG IX(1)*, 121–4, 126, from Elatea (2nd century B.C.). Similar formulae are found in sacral manumission from Lebadeia (e.g., *IG VII*, 3082), Orchomenus (e.g., *IG VII*, 3198), Oeanthea (e.g., *IG IX(1)* 3, 709 a), and many other places.

added to that of the Assembly (ἐν ἐννόμῳ ἐκκλησίᾳ τῶν συνέδρων). This can also be seen in *IG IX(1)*, 109, which is a decision of the Council, followed by that of the Assembly (l. 17), to declare the slave Stephanus free and to inscribe the manumission in the temple of Athena Cranaea.<sup>12</sup> The decision was made upon the request of Menecleia, who had inherited the slave from her father. In Chaeronea, manumissions of slaves by consecration were carried out 'through the Council, according to the law'.<sup>13</sup> In Physceis, as in Elatea, consecration-manumissions were performed 'in the lawful Assembly'. According to *IG IX(1)* 3<sup>2</sup>, 705 (137/6 B.C.), for instance, which is a copy of an act published in Delphi, the slave woman Mnaso was consecrated in the lawful Assembly of Physceis to Pythian Apollo. The witnesses to the act were 'those present in the Assembly'.<sup>14</sup> The citizens of Tolophon, likewise, served as witnesses to the consecration of the slave Agathon to the goddess Basileia (*SEG* 12, 272; 167–145 B.C.).<sup>15</sup>

What was the purpose of manumissions in the Assembly and Council? How were they conducted? Albrecht (1978, 119–23, 135–7, 151–3) claims that the reason for the state's involvement and the public record of manumission acts was the importance that poleis attached to the status of manumitted slaves. This involvement, he says, enabled the state to exert some control over manumissions and the population of manumitted slaves.<sup>16</sup> Albrecht believes that the inscriptions from Phocis, Chaeronea, Physceis, and Oeanthea refer to the actual manumission, performed by these political institutions,

<sup>12</sup> ψάφισμα . . . ἐν τοῖς συνέδροις . . . ἔδοξε τοῖς συνέδροις (ll. 6, 8, 10).

<sup>13</sup> διὰ τοῦ συνεδρίου κατὰ τὸν νόμον (e.g., *IG VII* 3330, 3313). For the meaning of 'through the Council', see below.

<sup>14</sup> The fact that only 18 names are registered as witnesses (apart from the two archons and the treasurer, named as eponymous magistrates) may indicate that such decisions were taken with any quorum whatever. Cf. Blavatskaja 1972, 41. Albrecht (1978, 136) explains that, since the consecration was made in Delphi, and not in Physceis, an official application by the polis of Physceis to Delphi was needed; that is why the manumission was made in the Assembly. But the special circumstances of the act do not rule out the possibility that it followed customary practices.

<sup>15</sup> In this inscription, only eight names have been preserved on the stone. Cf. *IG IX(1)* 3<sup>2</sup>, 709a, 710, 712 (2nd century B.C.) from Oeanthea, in which manumissions by sale to Apollo in Phaestinus were performed 'in the lawful Assembly of the Oeantheans' and the witnesses were 'all the citizens'.

<sup>16</sup> Albrecht (1978, 119) also argues that state control served financial interests as well, since manumitted slaves—like the metics—must have paid the *metoikion* tax. This argument could be supported by evidence that manumitted slaves paid this or some other tax, both in Athens and elsewhere; such evidence, however, is scanty.

and not just to their consent to acts initiated by private slave-owners. He interprets *IG IX(1) 109* (from Elatea) the same way, claiming that the Council and the Assembly did not merely consent to Menecleia's request, but actually manumitted the slave (*ibid.*, 120 n. 86). This interpretation, however, seems to overlook two facts. First, in *IG IX(1) 119*, from Elatea, the Assembly certainly does no more than consent to the act. It is true that this inscription is the oldest example of this mode of manumission and that procedures may have changed over time; but the phrase 'set free *in* the lawful Assembly' or 'set free *in* the lawful Assembly of the Councillors', found in the later Elatean manumissions, does not necessarily mean that manumissions were actually performed 'by' these institutions. It could simply mean that these institutions gave their approval. Second, *IG IX(1) 109*, demonstrates the role of the political institutions as collaborating in and authorizing manumissions that were initiated by private persons. This inscription is unique among manumissions from Phocis: it is formulated in the form of a state decision and is not simply a declaration of manumission. The reason, as Dittenberger says in his notes to *IG IX(1) 109*, is that Menecleia was left without a *kyrios* and needed both the assent and the co-operation of the authorities in this transaction. Since, however, there is evidence of manumissions performed independently by women from Elatea (e.g., *FD 3.4.73*), it may be that Menecleia was underage. In West Locris, on the other hand, not all recorded manumissions were performed in the Assembly. Blavatskaja (1972, 40–3) infers that this mode was a matter of choice. Manumissions in the Assembly, she says, bestowed upon the slave the protection of all the citizens and meant that his or her new status was recognized by the polis; hence, slaves manumitted in the Assembly were those who filled an important economic position in the community. Only slaves of special technical skills or unusual earning ability, she suggests, could attain the Assembly's authorization; the polis was interested in reinforcing the working class by manumitting skilled slaves. While I have reservations concerning Blavatskaja's explanation of the reason for manumissions in the Assembly,<sup>17</sup> I do accept her conclusion that this mode was not the

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<sup>17</sup> To the points against Blavatskaja's theory, presented above (chapter 3.2), we may add that her inclusive conclusion relies on a single manumission (*IG IX(1) 3<sup>2</sup>*, 705), in which it is stipulated that should the manumitted slave die childless, whatever is left of her property will be inherited by the manumittor. Blavatskaja infers

rule. Whether manumissions in the Assembly were required by the poleis in which they were used is important for understanding both the procedures and the significance of manumission. Although no safe answer can be offered here, some points merit consideration.

Manumissions performed in the Assembly or Council brought together the interests of manumittors, manumitted slaves, and the polis. Note that what was involved in these cases was not only the collaboration of a political institution, but also the publication of the act. As noted above, the publicized 'Lists of Silver Bowls' in Athens (whether they were manumissions or court verdicts) imply the Athenian polis' involvement in manumission. Publication itself disclosed the polis' concern, beyond that of the manumittors and manumitted slaves. Do manumissions in the Assembly and Council reflect more than these poleis' concern with knowing who was and who was not a citizen? Do the inscriptions indicate that these poleis actually played the role of manumittors? The phrase found in the inscriptions from Chaeronea, 'through the Council, according to law', may, indeed imply actual involvement, prescribed by the law of the city. But what exactly did the law prescribe—that consecration be the sole mode of manumission, that consecration must be performed through the Council, or that the publication of such manumissions had to be authorized by the Council? Furthermore, does the preposition 'through' (διά) means that the consecrations were performed *by* the Council, or *with* its approval or authorization?<sup>18</sup> Note that in *IG IX(1) 36*, from Stiris (above, chapter 3.1), the manumittors asked the polis' permission to engrave the act of consecration-manumission in Asclepius' sanctuary. This case is admittedly exceptional, because the manumittors were non-citizens; this may be why they asked permission to publicize it. A similar case is *FD 3.2.120*, from Delphi (150–130 B.C.), a manumission performed by a couple from Elatea of a female slave. The text of the manumission is preceded by a letter from the

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from this clause the manumittor's confidence in the manumitted slave's ability to achieve a good income over time; she further suggests that the citizens of Physceis were interested in continuing the slave's contribution to its economic life. Even if these inferences are true in this case (and there is no indication of it in the text itself), it cannot be taken as representative of the other examples from Locris.

<sup>18</sup> Albrecht (1978, 135 and n. 174) rejects Rädle's rendering of this preposition as 'before' (vor) (1969, 59 n. 8) and explains that διά with the genitive always means 'through' (durch). Although Albrecht is right, 'through the Council' does not necessarily indicate the Council's active involvement in the act.



Elatean magistrates, asking the Delphians to acknowledge the act (which had been already engraved in Asclepius' sanctuary in Elatea) and permit its inscription in Apollo's sanctuary (ll. 1–7). Here, too, the manumittors were foreigners; but it may be that special permission was needed because they wished to inscribe in Apollo's sanctuary the consecration of a slave to Asclepius in Elatea. In Stiris, the polis' involvement seems to have been limited to authorizing publication, or perhaps requiring it; in the case of citizen-manumittors this may have been the norm.

The situation in Chaeronea is slightly different, because all the manumission inscriptions found there are consecration deeds. We may not, however, infer that the law in Chaeronea prescribed that manumission be performed only by consecration; many inscriptions may have been lost and many other manumissions may have not been inscribed at all. What can be tentatively inferred is that the law in Chaeronea required the Council's authorization for the publication of manumissions (or perhaps only consecration-manumissions). As stated above, publication was in the state's interest; manumission itself, or the mode it took, was the private concern of manumittors and manumitted slaves. Likewise, manumissions 'in the lawful Assembly [of the Councillors]' (in Phocis and West Locris) were not necessarily performed *by* these institutions. Although the phrase 'in the Assembly/Council' (ἐν ἐκκλησίᾳ/βουλῇ) was the standard formula in political decisions, in the case of manumissions it seems to have indicated not the execution of the act itself, but the authorization of its publication. In the case of Menecleia (*IG* IX(1) 109), the special circumstances required that the Council and, upon its recommendation, the Assembly authorize the act itself, in addition to the authorization of publication. But it should be emphasized that these institutions only authorized; they did not manumit the slave themselves. This is made perfectly clear by an inscription from Orchomenus (D-H-R, *Ins. Jur. Gr.* II, 309, no. 43 = *IG* V(2) 345; mentioned above, chapter 3.2). In the two manumissions recorded in the inscription, the Council decides to give instructions to inscribe (γράφαι; ll. 4, 17) the acts, after receiving from the slaves the money 'due according to the law, on account of manumission (ἀπελευθέρωσις).'<sup>19</sup> Since in both manumissions this clause is followed by the text of the manu-

<sup>19</sup> This clause appears in both manumissions with slight variants, which do not affect its meaning.

mission-contract, and since this text explicitly states that it was the owner who performed the manumission (ἀφίητι ἐλεύθερον; ll. 6, 20), there is no doubt that the role of the Council was limited to authorizing publication.<sup>20</sup>

If my interpretation is correct, it can also clarify Aeschines' explanation of the law that forbade proclamations—including manumissions—in the theatre in Athens. It was the publication, not the manumission itself, that had to be authorized by the Assembly. It is also significant that our first evidence of the involvement of the polis, both in Athens and in other cities, comes from the fourth century B.C. It may indicate that, in that time, manumitters and manumitted slaves had become increasingly aware of legal problems that could stem from manumission. It may also indicate the poleis' growing concern with legal distinctions among their residents, especially when inscribing manumissions on stone became a widespread means of publication. But laws relating to manumission and its publication may have existed prior to the fourth century B.C.<sup>21</sup> Publicized manumissions, it should be emphasized, were only the final step in a procedure that started with the slave's approach to his or her owner or with the latter's decision to grant freedom. It does not follow, therefore, that where inscriptions do not explicitly mention the involvement of the polis, publication (in sanctuaries, theatres, and other public places) was available to all and required no authorization. The need to attain the Assembly's approval of proclamations in Athens and the manumissions 'in the Assembly/Council' in other poleis had the same purpose. Sanctuary walls, bases of altars, theatre

<sup>20</sup> I interpret in the same way *IG IX(1) 193*, from Tithora, in which it is stated that the 'polis gave its decision when Hellanicus son of Hellanicus was archon, in the lawful Assembly' (δοῦσας τὰς πόλιος τὸ ψάφισμα . . . ἐν ἐννόμῳ ἐκκλησίᾳ; ll. 26–8). The name of the archon in whose year the decision was made is different from that named in the heading of the inscription. Hence, the publication, authorized by the Assembly in Hellanicus' archonship, was effected later, during the archonship of Ariston son of Ariston; that is, at least a year later. Albrecht (1978, 153 n. 262), too, notes that this inscription records only the grant of permission to engrave the act, although he views all other cases as manumission *through* the Assembly or Council.

<sup>21</sup> In like manner, both the concept of freedom as the privilege of the citizen and the terminological distinction of manumitted slaves have their clearest manifestation in the fifth century B.C., but were apparently developed earlier. Rädle (1969, 7–123) explains the progression from manumissions performed in private to engraved manumissions and the involvement of the polis by the increase in literacy. Cf. Hopkins 1978, 145; Thomas 1992, 96.

seats and entrances—these were not only religious sites; they were, in the first place, public places. Hence, even the concise catalogues of manumissions from Mantinea, Epidauros, Taenaron, Buthrotus, Oeniadai, and Thessaly should be seen as the product of these poleis' decision to permit publication and thereby set a public record of their non-citizen population. I shall return to this issue below, in discussing payments.

Manumissions in pan-Hellenic and other religious centres prompt additional questions. The greatest publicity, of course, was provided by these sanctuaries, and especially by Apollo's oracular centre in Delphi. Slave-owners came from Delphi and other places to Apollo's shrine and had their manumission transactions inscribed on its walls.<sup>22</sup> The fact that all the manumission inscriptions found in Delphi record the sacral mode (mostly, a sale to Apollo) has led scholars to believe that this mode was required there both by owners' wish for the greatest publicity and religious sanction and by the polis' authorities (e.g., Albrecht 1978, 132–3). Secular modes of manumission, it has been argued, could not provide the protection granted by sacral manumission and, moreover, they were not publicized; that is why, in the course of time, sacral elements were incorporated into the act of manumission (Bömer 1960, 11; Rädle 1969, 52).<sup>23</sup> It should be remembered, however, as Albrecht himself notes (1978, 139), that other modes of manumission must have been practised in Delphi and other places before the sacral mode developed and may even have coexisted with it for a long time. The fact that the only form of manumission attested in Delphic inscriptions is the sacral mode cannot be taken as a decisive proof that it was the only form practised there. One thing, however, seems certain: slave-owners, who came to Delphi and other important religious centres in quest of wide publicity and religious sanction, had to comply with the priests' requirements. The sacral manumission documents indeed emphasize the involvement of gods and their priests and the religious sanction. We can see it in the headings of inscriptions, where priests are named for the sake of dating, and in their role as guarantors, witnesses, and

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<sup>22</sup> The practice of inscribing acts of manumission on walls of sanctuaries is first attested in the fifth or fourth century B.C., in Poseidon's temple in Taenaron. In Delphi and Aetolia it is said to have begun in the second century B.C. (Mulliez 1992, 32; Grainger 2000, 35).

<sup>23</sup> Cf. Hopkins 1978, 145.

‘guardians of the sale’. It may also be that the sale-manumission took form of a ceremony, in which the priests participated (Hopkins 1978, 138; Mulliez 1992, 33).

A special case is a group of seven manumission inscriptions from the Bosphorus Kingdom, which were performed ‘in the prayerhouse’.<sup>24</sup> In two of these inscriptions, *CIRB* 985 and 1123, the manumission verb is *anatithenai*, which would seem to indicate that the manumitted slaves were consecrated to the prayerhouse. The likely Jewish affiliation of these inscriptions, however, makes this doubtful.<sup>25</sup> The other inscriptions use a ‘secular’ manumission verb (*aphienai*). What, then, was the role of the prayerhouse? Reviewing other scholars’ interpretations, Gibson (1999, 129–32) suggests that the prayerhouse was the *place* where these manumissions were executed. The question why these slaves were manumitted in the prayerhouse seems to depend on two other questions. First, how should we understand the condition, attached to five of these manumissions, that the manumitted slaves serve the prayerhouse (*CIRB* 70, 71, 73, 985; *SEG* 43, 510)<sup>26</sup> The interpretation of this condition, however, is also disputed (see below, 4.2.2); but it seems that manumission in the prayerhouse was somehow intended to reinforce this obligation. Second, did the manumittors engrave these manumission documents on the walls of the prayerhouse? An affirmative answer would mean that here too, as in the cases of manumission in the Assembly and Council (and, perhaps, in Greek gods’ sanctuaries), the Jewish community authorized the publication of these manumissions. Unfortunately, none of these inscriptions was found *in situ*. Four of these inscriptions, however, name the Jewish community as joint guardian of the manumitted slaves (συν/επιτροπευούσης τῆς συναγωγῆς τῶν Ἰουδαίων; *CIRB*

<sup>24</sup> In *CIRB* 73, this phrase reads ἐν τῇ προσευχῇ; in *CIRB* 1123 and in *SEG* 43, 510, it reads τῇ προσευχῇ. The wording of *CIRB* 70, 71, 985, and 1128, however—ἐπὶ τῆς προσευχῆς—has produced various interpretations. See Gibson (1999, 129–30), who renders it as locative, ‘at’ or ‘by’.

<sup>25</sup> The Jewish affiliation of *CIRB* 1123, however, has been disputed, both because of the invocation of the ‘Most High God’ (θεὸς ὕψιστος; l. 1), whose relation to the Jewish god is doubted by some scholars, and the fact that the manumission is placed under the protection of Zeus, Ge, and Helios. For a review of the interpretations of this inscription, see Gibson (1999, 109–23), who holds that it reflects a Jewish context, whether of Jews or of god-fearers. For the Most High God, see Ustinova 1999, 203–83. *CIRB* 1128 is too fragmentary to allow any conclusions.

<sup>26</sup> *CIRB* 1127 contains the obligation to remain in the prayerhouse; but the verb and place of manumission are not preserved. See below, 4.2.2.

70, 71, 73; *SEG* 43, 510).<sup>27</sup> This guardianship is open to interpretation. It may indicate that the community supervised the manumitted slaves' performance of their obligatory service in the prayerhouse.<sup>28</sup> Gibson (1999, 150) plausibly suggests that the Jewish community served as witness to the act of manumission. In this point, the Bosporan manumissions may resemble the West Locrian, the publication of which was authorized by the Assembly and to which all the citizens served as witnesses (see above). It should be noted, though, that the verb *syn/epitropheuein* usually denotes the role of the guardian of minors; moreover, in Aristotle's *Rhetoric* (1408b 25), the citizen who plays the role of the manumitted slave's sponsor and mediator is called an *epitropos* (see below, 4.3).

Both magistrates and private persons served as witnesses and guarantors of manumissions.<sup>29</sup> For instance, a sale to Apollo of a female slave (*SGDI* 1684), made in Delphi by a citizen of Amphissa, names two guarantors: one a citizen of Amphissa and the other of Delphi. Witnesses, too, were named: the priest of Apollo, the *archon*, and five private (ιδιωται) citizens of Delphi. Citizens of Delphi, too, made use of witnesses and guarantors, as in *SGDI* 1693, in which the guarantor is a citizen of Delphi, the witnesses are two priests of Apollo and the warden of the temple (*neokoros*), in addition to numerous private citizens; in addition, copies of the act of sale were entrusted to a priest of Apollo and to a private citizen. Outside Delphi, too, inscriptions refer to guarantors and witnesses.<sup>30</sup> A mixed kind of publicity was achieved in *IG IX(1)* 109, from Elatea (the case of Menecleia): the act of manumission, which was inscribed on the temple walls, contained the Assembly decision. In several Thessalian poleis, the witnesses of manumission acts were the *xenodokoi*, who were either private citizens or the public officials entrusted with caring for foreigners (e.g., *IG IX(2)* 302 A.a; 1282 II, III).<sup>31</sup> In some West Locrian

<sup>27</sup> The same phrase is the only clause preserved in *CIRB* 72.

<sup>28</sup> Harrill (1995, 175–7) suggests for *CIRB* 70 that the Jewish community paid for the slave's freedom from the 'synagogal common chest' and served as his guardian, because the manumitter was a woman. This interpretation, however, as Gibson (1999, 131) notes, ignores many other cases of female manumitters.

<sup>29</sup> The terms employed to denote a witness to a manumission were usually μάρτυς or φίστωρ; a guarantor was referred to as βεβαιωτήρ, προαποδότης, or προπωλητής.

<sup>30</sup> E.g., in Beroea (*EV*, 145–7, no. 45), Thespiac (*IG VII* 1780), Naupactus (*IG IX(1)* 3<sup>2</sup>, 624d), Susa (*SEG* 7, 15), Chaeronea (Roesch and Fossey 1978a, 123, no. 1), Tithora (*IG IX(1)* 188), and Egypt (*BGU I*, 96; *P.Oxy.* II, 265).

<sup>31</sup> Cf. Zelnick-Abramovitz 2000, 110–11.

poleis, as we have seen, the whole citizenry was named as witness (e.g., *IG IX*(1) 3<sup>2</sup>, 705), and in Aetolia, most witnesses came from the home city of the manumittor, sometimes accompanying him for that purpose to another polis (Grainger 2000, 41). Finally, as we have seen, some owners took care to manumit their slaves in the presence and with the help of family members (see above, chapter 3.1). In *SGDI* 429, from Lebadeia, for instance, a female consecrates her slave in the presence of her son. When the owners were themselves manumitted slaves, the presence of a citizen mediator was needed, as in *SGDI* 498, from Orchomenus, in which Agatha consecrates her slave in the presence of her son and names the priest, the *hierarchos*, and magistrates of the polis as those responsible for protecting the liberty of the slave.<sup>32</sup> The wide attestation of such concern for the validity of the manumission makes it probable that witnesses and guarantors were also appointed by manumittors in acts of which we have only the publicized catalogue form and in manumissions that were not publicized at all. Moreover, although most of our epigraphic evidence referring to this practice begins in the second century B.C. and increases in volume in the first centuries A.D., we need not assume Roman influence. As we have seen, witnesses were also used in fourth- and third-century Athens, as they must have been also used elsewhere. What should be stressed here is that even in manumissions published in religious places, the involvement of ‘secular’ institutions is visible. Archons, secretaries, councilors, and the Assembly were used along with priests and gods. All these appear as eponymous magistrates in headings of inscriptions, as the body that authorized publication, as guarantors, ‘guardians of sale’, and witnesses, and as the officials to whom money was paid on the occasion of manumission.

Many manumission inscriptions mention the payment to the polis or its magistrates. In the Thessalian catalogues of owners and manumitted slaves, arranged by month, an almost uniform formula is used for every entry: ‘so-and-so, having been manumitted by so-and-so, paid the regular (sum of) 15 staters (or 22½ denarii), according to the law’.<sup>33</sup> In other inscriptions, the heading that dates the act by

<sup>32</sup> See the discussion above, chapter 3.1.

<sup>33</sup> (Name of slave) ἀπελευθερωθεὶς/θεῖσα ὑπὸ (name of manumittor) ἔδωκε τὸ ἐκ τοῦ νόμου γινόμενον (or τὰ γινόμενα κατὰ νόμον) στατήρας δεκαπέντε (or δηνάρια κβ<) (e.g., *IG IX*(2), 102, 1100 b III). The use of the Roman denarius indicates a

the *strategos* and the treasurer is followed by the formula, 'register of manumitted slaves who paid the regular (sum) to the polis'.<sup>34</sup> The payment to the treasurer of the polis of 22½ denarii 'instead of staters' is also attested in Echinus (*IG IX(2)*, 92; *SEG* 39, 493–96).<sup>35</sup> Several other inscriptions mention the term *lytron* or its plural *lytra*. This term was usually employed to denote the ransom of prisoners of war; but in Egypt it signified the payment for manumission. The term is also used in the will of Lycon (D.L., 5.72), where the philosopher remits the *lytra* owed to him by two of his manumitted slaves; hence, the term was used in the sense of manumission-price in third-century B.C. Athens.<sup>36</sup> The occurrence of this term in some of the Thessalian manumissions, therefore, raises question of whether the payments were made to the polis for the purpose of publication or to the owners for manumission. In *IG IX(2)* 102 b, ll. 5–7, from Achaia Phthiotis (185/4–178/7 B.C.), for instance, the manumittor is described as 'receiving from her (i.e., his slave) the *lytra* of manumission' (*apeleutherosis*). The same phrase, with minor variations, appears in two other inscriptions from Phthiotic Thebes, in four manumissions from Demetrias, in two from Magnesia, and in one from Pythion.<sup>37</sup> Where the sum of money is mentioned in these inscriptions, it ranges from 150 to 300 denarii (roughly equivalent to 2 to 4 minae). Bielman (1989, 30–1; 1994, 262–3) argues that in all the Thessalian manumissions, this term indicates the payment for freedom and is equivalent to the Delphic *ona* and the Amphisian *tima*.<sup>38</sup>

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date later than 27 B.C., when Greek coinage was adjusted to the Roman, in the wake of Augustus' financial reforms. Cf. *IG IX(2)* 415; Rädle 1969, 158–9; Helly 1976, 154.

<sup>34</sup> ἀναγραφὰ τῶν δεδωκότων τῇ πόλει ἀπελευθέρων τὸ γινόμενον (e.g., *IG IX(2)* 109a, ll. 4–5).

<sup>35</sup> The inscriptions *SEG* 39, 493–6 were first published by Reilly 1971, 667–75. Zachou-Kontoyianni (1989, 209–17) has suggested some restorations to these and to *IG IX(2)* 92. For other examples, see Rädle 1969, 106–9.

<sup>36</sup> For the meanings of the term and its occurrences, see Bielman 1989; Bielman 1994, 261–4. For Egypt, see, e.g., *P.Oxy.* IV, 722, ll. 24–6, 30.

<sup>37</sup> In Phthiotic Thebes: *SEG* 26, 691, ll. 1–2 and 4–5 (both from the 2nd century A.D.); in Demetrias: *IG IX(2)* 1116b, ll. 2–3 (after 27 B.C.), 1117 III, ll. 7–9 (1st century A.D.?), 1117 IV, ll. 11–13 (1st century A.D.?), 1119 III, ll. 11–15 (1st century A.D.?). In Magnesia: *IG IX(2)* 1100b II, ll. 5–6, and 1100b III, ll. 10–13 (both after 27 B.C.); in Pythion: *IG IX(2)* 1282 II, ll. 6–9 (53–50 B.C.). This phrase usually reads λαβὼν/οὔσα παρ' αὐτοῦ/ἑς λύτρα τὰς ἀπελευθερώσεως.

<sup>38</sup> Cf. the use of *lytra* in *FD* 3.6.101, l. 5, a manumission from Delphi. For the use of the term in the formula λύτρα ἐκ τῶν πολεμίων in Delphi and Elatea, see below, 4.2.1.

Her argument is corroborated by two inscriptions from Doliche (both dated to after 27 B.C.), in which a clear distinction is made between the *lytron/lytra* paid to the manumitters and the payment to the polis. In *IG IX(2) 1268 II*, ll. 5–8, the manumitted slave is described as ‘having paid *lytra* and the regular (sum of) 22½ denarii to the polis’. *IG IX(2) 1268 V*, ll. 18–20, reads: ‘Cerdon, the manumitted slave, for *lytron*, of Argeius son of Philon, paid the regular (sum of) 22½ denarii to the polis’.

It seems, then, that in Thessaly *lytron/lytra* was employed to indicate the payment made by manumitted slaves to their manumitters; the sum paid varied according to the manumitters’ demands. The payment made to the polis, on the other hand, was of a fixed sum (15 staters or 22½ denarii). In Echinus the payment was received by the treasurer; so also in Gonnoi (e.g., *IG IX(2) 1042*) and Halus (e.g., *IG IX(2) 109a*), as the headings of the inscriptions imply. In Larissa, the magistrate who received the payment was either the treasurer (e.g., *IG IX(2) 544*) or the *xenodokos* (e.g., *IG IX(2) 302 A.a*, 558; *SEG 35, 593*).<sup>39</sup> The allusion to the law, the involvement of public magistrates, and the fact that all payments to the polis were 15 staters or 22½ denarii (unlike the diverse payments to manumitters) suggest that Thessalian poleis exacted money on the occasion of manumission. Was the payment a manumission tax or a publication fee? Several scholars believe it was a manumission tax.<sup>40</sup> Since, however, there is no safe evidence for manumission taxes in the Greek world,<sup>41</sup> I tend to think that the payment was due for publication (cf. Rädle 1969, 158–60). Moreover, some Thessalian inscriptions provide explicit evidence that the payment was intended for registration. Thus *IG IX(2) 542* has the noun ‘record’ (ἀπολογισμός) in line 5. In Hypata, the ‘administrator of the manumitted

<sup>39</sup> See Zelnick-Abramovitz 2000, 110–2. Cf. *IG IX(2) 546*, ll. 2–4, from Larissa (the treasurer); 342, ll. 1–3, from Cyretiae (both the treasurer and the *tagos*).

<sup>40</sup> So Calderini (1908, 141), who compares it to the Roman tax, the *vicesima libertatis*, which was one twentieth of the value of the slave. Cf. Rensch 1908, 95; Busolt 1920, 290; Helly 1976, 154. Beauchet (1897, 474–5) claims that in return for this payment, the polis recognized and guaranteed the act of manumission.

<sup>41</sup> Two inscriptions from Demetrias seem to refer to a tax imposed on manumitters: C. Habicht, *Demetrias V* (Bonn 1987), nos. 13–14 (= *SEG 37, 450*, ll. 18, 22–23; 451, ll. 20–21; 2nd–3rd centuries A.D.). These references to manumission tax, however, appear in only two out of five manumissions recorded in no. 13, and in one out of six in no. 14. Moreover, other manumission inscriptions from Demetrias make no mention of this tax.



slaves' money' (ἐπιμελητῆς τῶν ἀπελευθερικῶν χρημάτων) was paid by manumitted slaves 'for the stele' (*IG* IX(2) 17) or 'for inscribing on a stele' (*stelographia*; *ibid.*, no. 22). These examples make it clear that, at least in these poleis, the uniform payment was exacted for public registration. If so, publication must have been authorized by the political institutions. Since the payment to the polis in all the Thessalian inscriptions was uniform, it follows that the Thessalian catalogues that record numerous manumissions in a very concise language were the final result and registration of many private manumissions, whose performers then applied to have them published.

The question of payment to the polis is closely linked to manumissions in the Assembly or Council, or—more precisely—with their grant of permission to publish. In *IG* IX(1), 36, from Stiris, as we have seen, the owners ask the polis for permission to inscribe the consecration-manumission in the shrine of Asclepius. It is probable, in light of the above examples, that payment was exacted for the right of publication of manumissions in Stiris. An explicit case is *IG* V(2) 345, from Orchomenus (above, and in chapter 3.2), in which the two Council decisions mention payment made on the occasion of manumission and in accordance with the law: in the first manumission, the slave Sosicles pays half a mina to the secretary of the Council (ll. 1–2); in the second, the slave Antigonos pays the Council 8 staters and 9 obols (ll. 15–17). Since these payments are mentioned in the context of the Council's decision to publicize the manumissions, it seems safe to infer that these were publication fees. A state charge, in addition to the price of freedom may also have been exacted in Egypt, as can be inferred from papyri recording manumissions (e.g., *P.Oxy.* I, 48, 49; IV 722; XXXVIII, 2843). The payment was usually of 10 drachmae and was paid to the bankers; the latter sent an authorization to the *agoranomos* together with a receipt recording the payment (e.g., *P. Oxy.* I, 48, l. 22).<sup>42</sup> The purpose of this payment, however, is not clear. The fixed price makes it improbable that a tax on manumission is meant. Another possibility is that this was the tax on transactions, the *enkyklion* (see Taubenschlag 1955, 97). Haslam (1976, 60), however, argues that the payment of 10

<sup>42</sup> In *P. Oxy.* IV, 722, in which a third part of a slave is being manumitted, the sum mentioned is X drachmae and 4 obols. Haslam (1976, 58 n. 2) suggests taking it as 6 drachmae and 4 obols, that is, two-thirds of 10 drachmae, a partial charge due to the fact that the slave had two owners.

drachmae was 'a charge payable to the state for its undertaking the liability for any eviction of the freedman from his freedom', and that it was a relic of an earlier epoch. Haslam sustains his interpretation by referring to *P.Oxy.* XLV, 3421, in which the payment of 10 drachmae is called  $\pi\rho\lambda\omicron\pi\rho\alpha\tau\iota\kappa\acute{o}\nu$  and is separated from the tax.<sup>43</sup> If the word *propratikon* is akin to *pratikon*, however, it may merely denote a tax on sales. The payment of 10 drachmae, however, may also have been charged for depositing copies of manumission deeds in official archives.

In light of the above examples, it seems safe to conclude that many (if not all) poleis charged for registering manumissions—whether by engraving them on stone or by keeping copies in the public archives. The headings of inscriptions from the theatre of Buthrotus, for instance, contain formulae such as 'those set free and consecrated to Asclepius' (e.g. Cabanes 1974, no. I) and 'those consecrated to Asclepius' (e.g., no. II), followed by long lists of manumitters and manumitted slaves. These publications, too, seem to have been authorized by the polis; the same conclusion can be drawn about other manumission catalogues. I suggest that the Athenian 'Lists of Silver Bowls', the *phialai exeleutherikai* dedicated by ex-slaves to the treasury of Athena, be interpreted in the same way. Whether we understand these inscriptions as recording fictitious or genuine trials, the fact is that these were manumitted slaves who paid the polis to register the verdict. Although the dedication of silver bowls can be viewed as a token of gratitude, the uniformity of these dedications—each bowl was worth 100 silver drachmae—and the fact that the bowls were dedicated to the patron-goddess of the polis, in whose sanctuary the state treasury was located, imply a standard charge. Moreover, since there is no evidence of a manumission tax in Athens, these 'Silver Bowls' must have been a publication fee.

In the above-mentioned inscriptions from Thessaly and Orchomenus it is clear that it was the manumitted slave who paid the polis for publication. Such seems to be the case in Athens, too. Can we infer that this was always the case? It is not easy to answer this question, especially since many inscriptions take a much more elaborate form. The Delphic inscriptions, for instance, are usually long and contain

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<sup>43</sup> Haslam (1976, 58, 60) also claims that the payment was made by the owners; see his readings of *P.Oxy.* IV, 722, and XXXVIII, 2843.

several clauses, formulated in detail. The more elaborate ones usually contain a heading with the names of the eponymous magistrates and priests, the names and particulars of the manumittor and of the manumitted slave, the conditions attached to the manumission, a penalty clause to be invoked should the manumitted slave violate the agreement, a warning to anyone who tries to re-enslave the manumitted slave, the names of the guarantors and witnesses, and the mention of copies made and deposited in archives or with private citizens. Similar inscriptions are found in other poleis. Did manumitted slaves pay for these long inscriptions—which must have cost a considerable sum—in addition to the money they paid their masters for manumission? Or did the manumission price include the inscription fee? Moreover, the priests, too, must have received a consideration when manumission was performed in sanctuaries. Hopkins (1978, 138) cogently observes that the Delphic inscriptions were only the by-product of a religious ritual and that the priests must have expected something in return for their involvement. The issue of payment for publication and to priests is linked to another question that I discuss below (4.2.1), namely: how did slaves obtain the money to pay for their freedom? Here I can only observe that since publicity was in the manumittor's interest no less than in that of the manumitted slave, owners may have paid for all or part of it. However, even a partial payment by manumitted slaves implies that inscriptions of this kind record the manumissions of slaves with considerable earning power.<sup>44</sup>

The subject of payment for the inscription, for the involvement of priests, and perhaps also for the guarantors' and witnesses' pains leads us to another aspect of the manumission act. As noted above, not all manumissions were publicized in the elaborate form of the Delphic inscriptions; many were not engraved at all. The longer inscriptions imply not only the manumittors' economic position and the involvement of priests; they also indicate manumittors' growing awareness of the legal complications that could follow manumission. This awareness is manifest in the detailed and often meticulous word-

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<sup>44</sup> For the cost of inscriptions, see Posner 1972, 98–9. Gibson (1999, 51 and n. 48) claims that the owners were generally responsible for the inscriptions; otherwise, she argues, the inscriptions would have contained the information that the slaves had paid for the inscriptions. *IG* V(2) 345, from Orchomenus, for instance, disproves her claim.

ing of the inscriptions, in the appointment of guarantors to act on behalf of the manumitted slaves, and in the nomination of witnesses. Many inscriptions even specify the place of manumission, in addition to the date.<sup>45</sup> Moreover, from the second century B.C. and afterwards, inscriptions increasingly note that they are copies or abridgements of the original handwritten documents. Mention is often made that copies of consecration- or sale-manumission deeds were entrusted to the sanctuaries and to private persons (Mulliez 1992, 34–5). Copies were made, for example, by foreign manumittors, who deposited one copy in the sanctuary and another one in their home cities, with magistrates or private citizens. For instance, Telon and Cleto, who sold their slave to Apollo in Delphi (*SGDI* 2143; 150–140 B.C.), made both Apollo's priests and two men of Amphissa the 'guardians of the sale' (ll. 18–20). Although the manumittors' origin is not stated, their use of Amphissan guardians and the dating of the manumission by both Delphic and Amphissan eponymous magistrates and months indicate that they were from Amphissa. Not only foreign manumittors made copies of the document. The couple Callon and Damo of Daulis, for example, who consecrated their *threptoi* to Athena Polias (*IG IX*(1) 63), made a copy (ἀντίγραφον) of the consecration-manumission and entrusted it to the priest of Serapis in Daulis (ll. 23–4); this was evidently a copy of the original document that was engraved in the goddess' sanctuary. A different formulation may point to the same practice: several sale-manumissions name persons as the 'guardians of the sale' (τῶν ὀνῶν φυλάσσουντι . . .; e.g. *SGDI* 1856, l. 26, from Delphi, 173 B.C.). So also in *IG IX*(1) 188, from Tithora, in which it is stated that 'the sale is (deposited) with (παρά) the god Serapis and a copy (*antigraphon*) with the archon (ll. 14–15; cf. *ibid.*, no. 189). All these steps—writing the original document on papyrus, making a copy, and depositing it in an archive—must have cost money.

Mulliez (1992, 35–7) has detected a change in the form of indicating the place of deposit in first-century B.C. Delphi. Inscriptions from the first century B.C. to the first century A.D. state that the manumittors have deposited the sale document in the public archives, through a public secretary, and engraved a copy in the sanctuary

<sup>45</sup> On the various elements of these documents, see Mulliez 1992, 37–9). For inscriptions that specify the place of manumission, see, e.g., *SGDI* 1953, 2072 (Delphi); Petsas, no. 99 (Leucopetra).

of Apollo (cf. Hopkins 1978, 138; Albrecht 1978, 133). The practice of depositing private documents in public archives was not confined to manumissions and is attested earlier, in other poleis. These documents were written on papyrus or on wooden tablets, and were kept in archives, perhaps after placing them in a public place for some time. Manumission inscriptions were, therefore, abridged copies of these originals. The practice of making copies and depositing original documents in archives afforded greater protection against challenges to the act of manumission.<sup>46</sup>

Inscriptions from the Roman period also disclose the growing importance attached to personal handwriting and signatures. In *IG IX(1)* 189, from Tithora, which was cited above as an example of a copy of an original document, one of the persons consenting to the act ‘used the hand of Laon son of Lampron’ (χρήσαντος τὰν χεῖρα Λάωνος τοῦ Λάμπρονος; l. 6). This phrase indicates that consent had to be given in writing; in this case, for unknown reasons, it was written by Laon, one of the manumittors. Likewise, the last clause of another inscription from Tithora (*IG IX(1)* 193) reads, ‘Hand of Paramonus son of Nicaretus: I am the guarantor of the above-written consecration’ (ll. 30–2).<sup>47</sup> This interesting clause, which is also found in other inscriptions, needs to be explained. The guarantor has already been named in lines 15–16 of the inscription. The inscription then states that the manumission was engraved in Serapis’ temple and that a copy was entrusted to the archon (ll. 24–6), and names three witnesses (ll. 28–30). Then comes the sentence quoted above, followed by the words ‘Witnesses: the above-mentioned’ (ll. 32–3). Unlike the use of another ‘hand’ in no. 189, Paramonus, the guarantor in no. 193, wrote in his own hand, verifying that he is the guarantor and that he agrees to the content of the document. The witnesses must have appended their signatures twice: first as witnesses to the manumission (ll. 28–30) and then as witnesses to the guarantor’s declaration (ll. 32–3). This document implies that individual handwriting and signatures were considered to be essential for the legal validity of the manumission document.

<sup>46</sup> For archives and written documents, see in general, Posner 1972; Georgoudi 1990; Burkhalter 1990 (on Egypt); Thomas 1992, 137–44.

<sup>47</sup> Since the slave was manumitted by sale, it is not clear why the manumission is described here as consecration. This inscription also states that the permission to engrave the manumission was given by the polis (ll. 26–8); see above.

A similar construction appears in another inscription from Tithora, *IG IX(1)* 194. The female manumittor, Onasiphoron, 'used the hand of Lucius Cornelius Niger, being present herself and requesting to use (his) hand on her behalf'.<sup>48</sup> The next clause states that the manumission was engraved in the sanctuary and a copy entrusted to the archon, followed by the name of the guarantor, the names of the witnesses, the signature and acknowledgement of the guarantor, and another reference to the witnesses—who 'used the hand of Lucius Calpurnius Acratus' (ll. 27–34). In this inscription, two persons were used for writing: one by the manumittor and the other by the witnesses.<sup>49</sup> The reason for using another person's hand becomes clear in two inscriptions from Amphissa. In *IG IX(1)* 3<sup>2</sup>, 755a (1st century A.D.), Critolaus son of Dorotheus wrote the document on behalf of the manumittor, Zopyra daughter of Menander, 'herself being present and requesting to write on her behalf, since she says she does not know the letters'.<sup>50</sup> Zopyra needed Critolaus' 'hand' because she was illiterate. This is also the case in *IG IX(1)* 3<sup>2</sup>, 755b, in which Nicias son of Nicias wrote on behalf of the manumittor Sosicha, daughter of Sosas, in her presence and at her request, because she was illiterate (ll. 4–6).<sup>51</sup>

Keramopullos (1904), who studied this practice in the Delphic manumissions, emphasizes the legal importance attached to the individual handwriting and signatures of the persons involved in manumission: the manumittors, the guarantors, and the witnesses. Individual handwriting and signatures, he infers, were needed to make the act valid. Accordingly, when an illiterate person used 'another hand', he or she had to be present and state their request for such a service; similarly, the person writing in his or her stead had to sign and declare that he is writing instead of another. When the manumittor

<sup>48</sup> ἔχρησε τὰν χέρα Λούκιος Κορνήλιος Νίγερ, αὐτὰς παρευούσας Ὀνασιφόρου καὶ κελεύουσας χρῆσαι τὰν χέρα ὑπὲρ αὐτάν (ll. 24–6). Although the name of Lucius Cornelius Niger is given in the nominative case, instead of the grammatically required genitive, the clause referring to the manumittor makes it clear that she had him write the document.

<sup>49</sup> Cf. *IG IX(1)* 192, from Tithora, in which the witnesses certify separately the signature of each of the two guarantors.

<sup>50</sup> παρούσαν καὶ κελεύουσιν [γρ]ά[φει]ν ὑπὲρ αὐτάν, ἐπεὶ ἔλεγεν αὐτὰ γ[ρά]μματα μὴ εἰδέναι (ll. 4–7).

<sup>51</sup> The use of another hand on account of illiteracy is also known from Egyptian papyri, although not in the context of manumission (e.g., *P.Oxy.* III, 485, ll. 45–8; 490, l. 14).

wrote the document in his or her own hand, this may be indicated explicitly, either by the word *cheirographon* ('handwriting') followed by the manumittor's name, or by phrase 'the sale that I wrote in my own hand' (τὴν τῇ ἰδίᾳ χειρὶ γράψας; e.g., *BCH* 1898, nos. 91, 116). Keramopullos argues, moreover, that persons who gave their consent to the manumission (the heirs) had to do so in their own hand, too. It follows, he concludes, that the various parts of the document were not necessarily written at the same time, in the same place, or by the same persons.

This development is also discernible in Macedon. A consecration-manumission from Beroea, for instance (*EV*, 151–3, no. 49; 181 A.D.), includes a letter, sent to the female manumittor by her brothers (ll. 11–36). The letter is a detailed confirmation of the brothers' consent to the manumission and their acknowledgment of their sister's right of ownership over the slaves she intends to free. It ends with a statement of where (Beroea) and when (181 A.D.) the letter was written, the name of the person who wrote it, 'because we ourselves do not know the letters', and the names of three witnesses to the letter. The final sentence of the inscription states the date of the inscription. Obviously, the confirmation letter and the original manumission document were handwritten and deposited in an archive, perhaps in the temple of Artemis Agrotera, to whom the slave was consecrated. Other manumission inscriptions from Beroea, from the third and fourth centuries A.D., use the verb *stelographēin* (with or without the verb of consecration), indicating that the inscription is a copy of the original document (*ibid.*, 153, no. 50, l. 3; 154, nos. 51, l. 3, and 52, l. 5). In three other inscriptions, the existence of original handwritten documents is more explicit: the manumittors state that the consecration is 'in accordance with the content of the deposited (or additional) document/tablet' (*ibid.*, 155, no. 53, ll. 11–12; 156, no. 54, ll. 7–9: καθὼς τὸ προτεθὲν γραμματίειον περιέχει; 157, no. 56, ll. 6–8: ὡς τὸ π[ρο]τεθὲν πιττάκιον τ[ῆ]ς δωρεᾶς περιέχει). Likewise, manumission inscriptions from Leucopetra confirm that they were copies of handwritten document and that the validity of manumissions was of great concern to slave-owners. In one inscription, for instance (Petsas, no. 99; ll. 4–9; 244 A.D.), the manumittor states that he called the persons, whose names are appended, to certify on oath that he had exhibited in public the 'tablet (*pittakion*) of gift' (that is, the handwritten consecration document) for ten successive days, and that the following text (that is, of the inscription)

was copied from the tablet and certified (cf. *ibid.*, no. 103). Other inscriptions simply refer to the existence of an original document (*ibid.*, nos. 108, 115), or explicitly state where it was deposited (*ibid.*, no. 106). In no. 90, l. 10, the manumittor certifies ‘in her own hand’ (διὰ χειρὸς μεμαρτυρωμέν(α)ς) that the two slaves she consecrates belong to her. Finally, no. 69 is the engraved copy of a letter, sent by a woman to the sanctuary, in which she states her decision to consecrate her slaves to the goddess and verifying the transfer of ‘ownership’ (*ona*).

The inscriptions we have, then, are only summaries of the original documents. Although most of these inscriptions date from the Roman period, we need not infer the influence of Roman law; this procedure may have arisen from the development of legal thought and practices. In any case, we should remember that only a limited group of manumittors and manumitted slaves could afford such long and complicated contracts.

We have seen that manumission procedures were more complex than they appear to be at first sight. Even the simplest manumission needed witnesses and apparently involved mutual obligations and guaranties. The road from the point at which the owner expressed his agreement to the final publication of the slave’s newly purchased freedom could be long and arduous. When manumittors declare that their manumitted slaves are free ‘from this very day’ (e.g., *SGDI* 1357, l. 7, from Dodona), we need not take it literally. It must have taken time to arrange for the written document and the publication; prior to that, what could certify the slave’s freedom? Note the case of the female slave Bebaea, who bought her freedom in 190/89 B.C. from five citizens of Boucation, but the manumission was not inscribed until some six years later (*IG IX(1)* 1<sup>2</sup>, 97; cf. Blavatskaja 1972, 73–4). Moreover, conditions were often attached to manumission; the slave’s freedom took effect only after these conditions were fulfilled.

#### 4.2 *Conditions*

In the previous pages it has been argued that slaves were not always given full freedom on the occasion of manumission. In fact, as I argue, they seldom were. This argument is sustained by the evidence of conditions, which were stipulated, explicitly or implicitly, in the manumissions acts. These conditions deferred the manumitted slaves’



freedom and serve as evidence on the freed slave's status and the Greek concept of manumission. In what follows, I analyze and discuss the evidence about conditions and their implications for the manumitted slaves' status vis-à-vis their manumitters. One of these obligations, the registration of a *prostates*, is discussed separately in section 4.3.

#### 4.2.1 *The Purchase of Freedom*

In most cases, the first prerequisite for manumission was the payment of money to the owner in return for his agreement to manumit. Although the evidence of such a payment before the third century B.C. is meagre and although not all extant manumissions mention it, most scholars believe that this was the rule (e.g., Rädle 1969, 161–7; Albrecht 1978, 133). This assumption is corroborated by the few cases in which owners renounced their right to any payment and granted freedom 'in gift'.<sup>52</sup> It is revealing that slave-owners saw it necessary to emphasize their generosity; in such cases, ties of affection seem to have overridden economic considerations. This is corroborated by *IG IX(2) 1296 A*, l. 30 (= Helly 1976, 143–7), from Azorus, in which a female slave is manumitted 'in gift', because she has been 'well-pleasing' (γεγονυῖαν εὐάρεστον). Helly (1976, 153) interprets the formula 'in gift' in *SEG 23*, 462, from Doliche, and in his emendation of *IG IX(2) 1296*, from Azorus, as exempting the manumitted slaves from further payments to the manumitters' heirs—an obligation he believes was imposed by the Thessalian 'Law of Manumitted Slaves'.<sup>53</sup> I shall return to Helly's theory below, where I discuss the subject of *paramone* (section 4.2.2) and the laws of manumitted slaves (chapter 5.3). It should be noted though, that the manumitted slave of the inscription from Doliche was bound to his manumitter by a *paramone* clause, although his manumission was 'in

<sup>52</sup> The usual formula in such manumissions is δωρεάν or ἐπὶ δωρεᾷ (e.g., *IG VII 3332*, from Chaeronea). It has also been argued that consecration-manumissions required no payment, because—unlike sale-manumissions—the deeds do not mention money. I believe, however, that most, if not all, manumissions were paid for by the slaves.

<sup>53</sup> For the various readings of these inscriptions, see Helly 1976, 143–52; *SEG 26*, 670. Cf. Babacos 1963, 321–2; 1964, 31–6; 1966, 79–85. See also Albrecht 1978, 159–60, on the question whether *paramone* clauses cancelled the obligation to pay for manumission.

gift'. Thus the owner's renunciation of a monetary payment did not necessarily release the slave from other obligations to him.

Our first evidence of payment for manumission is Herodotus' story of the *hetaira* Rhodopis, whose freedom was bought (sometime in the middle of the sixth century B.C.) from her owner by Charaxus, Sappho's brother (2.135); Herodotus notes that a large sum of money was involved. The plaintiff in Hyperides' oration *Against Athenogenes* agreed to pay 40 drachmae for the freedom of three slaves (3.4). Neaera bought her freedom from her Corinthian owners for 20 minae ([D.], 59.29). The last two cases are from the fourth century B.C. In his will (D.L., 5.72), Lycon twice renounced his right to receive payment. In the first case he wrote, 'I release Demetrius, who has long been free (ἐλευθέρῳ πάλαι ὄντι), from the *lytra*'; moreover, Lycon bequeathed him five minae and clothes, 'so that he will live decently, since he had much toiled with me'. In the second case, Lycon released Crito the Chalcidonian from the *lytra* and bequeathed him four minae. It is clear that the two ex-slaves would have had to pay the *lytra* if Lycon had not released them from this obligation. But there are some problems with this passage. First, since Demetrius 'has long been free', why was he under an obligation to pay money? Second, what does *lytra* mean in this context? Third, what was the legal status of Crito, who is referred to by an ethnic designation, and why was he, too, under an obligation to pay Lycon? Westermann (1946, 95, 101–102) believes that both Demetrius and Crito had been manumitted by Lycon, on condition that they remain and work for him, and that the *lytra* was a payment for an early release from this obligation.<sup>54</sup> Bielman (1989, 263–4) counters that there is no other example of *lytra* to signify money paid for the release from *paramone* and claims that here it denotes a payment for freedom. She further argues that the two persons in question were of different legal status. Demetrius, she suggests, was a slave, to whom Lycon granted the privilege of paying the liberation money in instalments; in his will, Lycon forgives any outstanding payment. Crito, on the other hand, was a free man who was taken captive (in war or by pirates) and sold into slavery and eventually ransomed by Lycon. According to Attic law, Crito was indebted to and owned by Lycon until he

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<sup>54</sup> Cf. J. and L. Robert (1946–7, 318), who suggest understanding *lytra* in Lycon's will in its earlier sense of 'ransom'.

paid him back the ransom money. In his will, Lycon released him from this debt.

Bielman's explanation is based on the fact that in several Thessalian inscriptions (see above, 4.1) *lytra* signifies the payment for freedom and that Crito cannot have been a chattel slave because he is referred to by his ethnic name. But it is possible that 'Chalcedonian' here merely indicated his origin, as in many manumission inscriptions (cf. above, chapter 3.2); perhaps there was another slave by this name in Lycon's household and it was necessary to differentiate them. In other words, both Demetrius and Crito may have been chattel slaves. Moreover, despite Bielman's objection, I suggest that both of them had been manumitted on condition that they remain and work for Lycon and that Lycon's will was meant to cover the possibility that he might die before the term of their further services expired. In other deferred manumissions of this kind, as we shall see, slaves were required to continue working for other family members, or pay compensation. Lycon, I believe, renounced his heirs' right to this payment, which may have been stipulated in the act of manumission. Demetrius 'has long been free', yet he 'had toiled with' Lycon. These words, together with the money and clothes left to him, imply an ongoing connection and affectionate ties between the two. This much may also be inferred from another clause in Lycon's will (D.L., 5.73): Lycon bequeathed four minae to Syrus, another slave who 'is (already) free' (ἐλευθέρῳ ὄντι), and forgave any outstanding debt owed him. In analogy to Demetrius' and Syrus' cases, Crito, too, was probably released from repaying the money he owed as a condition of his manumission.<sup>55</sup>

This is the most likely explanation of the curious terms of *SGDI* 1749, from Delphi (168/7 B.C.): Archelaus of Delphi manumitted his slave Cyprius by sale to Apollo for three minae, on condition that Cyprius remain with Archelaus until the latter's death. Cyprius will be then free, but will have to pay the balance (τὸ ἐπίλοιπον) of the freedom-price, in three equal annual instalments of one-half mina, to three persons, perhaps Archelaus' heirs (l. 5). Some time later (between 168/7 and 157/6) Archelaus must have died, for *SGDI* 1750 reads: 'Cyprius has paid an additional sum of one-half mina

<sup>55</sup> It is also noteworthy that in addition to the exemption and other gifts, Lycon leaves instructions to give other items to Demetrius, Crito, and Syrus, 'because they proved themselves worthy in what each of them was ordered to do' (D.L., 5.74).

to Dorotheus, one-half mina to Thebagoras, and one-half mina to Archias, as they themselves agreed, [the sum] which he had to pay should Archelaus meet with some misfortune' (ll. 1–4). Taken together, these two documents indicate that although Archelaus' death conferred complete freedom upon Cyprius, he had to attain the heirs' consent and pay them additional sums, so that his freedom cost four and a half minae, all told. Cyprius' manumission, moreover, is unique. First, it is one of the few documents that enable us to follow a case and learn about its stages. Second, it is important to note that the consent of Archelaus' heirs was needed when Cyprius was on the verge of full freedom, but not for the original manumission act, in contrast to *SGDI* 382, from Chaeronea, for instance, in which the consent of the manumittor's son and the *paramone* clause are recorded in the same document. Third, whereas slaves bound with a *paramone* clause could usually gain early release from their *paramone* obligations by paying an additional sum, in Cyprius' case the additional payment was due after and despite the legal expiration of his *paramone* (the death of Archelaus). *Paramone* clauses are discussed in detail below; it is important to note, though, that, as with the slaves mentioned in Lycon's will, Cyprius' financial obligations were not terminated by the payment for his manumission and his manumission did not lead directly to full freedom.<sup>56</sup>

We are not told how much Demetrius, Crito, Syrus, or any other slave of Lycon's paid for their freedom. In fact, none of the manumissions provided for in the philosophers' wills in Diogenes Laertius says anything about a payment for freedom. This does not necessarily imply that these manumissions were 'in gift', despite the many presents the slaves were to receive upon their owners' death. Several inscriptions from Elatea and Delphi state that the manumitted slave paid or the manumittors received 'the *lytra* from the enemies' (τὰ λύτρα ἐκ τῶν πολεμίων).<sup>57</sup> Bielman (1989, 31–41) suggests that these inscriptions record cases in which war prisoners who were ransomed

<sup>56</sup> A similar case is *SGDI* 1717 (Delphi, 170–157/6 B.C.), in which the manumitted slave woman is obligated to remain with her manumittors for the rest of their lives, but is also ordered to pay their son, who gave his assent to the manumission, one mina when her manumittors die.

<sup>57</sup> From Elatea: *FD* 3.2.120; *IG* IX(1) 125; *SGDI* 2172. From Delphi: *SGDI* 2086, 2167; *Syll.*<sup>3</sup> 622 B (which is a letter addressed by the magistrates of Axus to the Aetolian magistrates, on behalf of Epicles, who had been captured and sold into slavery, and later ransomed).

but could not repay their benefactors, remained in the latter's possession until the debt was settled, and that the expression 'the *lytra* from the enemies' indicates that the repayment was made. Bielman also argues that these quasi-slaves were freed as a result of their cities' intervention, not because of their owners' good will. These inscriptions do not specify the prices paid by these slaves; it may be that the prices were fixed in previous agreements. Other sources we have examined do mention prices. Thus the slaves Sosicles and Antigonos, in the inscription from Orchomenus (*IG* V(2) 345), paid their manumittors, in addition to paying the polis for publication. Sosicles paid three minae (as *tropheia*); the sum paid by Antigonos has not been preserved. Prices of freedom, ranging from about two to four minae, are also mentioned in Thessalian inscriptions. Such prices, and even much higher ones, were common. It has been argued that price of freedom was closely related to or even surpassed the market price for slaves (e.g., Blavatskaja 1972, 20; Hopkins 1978, 160).<sup>58</sup> Judging by the extant sources, some slaves paid the enormous sum of 15 to 30 minae, though others paid only 1 or 2.<sup>59</sup> According to Hopkins (1978, 158–62), there was a steady increase in the price of full freedom (as against manumissions with *paramone*) in Delphi in the last two centuries B.C.; the price of manumissions with *paramone* clauses, on the other hand, remained fairly constant (3 to 4 minae).<sup>60</sup> Hence fewer slaves could afford to purchase full freedom and the proportion of manumissions with *paramone* clauses increased (*ibid.*, 161–2). The price increase is usually explained by scarcer supply on

<sup>58</sup> Against Calderini 1908, 212, and Westermann 1955, 36.

<sup>59</sup> High prices were usually paid by skilled slaves (Duncan-Jones 1984, 206); a bronze-worker in Delphi, for instance, paid 15 minae (*FD* 3.1.565). See also *SGDI* 2318 (10 minae) and 2146 (20 minae). In *SGDI* 1909, a slave is manumitted without payment, but he is required to pay, after manumission, one mina a year for 13 years. High prices are also mentioned in Plautus' comedies (20 minae in *Asin.*, 650–1; 30 minae in *Mostell.*, 971–2), but we do not know whether these high numbers reflect real prices or are a case of comic exaggeration. See further below. For prices in Delphi, see in general Calderini 1908, 213–15; Westermann 1955, 36–7; Rädle 1969, 161–7; Hopkins 1978, 158–63. According to the Attic Stelae (*ML* 79), slaves were bought in fifth-century Athens for 1.7 to 1.8 minae. One goldsmith was worth 3.6 minae. In the fourth century B.C., prices of slaves ranged between two to ten minae (*X.*, *Vect.*, 4.23; *Mem.*, 2.5.2; *D.*, 27.9; 41.8; 53.1).

<sup>60</sup> For manumissions with full freedom, the average price for adult males increased by 100%; for adult females, by 28%. In manumissions with *paramone* clauses, there was an increase of 10% for adult males and 14% for adult females (Hopkins 1978, 161).

the slave market as a result of the Roman conquest of Greece and by the movement of slaves from the eastern markets to the west. This development was also reflected by an increase in the number of home-born slaves.<sup>61</sup>

Hopkins' analysis of the prices of freedom in Delphi and his interpretation have been criticized by Duncan-Jones (1984), who argues that the main variations in prices were synchronic and not diachronic, influenced perhaps by slaves' occupations and by conventions of prices. Whether or not the increase in the price of freedom is factual, it is important to note that these numbers and their interpretations refer to the situation in Delphi. It is true that the Delphic inscriptions provide the largest series of prices over time. But what evidence we have from other places shows diverse trends. In Aetolia, recorded prices ranged from 3 to 6 minae between the late third and the middle of the second century B.C.; hence, they were a little higher than those in Delphi during the first half of the second century B.C. The Aetolians, therefore, may have suffered economic hardship earlier than Delphi. In Thessaly, by contrast, recorded prices seem to have remained fairly stable in the last century B.C. and the first century A.D. Moreover, many slaves were manumitted in Delphi by owners who came from other cities. Do the prices mentioned in these manumissions reflect the price average in these manumitters' home cities or that in Delphi? We do not know. Delphi, then, must be studied as a case in itself and not as reflecting general tendencies.

The payment for freedom was evidently meant to compensate owners for the loss of their property. But the fact that freedom could be bought poses some problems, which bear on the status of manumitted slaves and the concept of manumission. Can a piece of property buy itself? If so, was the payment considered to effect a transfer of ownership, thus making the slaves their own possessors? Granted that slaves could raise the sum required—itsself an intriguing question, to which I shall return shortly—whose money was it, if slaves had no property rights? If they used borrowed money, were they

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<sup>61</sup> Westermann 1955, 32–3; Rädle 1969, 152; Hopkins 1978, 139–41, 148. See also above, chapter 3.1. Larsen (1959, 420) infers from the high prices in Delphi that the place prospered in the last two centuries B.C. Hopkins (1978, 162) also suggests that manumitted slaves, especially male, took advantage of the new economic conditions and expanded borders and moved away from their ex-owners, who thus lost the benefit of their ex-slaves' services. I shall return to this point below, in section 4.2.2.

considered to be free after manumission, or was their ownership transferred to the creditor? These questions, some of which were discussed in chapter 2.2, are relevant not only to sale-manumissions, which definitely involved payment, but also to other modes of manumissions. It is here that theories of slavery as property-relations and legal explanations of manumissions fail; attempts to answer these questions without understanding the social basis of master-slave relationships cannot advance us much further. If, on the other hand, we understand slavery and manumission as reciprocal relations of exchange, it is easier to grasp the situation of a work-tool buying itself from its owner and thus becoming independent.

Relationships between owners and slaves who were home-born, *threptoi*, or the owners' offspring can provide a partial answer to these questions. So do relationships of the sort found in the philosophers' wills. The latter, especially, reflect reciprocal relations: freedom and other gifts in return for hard work and loyalty. But this *quid pro quo* is also true in other cases; after loyally serving their masters for many years, slaves were given their freedom in return. But where did slaves get the money to buy their freedom? If slaves were property and their bodies and everything they had belonged to their masters, how could they buy themselves out of slavery? It should be emphasized that nowhere in our sources is there any term equivalent to the Roman *peculium*—the private property that masters could allow their slaves to control and use, even though it technically belonged to the masters. There are, however, several indications of a similar practice in the Greek world. Thus, for instance, manumittors could forbid manumitted slaves to sell any of their property (e.g., *SGDI* 1718, ll. 13–4, from Delphi), or stipulate that they or their heirs would inherit the manumitted slave's property after his or her death (e.g., *SGDI* 1696, ll. 12–3, Delphi)—especially if the slave died childless (e.g., *IG IX(1)* 1, 96a, from Phistyon). Manumittors could also explicitly forbid the manumitted slave to have or adopt children (e.g., *IG IX(1)* 3<sup>2</sup>, 624d, from Naupactus). Similarly, in an oration of Isaeus (4.9), Ctesias and Cranaus lay claim to Nicostratus' estate, alleging that he was their manumitted slave. Owners' rights to the property of their slaves or manumitted slaves can also be inferred from Demosthenes' *For Phormio* (36.45–6). The speaker reproaches Apollodorus for challenging Phormio's right to his property. He says that if Apollodorus intends to claim that this property belongs to him because Phormio had once been Apollodorus' father's slave,

then by this line of argument, Apollodorus' property should belong to Antimachus, the son of Apollodorus' father's ex-master. It should be noted that the speaker attempts to refute a hypothetical argument; hence, his protests against an unuttered claim imply that this right was generally accepted. Conversely, manumittors might declare that slaves would continue to hold, after manumission, whatever they had already acquired (e.g., *SEG* 26, 670, from Doliche).<sup>62</sup> The implication of such texts is that whatever the slave acquired before or after manumission belonged to the master, but the latter could renounce his or her claim.

It is possible, then, that some masters allowed their slaves to run an independent business and keep part of their earnings, which they could save up to buy their freedom. In Athens, such slaves were perhaps those referred to as 'living apart' (χωρὶς οἰκοῦντες); but the use of the term in the sources seems to refer both to slaves who managed their master's business and hence did not live in the master's house and to manumitted slaves.<sup>63</sup> Some sources mention payments (ἀποφορά) made by the 'living apart' to their masters,<sup>64</sup> that is, a fixed percentage of the business' profits. Both Diller (1937, 145–8) and Perotti (1974; 1976) argue that this category included both slaves, who paid their masters part of their earnings, and manumitted slaves, who 'lived apart' prior to their manumission (so Diller) or who were permitted by their ex-masters to live apart (so Perotti).<sup>65</sup> If the 'living apart' were slaves, they had a great deal of economic freedom and could use their earnings to buy their freedom.<sup>66</sup> Diller

<sup>62</sup> In D.L., 5.14, the manumitted slave's property included a slave.

<sup>63</sup> In [D.], 47.72, this term is applied to a manumitted slave; this is also the definition of Harp., s.v. χωρὶς οἰκοῦντες. On the other hand, in the same oration of Demosthenes (§35), a citizen is described as 'living apart'. That the 'living apart' formed a distinct category is made clear by D., 4.36 (τοὺς μετοίκους . . . καὶ τοὺς χωρὶς οἰκοῦντας). For the opinion that these were manumitted slaves, see Busolt 1920, 290; Klees 2000, 15–16. For the opinion that they were slaves, see Clerc 1893, 281–2; Westermann 1946, 102; Harrison 1968, 167.

<sup>64</sup> Harp., s.v.; Ammon., 21, 22. In And., 1.38, Aeschin., 1.97, and Ps.-X., *Ath.*, 1.11, *apophora* is collected from slaves. The same inference must be made concerning Syrus in Men., *Epitr.*, 203, since in line 408 he describe himself as a slave (*oiketes*). On *choris oikountes* in this play, see Krieter-Spiro 1997, 19–21. Cf. also X., *Vect.*, 4.49, where the term (if Schneider's emendation is preferred to the MSS εἰσφορά) denotes the revenue that Athens can obtain by hiring out public slaves to work in the mines.

<sup>65</sup> Cf. *Anecd. Gr.* Bekker, 3.6.11, where the 'living apart' are explained as both slaves and manumitted slaves.

<sup>66</sup> Cf. Westermann 1955, 23.



even suggests that the law recognized their right to marry, own property, prosecute, and be party to contracts. If they obtained freedom, he claims, this status became formal. If, on the other hand, the 'living apart' were manumitted slaves, we must assume that in Athens manumitted slaves were usually required to live with or near their ex-masters and that the 'living apart' formed a special group.<sup>67</sup> I shall return to this problem below; here it should be noted that the 'living apart'—whether they were only slaves or also manumitted slaves—had the opportunity to save money. Their property, however, was their masters', who could deny them the right to use or dispose of it freely.<sup>68</sup>

Slaves who were given permission to live apart and earn money were almost indistinct from manumitted slaves. Pasion, Phormio, Midas and his two sons, and others may have been such persons (see above, chapter 3.2). Other slaves could also save money, if they were skilled workers and their masters let them keep their earnings. In chapter 3.2 above, I discussed the evidence about slaves' occupations and the possible influence of their skills on manumitters' consent to free them. We do not know, however, whether all the skilled slaves we know about lived and worked outside their masters' houses. Nor are the prices they paid for their freedom a safe indication of their earning ability (see Hopkins 1978, 167) or their masters' motives for manumitting them. Some skilled slaves, indeed, paid a high price, as shown by Plautus' comedies and the examples from Delphi cited above. But such prices were exceptional; moreover, we have no way of knowing whether other manumitted slaves who paid dearly for their freedom were also skilled slaves or whether their skills were the only reason for the high price they paid. In Aetolia, some inscriptions record the manumission of female slaves by multiple male owners, whose relation to one other is not clear. Blavatskaja (1972, 73–4), as noted above, infers that these slaves were *hetairai*, who could have saved money.<sup>69</sup> The prices paid by these probable *hetairai* (3, 4, 5,

<sup>67</sup> The *choris oikountes* might have resembled slaves hired out by their masters (ἀνδράποδα μισθοφοροῦντα), if the latter were allowed to keep part of their wages for themselves. For hired-out slaves, see Ps.-X, 1.17; X., *Vect.*, 4.14–6; Is., 8.35; D., 28.12; [D.], 53.20–1. But see de Ste. Croix 1981, 142.

<sup>68</sup> One of the entries on the Attic Stelae (recording the confiscated property of those condemned for sacrilege in Athens in 415 B.C.) is a 'living apart' slave (VI.31–46). Hence, this slave's property was considered to belong to his master.

<sup>69</sup> The safer inscriptions are: *IG IX(1) 1<sup>2</sup>*, 96a (two manumitters from Arsinoe),

and 6 minae) may have been high for Aetolia. Neaera, on the other hand, paid the enormous sum of 20 minae ([D.], 59.29). In her case, we know that she was considered valuable: her Corinthian owners had bought her from Nicarete for 30 minae, but agreed to free her for 10 minae less. The reason for the reduction was probably not because age or custom had withered her beauty, but that the manumittors, who were about to get married, were in a hurry to get rid of her. It should be remembered, though, that Neaera bought her freedom with the help of a loan-fund (see below).

Sometimes a third party paid for a slave's freedom. Hopkins (1978, 169), noticing that in eleven cases in Delphi female slaves were required after manumission to serve someone other than their former masters, suggests that men purchased the freedom of female slaves they wished to marry. In manumissions of children, as noted above, it has been suggested that their parents, whether still slaves or already released, paid for them (Hopkins 1978, 165; Tucker 1982, 227). But this does not explain how the parents obtained the money. One possibility may be inferred from the case of a mother and her son in *FD* 3.3.413, from Delphi. The boy was given complete freedom, whereas his mother was required to remain and work for the manumittor. Perhaps this provision served as payment for the boy's freedom.<sup>70</sup> In other cases we can only guess. The slave parents of Meda (*SGDI* 1708), the mother of Eucleia (*SGDI* 2123), and the father (or mother) of the young girl in *FD* 3.2.216—all of them probably worked and saved money for their children's freedom.

The use of another person's money to purchase freedom is clearly attested in Hyperides' oration, *Against Athenogenes*, mentioned above. The plaintiff was infatuated with a young slave boy who, together with his father, Midas, and his brother, worked in a perfumery owned by the metic Athenogenes. Athenogenes turned the plaintiff down when the latter sought to buy the boy's freedom. Instead, through the mediation of the *hetaira* Antigona, he suggested that the plaintiff buy the freedom of all three slaves (Midas and his two sons) for the

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97 (five manumittors from Boucation), 98 (two manumittors from Phistyon), 99 (four manumittors from Boucation), 106 (four manumittors from Boucation), and 108 (four manumittors from Proschion). In *IG IX(1)* 1<sup>2</sup>, 102, which Blavatskaja adds to the above examples, the manumitted slave is described as *paidarion*, that is, a slave boy (l. 5)!

<sup>70</sup> In other cases, children are required to remain while their mothers are free to go (e.g., *SGDI* 1984).

sum of forty minae (3.4). The plaintiff collected the money from relatives and friends, but when he met Athenogenes, the latter made him another offer: instead of taking the money to free the slaves, Athenogenes would transfer ownership of the slaves to the plaintiff in a formal sale, together with the perfumery (3.5).<sup>71</sup> Whatever the speaker's real intention, it is evident that his arguments rely on the judges' knowledge of the difference between a 'sale' (*prasis*), intended to transfer ownership, and 'purchase for the purpose of freedom' (*prasis epi lysei*), intended to effect the release of property.<sup>72</sup> Hyperides' text shows that slaves could purchase their freedom through a third party who was not a relative. But this situation poses some problems. Whether intended to release the property or to keep it, the transaction gave the purchaser the right of ownership until he recouped his investment. Had the plaintiff in Hyperides' oration decided to free the three slaves, they would nevertheless have remained in his possession until Midas repaid the purchase price, as in the case of ransomed captives. But how was Midas to do so, if he and his sons had needed a third party to free themselves?<sup>73</sup> Nothing in the text suggests an answer, since the plaintiff abandoned his initial intention. The same question arises concerning manumission through sale to divinities. Not only did this procedure put gods in a role of parties to sale transactions and owners of slaves; we must also assume that the slaves, who were the property to be sold, gave the gods money to purchase their freedom.<sup>74</sup> Where did they get the money from, if they were not allowed to own it or were not capable of earning it themselves? To whom were they indebted? The example that follows suggests that money paid by a third party imposed some obligations on the manumitted slave.

<sup>71</sup> Athenogenes offers an ὥνῃ καὶ πρῶσις instead of paying ἐπ' ἐλευθερίᾳ. After three months, the plaintiff discovered that the business was in debt to several persons. Since he was now Midas' owner he had to pay back the loans incurred by the slave; had Midas been manumitted instead, as the plaintiff first intended, his debts would have been his own responsibility.

<sup>72</sup> The phrase πρῶσις ἐπὶ λύσει is known from ὅποι, mortgage signs, and indicated security in the form of conditional sale. See Pringsheim 1950, 117–18; Finley 1985, 29–35. For ὥνῃ καὶ πρῶσις, see Todd 1993, 237–40.

<sup>73</sup> This is, of course, a hypothetical case, since Midas seems to have been the independent manager of the perfumery, perhaps a slave 'living apart' (*choris oikon*), and hence could save money for his liberation.

<sup>74</sup> See chapter 2.2, for various explanations of this form of manumission.

In *SGDI* 1723, from Delphi, Nikon son of Athanion sells his slave Phaeneas to Apollo for five minae, the money being provided and 'entrusted' to the god by Apollodorus son of Sopatros. Accordingly, it is stipulated that Phaeneas remain with Apollodorus as long as the latter lived and care for him in his old age. Hence, the loan made by Apollodorus to facilitate Phaeneas' manumission protracted Phaeneas' dependence. But unlike most cases, in which manumitted slaves were obligated to remain with their manumittors, Phaeneas had to remain with his creditor and pay off his debt by serving him. This situation resembles a labour-contract entered into by a free person more than it does the usual *paramone* clause.<sup>75</sup> But I believe that this case was simply the transfer to the lender of the manumittor's right to the manumitted slave's services. As we shall see, these rights were often transferred by manumittors (usually to relatives). Another case in point may be *SGDI* 1694, from Delphi, in which Alexander sells his slave Thraissa, not to Apollo, but to another man, Boëthus, and stipulates that Thraissa remain with the purchaser and serve him for six months; after that, Boëthus is to manumit the slave in Alexander's name. This curious transaction can be understood only if we assume that Boëthus lent Thraissa the money to buy her freedom, in return for which she had to serve him for a limited period. Unlike the case of Phaeneas, in which manumission put an end to his relations with his former master, here manumission was deferred by transferring temporary possession of Thraissa to another man. Moreover, it is probable that in some cases the *paramone* and other conditions attached to manumission were stipulated because the slaves had no means to pay for freedom, neither savings nor third parties; instead of paying, they worked off their debt.<sup>76</sup> If there were cases like this, they imply that the services imposed on slaves as a condition of manumission were the equivalent of a monetary payment, and that payments for release from these services were essentially to settle the balance due. Although there is no firm evidence to support this conjecture, we should not discard it.

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<sup>75</sup> Westermann (1948) regards the *paramone* as a general work contract; the manumitted slave, he claims, could not have been a party to such a contract unless he or she was already free. See also below, 4.2.2.

<sup>76</sup> Hopkins (1978, 169) suggests that the release of female slaves was often paid for by men who wished to marry them and notes that in eleven cases in Delphi female manumitted slaves were required to serve persons other than their manumittors. See also Albrecht 1978, 200, and below, 4.2.2.

Loans to slaves so they could purchase their freedom are, however, attested by the frequent references to loan-funds (*eranoi*). The *eranos* was originally a communal meal or ritual, to which each participant contributed his share. In the fifth century B.C., the term usually denoted an interest-free loan, collected by an ad hoc association of friends, or it denoted the association itself. The plaintiff in Hyperides' oration discussed above may have used the services of an *eranos* to obtain the money demanded by Athenogenes, for he says: 'I collected (the money) in every way and even bothered my friends' (3.4).<sup>77</sup> Some of the debts incurred by Athenogenes derived from such 'friendly loans'.<sup>78</sup> The head of the *eranos* was the *archeranos* or *archeranistes* who was usually the founder of the association; hence, *eranoi* were called after their leaders: 'the *eranos* of so-and-so', 'those who are with so-and-so', or 'the *eranos* led by so-and-so' (ὁ ἔρανος ὁ τοῦ δεῖνα, οἱ μετὰ τοῦ δεῖνα, ὁ ἔρανος ὃν δεῖνα συνῆξε). A further development of this institution was the establishment of *eranoi* aimed at accumulating capital for various purposes. The names of some *archeranoi* indicate a servile origin, suggesting that these were associations established by manumitted slaves to help slaves buy their freedom.<sup>79</sup> Thus in *SGDI* 1804, from Delphi, Iatadas sells Aphrodisia to Apollo for four minae. Aphrodisia is to repay the loan given by the *eranos* of Bromius, for which the manumittor served as a guarantor. Bromius is a typical slave name, but the inscription does not make it clear whether the loan was taken by Iatadas for his own needs (and was to be repaid by the slave as a condition for her manumission) or by Aphrodisia to buy her freedom. In *SGDI* 2317, on

<sup>77</sup> Hyper., 3.4: συναγαγὼν δ' ἐγὼ πανταχόθεν καὶ τοὺς φίλους ἐνοχλήσας. The speaker further says that he deposited the forty minae in the bank (καὶ θεῖς ἐπὶ τὴν τράπεζαν τὰς τετταράκοντα μνᾶς). Cohen (1992, 119) understands these words to mean that the plaintiff had taken a loan from the bank against the sureties provided by his friends. Whitehead (2000, 290–1), on the other hand, argues that the plaintiff arranged for a loan of forty minae from the bank. But the use of the verb *synagein* suggests that an *eranos* was meant. Cf. Finley 1985, 85; Millett 1991, 156. Harrill (1995, 175–7) suggests that the slave in the Jewish manumission *CIRB* 70, from the Bosphorus Kingdom, was manumitted with the help of a common chest. This interpretation, however, cannot be sustained by the other Jewish manumissions (see above, 4.1).

<sup>78</sup> Ibid., 9: προσήεσάν μοι οἱ χρησταὶ οἷς ὀφείλετο παρὰ τῷ Μίδα καὶ οἱ πληρωταὶ τῶν ἐράνων καὶ διελέγοντό μοι.

<sup>79</sup> For the institution of *eranos*, see Rädle (1969, 74–8), who believes, however, that the *eranoi* for slaves were headed by slaves. See also Rädle 1970; Finley 1985, 100–5; Millett 1991, 153–5.

the other hand, it is obviously the slave who took the loan to pay for her manumission.<sup>80</sup>

A famous case from Athens is that of Neaera ([D.], 59), who bought her freedom partly with her savings and partly with the help of an *eranos* headed by Phrynion; after her manumission she came to live with Phrynion. Resenting the way he treated her, Neaera ran away from Phrynion, taking with her two female slaves, cloths and jewellery she received from Phrynion, and some of his goods, and eventually moved in with Stephanus in Athens. Some time later, Phrynion came to Stephanus' house and tried to lead Neaera away. The verb used by the speaker is *agein*, a technical term denoting the seizure of a runaway slave and leading him or her back to slavery. In consequence, Stephanus took the legal step of asserting Neaera's freedom (*aphairesis eis eleutherian*; 59.40). What is important to note here is that Neaera was considered to belong to Phrynion even after her manumission, presumably because she still owed him money.<sup>81</sup> Her case, as well as that of Phaeneas from Delphi (discussed above), suggests that beside the obligation to repay the loan, the manumitted slave was also considered to be bound in some way to the creditor, whether an individual or a head of an *eranos*. An interesting case, which will be further discussed below (4.2.2), is *IG VII 3376* (ca. 200–150 B.C.) from Chaeronea: Theon of the city Phanatis in Boeotia consecrated his slave Soson, who is described as both *threptos* and home-born, to Serapis in Chaeronea through the Council, according to the law. The consecration clause is followed by what may be interpreted as a condition attached to Soson's liberation: he is to repay a loan, raised by Theon in Phanatis, until the entire debt has been settled. The inscription does not specify the purpose of the loan; nor is it clear whether the loan-fund was established to benefit Theon or Soson.<sup>82</sup> The money may have been intended for manumitting Soson and for inscribing the deed, in which case Soson was required to repay the loan-fund. The loan may also have been given to Theon for another purpose, in which case Soson was to be manumitted on condition that he paid off his ex-master's debt.

<sup>80</sup> Cf. *SGDI* 1754, 1772, 1791, 1878, 1909.

<sup>81</sup> Cf. Westermann 1955, 25. On the legal procedures mentioned here, see chapter 5.2.

<sup>82</sup> The clause reads: ἐξενεγκάτω δὲ Σώσων τὸν ἔρανον ὃν συνάγαγε Θέων ἐμ Φανατεῖ τὸ ὑπὲρ Θεώωνος ὄνομα ἕως ἂν τέλος λάβῃ ὁ ἔρανος (ll. 8–11). For another obligation imposed on Soson, see below, 4.2.2.

The Athenian ‘Lists of Silver Bowls’, the *phialai exeleutherikai* (*IG* II<sup>2</sup> 1553–78), pose some problems in this context. Some of the ‘prosecutors’ in these inscriptions are referred to as belonging to an association of *eranos*-members (κοινὸν ἐρανιστῶν) or are represented by one of them.<sup>83</sup> Finley (1985, 105) suggests that these *eranoi* were ad hoc associations, which enabled the slave—who lacked legal standing—to buy his or her freedom; since the slave, by law, could not own money and be a party to a contract, someone else had to raise the funds. Finley also claims that it was usually the slave-owner who raised the money, although sometimes another party took the legal responsibility. This is also how he interprets Neaera’s case: although she probably raised the money herself, Phrynion’s involvement was essential to complete the legal transaction. If Finley’s interpretation is correct, the *eranoi* in the Attic inscriptions were loan-funds established by the owners or by others for them. This interpretation can also explain the situation in *SGDI* 1804 and *IG* VII 3376, discussed above. But if the ‘Lists of Silver Bowls’ record manumissions in the guise of trials, as Finley believes, the *eranistai* mentioned in them appear as manumitters; in that case, however, the manumitted slaves would have been indebted to them and could not have been completely free, as they appear to be (living in separate demes and having their own occupations), despite the grant of freedom. If, on the other hand, these inscriptions record the verdicts of genuine trials, as I believe (see below, chapter 5.1), the *eranistai* appear as prosecutors of slaves on the charge of avoiding their obligation to repay the loans. The latter explanation seems more plausible not only because it would explain why the acquitted manumitted slaves seem to be completely free, but also because legal procedures against a failure to repay an *eranos* are known from Athens (*Ath. Pol.*, 52.2).

#### 4.2.2 *Deferred Manumissions*

By ‘deferred manumission’ I mean any act of manumission that did not make the slave free immediately. Although in modern studies this type of manumission is usually labelled *paramone*, conditional, or

<sup>83</sup> The cases are: *IG* II<sup>2</sup> 1553, ll. 7–10, 20–3; 1556 B, ll. 27–9; 1557 B, ll. 105–7; 1558 A, ll. 37–43; 1559 A II, ll. 26–31; 1566 A, ll. 27–9; 1568 B, ll. 18–23; 1569 A III, ll. 18–21; 1570, ll. 24–6, 57–62, 82–4; 1571, ll. 8–13; 1572, ll. 8–11. See Westermann 1955, 23.

suspended manumission, I prefer 'deferred manumission' for four reasons. First, today scholars use the term *paramone* mainly for manumissions in which slaves are required to remain with their ex-masters. In the sources, this term appears only in inscriptions that record the release from these obligations. The manumission documents themselves, which contain the *paramone* condition, use the verb *paramenein* ('to remain with' or 'beside'), from which the noun *paramone* derives. Moreover, sometimes the simple verb *menein* ('stay') is used to describe the same condition. This, admittedly, is only a semantic objection, but the extensive use of *paramone* may mislead where other terms are used or none at all; some documents imply that the slaves were required to remain with their ex-owners, although neither *paramone* nor the verb *paramenein* are mentioned. Second, labour contracts in Graeco-Roman Egypt, which require one party to remain and work for the other party (usually to settle a debt), are also labelled by some scholars as *paramone*, although both parties were free persons. Hence, the use of this term may confuse. Third, the *paramone* clauses themselves are not uniform; they display an array of conditions in addition to the obligation to 'remain'. Classifying all these variants as *paramone* may mislead. Finally, 'conditional manumission' suggests that only one type of manumission was conditional, while others were not. The very act of manumission itself, however, was conditional: it depended on the consent of the manumittors and their families and on the slaves' ability to pay for it; moreover, as I argue below, all or most manumission agreements included the slaves' obligation to supply further services.<sup>84</sup> Manumission was a social transaction; freedom had to be paid for. What distinguished manumissions with *paramone* clauses, therefore, was not the fact that they were conditional or that they obligated the slave to remain with the ex-owner; rather, the distinctive feature was that all obligations associated with manumission were secured in a formal contract.

Slaves, as noted above, were often bound by various obligations that compelled them to remain with or near their manumittors, even where the manumission document does not mention *paramone*. Our earliest evidence is Plato's *Laws* (914e–915c), in his discussion of property rights. It is debatable whether Plato reflects Athenian practices

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<sup>84</sup> Cf. Mulliez (1992, 39 n. 36), who notes that even an act of manumission that is to be effected immediately could entail certain conditions.



and laws<sup>85</sup> or a blend of these and his own ideas.<sup>86</sup> But since the laws he prescribes concerning manumitted slaves who do not comply with their obligations resemble Athenian legal procedures, and his phrasing of the obligations of manumitted slaves resembles that of later manumission inscriptions, I take his laws to be founded on contemporary practice. In the new polis, according to Plato, the manumitted slave (*apeleutheros*) is obligated to provide a service (θεραπεία). This service consists of appearing at the manumittor's hearth three times a month to receive orders—within the limits of justice and ability—of unspecified nature. This passage reveals the ambiguous status of *apeleutheroi*: the manumitted slaves are free to leave their former masters' house, but they must live nearby; they come to their manumittors' hearth, the centre of family life, but they must obey orders. Plato further stipulates that manumitted slaves can marry only with the approval of their former masters and that they must not become richer than their manumittors (*Ig.*, 915a). Neaera's case, as we have seen, can also be interpreted as a deferred manumission, because she remained with Phrynion as a slave (cf. Westermann 1955, 25). A slightly different case is the will of Aristotle, in which he gives instructions that a female slave and three male slaves, together with the son of one of them, be manumitted when his daughter marries (*D.L.*, 5.14–5). The other slave children who worked in Aristotle's house were to be freed when they reached manhood, 'according to their worth' (*ibid.*, 5.15).<sup>87</sup> Although these slaves were not ordered to remain in the house *after* manumission, the fact that they would receive their freedom only in certain circumstances makes it look like deferred manumission.

<sup>85</sup> So Clerc 1893, 286; Beauchet 1897, 491; Lauffer 1936, 234; Westermann 1945a, 220–21; 1955, 25–6; Rädle 1969, 12, 14, 135–8; 1972, 307–12. X., *Oec.*, 3.4, may be seen as earlier evidence of deferred manumission (so Westermann 1955, 25). In this passage, Socrates, speaking about good estate management, claims that there are households in which slaves are fettered and yet attempt to run away, whereas in other households, although they are without fetters, they are willing to work and remain (λελυμένους καὶ ἐθέλοντάς τε ἐργάζεσθαι καὶ παραμένειν). But this is reading *paramone* obligation where no manumission is mentioned, merely on the basis of the use of the verb *paramenein*. Socrates is not referring to manumission, but to the state of slaves who are unchained but nevertheless do not attempt to run away, that is, they *remain* in the house.

<sup>86</sup> See Morrow 1976, 97–109; Saunders 1991, 2–3.

<sup>87</sup> The text reads κατ' ἄξίαν. Beauchet (1897, 471) understands the phrase to be 'according to their value in the market'. Cf. Harrison 1968, 183. I believe, however, that the meaning is 'according to their merit'.

Outside Athens, too, conditions attached to manumission imply that manumitted slaves had to remain with or near their manumittor. For instance, the manumission by Epicharidas of the female slave Asia in Delphi (*SGDI* 1718, 170–157/6 B.C.) states that she is to be free, ‘residing in Lilaea [her manumittor’s home-city]. . . . Asia is not to reside outside Lilaea or live as a free citizen, without Epicharidas’ agreement; should she reside (outside Lilaea) or live as a free citizen, her sale will be null and void’.<sup>88</sup> Asia is further warned not to dispose of any of her manumittors’ family property in any way; on her death, her manumittor or his heirs will inherit her property (ll. 5, 10–15). Although Asia was not explicitly ordered to remain (*paramenein*) with Epicharidas, the terms of her manumission make it clear that she had to remain near him; moreover, the warning not to sell any of Epicharidas’ property implies that she was in some kind of working relations with him. A similar case is *IG IX(1)* 3<sup>2</sup>, 618, from Naupactus, which states that the sale of the slave Nilion to Asclepius will be valid *after* the death of the manumittor (ll. 7–9). Again, there is no explicit reference to a *paramone* obligation, but Nilion was evidently required to remain with his manumittor.<sup>89</sup>

Where the verb *paramenein* is used—that is, there is an explicit *paramone* clause—it usually appears in the imperative or as a participle, indicating that ‘remaining’ is the condition of manumission. The *paramone* clause can be vaguely formulated (‘X is to remain with Y’) or specify the required services (see below); often it requires that the manumitted slave ‘do whatever he/she is ordered to do, as far as he/she is able, giving no ground for reproach’<sup>90</sup>—a formulation similar to Plato’s (see above). The period of the *paramone* was fixed in the manumission document and ranged from few months to the

<sup>88</sup> The text uses the verb πολιτεύειν, both in the active and the middle voices (μὴ πολιτευσάτω . . . εἰ δὲ πολιτεύσαιτο), but both forms seem to convey the same notion. It is difficult to understand how a manumitted slave, especially a woman, could be a citizen. Perhaps what is meant is some status parallel to that of metics, rather than citizenship. For this inscription, see also below, 4.4, and chapter 6.1. The same verb is used in another manumission, *IG IX(1)* 34, from Stiris, in which the manumitted slaves are granted permission to ‘be citizens’ wherever they wish.

<sup>89</sup> Cf. *SGDI* 2101 (Delphi, 182 B.C.), in which Alcesippus of Calydon bequeaths to Apollo and Delphi all his property, including his female slave Theutima, ‘so that she will be free when he dies’ (ὥστε ἐλευθέραν εἶμεν αὐτὰν εἴ τί κα πάθῃ; ll. 10–11).

<sup>90</sup> The typical formulation is παραμεινάτω . . . ποιῶν τὸ ἐπιτασσόμενον πᾶν τὸ δυνατόν ἀνεγκλήτως.

rest of the manumittor's life. Our earliest evidence of such clauses is found in the wills of the philosophers from the third century B.C. In Theophrastus' will, two slaves were to be free after remaining (*paramenein*) and working faultlessly in the garden for four years (D.L., 5.55). Their deferred manumission stands in contrast with the immediate manumission of three other slaves (ἤδη ἐλευθέρους ἀφίημι)—which itself is deferred until Theophrastus' death. Moreover, Theophrastus ordered that the administration of the shrine, monument, garden, and walk remain in the hands of Pompylus, 'who lives in [or: near] them'; furthermore, he authorized this Pompylus and Threpte, 'who have long been free (πάλαι ἐλευθέρους οὔσι) and of great service to us', to keep all they had received from him in the past, had acquired themselves, or would receive under the will—a total of 2000 drachmae (5.54). It is clear that Pompylus and Threpte had been manumitted with *paramone* and continued to work for Theophrastus. Threpte, moreover, may have been the philosopher's fosterling, as her name suggests. Note also that she and Pompylus could not use whatever property they had without Theophrastus' explicit surrender of his right to it. We have seen above (4.2.1) that three slaves of Lycon must also have been freed by deferred manumission. So too Lycon's slave Agathon, who was to be free after remaining for two years, and the two litter-bearers—after four years (D.L., 5.73).<sup>91</sup> Also of interest are Lycon's instructions to free two slave children, who are to be fostered (*trephein*) by his brother (5.72–3). Since the mother of one of them is to be manumitted too, the two may have been Lycon's children.

In the above examples, the period of deferral, when mentioned, ranges from two years to the manumittor's lifetime. Inscriptions from various poleis display a similar range of periods.<sup>92</sup> The proportion

<sup>91</sup> Gernet (1955, 172) argues that, since no other evidence of *paramone* comes from Athens and since Theophrastus and Lycon were foreigners, this obligation was unknown there. Theophrastus and Lycon, however, lived for many years in Athens and it is most probable that they adopted local practices. Klees (2000, 11–12) believes that the philosophers' wills are evidence for the existence of *paramone* in Athens and warns against inferring its nonexistence prior to that time on the basis of an *argumentum ex silentio*. Klees, however, argues that the phrase ἤδη ἐλευθέρους ἀφίημι concerning Molon, Timon, and Parmenion in Theophrastus' will should be understood to mean that these slaves, too, had been previously manumitted and now were released from the *paramone* obligation.

<sup>92</sup> E.g., six months (*IG XII Suppl.* 368, Thasus), one year (*IG VII* 3391, Chaeronea), three years (*SGDI* 1696, Delphi), five years (Roesch and Fossey 1978a, no. 5,

of manumissions that stipulated further service until the manumittors' death increased significantly in Delphi in the last two centuries B.C.; so, too, the proportion of manumissions that obligated slaves to remain in service until both master and mistress had died (Hopkins 1978, 149–51).<sup>93</sup> The reason for this increase is linked to economic conditions and the price exacted for deferred manumission, which I discuss below. It should be noted, however, that many manumissions obligated the slave to serve other family members, whether as the sole beneficiaries of these services or as residual beneficiaries following the premature death of the manumittor, or named non-relatives as beneficiaries. For instance, in *SGDI* 425, from Lebadeia (above, chapter 3.1), the manumitted slave is ordered to remain with the manumittor's mother for ten years. Should the mother live longer, he will pay her money; should she die before that time, he will serve the manumittor for the duration.<sup>94</sup> The female slave Lamia was manumitted in Phistyon by two men, but was required to remain with one of them (*IG IX(1)* 1, 95; 204/3 B.C.). In Calymna, a manumitted slave was obligated to remain with his manumittor's children (*Syll.*<sup>3</sup> 869 II).<sup>95</sup> We have also seen the case of Phaeneas, who was obligated to remain, not with his manumittor, but with Apollodorus, who had lent him the money to buy his freedom (*SGDI* 1723; above, 4.2.1). So too Thraissa in *SGDI* 1694, also discussed above, whom her owner, Alexander, sold to Boëthus, on condition that she remain with the latter for six months; afterwards, Boëthus was to manumit her in Alexander's name.

Moreover, although the length of service was fixed, slaves were often obligated to continue working or to render other services to family members. Eucho, for instance, was obligated to remain with her manumittors for as long as they lived and until their son reached

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Chaeronea), until the manumittor's death (*IG VII* 1778, Thespieae; 2228, Thisbe; 3314, Chaeronea; *IG IX(1)* 189, 190, Tithora; *TC* 153, Calymna; Petsas, nos. 12, 25, Leucopetra; *CIRB* 74, Bosphorus Kingdom).

<sup>93</sup> Hopkins (1978, 150) regards the obligation to serve both master and mistress as a deterioration in the conditions of manumissions. But we should ask whether an obligation to serve only one of them made any difference, if the manumitted slave remained in the same house or even lived near by. Could manumitted slaves refuse to serve their ex-mistress, or other family members (see below), if their manumission obligated them to serve the master?

<sup>94</sup> Cf. *SGDI* 2171 (Delphi, 100–50 B.C.), *IG VII* 3322 (1st half of 2nd century B.C., from Chaeronea).

<sup>95</sup> Cf. *IG IX(1)* 3<sup>2</sup>, 638.9 (Naupactus); Petsas, nos. 56, 75, 86.

manhood (*SGDI* 1359, from Dodona). A manumitted slave in Calymna was obligated to remain with his manumitters until their death and then to support their children (*TC* 178).<sup>96</sup> These protracted services reveal the diverse nature of deferred manumissions. Whereas in many manumissions the *paramone* clause was formulated in a vague and general way (cf. Pl., *Lg.*, 915a, above), in many others it was only one of several stipulations. Several documents specify the nature of the obligation to remain: slaves are ordered to ‘serve’ (*SGDI* 1690, Delphi), to ‘keep on doing what he/she did while still a slave’ (*TC* 155, Calymna), to ‘serve like a slave’ (ὡς δούλῃ; *FD* 3.3.329, Delphi), or explicitly ‘to slave’ (δουλεύουσαι; *IG IX(1)* 194, Tithora).<sup>97</sup> In *SGDI* 1751, from Delphi, the *paramone* was associated with ‘labour’ (ἐργασία); and in *SGDI* 1904, also from Delphi, a manumitted slave boy was required to serve as a fuller’s apprentice and then to work in his manumitter’s house. Sometimes the services attached to the *paramone* are more specific. Slaves were obligated to offer sacrifice, worship gods, and see to their manumitters’ funeral and the customary rituals, or were warned not to marry without their manumitters’ consent or to accumulate too much property.<sup>98</sup> In other manumissions, the manumitter is named as the heir to the manumitted slave’s property (e.g., *SGDI* 1696, 1718, from Delphi). This condition demonstrates the widespread concept (perhaps also sanctioned by law) that the (ex-)owners retained full discretion to allow or prevent slaves or freed slaves from disposing of whatever the latter acquired. Note that Plato’s *Laws* give manumitted slaves the right to accumulate property, but not more than their manumitters owned; should a manumitted slave’s property exceed that of his ex-master, the surplus goes to the latter (*Lg.*, 915a–b). Moreover, manumitted slaves are not

<sup>96</sup> Cf. *TC* 177, where the manumitted slave is ordered to remain until the death of his manumitters and then be the *apeleutheros* of their children.

<sup>97</sup> Cf. Petsas, no. 70, ll. 9–10, from Leucopetra: ‘and they are to slave for me for as long as I leave’ (δουλ(ε)ύσουσιν ἔμοι ἐφ’ ὅσον ζῶ).

<sup>98</sup> Sacrifice: e.g., *IG VII* 3083, from Lebadeia; worship: e.g., Roesch and Fossey 1978a, no. 6, from Chaeronea; funeral rites: e.g., *CIRB* 73, from the Bosphorus Kingdom; *SGDI* 1545, 1546, from Stiris; *IG IX(1)* 190, from Tithora; property and marriage: Pl., *Lg.*, 915a. In *IG IX(2)* 1290, from Pythion, the manumitted female slave and her son are given the right to own real estate (ll. 11–12); Arvanitopoulos’ amendment of lines 12–13, followed by Babacos (1966, 80), also gives the manumitted female slave the right to marry any man she wishes ([καὶ συνουκεῖν ἀνδρὶ] ᾧ ἂν βούλωνται). Cf. Helly 1976, 149–52. It may be inferred that while still in *paramone*, these manumitted slaves were implicitly denied these rights.

allowed to accumulate more than the third property class, or else they must leave the city within 30 days, taking all their property with them. As a general rule, manumitted slaves, as well as metics, cannot stay in the city more than 20 years; at the expiration of that term, they must leave the city with all their belongings (*ibid.*, 915b–c). We see that although the regulations in Plato's *Laws* are more lenient than some of the conditions specified in manumission inscriptions, the notion that the manumitted slave's property was controlled by the manumittor was widespread.<sup>99</sup>

Another recurrent condition attached to *paramone* clauses was the obligation to raise (*trephein*) children for the manumittors, apparently as their replacements, as in *SGDI* 1719, from Delphi. A complicated case of this kind is *FD* 3.6.38 (Delphi, early 1st century A.D.), in which Epaphro and Epiphanea are manumitted with a *paramone* for the length of the manumittor's life. After the latter's death, Epaphro is to hand over to the manumittor's grandson three two-year-old infants; should she fail to provide them, she must pay 200 denarii. After five years, Epiphanea is to hand over a three-year-old boy to the manumittor's son, and, three years later, another three-year-old boy to the manumittor's grandson. In *IG IX(1)* 193, from Tithora, on the other hand, the manumitted slave girl was ordered to raise a child of two years old, not for her manumittor, but for the guarantor of her manumission.<sup>100</sup> Moreover, the status of children born to manumitted slaves under *paramone* seems to have been at the manumittor's discretion. Some manumittors stipulated that such children be slaves (e.g., *IG VII* 3322, from Chaeronea); others declared them free (e.g., *ibid.*, 3377).<sup>101</sup> A curious case is *SGDI* 2171 (Delphi, 100–50 B.C.). The home-born female slave Dioclea was manumitted by sale to Apollo, in return for three minae, and required to remain with her manumittor's mother. Although the length of the *paramone* is not

<sup>99</sup> This may also be inferred from [Arist.], *Rh. Al.*, 1422b 9 ff., where the author gives an example of the analogous use of laws: 'Just as the lawgiver established that those who die childless should be inherited by their nearest kin, so, in this case, I should be given control of the property of the manumitted slave; since those who manumitted him are no longer alive, it is only just that I, their nearest kin, control the manumitted slave'.

<sup>100</sup> For other examples of this condition in Delphi, see Hopkins 1978, 156; Tucker 1982, 233–4. In Calymna this condition was widespread (e.g., *TC* 176a, 186). For central Greece, see, e.g., *IG IX(1)* 318, from Amphissa.

<sup>101</sup> For examples of these stipulations in Delphi, see Tucker 1982, 233–4.

specified, the inscription states that Dioclea will be free when the manumittor's mother dies. Lines 16–21 stipulate that if Dioclea bears a child during her *paramone* service, she may suffocate (or drown) it, if she wishes, or raise it as a free child; but she may not sell it. Tucker (1982, 235–6) plausibly suggests that the manumittor had no interest in any children that might be born to Dioclea, so he allowed her to decide what to do with them. But since he wanted to keep Dioclea until his mother's death, he would not allow her what may have been her only means of buying herself out of the *paramone*—acquiring money by selling her children (on early release from *paramone* service, see below).

It would be interesting to know whether infanticide was common among female slaves—as might be inferred from this inscription. As far as I know, *SGDI* 2171 is the only extant manumission that mentions infanticide. On the other hand, the wording of this clause implies that all three options—killing the baby, raising it, and selling it—were common. Dio Chrysostom (15.8) assumes that female slaves who became pregnant would use abortion or infanticide so as not to have the additional trouble of raising children in slavery. This observation of the first-century A.D. writer is most significant. It may point to a widespread practice among slave women. However, in Delphi, in the first century B.C. and the first century A.D., as noted above (chapter 3.2), the number of home-born slaves increased, and the stipulation that manumitted slaves raise children for their manumitters became frequent. Moreover, Dio refers to women in slavery, whereas Dioclea was a freed person. This fact may suggest that the life of a female manumitted slave, who was bound by a *paramone* clause, was as hard as that of a slave; although given the option to raise the child as a freeperson, Dioclea is deemed as preferring (under certain circumstances) to kill the child.

It should be stressed again that these conditions were imposed on slaves in addition to, or together with, the *paramone*, and that the obligation to remain with the manumittor can sometimes be inferred from the text even though it is not explicitly mentioned. But there are other conditional manumissions that do not include an obligation, explicit or implicit, to remain with the manumittor. The obligation to repay a loan, for instance, did not necessarily involve remaining with the manumittor. Such was the condition imposed on Soson (*IG VII* 3376, from Chaeronea; above, 4.2.1), whose manu-



mittor, Theon, ordered him to repay the *eranos* loan he had raised.<sup>102</sup> The stipulation that the manumittor inherit the manumitted slave is also found in a manumission without *paramone* clauses (e.g., *IG IX*(1) 1<sup>2</sup>, 96a, from Phistyon). The manumitted slave Libanus was warned *not* to raise (*trephein*) children (*IG IX*(1) 3<sup>2</sup>, 624d, from Naupactus); apparently the manumittor intended to inherit Libanus' property (cf. Blavatskaja 1972, 44). Finally, in his will, Acousilaus' instructs his wife and—after her death—his son to give his slaves and manumitted slaves 100 silver drachmae for a celebration at his tomb on his birthday every year (*P.Oxy.* III, 494, ll. 22–5). Note that this clause also reveals Acousilaus' expectation that his manumitted slaves feel affection and respect for him.

Of special interest are the Jewish manumissions from the Bosphorus Kingdom, in which slaves were often ordered to serve the prayer-house after manumission. This obligation follows the declaration of the manumitted slaves' new free status and, with minor variants, speaks of *θωπεία* ('flattery') and *προσκαρτέρησις* ('persistence') towards the prayerhouse.<sup>103</sup> The interpretation of this obligation is highly

<sup>102</sup> Soson's manumission has an additional condition, the meaning of which is not altogether clear, but which sheds light on Soson's unique position as both *threptos* and home-born (l. 5). The text of the additional condition is: τὴν δὲ οἰκίαν, ἣς ἔχει τὴν κτήσιν Ἀρμέας Ἀρίστωνος Φανατεὺς πεπιστευμένος παρὰ Σώσονος, κομι[ζ]έσθω Σώσον τὸ ἐπ' αὐτῇ δάνειον, καὶ κελευσάτω ἀποδοῦναι τὴν ὥνῃν τῆς οἰκίας Ἀρμέαν Θέωνι (ll. 10–15). The interpretation of these words depends on the meaning of *πεπιστευμένος*, *κομιζέσθω* . . . *δάνειον*, and *ἀποδοῦναι τὴν ὥνῃν* in this context. As I understand the text, Theon gave the house to Harmeas as security for a loan; that is why Harmeas is described as being in possession of it. Now Theon orders Soson to repay the loan and recover the house. The interesting detail is that Soson, according to this interpretation, was the one who put up the security, that is, that he executed a legal transaction while still a slave. It seems that his distinctive status in the household made him a confidant of his owner and that, like the Athenians Pasion and Phormio, he was the manager of his master's business. Pringsheim (1950, 187–9) misunderstands the situation reflected by this inscription. He believes that Soson took the *eranos* from Harmeas and mortgaged his house as security for the loan. Not only is this interpretation not supported by the text; it also mistakenly ascribes to slaves the right to own real property. For another example of an obligation to repay an *eranos*, see *SGDI* 1804, from Delphi.

<sup>103</sup> This is the wording, with slight constructional variants, in *CIRB* 70, 73, 985; *SEG* 43, 510. In *CIRB* 71, the word *θωπεία* is not used and the other requirement is described by the verb *προσκαρτερεῖν*. *CIRB* 1127 is unique in requiring the manumitted slave to *remain* in the prayerhouse (*προσμέ[νου]σα τῇ προσευχῇ*). Cf. Petsas, nos. 33, 43, 59, 83, 113 (from Leucopetra), discussed below, in which the manumitted slaves are required to remain with the goddess; but in almost all these cases,



controversial.<sup>104</sup> Its meaning depends both on the exact sense of the words *thopeia* and *proskarteresis* in the context of the Jewish prayerhouse and on whether it derives from the fact that manumission took place in the prayerhouse. Some scholars interpret this clause as restricting the manumitted slave's freedom of movement: he or she may not enter the prayerhouse (e.g., Calderini 1908, 420). Others believe that the manumitted slaves were required to attend the prayerhouse and take part in its religious activities, indicating that they have been converted to the Jewish faith (e.g. Westermann 1955, 124–6). According to a third view, this obligation was both religious and economic (e.g., Nadel 1948). The economic aspect of this obligation has been postulated by Gibson (1999, 144–50); she interprets it as a *paramone* obligation, directed by the ex-owner to the prayerhouse. Hence, *thopeia* and *proskarteresis* mean services of labour-based relations and have no religious content. Although Gibson's view seems plausible, it should be noted that these services restrict the manumitted slave's freedom of movement and, at least in *CIRB* 73, they follow the end of *paramone* obligation to the manumittor.

Similar to the Bosphoran inscriptions are consecration-manumissions, which required the freed slaves to serve the god, to whom they were consecrated, or supervise a shrine and cult. Such, for instance, are the manumissions from the sanctuary of the Mother of Gods in Leucopetra (cf. above, chapter 2.2). The manumitted slaves are obligated to serve the goddess on certain days every year,<sup>105</sup> and are sometimes declared to belong to the goddess (Petsas, e.g., nos. 12, l. 16; 25, l. 6; 51, l. 16).<sup>106</sup> But in many cases, as we have seen, this obligation was added to a *paramone* clause and, in some manumission acts, was to be fulfilled only *after* the manumittor's death (Petsas, e.g., nos. 12, 25, 31).<sup>107</sup> Moreover, although the manumit-

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the explicit obligation is to serve the goddess on certain days every year. A similar service may be understood in *CIRB* 1127.

<sup>104</sup> For the various interpretations, see Gibson 1999, 134–50.

<sup>105</sup> The standard phrase is ὑπηρετοῦντα/ὑπηρετοῦσαν τῇ θεῷ τὰς ἐθίμους ἡμέρας (e.g., Petsas, nos. 12, l. 14; 14, ll. 6–7). In no. 131, the manumitted slave boy is also required to serve as a flute-player in the sanctuary. In no. 139, the manumitted slave is required to serve the goddess as much as he is capable (καθὼς δύ[ναται; ll. 11–12). For the interpretations of this obligation, see also above, chapter 2.2.

<sup>106</sup> E.g., Petsas, no. 12, l. 16: 'and no one will have power over (the manumitted slaves) except the goddess alone' (μηδένα εἶνε κύριον ἢ τὴν θεὸν μόνην); no. 25, l. 6: '(and he) shall be the goddess's' (εἶναι τῆς θεοῦ).

<sup>107</sup> In Petsas, no. 43, ll. 11–17, the condition is formulated differently: the manumitted female slave is required to remain with the goddess for the usual days, but

ted slave is declared to belong to the goddess, the obligation to serve her is limited to certain days and it seems that the 'ownership' of the goddess was meant merely as a warning against any attempt to re-enslave the manumitted person (see also below, section 4.4) This is made clear by the inscriptions nos. 33, 43, 59, 83, and 113, which require the manumitted slaves to *remain* (προσμένειν) with the goddess (in no. 59, for the rest of the manumitted slave's life). But it is clear from the phrase 'in the regular days', added to every one of these manumissions (except for no. 59), that there is no question here of temple slavery.<sup>108</sup> Hence, although the consecration made the manumitted slaves *hieroi* and bound them to the sanctuary (Latte 1920, 102–5), they were legally free and not the property of the goddess (Cameron 1939b, 148–9). Likewise, consecrations of property to shrines or for the foundation of cults in Cos, confer freedom on the donators' slaves on the condition that they supervise the cult. This, for instance is the case in *Ins. of Cos*, no. 36 (= *SGDI* 3634), from ca. 300 B.C., in which Diomedon sets free his slave Libys and the latter's descendants, on condition that they administer the cult he funds to Heracles (cf. *SEG* 14, 529). Seemingly, these conditions bound the freed slaves to the shrines (Latte 1920, 106; Bömer 1960, 77–80); in reality, however, these conditions were stipulated in the manumittors' interests and did not make the manumitted slaves the property of the gods.

The slaves' obligations were often secured by penalty clauses that followed the conditions. These clauses reveal the quasi-servile status of manumitted slaves: 'should [name of slave] not remain/work/comply with the conditions, the sale/consecration/manumission will be null and void'.<sup>109</sup> Moreover, manumission contracts often state the manumittor's right to punish a disobedient manumitted slave 'as [name of manumittor] may choose'. Sometimes the penalty clauses are more specific, as in Plato's *Laws* (915a–c), where the authority

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in the remaining time she is to remain with the manumittor and (apparently) her husband for the rest of their lives (π(ρ)ο(σ)μένουσιν τὰς ἐθίμους ἡμέρας, τὸν δὲ κατάλοιπον χρόνον προ(σ)μενῖ ἐμοὶ καὶ Διονυσίῳ τὸν ζῶμεν χρόνον).

<sup>108</sup> In fact, the wording of no. 33 ('and he (the slave) will serve me for the rest of my life, remaining with the goddess on the regular days') is the reverse of the more recurrent formula: 'and he/she will remain with me for the rest of my life and serve the goddess.'

<sup>109</sup> This warning appears in many manumission inscriptions. See, for instance, *EV*, 145–7, no. 45 (Beroea); *SGDI* 1854 (Delphi). This warning is also found in manumissions without *paramone* clauses but with other conditions (e.g., *SGDI* 1804).

to punish is split between the manumittor and the magistrates. The former may seize and lead away (*agein*) his manumitted slave if he serves him unsatisfactorily or not at all,<sup>110</sup> and confiscate property exceeding his own; the latter may bring the manumitted slave to court should his wealth exceed that of the third property class. *IG IX(1)* 189, from Tithora, states that the manumitted slave must pay a fine and will be liable to bodily seizure if he does not remain with the manumittor. The manumittor's mother in *SGDI* 2171 (from Delphi), who was the beneficiary of *paramone*, was given the right to punish and threaten the manumitted female slave as she wished; only selling her was excluded. In *FD* 3.3.329, on the other hand, the manumittor's right of punishment included beating, chaining, and selling the manumitted slave. In the last three examples, the freed persons were liable to punishment as if they were still slaves. But in *SGDI* 1714, the manumittors' right was to punish the manumitted slave 'as a free woman'. These conflicting attitudes add to the confusion over the status of manumitted slaves in deferred manumissions, a much-debated question that I discuss below. The question becomes even more complicated in light of inscriptions in which the right to punish manumitted slaves was extended to other persons, who were to act at the manumittor's request and be immune to legal proceedings (e.g., *SGDI* 1719, ll. 11–13; from Delphi). Several other manumissions stipulate that, in the event of a disagreement between the former master and the ex-slave, three arbitrators will be nominated and their decision will be final (e.g., *SGDI* 1696, from Delphi).

Waiting for the end of the *paramone*-period with its concomitant obligations could be frustrating; in many cases, as we have seen, especially when the period of service was the rest of the manumittor's life, it could last many years.<sup>111</sup> But manumitted slaves could

<sup>110</sup> The threat with *agein*, 'lead', is also found in manumission inscriptions (e.g., *SGDI* 1878; *IG IX(1)* 189). Rädle (1972, 307–8) understands *agein* to mean 'lead back to slavery'. Koschaker (1931, 28–9), too, believes this verb to mean 'lead the slave back to the manumittor's authority'. This also seems to be the meaning of *agein* in Plato's *Laws* (915a); on status distinctions in the penal code of Plato, see Saunders 1991, 107–8, 334–8. See also Waldstein 1986, 103–4.

<sup>111</sup> Hopkins (1978, 149–50) uses estimations of life expectancy in the ancient world to arrive at a general idea of the length of *paramone* services. According to this, and assuming that most manumittors were adult, half of 40-year-old men lived another 17–20 years; half of 60-year-old men lived another 8 to 10 years; women had a slightly greater life expectancy. Hence, a manumitted slave, bound by a *paramone* clause for the duration of the manumittor's life, could expect to wait another

buy their way out of *paramone* before the expiration of its term. I use the word 'buy', although not all the inscriptions that mention early release refer to monetary payment. Nonetheless, it seems safe to assume that manumitted slaves who were bound by a *paramone* clause had to pay an additional sum of money for early release.<sup>112</sup> Such early release (*apolyxis*) was presumably not available to all, however. First, there are only 41 known cases of early release in Delphi between 201 B.C. and 100 A.D., out of 400 manumissions with *paramone* clauses, although their proportion increased over the years.<sup>113</sup> Second, where prices paid for *apolyxis* are mentioned, they are usually considerable. For instance, Agathameris paid five minae for her manumission and was bound by a *paramone* clause to remain with her manumittors until their death (*SGDI* 1918; Delphi, 178 B.C.). Although her manumission contract does not mention the possibility of an early release, eight years later she paid three minae to be released from her *paramone*-obligation (*SGDI* 1919), bringing the total price of her freedom to eight minae. It should be added that she is not described as home-born or as a skilled craftswoman, two factors that might have affected the price. It seems likely, then, that only a minority of slaves manumitted with *paramone* could afford an early release.

Agathameris' is also an example of the small number of cases in which we can trace the stages of freedom. Several other manumissions include provisions for early release.<sup>114</sup> *SGDI* 2199 (Delphi, 50 B.C.), for instance, which is the manumission contract for Apollonia, contains a *paramone* clause for the length of the manumittor's life, followed by the provision, 'if Apollonia wishes to leave earlier, let her pay Theodora [the manumittor] three minae and be released from the *paramone*' (ll. 10–12). A few years later (*SGDI* 2200), Theodora received the three minae and released Apollonia. This case is admittedly exceptional, since no payment for freedom is mentioned in the manumission contract, although the term *ona* (sale) appears in line 14.<sup>115</sup> Hence this may be one of the rare cases in which the *paramone*

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10 to 20 years before attaining full freedom. But see above, chapter 3.2, for life expectancy inferred from the inscriptions themselves.

<sup>112</sup> See Samuel 1965, 265; Hopkins 1978, 150–52; Tucker 1982, 232–3.

<sup>113</sup> See Hopkins 1978, 150–1. For examples of payment for *apolyxis* in other places see, e.g., *BCH*, 25 (1901), 359–61, no. 1 (Thespieae); *TC* 184 (Calymna); *IG* IX(1) 3<sup>2</sup>, 624f (Naupactus).

<sup>114</sup> Tucker (1982, 232–3 n. 28) cites such examples from Delphi.

<sup>115</sup> Note also that in *SGDI* 2199, Theodora manumits Apollonia with the consent of her daughter, whereas in *SGDI* 2200 she releases Apollonia with the consent of

was stipulated instead of a cash payment.<sup>116</sup> Conversely, we have *apolyseis* with no corresponding manumission documents. Such is *SGDI* 1751 (Delphi, 170–157/6), in which Philo both manumits a girl (ll. 1–5) and releases a previously manumitted woman, Leaena, from her *paramone*-obligation (ll. 5–6). The inscription mentions no payment for this release, but the fact that it is effected ‘according to what was written in the sale’ (i.e., in the manumission contract) may imply that the manumission contract stipulated the conditions under which Leaena could be released from *paramone*, including payment. It should be noted that there is no mention of payment for the manumission of the girl, too. As noted above (chapter 3.2), Leaena may have been her mother. Moreover, the wording of the *apolyseis* section differs from that found in other cases. It reads, ‘Philo, being sound in mind and body, agreed that Leaena be released from the *paramone* and labour . . .’. ‘Being sound in mind and body’ is a phrase usually employed in wills, suggesting that this document is in fact Philo’s will.<sup>117</sup>

Release from *paramone* could also be ‘paid for’ by providing a replacement slave, as in *SGDI* 1717 (Delphi, 170–157/6). Aphrodisia is manumitted for three minae, on condition that she remains with her manumittors for as long as they live; when they die, she is to pay their son another mina and go free. The *apolyseis* clause reads: ‘if Aphrodisia wants to be released earlier, while Callistratus and Thaumion are still alive, in return (for the release) she should buy Callistratus and Thaumion a slave woman of the same age’ (ll. 6–8). If we accept the opinion that the price of freedom was close to the market price for slaves and that the price of manumission with *paramone* was a little lower, the total sum that Aphrodisia would have paid for full freedom could reach eight minae. At Calymna, many

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her mother. Another example is *FD* 3.3.329, from Delphi (above, chapter 3.2), in which Eisias was manumitted for two minae and obligated to remain with her manumittor until his death. Some years later (*FD* 3.3.333) she was released from the *paramone*. Moreover, her manumittor remitted the money she had to pay for her manumission, manumitted the son born to her while in *paramone*, and named him and her as his heirs. See below, *SGDI* 1751, for a similar case of possible ties between manumittor and manumitted woman.

<sup>116</sup> See above, 4.2.1.

<sup>117</sup> Cf., e.g., *P.Oxy.* III, 490, l. 2; 494, l. 2. Hopkins (1978, 151 n. 31) infers from this phrase that a manumittor who did not exact payment was acting counter to the normal practice. But it seems that this release involved special circumstances. Perhaps Leaena was Philo’s concubine and the girl their daughter.

inscriptions record the obligation to raise a child and hand it over to the manumittor as a condition of release from the *paramone* (e.g., *TC* 186). Segré (1944–5, 177–8), the editor of *TC*, suggests that both the *paramone* and the obligation to provide children as a replacement were sanctioned by the law of the *apeleutheroi*. I shall return to his view below; suffice it to note here that both he and Babacos postulate that in Calymna and in Thessaly the *paramone* was imposed by the laws of the polis and was not a matter of private agreement between the manumittor and the manumitted slave. Finally, *SGDI* 2143 (Delphi, 150–140 B.C.) is a unique example of the annulment of a previous manumission with a *paramone*-obligation. The inscription states that Telon and Cleto sell their slave Sosos to Apollo, for the purpose of freedom, in return for three minae. Lines 9–13 of the inscription add that ‘the previous sale of Sosos to Apollo, in the archonship of Thrasicles in Delphi, and what was stipulated in it, namely, that Sosos was to remain with Telon and Cleto for as long as they live, is null and void’. We do not know why the manumittors changed their mind. Perhaps Sosos offered his manumittors money in return for release from the *paramone*; but if so, why was the document not worded like other *apolysis* documents? Can this case be considered as a variant form of *apolysis*? If so, it is interesting that the release is executed as a re-sale to Apollo, that is, as a new manumission.

The impression produced by *paramone* and *apolysis* clauses is that freedom could be attained in more than one way and that any servile or semi-servile status was reversible. As Hopkins notes (1978, 148), slavery became temporary servitude. In the first century B.C., for instance, a slave in Delphi could buy his or her freedom in two stages: first by committing him/herself to further service (usually for the length of the manumittor’s life) and then by buying release from this service. Seen in this light, manumission was something to bargain for, if the slave was skilled or lucky enough. But this picture is misleading or, at least, incomplete. The fact that both deferred manumission and release from the conditions attached to it had to be paid for immediately limited the number of slaves who could benefit from it. As we have seen, there are only 44 known cases of release from *paramone* in Delphi. We do not know how many others were released in this way, either in Delphi or elsewhere. We should remember that this two-stage freedom meant paying for a deferred manumission, for an early release from the *paramone*, and for publication

of both documents—the manumission contract and the *apolysis* contract. How many slaves were not skilled or lucky enough to buy full or deferred freedom? How many died while in *paramone*? Furthermore, many deferred manumissions do not mention *paramone* but do have attached conditions: could manumitted slaves ever be released from these?

Nevertheless, the contractual quality of manumission, and particularly of deferred manumission, is unmistakable. Slave-owners had a valuable asset to sell and slaves were willing to pay dearly for it, if they could. There was considerable room for bargaining between the simple offer of freedom and the willingness to pay—whence the wide range of modes of manumission and their provisions (often influenced by the particular relations between the master and the slave). Manumission inscriptions may even look like *inter pares* contracts: although freedom is conditional, in some cases the manumitted slave was asked to ‘remain of his good-will’ (εὐνόω; e.g., *IG VII* 1780, from Thespiae).<sup>118</sup> Moreover, *apolysis* meant that the *paramone*, and all other services tacitly understood to be part of it, was cancelled. But judging by the Delphic inscriptions, which form our largest corpus of detailed documents from a limited place and era, the terms of manumission deteriorated: the price of full freedom rose, the conditions became tougher, and full freedom became an increasingly distant target. In first-century B.C. Delphi, deferred manumission was more like slavery than freedom. The situation should not have been very different elsewhere. Even the verb employed to describe the release from *paramone*, *apolyein*, may imply limited freedom. This verb, it should be remembered, usually denoted ransom of captives. It was sometimes also used to describe manumission, as in Hyperides, *Against Athenogenes*, where Athenogenes agrees to release his three slaves for the plaintiff’s sake and demand in return 40 minae (ἀπολῦσαι μοι; 3.4). Both in the context of ransom and in the case related in Hyperides, *apolyein* would mean that the released persons would be indebted to their manumitters and, hence, bound to them until the money is repaid (see above, 4.1). *Apolysis* from *paramone*, too, had to be paid for; hence it was conditional. How, then, should we understand deferred manumission and *paramone* clauses? And why did owners and slaves opt for them? These questions have long been debated,

<sup>118</sup> Cf. Roesch and Fossey 1978a, no. 5, from Chaeronea; 1978b, 138, from Coronea.



particularly in connection with sacral manumission, which displays the largest incidence of *paramone*. The interpretations offered, which reveal once again the problems of trying to analyze manumission in exclusively legal terms, are worth reviewing briefly. First, however, let us summarize the main aspects of deferred manumission.

We have seen that the act of manumission conferred freedom on the slave. This is made explicit by the use of the verbs of manumission (*apeleutheroun*, *aphienai*) or by the expression 'for the purpose of freedom' attached to verbs of consecration and sale (*anatithenai/apodidonai ep' eleutheriai*). As we shall see below (4.4), the more elaborate manumission documents also specify what I call 'the marks of freedom', that is, the status of the slave after manumission and the actions that the guarantors, or any other person who so wishes, must take to protect the manumitted slave's freedom. On the other hand, conditions attached to manumission—to continue to serve the manumittor or to satisfy other obligations—deferred the manumitted slave's freedom, sometimes until the death of the manumittor or even the manumitted slave. In this interim state, manumitted slaves had to obey orders and serve their manumittors 'as slaves'. Often they could not leave their manumittor's house or, if they could, had to live nearby. In many cases, they could not dispose of their property freely. Manumittors could stipulate that children born to their manumitted slaves while in *paramone* remain in the house as slaves. Penalty clauses threatened manumitted slaves with punishments customarily meted out to slaves but illegal in the case of free persons. What, then, was the status of a slave whose manumission was thus deferred?

The multifaceted and ambiguous appearance of deferred manumission, and particularly the *paramone* clause, has perplexed scholars.<sup>119</sup> The primary point of debate has been whether persons freed under *paramone* were virtual slaves, free, half-free, half-slave, or both slave and free. All these possibilities have been advanced by scholars. The answer depends to a considerable extent on the importance we attach to the order of the various clauses in manumission documents. In some of them, the clauses that specify the slave's new status and the means of its protection precede the *paramone* clause; in others, they follow it. According to the first sequence, we may understand that the manumitted slave was free and that he or she

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<sup>119</sup> The various interpretations are conveniently reviewed by Samuel 1965, 223–5; Waldstein 1986, 93–105.



agreed to the conditions stipulated by the manumittor as a free person. If so, how are we to understand the position of free persons who are liable to corporal punishment, may have to hand over their children to slavery, and may lose their property to the manumittor? And, as Gernet (1955, 169) rightly comments, if the manumitted slave agrees to the obligations attached to manumission as a free person, the obligations cannot be stipulated as a condition to freedom. According to the second sequence, we may understand that the manumitted slave remained a slave during the service period. If so, what was the meaning of the declaration of freedom, which always preceded all the other clauses? Westermann (1948) claims that manumission contracts make a grammatical distinction between the declaration of freedom and the *paramone* clause. He further argues (1955, 35, 55–6) that slaves who committed themselves to *paramone* surrendered two elements of their freedom, namely, part of their freedom of movement and their freedom of occupation; but their status as free persons and their defence against arbitrary seizure remained. Westermann bases this view on two assumptions. First, he infers from the Delphic manumission inscriptions that these four elements of freedom were first formulated in the ancient world by the priests of Apollo. The inscriptions usually include the manumitted slaves' right to go wherever and do whatever they wish and warn against attempts to re-enslave them. Second, from a comparison of Greek manumissions with Egyptian labour contracts, in which a free person voluntarily agreed to stay with his creditor and work off his debt for a fixed period, he infers that the *paramone* clause was 'a contractual labour relation of a semi-bondage type' (1955, 55). If the manumitted slave under *paramone* remained a slave, he argues, he could not enter into an agreement with a free person.<sup>120</sup>

Samuel (1965) offers a similar view. He argues that, except in Calymna, the provisions of manumission did not affect the manumitted slave's status as a free person and were not part of the manumission process.<sup>121</sup> The principal sign of the manumitted slaves' freedom, he claims, was their right to own property: 'a man no longer is property, but has it' (1965, 295). Moreover, manumitted slaves had the right to marry and have children, they were protected

<sup>120</sup> Cf. Westermann 1945a; 1950.

<sup>121</sup> Samuel (1965, 294) agrees with Babacos (see below) that in Calymna *paramone* was prescribed by law.

against arbitrary arrest, and they could not be re-enslaved while in *paramone*. These essential constituents of liberty were not denied to manumitted slaves, not even by the penalty clauses. The obligation to *paramone*, according to Samuel, was taken on by a free person, who could opt out of it. Like Westermann, Samuel relies on labour contracts, which include *paramone* without affecting the free status of the parties; *paramone*, he asserts, originally had a technical legal meaning that preceded manumission documents and was only later applied to manumitted slaves, without losing its legal nature.<sup>122</sup> Against Westermann's and Samuel's views, one can point out *paramone* clauses that require the manumitted slave to serve 'like a slave', or 'be a slave', and the penalty clauses, which often resemble master-slave relations. Moreover, although manumitted slaves could accumulate property, like free persons, their right to use it was often limited by the discretion of the manumitters, who frequently emphasized their right to this property (cf. Larsen 1959, 417). As for Westermann's theory of the four elements of freedom, not only is there no evidence that it was the priests in Delphi who invented and dictated these freedoms; it must also be noted that the protection against arbitrary arrest applied vis-à-vis other persons, not against the manumitter. Finally, in Graeco-Roman Egypt labour contracts were entered into by free persons, of their own volition; it is questionable whether slaves who entered into such contracts at the time of their manumission could be called free and whether they had any freedom of choice.

In contrast to Westermann and Samuel, other scholars emphasize the manumitted slave's quasi-servile status under *paramone*. For instance, D-H-R, *Ins. Jur. Gr.* II, 273-5, who suggest that such a person occupied the position of a slave but was not a slave ('*loco servi, non servus*').<sup>123</sup> Other scholars, starting from different points of view, deem this status to have been somewhere between slavery and freedom. According to Beauchet (1897, 481), for instance, the manumitted slave was in a halfway status, between the slave and the citizen. Koschaker (1931, 45), too, believes that manumitted slaves under *paramone* had the peculiar status of half-free; but this meant in his

<sup>122</sup> Waldstein (1986, 93-101) accepts Samuel's view, although he attaches more weight to relations of power, as reflected by the penalty clause. Cf. Bömer 1960, 40.

<sup>123</sup> Cf. Samuel's reservations about such views (1965, 223-5).

opinion decreased freedom, not ameliorated slavery.<sup>124</sup> Koschaker explains this position as divided rights of ownership: while in *paramone*, manumitted slaves owned only half of themselves; only after the *paramone* ended did they attain full freedom, as can be inferred from the recurrent expression ‘be his/her own master’ (κυριεύετω αὐτοῦσαντοῦ/ἑαυτοῦ). In like manner, Pringsheim (1950, 9–13, 184–212) stresses the distinction between the transfer of ownership, effected through manumission, and actual possession. According to this distinction, which Pringsheim argues was familiar to the Greeks, the manumitted slave under *paramone* became his or her owner by virtue of the manumission, but the ex-owner retained possession. Hence a person in *paramone* had limited freedom. Gernet (1955, 169–70), who argues that manumitted slaves were traditionally obligated to continue to serve their former masters and that manumission documents were the Greek way of legally securing these services, considers the manumitted slaves to have been in a halfway status. A different point of view is that of Babacos. In his study of family rights in Calymna (1964), he follows Segré (*TC* 175–8)<sup>125</sup> in arguing that in Calymna ‘the laws of the *apeleutheroi*’ required *paramone*, to which he adds the obligation to register a *prostates*, monetary charges, and the ex-owner’s rights over the manumitted slaves’ property. Accordingly, Babacos asserts that a manumitted slave under *paramone* was both free and slave (1964, 40).<sup>126</sup> Albrecht (1978, 199–200) distinguishes manumitted slaves for whom *paramone* was stipulated as security for the payment for freedom from manumitted slaves for whom the *paramone* was in lieu of a cash payment for freedom. Those in the first group, he argues, were half-free; their freedom was suspended. Those in the other group, however, retained their slave status until the end of the service period. The idea that in some manumissions *paramone* was in lieu of cash payment is plausible; *SGDI* 2200 (discussed above) may be an example. But can we accept that the Greeks conceived of *paramone* and other manumission conditions as reflecting two different statuses?

<sup>124</sup> So also Calderini 1908, 286; Rädle 1969, 142–5; 1972, 308.

<sup>125</sup> Against Segré, see Klaffenbach 1953, 459.

<sup>126</sup> See the criticisms levelled against Babacos by Albrecht (1978, 199) and Waldstein (1986, 98). Babacos, however, may not have been too far off; see below, chapter 5.3.

These legalistic disputes have been rejected by Kränzlein (1983), who cogently notes that modern scholars are bothered by legal details more than the ancient Greeks were. His view follows those who see the status of manumitted slaves under *paramone* as lying between slavery and freedom, particularly Babacos' assertion that these manumitted slaves were both free and slave. But whereas Babacos explains this situation as a unique combination of slavery and freedom, established by law, Kränzlein differentiates between the manumitted slaves' status vis-à-vis their former masters and their status vis-à-vis other persons. Analyzing three inscriptions (*IG IX(1)* 3<sup>2</sup>, 754, from Amphissa, 1st half of 1st century B.C.; *IG IX(1)* 192 and 194, from Tithora, early 2nd century A.D.), he observes that manumitted slaves bound by *paramone* clauses were completely free vis-à-vis all other persons except for the manumitters; in relation to the latter, they were in a state of incomplete freedom (*ibid.*, 245–7). In the first inscription, the female slave Soteris is required to remain with her manumitters and do whatever she is ordered to do. This is followed by the penalty clause that should Soteris not do as ordered, her manumitters may punish her in any way they choose. So far the inscription follows the common formula of sale-manumissions. But the next clause reads, 'towards all the rest, let Soteris be free and untouchable . . .' (ποτὶ δὲ τοὺς λοιποὺς πάντας ἔστω Σωτηρὶς ἐλευθέρᾳ . . .; ll. 7–12)—meaning all other persons. A similar phrase appears in the two inscriptions from Tithora: 'but to all the rest, let her/them be free' (τοῖς δὲ λοιποῖς ἅπασιν ἐλευθέρᾳ/αι ἔστω/ν; ll. 21–2 and 20–2, respectively). In fact, *IG IX(1)* 194 fully corroborates Kränzlein's theory, because right before this phrase, the *paramone* clause stipulates that the manumitted female slaves remain and 'keep being slaves' (δουλεύουσαι). Kränzlein further supports his interpretation with another inscription, *IG VII* 1780 (Thespiae, late 3rd century B.C), in which the *paramone* clause contains an expression he translates as 'let them have freedom towards all' (εἶμεν δὲ [αὐ]τοῖς πανελευθερία; l. 7).

These four inscriptions can hardly be taken as representative of all Greek manumissions. Moreover, Kränzlein's interpretation of these expressions can be questioned.<sup>127</sup> Nevertheless, I find his suggestion

<sup>127</sup> Koschaker (1931, 42), Rädle (1969, 144), and Albrecht (1978, 196) understand *πανελευθερία* as 'complete freedom', that is, the status of the manumitted slave *after* the end of the *paramone*, in contrast to the half-freedom before its end.

most persuasive. It also accords with what we learn from sources that mention or record manumission and from the use of manumission terminology. We have seen that Neaera, despite her manumission, had to remain with Phrynion and serve him. The wills of Aristotle, Theophrastus, and Lycon imply that manumitted slaves were not wholly free in relation to their manumittor. Manumission inscriptions that include *paramone* clauses and other conditions reflect the ambiguous status of manumitted slaves. The freed persons remained with their manumittors, served them as slaves, and were liable to corporal punishment and to revocation of their manumission should they fail to do as ordered. On the other hand, they were given their freedom, protected against re-enslavement by the manumittors' heirs or any other person, and had the right to go wherever and do whatever they wished. Whatever we choose to call them—half-free, half-slave, both free and slave—it is obvious that slaves with deferred manumission were in a state of servile dependence on their manumittors. Nor is the order in which the various clauses appear in the manumission document of any significance for their status. Although, over time, the various clauses of manumission documents (the declaration of freedom, *paramone* clauses, the naming of witnesses and guarantors, warning clauses) became more or less standard, the order of these elements did not.

If we insist on legal terms, Pringsheim's theory can be applied to deferred manumission: the slave became free—that is, his or her own master—but remained in the possession of the former master. To be in the possession or partial ownership of another person meant that the manumitted slaves still belonged to their manumittors. That is why manumittors could treat them as if they were slaves. Partial manumissions from Egypt (above, chapter 2.3.2) demonstrate this aspect of manumission. We cannot explain them in legal terms unless we assume that a distinction was made between ownership (partial or total) and possession: any freed part was owned by the slaves; but since their bodies could not be divided so that the owners could

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The plural λοιποί in Pi., I. 4(3).39 means 'descendants', and may well be used in the same meaning in these inscriptions. In this case, it would mean freedom in relation to the manumittors' heirs, which does not seriously alter Kränzlein's interpretation. Likewise, if we understand this expression to mean 'for the rest of the time' or 'in the future' (as, e.g., in Pl., *Lg.*, 709e), it merely emphasizes the servile position of manumitted slaves while in *paramone*.

benefit only of those parts that were still in slavery, we can say that their owners also possessed the free part. This notion is also corroborated by an inscription from Leucopetra (Petsas, no. 133, ll. 5–7), in which the female manumittor reserves for herself the ‘use’ (χρησις) of the manumitted slave to the rest of her life.<sup>128</sup> But socially, as Hopkins (1978, 142 n. 19) remarks, ‘it is proper to see them as conditionally freed’. Conditions attached to manumission, whether or not combined with *paramone*, protracted slavery to a considerable degree. If slaves were required to pay money, they actually worked and saved money for another person; if they were required to remain with their manumittors and serve them, they could not live and do as they wished. If they were required to conduct funeral services or sacrifice regularly to certain gods, they were bound to their manumittors’ polis; if they were required to hand over or leave behind children, they were denied the right of free persons to have free children.

Hence, from a legal point of view, it may not be proper to refer to the manumitted slaves’ extended dependence on their former masters as slavery. But in social terms, since any dependence was conceived of as slavish (see above, chapter 1.2), these freed persons’ position was slavery. We need only cite a passage from Menander’s *Heros*, much quoted by scholars as evidence of the survival of debt-bondage in Athens, despite Solon’s reforms. Tibeius, a manumitted slave of Laches, had taken Gorgias and Plangon, who were born to Myrrhine but abandoned after birth, into his house and raised them. Since Tibeius died owing money to Laches, Gorgias and Plangon came to stay (ἐπιμένει) on Laches’ estate to work off the debt (fr. 50, ll. 35–6). Daus, one of Laches’ slaves, fell in love with Plangon. When Getas, another slave of Laches, asks Daus if she is a slave, Daus answers ‘you might say so, in some way’ (οὕτως ἡσυχῇ, τρόπον τινά; fr. 40, l. 20). Interpreting this passage according to Westermann’s view, Gorgias and Plangon, as the fosterlings of a manumitted slave, were free persons who voluntarily entered into a labour contract to work off a debt. By Pringsheim’s theory, they were their own owners, but agreed to transfer temporary possession of themselves to Laches. In social terms, however, since they were bound by debt to

<sup>128</sup> Cf. Cameron (1939b, 146), who suggests that *chresis* here merely involved *paramone*; Petsas, 185, who notes the distinction between this right, reserved for the manumittor, and the transference of ownership to the goddess.

another person and worked for him, they were 'like slaves'. Moreover, their status as fosterlings, as we have seen (above, chapter 3.2), was not wholly free vis-à-vis Tibeius; and since he himself depended on Laches, they also belonged in 'some way' to the latter.

Why, then, did slaves agree to these terms of manumission, if they achieved only nominal freedom? The answer must be that they did not have much choice. Although manumission was a transaction, owners were the stronger party and could dictate the terms. Moreover, they could simply refuse to manumit. Slaves, therefore, took what opportunity they had, according to their resources, to attain freedom. Their freedom, admittedly, was not complete, but legally they were free. As we shall see below (4.4), many manumission documents unequivocally proclaim their status as free persons in relation to all people—except the manumittors. I add this reservation, because our analysis of manumission terminology (above, chapter 2.3.1) reveals that many, if not all manumitted slaves still belonged in some way to their manumittors and were referred to as his/her *apeleutheros* many years after their manumission. In fact, I believe that manumission was always conditional. If many of our sources do not explicitly disclose this fact, it is perhaps because conditions were frequently agreed upon between masters and slaves, without giving them publicity. The elaborate inscriptions from Delphi and elsewhere are exceptional. We do not know what conditions were stipulated in the hundreds of manumissions recorded in catalogue inscriptions. *Paramone* clauses may support my assumption. Many of them, as we have seen, are formulated in a most vague way: 'let X remain and do as ordered'. The services to be rendered were presumably decided upon by owners and slaves before manumission. Hence, the obligation to *paramone* was just a general way of describing what was agreed to beforehand. Other manumissions, or, for that matter, Plato's regulation of master-slave relations in the *Laws*, specify conditions, some of which forced the manumitted slave to remain with the ex-master. Only when explicitly released from all former obligations could a manumitted slave be called *exeleutheros*, completely free.<sup>129</sup> By agreeing to gradual and conditional freedom, slaves achieved what, to us, may seem like half-slavery. We should not, however, underrate the *feeling* of freedom of a person who, for the first time in many years—

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<sup>129</sup> Even then people remembered his servile origin, as we shall see in chapter 6.2.

or, in many cases, for the first time in his or her life—had a legal personality and the status of non-slave.

This view can be corroborated by addressing the question of why slave-owners granted freedom to their slaves and yet obligated them to provide various services. The simplest answer, offered by several scholars, is that owners sought to maximize their profit. They were paid considerable sums for manumission, continued to enjoy the slave's services for the rest of their lives or for a limited period, and sometimes obtained more money by releasing the manumitted slave from the *paramone* obligation. Hopkins (1978, 147–9) suggests that conditional manumission was a compromise between what the master wanted and what the slave wanted. The master wanted to capitalize part of the slave's value yet continue to enjoy his services; the slave paid only a part of his market value, retained his or her socio-economic security, and, by remaining in his manumittor's house, was protected against the risks and hardships of independence (cf. Beauchet 1897, 480). As we have seen, though, manumitted slaves were often obligated to serve persons other than their former masters. This fact should, at least, make us hesitant in accepting the profit motive as the sole or primary one. Hopkins may be right in ascribing to slaves feelings of apprehension about going out and fending for themselves (as Epictetus, 4.1.33–7, attests), but this seems to overlook what must have been a genuine and constant hope for a change of status.

Hopkins (1978, 162) also convincingly suggests that in the early period of a more stable economy, most manumitted slaves remained in the socio-economic roles they had fulfilled as slaves and continued to depend on their former masters for patronage. The Roman conquest upset the local economy and caused the migration of manumitted slaves from Greece to Italy in search of a better life. Consequently, masters, who ran the risk of losing the services of their former slaves, secured them by contract. This theory can be extended to periods and regions other than Delphi in the last two centuries B.C. As we have seen, conditions were attached to manumission as early as the fourth century B.C. (and probably long before) and in other parts of the Greek world. What we see in the Delphic inscriptions is the contractual development of a practice that I believe was very old and widespread. In some places this practice may also have been established by law, as Babacos (1964) suggests for Calymna. It is there that the term *apeleutheros* most clearly manifests the continued dependence of the manumitted slave. In *TC* 177, for instance, the



manumitted slave was required to remain, *after* his *paramone* period, as the *apeleutheros* of the manumittor's children. But inscriptions from other poleis also indicate that the manumitted slave was bound to the ex-master even after the *paramone*. In Tithora (*IG IX(1)* 190) and in Larissa (*IG IX(2)* 541, 542), the manumittor's rights to his manumitted slave's services were anchored in law, as can be inferred from the use of the term *apeleutherosis* and its relation to the former masters. In *IG XII Suppl.*, 368, from Thasus, the manumitted slave is required to 'remain for six moons (i.e., months), being *apeleutheros* and untouchable by any other person'. It seems, then, that deferred manumissions and the continuing bond between ex-masters and ex-slaves were deeply rooted in ancient Greek society. Hence, it was not only profit that motivated slave-owners to stipulate conditions; it was the widespread concept that a manumitted slave was still obligated to the manumittor or—if the latter was willing to transfer his or her right—to other persons.

### 4.3 *The Prostates*

Ancient lexicographers state that one of the manumitted slaves' obligations was the registration of a *prostates*. This obligation—sometimes, in fact, formulated as a right of the freed person—is mentioned in several manumission inscriptions. The evidence concerning the *prostates*, however, is deficient and confusing. According to the *Athenaion Politeia*, ascribed to Aristotle, one of the duties of the Polemarch at Athens was to bring to court charges of the kind called *dike apostasiou* (58.3). The nature of this legal procedure is explained by Harpocration: 'This is a kind of a private law-suit, which manumittors could bring against their manumitted slaves, if the latter left them or registered another *epistates* and did not do what the laws require. Those who are convicted must become slaves, and those who are acquitted become then completely free.'<sup>130</sup> Harpocration uses the word *epistates*, which means 'a supervisor'; in the *Souda* (s.v. ἀποστασίου), the person who must be registered is called *prostates*, literally 'a protec-

<sup>130</sup> Harp., s.v. ἀποστασίου: δίκη τίς ἐστι κατὰ τῶν ἀπελευθερωθέντων δεδομένη τοῖς ἀπελευθερώσασιν, ἐὰν ἀφιστῶνται τε ἀπ' αὐτῶν ἢ ἕτερον ἐπιγράφονται ἐπιστάτην καὶ ἃ κελεύουσιν οἱ νόμοι μὴ ποιῶσιν. καὶ τοὺς μὲν ἀλόντας δεῖ δούλους εἶναι, τοὺς δὲ νικήσαντας τελέως ἤδη ἐλευθέρους.

tor'. Harpocraton's explanation and the *apostasiou* procedure will be discussed in detail below, in chapter 5.1. What interests us here is Harpocraton's statement that registering an *epistates* other than the manumittor could lead to prosecution and that, if convicted, the manumitted slave lost his free status and reverted to slavery. This raises some important questions. First, what is an *epistates* and is this word a synonym for *prostates*? Second, were the duties of the manumitted slave's *epistates* identical to those of the metic's *prostates*, known in Athens? Third, can we infer that Athenian law (perhaps Demosthenes' 'laws of the *apeleutheroi* and of the *exeleutheroi*') decreed that the manumitted slave's *epistates* must be the manumittor? If so, what was the interest of the polis and manumittors in this kind of law? It should be noted that the words rendered in my translation of Harpocraton as 'manumittors' and 'manumitted slaves' appear in the Greek as the active and passive participles of the verb *apeleutheron*. Given that those who were acquitted became 'completely free', can we assume that being an *apeleutheros* involved taking the manumittor as a *prostates* and that acquittal made the manumitted slave an *exeleutheros*, free of any further obligation to the manumittor? Finally, what motive could the manumitted slave have for registering another *epistates*? Later we shall also ask whether similar laws existed outside Athens.

The words *epistates* and *prostates* have the same signification of standing over someone or something;<sup>131</sup> hence Harpocraton may have merely used a synonym of *prostates*. But Aristotle, in his *Rhetoric* (1408b 25), cites as an example of metrical speech the customary cry of the herald in Athens: 'Whom does the *apeleutheros* choose as an *epitropos*?'<sup>132</sup> The word *epitropos* usually means 'someone in charge of anything', 'a trustee', 'a guardian', and is known especially in relation to minors (see above, chapter 3.1). Taken together, these three words

<sup>131</sup> The primary meaning of *prostates* is 'one who stands above' or 'before'; it is applied in the sources to leaders, both military and political. In fifth-century Athens it became a standard appellation of political leaders and—especially in the phrase *prostates tou demou*—of those who championed, or were presented as advancing, democracy. *Epistates*, on the other hand, is usually employed in an administrative context; note, however, that in *IG XIV*(1) 1317, from Rome, this word seems to stand for the Latin *patronus* of manumitted slaves.

<sup>132</sup> In his edition, Kassel suggests, as noted in chapter 2.3.1, that this line was taken from Aristophanes' comedy, *Babylomians*. If so, the word *epitropos* designated the mediator of manumitted slaves as early as 426 B.C.

seem to indicate that the role of the person who had to be registered by the freed slaves was to protect, supervise, and represent them.<sup>133</sup> But this generates other questions. Were these words used interchangeably, or should we infer that in fourth-century (or perhaps already in fifth-century) Athens this person was called *epitropos*? If so, he may have differed from the *prostates* of the metics. Moreover, according to Harpocration, this person was, by law, the ex-master, whereas according to Aristotle's example in the *Rhetoric*, the manumitted slave could choose whomever he wished. Should we prefer the earlier evidence of Aristotle to Harpocration's late entry?

These questions are not easy to answer, especially because Harpocration does not clarify whether 'what the laws require' included registering the *prostates* or whether this obligation was customarily a matter of a private agreement between the manumittor and the manumitted slave. Calderini (1908, 330–2) and Rädle (1969, 134–6) believe that the law required a manumitted slave to register his or her manumittor as *prostates*, in addition to other obligations. Rädle (1969, 136–8) bases his view on Plato's *Laws* (915a–c), where manumitted slaves are liable to seizure if they do not satisfy the obligations imposed on them. In Plato, these obligations are sanctioned by law; moreover, the polis itself prosecutes manumitted slaves whose property exceeds the fixed ceiling (see above, 4.2.2). However, it is not clear whether Plato is reflecting the actual legal situation in Athens. Harrison (1968, 185) argues that the law in Athens merely required the manumitted slave to do whatever the manumittor stipulated as a condition of manumission. In other words, the dispute is whether Athenian law specified the manumitted slaves' obligations vis-à-vis their manumittors or merely stated that any private agreement between the parties must be fulfilled, thus enabling manumittors to sue their manumitted slaves for breach of contract. No evidence of a manumittor prosecuting his manumitted slave for registering another *epistates* (or a *prostates* or *epitropos*), however, has reached us, except for the 'Lists of Silver Bowls', which are believed to be records

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<sup>133</sup> See *Anonymous in Rh.* (Rabe), 190, 17–24, who explains that in the old times *epitropoi* were appointed for manumitted slaves, because the latter lacked the right of free speech, enjoyed by the freeborn. He describes the role of the *epitropos* by using the verb ἀντιποιεῖσθαι, 'to exert oneself about something'. Harrison (1968, 183 and n. 2) suggests that this herald's cry may have been part of the procedure of manumission in the theatre or of the *apostasiou* legal proceedings. Rädle (1969, 14), too, believes this line to have been part of a publicly executed manumission.

of the verdicts in genuine or fictitious *apostasiou* trials. Even these, however, are merely lists of names and do not specify the charges.

Let us try to solve the problem by examining the evidence and roles of the *prostates* of the metics. The prevalent view is that manumitted slaves automatically assumed metic status; hence, evidence about the metics' *prostates* should be relevant to our subject. This evidence enables a fair description of his role, although scholars have been divided on this question too. The *prostates* of the metics is attested in fifth- and fourth-century authors;<sup>134</sup> according to the *Athenaion Politeia* (58.2), a metic who did not register a *prostates* was liable to prosecution (*graphe apostasiou*). It is noteworthy that for both metics and manumitted slaves, the act of taking a *prostates* is described as registering<sup>135</sup> and failure to do so was grounds for legal proceedings. It is debatable, though, whether this *prostates*' role was limited to registering the metic as a resident in a deme<sup>136</sup> or also consisted of legal and other assistance.<sup>137</sup> Harpocration (s.v. ἀπροστασίον) ascribes to the *prostates* the role of representing the metics in all matters, both private and public. The *Souda* (s.v. νέμειν προστατήν) gives a similar explanation. Of special interest is the *Souda*'s comparison (s.v. πρόξενος) between the *proxenos*, who was nominated by the citizens of one polis to represent and help them in his own polis, and the *prostates* of the metics. In fact, the sources do seem to imply that the *prostates* did more than register the metics on the rolls of the deme.<sup>138</sup> If the role of the *prostates* of the metics was the same as that of the manumitted slaves, we may assume that the latter mediated between the freed person and the political institutions, provided legal help, and registered

<sup>134</sup> See A., *Supp.*, 963–5; S., *OT*, 411; Ar., *Pax*, 684; *Ra.*, 569–70; D., 25.85; Hyper., fr. 21; Isoc., 8.53; Clerc (1893, 260) argues that these sources cannot prove that the role of the *prostates* as we know it was already established in the fifth century B.C.

<sup>135</sup> The Greek verb is ἐπιγράφειν. In Isoc., 8.53, however, the verb is 'take', 'take as one's lot' (νέμειν).

<sup>136</sup> This is the view held by most scholars, at least for the fourth century B.C. See, e.g., Wilamowitz 1887, 231–3; Clerc 1893, 269–70; Beauchet 1897, 581–2; Francotte 1910, 204–6; Whitehead 1977, 91; MacDowell 1978, 77–8.

<sup>137</sup> So Calderini, 1908, 222; Busolt 1920, 294; Laroche 1943, 13–32; Harrison 1968, 192; Gauthier 1972, 132–6; Albrecht 1978, 213.

<sup>138</sup> See particularly Ar., *Ra.*, 569–70, where the demagogues Cleon and Hyperbolus are described as the *prostatai* of innkeepers in Hades. Cleon's name, it should be remembered, was the standard answer to the herald's cry 'Whom does the *apeleutheros* choose as his *epitropos*?' (Arist., *Rh.*, 1408b 25). See also Ar., *Pax*, 684, where the registration of a *prostates* is equated to choosing a political leader.

him or her on the rolls of the deme. But according to Aristotle, the *aprostasiou* prosecution was a *graphe*; that is, it could be undertaken by anyone who so wished against a metic who failed to register a *prostates*; a *dike apostasiou* process, by contrast, was initiated only by manumittors against their manumitted slaves who registered another person as their *prostates*. Why this difference, if the function of the *prostates* was the same in both cases? Moreover, the *prostates* of the metic had to be a citizen. What happened if the manumittor was a metic? Was this right transferred to a citizen? Some of the prosecutors/manumittors in the 'Lists of Silver Bowls' are metics; hence, they could be a party in this legal proceeding. But we do not know whether they prosecuted their manumitted slaves for registering others as *prostatai*—indicating that metics could serve in this role—or on other charges covered by this procedure.<sup>139</sup>

A clue may be provided by the case of Pasion. His manumittors were Archestratus and Antisthenes, who were bankers in the Piraeus (D., 36.45–8). We would have expected Pasion to register them as his *prostatai* and to be registered as resident in the deme Piraeus. But after Pasion had been granted citizenship, and probably before that, he was registered in the deme Acharnae. A possible explanation comes from Isocrates' reference to the Athenian citizen Peithodorus of the deme Acharnae, who 'did everything for Pasion, both by speech and by action' (17.33). Peithodorus' grandson and namesake was an intimate friend of Apollodorus, Pasion's son ([D.], 50.27). So it is likely that the elder Peithodorus was Pasion's *prostates*, that he registered him in his own deme, and that friendly relationships developed between their families.<sup>140</sup> If this conjecture is correct, the rights of Pasion's manumittors were transferred to Peithodorus, perhaps because they were metics.<sup>141</sup>

<sup>139</sup> This is also true if we accept that these were manumissions in the guise of lawsuits. It is hardly conceivable that the Athenians, who were so strict about guarding the citizen body against any non-citizen intruder, would have had so much disregard for the proper use of their legal system as to let the law courts be used for such a sham, and by non-citizens at that. On this subject, see further below, chapter 5.1.

<sup>140</sup> Cf. Davies (1971, 430–1), who suggests that the elder Peithodorus sponsored Pasion's naturalization.

<sup>141</sup> Pasion's manumitted slave, Phormio, was registered in the Piraeus and not in Acharnae, although it is probable that Pasion was already a citizen at the time of Phormio's manumission.

Let us look at another case. Neaera had been manumitted by two Corinthian citizens. Since the money for her manumission came mainly from an *eranos* headed by Phrynion, she remained with Phrynion and lived with him in Athens. We do not know anything about the laws concerning manumitted slaves in Corinth; it seems clear, however, that Neaera's manumitters waived any right to her services, including being her *prostatai*. Was Phrynion considered to be her *prostates*? Neaera ran away from Phrynion and escaped to Megara; there she met the Athenian Stephanus, who—says Apollodorus in his speech against her—‘stands for her’ (πρόίσταται . . . αὐτῆς; [D.], 59.37). Can we understand this verb, which is etymologically related to *prostatauein*, as ‘serves as her *prostates*’? Both Phrynion and Stephanus were Athenian citizens; hence, they could assume this role. But Phrynion's action against Neaera, after she returned to Athens with Stephanus, suggests that he considered her to be his slave, for he tried to seize and lead her away and, when Stephanus asserted her freedom, prosecuted Stephanus for ‘taking (her) away into freedom’ (*aphairesis eis eleutherian*). Why did Phrynion treat Neaera as his slave and not sue her for registering another *prostates*, namely Stephanus? Since both men were Athenian citizens, there was no need for Phrynion to transfer his right to be Neaera's *prostates*. Was Phrynion's action against Neaera equivalent to *dike apostasiou*? The confusion of *apostasiou* and *aphairesis* prosecutions is also evident in Hyperides' allusion to the *aphairesis* procedure in his oration *Against Aristagora* in a *graphe apostasiou* (fr. 21), that is, against a metic woman on the charge of failing to register a *prostates*. I shall return to this problem below, in chapter 5.2; it should, however, be noted that Neaera (according to the speaker, Apollodorus) pretended to be Stephanus' lawful wife—that is, a woman of the citizen class. Hence, Phrynion's action may have been intended to assert his ownership of Neaera; Stephanus acted as a third party who protects a free person from unlawful enslavement. It may be, of course, that the speaker Apollodorus intentionally misrepresented the facts; his argument, after all, was that Neaera was a foreigner who passed her children off as having citizen status. But to further complicate matters, the *Souda* (s.v. ἀποστασίον) offers an additional explanation of *apostasiou* prosecution, namely, that this proceeding was invoked against slaves who pretended to be free persons.

The only way out of this tangle seems to be accepting that, in Athens, manumitted slaves were required to register their manumittor

as *prostates*, and that a metic manumittor may have been required to transfer this right to a citizen.<sup>142</sup> The picture is not much clearer outside Athens. Three literary sources attest to *prostatai* in Megara (Lycurg., *Against Leocrates*, 21), in Oropus (Lys., 31.9), and in Cos (Herod., 2.8, 10, 15, 37–9). But this evidence concerns metics; we do not know what may have been the law in these poleis with regard to manumitted slaves. Manumission inscriptions use both the substantive *prostates* and related verbs (προστατεύειν, προστάμεν, προστατεύειν, προϊστάσθαι). Hence, before we review the evidence, it is essential that we investigate whether these verbs share the technical meaning of the substantive. Since they usually appear in clauses that state the means of protecting the manumitted slaves' freedom (the right of the guarantors or anyone who so wishes to prevent re-enslavement), we might think that they merely convey the general idea of protection. For instance, *SGDI* 4642 (Messenia, 1st half of 3rd century B.C.), states: 'Anyone who so wishes may protect (προστατεύω) Petraia, asserting that she is free, according to the law of the polis'. In *IG IX(1)* 120 (Elatea, 150–130 B.C.), the formulation is: 'Permission is given to anyone who so wishes to take away and stand for (συλῆν καὶ προϊστάσθαι) them and assert their freedom' (εἰς ἐλευθερίαν ἀφαιρεῖσθαι). The words 'according to the law of the polis', in the first inscription, may imply that the slave's manumission had been performed according to the law and she was therefore legally free; or it may imply that the law allowed any person to protect the manumitted slave's freedom. If the latter reading is correct, we may assume that in third-century B.C. Messenia, any person could be the manumitted slave's *prostates*.<sup>143</sup> The second inscription includes 'standing' for the manumitted slaves as one of three verbs of protection; hence, it is not certain that here *proïstasthai* has the technical meaning of being a *prostates*.

To the best of my knowledge, in all manumission inscriptions these verbs are always used with the phrase 'anyone who so wishes'. On

<sup>142</sup> Cf. Harrison (1968, 185 n. 2), who suggests that, in case the manumittors were themselves manumitted slaves, their own *prostatai* served in this role. See also Beauchet (1897, 506), who believes that a metic manumittor retained only the rights to the manumitted slave's services and hence could prosecute the later in an *apostasiou dike* only for evading his or her obligations, but not for registering another *prostates*.

<sup>143</sup> Rädle (1969, 51), on the other hand, argues that here the use of this verb does not indicate the *prostates*.



the other hand, when the noun *prostates* appears, it is usually with explicit reference to a person or persons mentioned in the document. For instance, in *SGDI* 2172, from Delphi, the relevant clause reads, ‘and he (the manumitted slave) chooses his manumittors as *prostatai*’ (ll. 10–11). Another example from Delphi is *SGDI* 2251, in which the manumitted slave is ordered to consider (νέμειν) as *prostates* his manumittor and the latter’s descendants. From these different uses I infer that where the verbs are used, the choice was left to the manumitted slave; or—to judge by the wording—any citizen who wished was permitted to help the manumitted slave. This free choice, however, does not indicate that these verbs did not have the technical meaning of the substantive. *IG IX(1)* 120, from Elatea, cited above, can be understood to mean that in addition to being the official *prostates* of the manumitted slaves, a person who so chooses has to act both physically<sup>144</sup> and in court for the person he protects.

Reviewing the manumission inscriptions according to this distinction, we see that in Phocis the identity of the *prostates* was a matter of choice. Many manumission inscriptions use the phrase ‘anyone who so wishes’; many also stipulate that a person who chooses to be a *prostates* receives half the fine imposed on anyone who attempts to re-enslave the freed person. Several inscriptions also stipulate that anyone who chooses to act as *prostates* on behalf of the manumitted slave will be immune from legal proceedings and punishment.<sup>145</sup> In *IG IX(1)* 34, the right to protect (προΐστασθαι) is given to the god Asclepius (to whom the slaves were consecrated), but also to his priest and to any ‘chance person’ (παρατυχών). In *IG IX(1)* 36, from Stiris, as we have seen (above, chapter 3.1), the female manumittor performs the manumission through her *prostates*, but we do not know whether she was a metic or a manumitted slave; nor is it clear whether the *prostates* was her own manumittor or a citizen who volunteered to perform this task. In Delphi, the situation is different. The obligation to defend the manumitted slave’s freedom is imposed on the manumittors, their heirs, the guarantors, and ‘anyone who so wishes’ or ‘any chance person’. But the verb of protection is συλᾶν. This verb, which usually denotes the right to seize a person

<sup>144</sup> For the verb συλᾶν (συλᾶν) in the context of manumission, see below, 4.4.

<sup>145</sup> See, e.g., *IG IX(1)* 34 and 42 (from Stiris), 66 (= *BCH*, 59 [1935], 202, no. 1, from Daulis), 47 (from Hymapolis), 119–22 and 124 (from Elatea), 190 (from Tithora).



(usually a foreigner) and his or her property on account of a debt or a threat on the part of the person seized, cannot be taken as equivalent to *prostateuein*.<sup>146</sup> *Sylein* means only a physical action, in this case, forcibly taking away the manumitted slave from anyone who attempts to re-enslave him or her. Can we infer that the obligation to take a *prostates* was not known in Delphi?

The two inscriptions from Delphi cited above (*SGDI* 2172 and 2251), however, do mention a *prostates*. In 2172, the manumittors were citizens of Erineus, hence foreigners in Delphi; it may be, therefore, that this stipulation, unique in Delphi, was compatible with the laws of Erineus. In the other inscription (2251), the manumittor's origin is not mentioned; he may have been a citizen of Delphi. But it is interesting to note that the guarantor, Damon son of Dexondas, was either the father or the son of the manumittor, Dexondas son of Damon. Since this manumission is agreed to by 'the sons (of the manumittor), Damon and Agathon', I believe that the guarantor was the manumittor's son. The protection clause reads: 'If anyone attempts to re-enslave Parnassus (the slave), the manumittor Dexondas and the guarantor Damon are to vouch for the validity of the sale, and likewise any chance persons are authorized to take Parnassus away as a free person' (ll. 16–20). Perhaps Parnassus was ordered to take 'Dexondas and his descendants' as *prostatai* because the manumittor and the guarantor were father and son.<sup>147</sup> If I am right, it may be that, although other inscriptions make no explicit mention of it, the institution of the *prostates* was known at Delphi, but this person was not necessarily the manumittor. Moreover, since the verb of protection is *sylein*, the *prostates*' role may have been limited to physical protection of the manumitted slave's freedom.

In Boeotia the picture is no clearer. *IG VII* 1780, from Thespieae, uses the same formula found in Phocis, except that the right to act as *prostates* and to look after the manumitted slaves (προστατεῖμεν αὐτῶν κῆ [ἐπι]μέλεσθαι) is given not to any person, but only to the guarantors. In *IG VII* 1778, from the same polis, however, the relevant clause reads, 'and Apollodora is to take whomever she wishes

<sup>146</sup> For this verb (the more common form of which is σὺλᾶν) and the corresponding noun τὸ σύλον, see Latte 1931; Bravo 1980.

<sup>147</sup> I have rendered ἔγγονοι by 'descendants', although properly it means 'grandsons'. But it seems strange that Dexondas would name his grandsons as *prostatai* rather than his sons.

as a *prostates*'. This phrasing differs from what we have seen before in two respects: it uses the substantive together with the grant of a free choice and it leaves the choice to the manumitted slave and not to 'any person'. On the latter point, this stipulation resembles the situation of the *prostates* of the metics at Athens; metics there (but apparently not manumitted slaves) chose their *prostatai*. Albrecht (1978, 213) may be right in suggesting that Apollodora's manumittors were metics and that this is why the choice was left to her; otherwise the manumittors would have been her *prostatai*. It should be noted, though, that another manumission inscription from Thespieae (*BCH*, 25 [1901], 359–60, no. 1) makes no mention of the *prostates* or of the right to choose one. A manumission inscription from Orchomenus stipulates that 'they themselves (i.e., the manumittors) nominate (literally, 'consider as', νομιδέμεν) as the *prostates* whomever they wish' (*BCH*, 19 [1895], 161, no. 2). Albrecht (1978, 213) believes that in this case, too, the manumittors were metics. But we have no way of knowing what the rule in Orchomenus was. Judging by the fact that the manumittors kept for themselves the right to choose a *prostates*, perhaps manumittors usually assumed this role.

Mention must also be made here of the inscriptions from Chaeronea, in which persons who had been manumitted by consecration and hence were called 'sacred' (*hieroi*) manumitted their slaves in the presence, and presumably with the mediation, of the *hierarchos* (e.g., *IG* VII 3377; cf. above, chapter 3.1). It is quite likely that the *hierarchos* represented the *hieroi* in all legal transactions and that his mediation was prescribed by law. But the unique circumstances of these manumissions make it doubtful that we should consider the *hierarchos* to be a *prostates*, as Albrecht (1978, 214–5) does. Albrecht further suggests that this '*prostates*' was an official because these manumissions were consecrations effected in the Assembly. As I argue (above, 4.1), the role of the Assembly was limited to the authorization of publication; the *hierarchos* was involved because the *hieroi* were in his jurisdiction. We do not know the norm in manumissions performed by citizens: did the law require their manumitted slaves to take a *prostates*, and, if so, was he usually the manumittor? One inscription (*IG* VII 3381) may shed some light on this issue: a woman, who is not described as *hieros*, sets free a slave in the presence of her own manumittors. There is no way of knowing whether these manumittors were her *prostatai*; it may be that, being a woman, they acted as her *kyrioi* in this transaction, as the law in Chaeronea seems to have

required (see above, chapter 3.1). But it is precisely the role of the *kyrios* which seems to essentially characterized the *prostates* in Athens, and hence possibly also in other places.

An interesting case is found in an inscription from Beroea (*EV*, 145–6, no. 45, ll. 27–30), from the third century B.C. Attina, the manumittor, orders the manumitted slaves to ‘consider (ἡγοῦνται) as their *prostatai* the king, the queen, Machatas son of Theogenes and his children, Damognetus, and Iasonikus’. The mention of the king and the queen is unique in the corpus of manumission inscriptions from Beroea (see the comment of the editors); however, this clause seems to mean they and the private persons are to act as the manumitted slaves’ protectors. The king is also mentioned in line 21 as receiving half of the fine imposed on anyone who might attempt to re-enslave the freed persons. The private persons are not known from any other source and it is impossible to establish their relation to Attina. It may be that being a woman, Attina could not act as a *prostates*, but it is strange that, although both her sons (and the children of one of them) are referred to in a warning clause against any attempt by them to re-enslave the manumitted slaves or take their property, neither of them is to be the *prostates*. Since this is the only occurrence of the term in Beroea, nothing conclusive can be inferred about the use of the *prostates* there.

In those poleis from which we have evidence, then, manumitted slaves were not as a rule obligated to take their manumittors as *prostatai*. Calderini (1908, 272, 331) and Rädle (1969, 138–9), however, believe that it was customarily the manumittor who performed the role of the *prostates*, unless he explicitly waived his right, and that where inscriptions do not mention this function, we must assume that the manumittor tacitly accepted this role. If they are correct, though, how does the renunciation of the right to serve as *prostates*—in the case where the manumittor was himself a manumitted slave—fit in with the manumittors’ rights to further services from their manumitted slaves? As I argue (above, 4.2.2), manumitted slaves were habitually obligated to their manumittors and remained bound to them after manumission. Yet it seems that allowing manumitted slaves to choose their *prostates* detracted from the manumittor’s rights. If manumitted slaves could not serve as *prostatai* (as Albrecht believes)—and surely women never could—didn’t the transfer of the right to be a *prostates* divide the entitlement to the manumitted slave’s services between two persons? In this case, manumittors could still

expect their manumitted slaves to serve them, but did not protect them against re-enslavement or help them in legal and other matters. It may also be that the *prostates* of a metic manumittor served as *prostates* to the latter's manumitted slave (cf. Harrison 1968, 185 n. 2). Another option is that metics or female manumittors transferred to other persons *all* their rights to their manumitted slaves' services along with the right to be a *prostates*. In the face of our evidence, it seems that these conjectures are all we can cautiously suggest. It should be noted, though, that such a transfer of rights is attested in deferred manumissions (above, 4.4.2).

The manumissions from Thessaly constitute another thorny case. In many of the catalogue inscriptions, the name of the manumitted slave is followed by a name in the genitive, which is sometimes the same as the name of the manumittor, the manumittor's father, or one of several manumittors (e.g., *IG IX(2)* 109a, ll. 13–15; 1232, ll. 12, 34–6). In other cases the name in the genitive is not identical to that of any of the manumittors (e.g., *IG IX(2)* 109a, ll. 16–18).<sup>148</sup> The identity of this person has been disputed. Some scholars believe that he was the manumitted slave's father, who was either a slave in the same household or the manumittor himself (meaning that the manumitted person was the manumittor's child).<sup>149</sup> Others believe he was the manumitted slave's *prostates*.<sup>150</sup> Babacos (1962) suggests that when the name in the genitive is the same as the manumittor's, the latter was both the father and the *prostates* of the manumitted slave. He cites two manumissions in an inscription from Larissa (*ibid.*, 499), in which the name in the genitive is different from the name of the manumittor and the manumittor is said to have appointed another person as *prostates* (καθεστακότος προατάταν). In these two cases the

<sup>148</sup> A name in the genitive after the name of the manumitted slave also appears in Delphi (*SGDI* 2080, 2265) and in Chaeronea (*IG VII* 3354). Calderini (1908, 197) and Babacos (1962, 496) claim that in the case of Chaeronea this was the *prostates*. Albrecht (1978, 215 n. 74) argues that this is the name of the manumittor's father.

<sup>149</sup> For instance, when the inscription says: παρὰ Βακχίου τοῦ Στράτωνος τοῦ ἀπελευθερωθέντος ἀπὸ Στράτωνος τοῦ Εὐαμέρου (*IG IX(2)* 109a, ll. 13–15), it means '(the money paid) by Bacchius son of Straton, who had been manumitted by (his father) Straton son of Euamerus'. But when the inscription states: παρὰ Στρατονίκου τοῦ Ξένωνος τοῦ ἀπελευθερωθέντος ἀπὸ Νικομένεος τοῦ Ἐφαρμόστου (*ibid.*, ll. 16–18), the manumitted slave's father was not the manumittor. See D-H-R, *Ins. Jur. Gr.* II, 311, no. 45; Rensch 1908, 65–7; Albrecht 1978, 215 n. 74.

<sup>150</sup> See Foucart 1887, 369–70; Calderini 1908, 194–5; Babacos 1962; Rädle 1969, 139.

manumittors were foreigners, which fact explains, according to Babacos, the reference to a *prostates*.<sup>151</sup> When the name in the genitive is not the same as that of the manumittor, he argues, the manumitted slave's father was a third person—perhaps the manumittor's father or his friend. Babacos infers that Thessalian law prescribed that the manumitted slave's father could serve as his or her *prostates*, whether or not he was also the ex-master, but only if he was a free person (ibid., 501). Babacos explains the absence of the name in the genitive from many other Thessalian inscriptions as a reflection of local practices: it is never mentioned in Hypata and Magnesia, only occasionally in Larissa, but always in Lamia.

The name in the genitive is, indeed, intriguing. If it indicated the manumitted slave's father, who was not the manumittor, we must say that manumission restored slaves' social position and recognition of their affiliation with a family group. This can also be said where the name in the genitive is identical to the name of the manumittor. But if Babacos is right, in Thessaly there were many manumitted slaves who were their manumittors' offspring. As we have seen (above, chapter 3.2), in other poleis manumittors' offspring were often recognized as such or even adopted. In Thessaly, the use of the manumittor's name as a patronymic may reflect the same relationships. A case in point is the inscription from Phthiotic Thebes (Lazaridis 1975, 647–8, no. 3 = Helly 1976, 157–8; see above, chapter 3.2) in which Zosimus manumitted his two sons and stipulated that they use his name (χρηματίζοντα δὲ πατρὸς ἐμοῦ). This stipulation can be understood, according to Babacos' theory, both as Zosimus' recognition of these children as his lawful sons and as his nomination as their *prostates*. But if the sons of Zosimus, a citizen of Thebes, were legally recognized as such, why did they need a *prostates*? Surely recognition as his legal heirs made them citizens! Likewise, if in other Thessalian poleis the name in the genitive indicated that the manumittor was the manumitted slave's father, why did he serve as a *prostates*? Either the name in the genitive and the expression 'use one's name' had nothing to do with the *prostates*, or we must assume that in Thessaly even manumitted slaves who were acknowledged as

<sup>151</sup> IG IX(2) 568, ll. 14–15, from Larissa, is a manumission by an Antiochean, but the term *prostates* is not mentioned. Since this case contradicts Babacos' interpretation, he explains it as an exceptional one in which a foreigner was appointed as *prostates* (1962, 499).

manumittors' children needed a *prostates*—and hence were not fully free. The two examples from Larissa of the explicit mention of a *prostates*, cited by Babacos (1962, 499), show at very least that this institution was known there.

The expression 'use one's name' (χρηματίζειν τοῦ . . .) also appears in Calymna (*TC* 179, 185, 188, 192a, 198). Babacos (1964, 35–8) argues that here, too, the meaning was that the manumittor was the *prostates*. His explanation of the fact that there are only five examples of this usage is similar to his explanation of the Thessalian inscriptions. In one case, at least (*TC* 198; see above, chapter 3.2), the manumittor was a foreigner; that is why the manumitted slave is required to 'use the name' of another person. The other cases, he argues, indicate the manumittor's assertion of his right to be the sole *prostates*, since these are collective manumissions. Where inscriptions do not mention the *prostates*, we must assume that this right was taken for granted; just as in Calymna *paramone* was *ex lege*, so was the manumitted slave's obligation to take his manumittor as a *prostates*. In other words, Babacos assumes that the law on manumitted slaves in Calymna prescribed the manumitted slaves' obligations vis-à-vis their manumittors, including taking them as their *prostatai*. The laws on manumitted slaves in Calymna and other poleis will be discussed in chapter 5.3. Here we should test Babacos' argument by examining the inscription *TC* 198. The manumitted slave girl, Aphrodisia, was probably a *threpte* of her manumittor, Agathas. It is stipulated that Aphrodisia remain with Agathas until the latter's death. After the *paramone*, Aphrodisia should 'use (the name of) Nicomachus son of Philondas'. Roussel (1942, 221–2) believes that the meaning here is that Aphrodisia will be adopted by the manumittor's husband.<sup>152</sup> According to Babacos, on the other hand, the man mentioned is the *prostates*, since Agathas, the manumittor, was a foreigner (she is described as Antiochean). But is this the reason for stipulating the 'use of one's name'? Could Agathas, being a woman, serve as *prostates* at all? It seems more likely that Aphrodisia, having been raised in the house of Agathas from infancy, was adopted at manumission. The expression 'use one's name' cannot be safely

<sup>152</sup> Cf. *SGDI* 1935, from Delphi, which stipulates that the manumitted slave girl will be the daughter of two persons, whose relation to the manumittor is not clear; and *SGDI* 1803, also from Delphi, which stipulates that the manumitted slave girl will be 'considered to be the daughter' of the manumittor's daughter.

taken as a reference to the *prostasia*. Moreover, the fact that none of the Calymnian inscriptions contains explicit mention of the *prostates* makes it difficult to speculate even about his existence.

The scanty evidence from Thessaly and the absence of evidence from other poleis almost rules out reaching any conclusion about the use and role of the *prostates* in the Greek world. Nevertheless, I believe that the use of a *prostates* (who may have been designated by other terms) was widespread. It is possible that some poleis enacted that the *prostates* be the manumittor. When the manumittor was a metic or a woman, this right was probably transferred to a citizen (perhaps the metic's *prostates* or the woman's *kyrios*);<sup>153</sup> the manumittor may also have lost his or her other rights to the manumitted slave's services. In other poleis, any manumitted slave could choose his/her *prostates* and any citizen could serve as one. I also believe that manumitted slaves who were acknowledged as their children by the manumittors did not need a *prostates*; in such cases, it is reasonable to assume that they became citizens.

Finally, why was the *prostates* necessary? Manumitted slaves were non-citizens; hence they needed a mediator in all their legal interactions with the political and judicial institutions (see also below, chapters 5 and 6). In this respect, they resembled citizen women and children, who were represented by the *kyrios* and *epitropos*—two words that (as noted above) describe well the role of the *prostates*. In places where the *prostates* was the manumittor, this obligation further enhanced the freed slave dependence on him. That is why the *dike apostasiou* was a private prosecution: a manumitted slave who registered another *prostates* deprived his or her former master of his rights (Clerc 1893, 288). But it was also in the polis' interest. A manumitted slave who registered another *prostates* could masquerade as a freeborn metic and thus appropriate rights that may not have been assigned to freed slaves (cf. Beauchet 1897, 489). Moreover, the obligation to register a *prostates* was essential to the protection of the citizens' privileged status: it served to demarcate the non-citizen from the citizen and thus also constructed the citizen identity. This obligation also played to the advantage of the manumitted slaves, who thus were protected against attempts to re-enslave them and may have also been assisted by their *prostatai* in other matters.

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<sup>153</sup> Cf. Harrison 1968, 185 n. 2, on Athens.

4.4 *The Marks of Freedom*

I conclude this chapter by referring to what should have been the most important feature of manumission, the grant of freedom. In the course of the previous sections, however, we have seen how ambiguous the manumitted slave's status was. The purpose of manumission was freedom; legally speaking, the manumitted slave was free. This is made clear by the use of manumission verbs, which usually precede any other clause in the document. This must also be true for manumissions that were not published and were performed within a small circle of family or friends. The manumittor declared his slave free, either by using the unequivocal verb *apeleutheron* (sometimes *exeleutheron* or *eleutheron*) or by appending the predicate *eleutheros/a* to the verb *aphienai*. When consecration- or sale-manumission was employed, the suitable verb was, in some cases, followed by a declaration of its purpose: *ep' eleutheriai* or *eis eleutherian*.<sup>154</sup> In other cases, and typically in the Delphic sale-manumissions, however, the declaration of freedom took the following form (after the eponymous magistrates had been named): 'On these conditions [manumittor's name] sold to [the god's name] a female/male body, whose name is . . ., for the price of . . ., and received the payment in full, according as [slave's name] entrusted the sale (*ona*) to [the god's name], on condition that she/he be free and untouchable by anyone at any time.'

This declaration made the manumitted slave's new status public. Publication—whether among a small group, among the citizens of the manumittor's polis, or among all persons who might read the inscription—was meant not only to protect the manumittor against any challenge to the act by his or her heirs (see above, 4.1), but also to let the world know that a certain person was free. That is

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<sup>154</sup> I cannot understand Blavatskaja's statement (1972, 44–5) that *ep' eleutheriai* signified complete freedom, without any dependence on the manumittor, and that wherever this expression is used the manumitted slave was not obligated by a *paramone* clause. Suffice it to refer to several inscriptions that attest the opposite; e.g., *IG IX(1)* 349 and 350, both from Physceis and both read and used by Blavatskaja, and many inscriptions from central Greece (e.g., *IG IX(1)* 190, 194, from Tithora). Nor is her reliance on Westermann (1955, 35) correct, since Westermann does not say that *ep' eleutheriai* is equivalent to what he calls 'outright' manumissions, 'the completed and immediate separation of the former slave from any further control on the part of his owner'.



also why, at least from the second century B.C., copies of the original manumission were made and entrusted to temple archives and private citizens. The use of witnesses and guarantors had the same purpose. Manumission inscriptions often instruct guarantors to act on the manumitted slave's behalf, should anyone challenge his or her freedom. A typical protection clause, of the sort we find in the later and more elaborate documents of central Greece and Macedon, states that the guarantors, together with the manumittor, are to actively protect the manumitted slave: 'If anyone attempts to re-enslave [manumitted slave's name], the vendor [manumittor's name] and the guarantor [name] are to present the sale to the god as valid; should they not present the sale to the god as valid, they will be accountable (πράκτιμος) according to the law of the polis'. A second clause is often appended, inviting anyone who so wishes to help protect the manumitted slave: 'And likewise, any chance person is authorized (*kyrios*) to take [manumitted slave's name] away (from anyone who attempts to re-enslave him or her) as being free and (do it) without any fear of punishment and legal proceedings'.<sup>155</sup> The actions that 'anyone who so wishes' may take are sometimes more detailed, as in *IG IX*(1) 120, from Elatea, cited above, which states that 'permission is given to anyone who so wishes to take them away and stand for them and assert their freedom'. As we have seen (above, 4.3), these duties were sometimes assigned to the *prostatai*.<sup>156</sup>

The protection clauses in the consecration-manumissions from the sanctuary of the Mother of Gods in Leucopetra do not refer to persons who should or would protect the freed slave. Since the slaves were consecrated, they became *hieroi* and had the goddess' protection. That is why these inscriptions often state that the manumitted slave is to belong to the goddess (either during or after the term of *paramone*) or assert that no one is to have any power over the freed

<sup>155</sup> Immunity from punishment and legal proceedings is usually formulated thus: ἀζάμιοι ἐόντες καὶ ἀνυπόδικοι πάσας δίκας καὶ ζαμίας (e.g., *SGDI* 1710, l. 13).

<sup>156</sup> In a manumission inscription from Susa (*SEG* 7, 15 = Robert 1969), the protection clause reads 'and Bacchius, or any other person in his name, may not re-enslave her in any way and on any pretext' (ll. 8–11). In an inscription from Beroea (*EV*, 145–7, no. 45 [= *SEG* 12, 314]), the protection clause is very detailed: 'the manumittor's son, Alcetas, his wife, and his children, and Daretas [another son?] are not allowed to chain them [i.e., the manumitted slaves], their wives, their children, or Spazatis [another manumitted slave], nor to re-enslave them, nor to seize their property, on any pretext whatsoever.' This clause comes between the *paramone* clause and the penalty clause.

person, save the goddess (e.g., Petsas, nos. 12, 83; cf. above, 4.2.2). But these inscriptions also state often that the consecrated slave is not to be sold or given as security for a loan (e.g., *ibid.*, nos., 5, 20, 83, 107). The inscriptions also warn against attempts to molest, drag away, or lay claim to the manumitted slave; whoever attempts to do so or to challenge the manumission is liable to fine, to be paid to the goddess (e.g., *ibid.*, nos. 10, 31, 71, 76).

This concern with protecting the manumitted slave's freedom, however, also reveals the precarious position of manumitted slaves and the potential difficulties in proving their new status. As mentioned above (4.1 and 4.3), the free status of manumitted slaves was often challenged and they were apt to be seized and re-enslaved. The only means they had to fend off such attempts were the publicized manumission and its copies (if the manumission was engraved or written on papyrus), the guarantors, and the witnesses. Moreover, the grant of freedom was not an abrupt passage from slavery to freedom; it was a gradual process that sometimes never ended. If they failed to fulfil certain conditions, manumitted slaves faced physical and financial sanctions and might even be re-enslaved, despite the grant of legally recognized free status. Protection clauses did not cancel out this situation. First of all, despite the argument advanced by some scholars that these clauses—especially when they precede a *paramone* clause—attest to the manumitted slave's free status even while in *paramone* (see above, 4.2.2), the order of the clauses in any given inscription is random and does not affect the status of the slave being manumitted. For instance, in *SGDI* 1685, from Delphi, the manumitted slave's new free status is declared first, followed by the protection clause. The same order is found in *SGDI* 1696, except that the protection clause is followed by a *paramone* clause. But in *SGDI* 1702, the *paramone* clause comes first, followed by the statement that if the manumitted slave remains with her ex-master, as ordered, her sale to the god (that is, her manumission) will be valid; only then comes the protection clause. Do these differences indicate that these slaves had different statuses after manumission? It seems obvious that they did not, except perhaps for the first example, which has no *paramone* clause. Second, in many cases, protection depended on the ex-slaves' fulfilment of the conditions attached to their manumission. For instance, the protection clause in *SGDI* 1702 reads: 'Any chance person is authorized—if Technon remains for eight years [as stipulated by the manumittor]—to take away (*sylein*) Technon

as being free . . .’ (ll. 10–11). Likewise, in *SGDI* 1703, in which the manumitted slaves are required to remain with Andronicus, the manumittor, until his death, the protection clause begins, ‘if anyone attempts to re-enslave Soteridas and Sosicrates, *after* Andronicus dies . . .’ (ll. 9–10).<sup>157</sup>

The protection clauses seem to present a paradox: while still obligated to their manumittors, the manumitted slaves were legally, but not practically, free and could not use the means of protection inserted in their manumission document. When they finally attained full freedom, they could prove it only by recourse to the guarantors, the witnesses, and their manumission document; that is, by remaining with or near the manumittor or living within a reasonable distance of the place where a copy was kept or of the guarantors’ place of residence. This must also be true in manumissions that do not contain protection clauses: the only persons who could vouch for the manumitted slave’s freedom were the manumittor, his relatives, and the witnesses of the act. To make this point clear, we should remember that manumitted slaves were foreigners, *xenoi*. Unless they were granted metic status (or some equivalent non-citizen status) in their manumittor’s polis or elsewhere or—if they were of Greek origin—went back to their home-cities and regained their citizenship there, they were vulnerable to a challenge of their status. Interstate agreements (*symbola*) in the Greek world often specified that the citizens and all free residents of the parties to the agreement should be immune from seizure. But in the absence of such an agreement, any person, whether citizen, metic, or foreigner, was in a constant danger of being enslaved. In the next chapter I cite several cases that demonstrate how difficult it was both to know a person’s exact legal status and to prove it. Hence, protection clauses could be effective only if the manumitted slaves were not completely disengaged from their former masters. But in their manumittors’ poleis, the freed persons’ servile origin was known; in other poleis, where they had better chance of starting a new life, they were more vulnerable.

<sup>157</sup> Cf. also *SGDI* 1716, 1717, 1804, 1855, 2065 (Delphi); *IG IX(1)* 39, 42 (Stiris). In *IG IX(1)* 36, from Stiris, in which the manumitted slaves are ordered to remain with the manumittors for the rest of the latter’s lives, it is stated that after the death of the manumittors, ‘Parthena and Homilia may be free, *if* they bury them [i.e., the manumittors], and no one is to re-enslave them in any way and at any time . . .’ (ll. 9–11). This is followed by the protection clause. In Petsas, no. 129, from Leucopetra, the manumitted slaves are to belong to the goddess and be immune from re-enslavement *after* the death of the manumittor.

I suggest that we understand the recurrent terms in manumission document, indicating the manumitted slave's new status, in the same way. Foremost among these terms is 'free' (*eleutheros/a*), which is usually mentioned as the status of the manumitted slave *after* he or she fulfils any condition attached to the manumission (e.g., *SGDI* 1703, 1716, from Delphi). Many inscriptions, from different poleis, state that the manumitted slave 'may not belong to anyone in any way' (μηδενὶ μηδὲν προσήκοντα/προσήκουσαν).<sup>158</sup> In some cases, this formula is more detailed, as in *IG VII* 3332, from Chaeronea, in which the manumittor states that the manumitted slave is to belong 'neither to me nor to anybody else'. Two other manumissions from Chaeronea (3321 and 3322) contain *paramone* clauses as well. These should warn us against assuming that this formula indicated the manumitted slave's immediate and complete independence. In 3362, though, this clause reads, 'and he may not belong to anyone in any way, as from this very day' (ἀπὸ τῆσδε τῆς ἡμέρας), indicating that the manumitted slave's freedom took effect on the day of the publication of his consecration.<sup>159</sup> A similar term is *anephaptos*, 'untouchable', found in several places,<sup>160</sup> sometimes in the related form *anepaphos*.<sup>161</sup> I render this term as 'untouchable', but it has other shades of meaning that cannot be conveyed by a single English word. *Anephaptos* is a negated adjective derived from the compound verb *ephaptein*, which means 'to bind on or to something', 'to claim as one's property', or 'to lay hands on'. The adjective *anepaphos* is a similar derivative of the compound verb *epaphan*, 'to touch'. A manumitted slave described by one of these adjectives is thereby declared to be free of any claim that may be laid upon him or her by the former master, his heirs, or any other person. Thus the manumitted

<sup>158</sup> This term usually appears as a participle (of the verb *προσῆκειν*, 'to belong to'), followed by the dative. See Lazaridis 1975, nos. 2, 4, 5 (Phthiotic Thebes); *IG V(2)* 274 I (Mantineia); *IG VII* 3321, 3322, 3326, 3332, 3349–53, 3362, 3367 (Chaeronea); *IG IX(1)* 82c (Thermon); 189 (Tithora). Cf. also the recurrent clause in the manumissions from Leucopetra (mentioned above): 'no one is to have any power (over him/her), save the goddess (e.g., Petsas., no. 12: μηδένα εἶνε κύριον ἢ τὴν θεὸν μόνην; no. 83: μηδενὸς ἐξουσίαν ἔχοντος τῷ ὀνόμα(τι) τῷ τῆς θεοῦ).

<sup>159</sup> But not necessarily on the same day of his consecration to the god, since, as we have seen (above, 4.1), the process of consecration and recording the act took some time.

<sup>160</sup> See, e.g., *SGDI* 1684, 1722, 1931, 2029 (from Delphi); *SEG* 23, 478 (from Phoenice); Cabanes 1976, 449 (from Buthrotus); *ibid.*, 463 (from Dodona).

<sup>161</sup> See, e.g., *IG IX(1)* 126 (from Elatea); 192 (from Tithora); *IG IX(1)* 3<sup>2</sup>, 754 (from Amphissa); *CIRB* 74, 1123, 1126, 1127 (from the Bosphorus Kingdom).

slave may be described as ‘untouchable by anyone at any time’ (e.g., *SGDI* 1722; *IG IX*(1) 3<sup>2</sup>, 754) or as untouchable by the manumittor and his heirs (e.g., *IG IX*(1) 126; *CIRB* 74). But here, too, we should not infer that this term conveyed immediate and complete freedom; sometimes it appears in deferred manumissions (e.g., *IG IX*(1) 192).

In the inscriptions from the Bosphorus Kingdom, *anepaphos* appears together with the term ‘not to be insulted’ (ἀνεπηρέαστος). This too is a negation derived from the compound verb *epereazein*, which literally means ‘to insult’ or ‘to speak abusively’ of someone. In the context of manumission, it seems to mean that the manumitted slaves are not to be insulted by treating them as if they were still slaves. This pair of adjectives typically appears in the formula ‘not to be touched and not to be insulted by me [i.e., the manumittor] and by any heir’ (e.g., *CIRB* 74); sometimes the collocation is found in deferred manumission (e.g., *CIRB* 74, 1127). Manumitted slaves are also declared to be ‘not subject to seizure’ (ἀνεπίληπτος), a negated adjective, derived from the compound verb *epilambanein*, ‘to take’, ‘to lay hold of’, or ‘to seize’, and thus similar to *anephaptos*. This term is found mainly in manumissions from the Bosphorus Kingdom, usually together with ‘not to be annoyed’ (ἀπαρενόχλητος), derived from the double compound verb *parenochlein*.<sup>162</sup> These two usually appear in the formula ‘not to be seized and not to be annoyed by any heir’ (e.g., *CIRB* 71) or ‘by me [i.e., the manumittor] and any heir’ (e.g., *CIRB* 73). The pair also appears in manumissions that contain conditions (e.g., *CIRB* 70, 71). Again, the manumitted slave would be immune to seizure and annoyance only after fulfilling his or her obligations.

Other similar terms appear in the manumissions from Leucopetra: *anenkleto* or *anepenkleto* (‘not to be reproached’, e.g., Petsas, nos. 5, 19, 22, 23), *anhybristos* (‘not insulted’, e.g., *ibid.*, no. 14), and *anaphairetos* (‘not to be taken away’, e.g., *ibid.*, no. 129). Moreover, two inscriptions warn against exacting *anaphora* from the manumitted slaves (*ibid.*, nos. 20 and 83). The editors compare the use of the term *anaphora* here with the inscriptions from Calymna (e.g., *TC* 152, 153, 171), where it indicates the compensation paid by the manumitted slave for violating the *paramone* obligation. The word *apophora*, it should be remembered (see above, section 4.2.1) also signifies the payment

<sup>162</sup> See *CIRB* 70, 71, 73; *SEG* 43, 510 (only *anepileptos*). This term also appears in two manumissions from Leucopetra (Petsas, nos. 6 and 31).

made by the 'living apart' (*choris oikountes*) of part of their profits. Hence, since the prohibition on exacting *anaphora* appears in the inscriptions from Leucopetra together with the warning against attempts to sell or pledge them—that is, attempts to make a profit by using them as slaves—it may be that this term meant there the profits that might be gained hiring out slaves.

We have also seen (above, chapter 2.3) that the term *apeleutheros* indicated the slave's status after manumission and implied a continuing bond with the manumittor. This is especially clear in the manumissions from Calymna. Several inscriptions include the stipulation that the manumitted slave will be 'the *apeleutheros* of no one' (e.g., *TC* 153, 155),<sup>163</sup> or that he or she will be the *apeleutheros* only of the manumittor (*ibid.*, 170), only of the manumittor and her husband (*ibid.*, 171), or only of the manumittors' biological children (*ibid.*, 177). These conditions mean that *apeleutheros* conveyed not only the idea that a person was set free, but also that he or she still had obligations to the manumittor or—at the latter's option—to other family members. In some of these inscriptions, this condition follows a *paramone* obligation (*ibid.*, 153, 155, 177, 178);<sup>164</sup> hence, an *apeleutheros* had obligations toward his or her manumittors over and above any other conditions attached to the manumission, such as remaining with the manumittor or handing over children. In this I disagree with Babacos (1964), who—following Segré (*TC* pp. 175–8) in some points—argues that in Calymna the law of manumitted slaves set forth manumittors' and their children's rights to the services of their manumitted slaves, particularly *paramone*. Hence, the statement that the manumitted slave will be no one's *apeleutheros* means that he or she was to remain only with the manumittor for the rest of the latter's life and be the *apeleutheros* of no other person; manumissions that state that the manumitted slave will be the manumittor's or the latter's children *apeleutheros* simply emphasize this right and usually do not mention *paramone*. The inscriptions from Calymna, indeed, often refer to the 'laws of manumitted slaves (*apeleutheroi*)' (e.g., *TC* 176b) and to manumitted slaves' exemption from legal proceedings

<sup>163</sup> Cf. also *TC* 167–9, 176b, 181, 182, 189, 190, 196b.

<sup>164</sup> Although *TC* 178 does not contain the noun *paramone* or the verb *paramenein*, the fact that the manumitted slave is ordered to care for their children in the event of his manumittors' death implies that a *paramone* for the length of the manumittors' lives was intended.

concerning *apeleutheroi* (e.g., *ibid.*, 168) and from the 'leading away (*agein*) of manumitted slaves' (e.g., *ibid.*, 198). All these expressions, discussed below in chapter 5, imply that the rights of the manumittors and the obligations of the manumitted slaves were established by law. But as noted above, some inscriptions that make the manumitted slave the *apeleutheros* of someone other than the manumittor do contain *paramone* clauses. Hence I believe that the law anchored the manumittor's right to his ex-slave's services, a right embodied in the term *apeleutheros*, but not necessarily including *paramone*; the nature of these services was decided by the manumittor himself.

Can we infer a similar situation in Thessaly from the often-mentioned 'laws of the *apeleutheroi*' (e.g., *IG IX(2)* 1290), the right of *apeleutherosis* (e.g., *ibid.*, 541), and the formula 'the *apeleutheros* of . . .' in the manumission inscriptions (e.g., *ibid.*, 78b, 415)? Since most Thessalian manumission inscriptions are very concise, no safe conclusion can be reached. The fact that the evidence we do have implies that these laws referred to the rights and obligations of both manumittors and manumitted slaves strongly suggests that *apeleutheros* status in Thessaly was similar to that in Calymna. Note that in *IG IX(2)* 1290, from Pythion, the manumitted female slave and her descendants are allowed, after the end of the *paramone* (which coincides with the death of the manumittor), to purchase a house and land and live wherever they wish, exempt from the laws of the *apeleutheroi*, vis-à-vis the manumittor's heirs and all other persons. This inscription implies, I believe, that without such an exemption these manumitted slaves would have been still bound to their manumittor.<sup>165</sup> This may also be the tenor of the manumission catalogues from Epidaurus (e.g., *IG IV(2)* 1, 353) and Mantinea (*ibid.*, 274 II), in which the manumitted slaves are referred to as *apeleutheroi*. Perhaps the same conclusion applies to *IG VII* 3318, from Chaeronea, in which Agathocles consecrates his 'own *apeleutheros* Daus . . . and he may not belong to anyone' (ll. 4–9; see also above, chapter 2.3.1).

<sup>165</sup> A *paramone ex lege* has been postulated for Thessaly, too, by Helly 1976, 155 n. 26, following Babacos. The fact that in *IG IX(2)* 1290 the woman and her son are granted the right to own real estate may indicate that the legal status of manumitted slaves in Pythion was better than in other poleis. See also below, chapter 6.1. The text of this inscription has been revised by Arvanitopoulos (*Arch. Eph.*, 1913, 167–8; 1924, 176), who suggests to restore lines 12–13 (following the grant of the right to real estate) thus: 'and marry any man she wants'. Cf. Babacos 1966, 80.



As Agathocles' *apeleutheros*, Daus belongs only to him. Manumitted slaves continued, probably for the rest of their lives, to be 'the *apeleutheroi* of' their manumittors—unless explicitly exempted. In some places, the manumittees' obligations were a matter of agreement between them and their manumittors; elsewhere, they may have been prescribed by law. But obligations were always and everywhere a feature of the relations between manumittors and their former slaves.

Finally, we turn to the rights granted to manumitted slaves after all conditions had been fulfilled. In Delphi, the manumitted slave is often given the right to be his or her own master/mistress (e.g., *SGDI* 1807: κυριεύσα αὐτοσσαντᾶς).<sup>166</sup> This apparently means that the manumitted slave is freed of all prior obligations. A similar expression is found in *TC* 198, from Calymna, in which the manumitted slave is given the right to be 'in her own power' (αὐτεξούσιος).<sup>167</sup> Manumitted slaves are sometimes also granted the right to dispose of their property and to bequeath it (e.g., *SGDI* 2251)—in contrast, it should be remembered, to stipulations that the manumittor inherit it. Most important, they are given the right to live wherever they wish and do whatever they want (e.g., *SGDI* 1686, 1749)—two of the four elements of freedom that Westermann discerns in the manumissions from Macedon and Delphi (1955, 35). This clause has various wordings in different places. In Delphi, it usually takes the form 'do whatever and depart wherever he/she wishes' (e.g., *SGDI* 1719: ποιούσα ὃ κα θέλη καὶ ἀποτρέχουσα οἷς κα θέλη). In Calymna, manumitted slaves were given the right to 'sail in and out' (ἐκπλεῖν ἐσπλεῖν), that is, to go and come as they wish, after fulfilling all their obligations (*TC* 194, 197, 198). This phrase, it should be noted, is a standard formula in honorific decrees to foreigners, indicating immunity from arbitrary seizure. The manumitted slaves in *CIRB* 73, ll. 17–8, from the Bosphorus Kingdom, are granted the right to 'turn unhindered without any contest' (τρέπεσθαι ἀν]επικωλύτως ἄν[ευ πάσης ἀμφισ]βητήσεως; cf. *CIRB* 70). It should be noted, though, that their freedom of movement was limited by their obligation to serve the prayerhouse (above, 4.2.2); hence, they could leave their manumittors'

<sup>166</sup> Cf. *SGDI* 1818, 1866, 1867, 1870, 1920, 1978, 1984.

<sup>167</sup> It is noteworthy that Diodorus Siculus (14.105.4) uses this term to denote unconditional release of captives. The slave girl manumitted in our inscription may have been adopted by her manumittor's husband and hence free of all prior obligations (see above, chapter 3.1, and in this chapter, section 4.3).



house, but not the city. In one manumission from Phthiotic Thebes (Lazaridis 1975, 647–8, no. 2), the manumitted slave is free to ‘stay, emigrate, or *metoikein* wherever he wishes’ (ἐνδημεῖν, ἀποδημεῖν καὶ μετοικεῖν). The verb *metoikein* is not necessarily used here in its technical sense of being a metic and may simply mean ‘dwell’, as in *Syll.*<sup>3</sup> 1208, from Thespiae, which states that when the term of the *paramone* is over the manumitted slave may not *metoikein* with the manumittor’s descendants. It is clear that in the latter inscription the manumitted slave was released of any further obligation to remain with or near his manumittor’s family and that the verb is not used in its technical sense.<sup>168</sup> Moreover, the right to be a metic in any given polis was usually granted by the polis and was not something a private citizen could confer on others. But in light of similar rights, granted to manumitted slaves in inscriptions from other poleis, *metoikein* may have indicated a legal status in the inscription from Phthiotic Thebes. These rights, some of which were mentioned above,<sup>169</sup> however, designate the manumitted slaves’ status in the polis and vis-à-vis other citizens—a subject I discuss in detail in chapter 6.1.

So we see that the act of manumission was both unequivocal—in its declaration of freedom and its enumeration of rights—and ambiguous—in its limitation of the manumitted slave’s freedom. Moreover, it was diverse in its wording of the manumitted slave’s obligations, but uniform in reflecting the manumitted slaves’ continued dependence on their manumittors. Most important, our sources reflect the dynamic nature of manumission and the gradual acquisition of freedom.

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<sup>168</sup> Vollgraff (*BCH*, 25 [1901], 359) compares this inscription to A., *Supp.*, 609, in which this right is granted to the Danaids, and argues that it means immunity to any harm. But in the inscription the manumitted slave is given the right *not* to *metoikein*. On Aeschylus’ play and its importance to the study of the status of non-citizens in Athens, see Zelnick-Abramovitz 1998.

<sup>169</sup> See, for instance, *IG* IX(1) 34, from Stiris, in which the manumitted slaves are granted the right to *politeuein* (be citizens?) wherever they wish, and 82c, from Thermon, in which the manumitted slave is given the right to be *isoteles* and *entimos* (see also chapter 2.2). Note that these rights, which were usually granted by the institutions of the polis, are included in private manumission contracts.

## CHAPTER FIVE

### LAWS AND LEGAL ACTIONS

In the course of the previous chapters we have encountered references to laws, regulations, and legal proceedings concerning manumitted slaves. In most cases, all we know about such laws and actions is the fact of their existence. It is important, however, that we try to determine their content and procedures, because they reflect the involvement of the polis in what was otherwise considered to be a private matter. This involvement implies that the poleis were concerned with regulating the rights and obligations of manumitted slaves and had an interest in establishing clear status distinctions. Laws and the judicial system reflect status distinctions; moreover, they are often used to construct the social position of the members of various status groups.<sup>1</sup> Hence, laws and regulations can teach us about the Greek concept of manumission and the status of manumitted slaves—vis-à-vis both manumitters and the polis. This task, however, is not easy. One of these legal procedures, the *dike apostasiou*, is known chiefly from Athens and what evidence we have for it is scanty, obscure, and disputed. Harpocration's explanation of it was cited above (chapter 4.3) and discussed with regard to the obligation to register a *prostates*. In this chapter (5.1), other parts of Harpocration's explanation will be examined and analysed in the context of the so-called *phialai exeutherikai*, the 'Lists of Silver Bowls'. These lists are generally assumed to be the fictitious or genuine verdicts of trials issuing from *dikai apostasiou*. Yet their purpose and significance have been long debated. Analysing the evidence and discussing the implications of this procedure for the status of the manumitted slave, I offer another way of interpreting these inscriptions. Evidence that may imply similar procedures in other places is then reviewed and analysed.

Another legal procedure is the *aphairesis eis eleutherian* (it too mentioned in the previous chapters), also known mainly from Athens,

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<sup>1</sup> See Hunter 2000, 23; Osborne 2000, 76–8; Golden 2000, 178.

though there are some references to it in non-Attic manumission inscriptions. This procedure, its evidence, and its implications for the status of manumitted slaves are discussed below (5.2). These two legal procedures, although initiated by private slave-owners, involved the judicial system of the polis. Hence, the manumittors' rights to their manumitted slaves, the latter's obligations towards the former, and the actual legal status of residents of the polis concerned all citizens. This concern is also attested by the many references—although only from certain poleis—to the 'laws of manumitted slaves'. In section 5.3, I inquire into the possible content of these laws and discuss their significance for a study of the status of manumitted slaves. As we shall see, manumitted slaves emerge from this discussion as a social group of special concern to the polis and possessing an unstable but distinct status of dependent and not wholly free persons.

### 5.1 *The Dike Apostasiou*

As noted above, our evidence for the *dike apostasiou* is scanty. Apart from a brief allusion in Demosthenes (35.47–9) and in the *Athenaion Politeia* (58.3),<sup>2</sup> our fullest information about this legal procedure comes from late lexicographers. If we want to elucidate its meaning, we should begin by again citing Harpocration's explanation (s.v. ἀποστασίου, quoted above, in chapter 4.3): 'This is a kind of a private law-suit (*dike*), which manumittors (*apeleutherosantes*) could bring against their manumitted slaves (*apeleutherothentes*), if they left them (ἀφιστῶνται)<sup>3</sup> or registered another *epistates* and did not do what the laws require. Those who are convicted must become slaves, and those who are acquitted become completely free.' The *Souda* (s.v.) has an almost identical entry, except that it uses the word *prostates* instead of *epistates*. But the *Souda* also has a second explanation;

<sup>2</sup> In D., 35.47–9, the speaker names all the legal procedures he would not be able to use if his charge is rejected; among these possibilities he refers to the Polemarch, who, according to him, 'introduces *dikai apostasiou* and *dikai aprostasiou*'. The *Ath. Pol.*, 58.3, states that the Polemarch brings to court *dikai apostasiou*, *dikai aprostasiou*, and other private charges involving non-citizens.

<sup>3</sup> Todd (1993, 190–1) translates this verb as 'desert', as is appropriate where ἀφίστασθαι is used to indicate runaway slaves. This translation, however, may not be appropriate in the case of manumitted slaves. I therefore render it, inadequately, as 'leave', although this apparently was not the only meaning in this context. For a discussion of its meaning, see below.

namely, that this is a proceeding initiated by slave-owners against their slaves who pretended to be free. This explanation, however, seems to have confused the *dike apostasiou* with the *graphe xenias*—the prosecution of persons alleged to be foreigners. Gernet (1955, 170 n. 5) suggests that the confusion in the *Souda* may have arisen from the similar function of the *apostasiou* procedure and the ‘leading into slavery’ (*agoge eis douleian*): both were meant to help ex-masters exert their rights. As we shall see, however (5.2), the confusion is even greater, because the *agoge* also resembled another procedure—the *aphairesis eis eleutherian*. Pollux’s explanation (8.35) is similar to Harpocration’s. Another variation (*Lexicon Rhetoricum*, 201 Bekker) is more specific about the content of the laws: ‘... and if they did not do what the laws require manumitted slaves to do for their manumitters.’ These explanations pose several difficulties that need to be clarified. Before that, however, we should note two points. First, in most of the aforementioned definitions, both ‘manumitters’ and ‘manumitted slaves’ are expressed in the Greek as participles of the verb *apeleutheroun*. Demosthenes’ reference to laws of the *apeleutheroi* and laws of the *exeleutheroi* (Pollux, 3.83) implies the existence in Athens of two legal categories of manumitted slaves. Hence, we may plausibly assume that the *dike apostasiou* could be brought against *apeleutheroi* but not against *exeleutheroi*. Moreover, Harpocration’s claim (to which I shall return below) that those acquitted became ‘completely free’ may indicate that they became *exeleutheroi*.<sup>4</sup> Second, this procedure is described as *dike*, a private prosecution. In Athens, prosecutions classified as *dike* could be initiated only by the injured party or relatives, whereas those classified as *graphe* (public prosecution) could be brought by any citizen who so wished. Hence, only manumitters or, presumably, their heirs could prosecute their manumitted slaves by *dike apostasiou*. This is important, because it points to the private nature of manumitter-manumitted slave relationships; offences classified under *apostasiou* deprived ex-owners of their rights over their manumitted slaves. But these relationships were also a concern of the polis.

A *dike apostasiou*, we learn, could be initiated on the grounds of three offences: ‘leaving’ the manumitter, registering a *prostates* other than the manumitter, and not doing what the laws require. The first offence is obscure; it seems to be an etymological explanation of the

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<sup>4</sup> For the difference between these two words, cf. above, chapter 2.3.

word *apostasiou*, which is a derivative of the verb used by Harpocration, *aphistasthai*, whose literal meaning is 'to stand away/apart from' and, hence, also 'to rebel'. The lexicographers do not explain what 'standing away' from or rebelling against the manumittor means; they may have been ignorant of the nature of the offence. Hence, I use 'leave' as a general term for breaking whatever bound the manumitted slave to his or her manumittor; if 'standing away' was an offence, then 'standing near/beside' was what the manumitted slave was expected to do. This calls to mind the 'service' (*therapeia*) required from manumitted slaves in Plato's *Laws* (915a–c), which included a monthly visit to the manumittor's house and rendering unspecified services (see above, chapter 4.2.2). As noted above, it is possible that Plato drew on Athenian practices and laws; in any case, the similarity is striking, tempting us to assume that in Athens, 'leaving' or 'standing away from' the manumittor meant the violation of the conditions that manumittors attached to acts of manumissions.<sup>5</sup>

Judging by Harpocration's formulation, the three offences form two sets: (a) 'if they left them or registered another *epistates/prostates*'; (b) 'and did not do what the laws require'. This grammatical structure implies a distinction between the manumitted slaves' private obligations (towards their manumittors) and their public obligations (towards the polis). This distinction seems plausible, if we remember that manumission, as well as the conditions attached to it, were a matter of a private agreement. But in the version of the *Lexicon Rhetoricum* (201 Bekker), as we have seen, the laws regulated the manumitted slaves' obligations to their manumittors. Both this and Harpocration's lexicon drew their material from the Attic orators; there is no way of telling which of them is more accurate. If we accept the *Lexicon Rhetoricum*'s version, we must assume that Athenian law not only prescribed that manumitted slaves provide further services to their manumittors, but that it also specified what these obligations were.<sup>6</sup> As noted above (chapter 4.2.2), Babacos asserts that this was the case in Calymna. But if manumitted slaves' obligations to their manumittors were defined by the Attic law, why was this procedure called *dike*, that is, a private procedure?

<sup>5</sup> Cf. Calderini 1908, 331; Gernet 1955, 171.

<sup>6</sup> See Gernet (1955, 171–2), who believes that the manumitted slaves' obligations towards their ex-owners were specified by the 'laws of the *apeleutheroi*', to which Demosthenes refers (according to Pollux, 3.83), because there is no example from Athens of conditions attached to manumission. See also below, chapter 6.1.

The lexicographers and other later sources also inform us that several Attic orators wrote speeches for prosecutors and defendants in *apostasiou* trials.<sup>7</sup> Since these speeches are now lost, we have only the names of the orators who wrote them and of the litigants for whom they were written, plus here and there a brief citation that adds very little to our understanding of the procedure. For instance, according to Diogenes Laertius (2.52), Dinarchus wrote a speech in defence of Xenophon's manumitted slave. This evidence is puzzling, since, according to Diogenes, the speech was written after Xenophon moved to his estate in Scillus, granted to him by the Spartans after 394 B.C. It is unlikely that the suit was brought by Xenophon while he lived in exile outside Athens. If he indeed sued his manumitted slave, it must have happened after his return to Athens (ca. 366/5 B.C.). Dinarchus, however, was born about 360 B.C. and was only five or six years old when Xenophon died (in 354 B.C.). Since Diogenes also says that Xenophon's sons were mentioned in the speech, perhaps one of them was the prosecutor. If this was the case, it implies that the rights to manumitted slaves could also be exercised by the manumittors' heirs.

What, then, was the exact meaning of the offence described as 'leaving' and what did the laws require? Were these the same laws as those referred to by Demosthenes (according to Pollux, 3.83)? It may be significant that immediately following his citation of Demosthenes, Pollux refers again to the *dike apostasiou*. But we can only conjecture. The evidence that such prosecutions were brought against manumitted slaves seems to be reliable; it is supported by the numerous references to speeches written for prosecutors and defendants by the Attic orators. It also seems safe to assume that in Athens manumitted slaves were obligated by their manumittors to further services of some kind and that laws were enacted to regulate the relationships between former owners and former slaves or between the latter and the city. Outside Athens, manumission inscriptions that mention 'laws of manumitted slaves' allude only very briefly to the manumitted slaves' obligations; inscriptions with elaborate stipulations, on the other hand, usually do not mention laws. Hence it may be that manumitted slaves' obligations to their manumittors, both in Athens and elsewhere, were originally a private matter, a matter of

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<sup>7</sup> See Beauchet 1897, 504; Calderini, 330-2; Harrison 1968, 185 n. 3. Cf. D.L., 2.52; D.H., *Din.*, 12.

oral agreement between the parties. These obligations may have included the requirement to remain with the manumittor, as attested in other poleis and in the philosophers' wills, the manumittor's right to the property of his manumitted slave, various services, and perhaps the obligation to register the manumittor as the freed person's *prostates*—the only specific information we have of the Athenian polis' requirements of manumitted slaves (see above, chapter 4.3). These obligations, then, were variable and depended on manumittors' whim and their relationships with their slaves.

The law prohibiting manumissions in the theatre, referred to by Aeschines (3.41, 44), implies that manumissions in Athens became so frequent by the mid-fourth century B.C. that laws had to be enacted to enforce clear legal distinctions between citizens and the growing population of manumitted slaves and define the rights and obligations of the latter. The frequent allusions in our sources to prosecutions of citizens alleged to be foreigners and the occasional scrutiny of the citizen body (*diapsephisis*) point to a growing concern with protecting citizenship.<sup>8</sup> This may have been the context for the enactment of 'laws of the manumitted slaves'.<sup>9</sup> I would suggest that what had originally been a private agreement became a political issue. The general obligation of manumitted slaves to provide further services to their former masters was sanctioned by law. The lexicographers' obscure phrase 'what the laws require' reflects, I believe, the intentionally obscure phrasing of the laws; the laws did not dictate which obligations were imposed on manumitted slaves.<sup>10</sup> The different formulation in the *Lexicon Rhetoricum*, 'what the laws require manumitted slaves to do for their manumittors', does not necessarily contradict this assumption. This formulation is just as obscure as the other and may refer to an undefined requirement

<sup>8</sup> This concern is already noticeable in the fifth century B.C., according to Ar., *Vesp.*, 716–18 and schol.; *Av.*, 11, 30–35, 764–5, 1526–7; Plut., *Per.*, 37. For the fourth century, see, e.g., Is., 12; Aeschin., 1.114–5; D., 39; 40; 57; Din., fr. 16; Hyp., 4.3; [Arist.], *Ath. Pol.*, 42.1–2; Plut., *Phoc.*, 28, 34–6. Cf. Scafuro 1994; Hunter 2000, 20.

<sup>9</sup> Gernet (1955, 168) suggests that, since the *dike apostasiou* is not known earlier than Isaeus, it must have been established only in the fourth century B.C. or, perhaps, after the restoration of democracy in 403 B.C. and the revision of laws.

<sup>10</sup> Beauchet (1897, 490–1, 506) claims that the laws specified the manumitted slaves' obligations towards their manumittors. He likens these obligations to the Latin terms *obsequium* and *operae*, which signified the manumitted slave and client's obligations to his former master and patron in Rome.

that manumitted slaves comply with the manumittors' stipulations. These obligations remained a private matter, except for registering a *prostates*. Athens did not regulate manumission per se; neither did it impose a manumission tax. But Athens did regulate the status of manumitted slaves by obligating them to serve their former masters and by stipulating certain obligations towards the state (such as registering a *prostates* and perhaps paying special taxes, as metics did). These laws made it possible for the polis to keep records of its non-citizen residents.

The *Athenaion Politeia* (58.2) explains that all charges involving foreigners were brought before the Polemarch (cf. D., 35.47–9), who divided them into ten groups and assigned each group by lot to one of the ten tribes into which the citizens of Athens were organized. The judges of each tribe referred the charges to arbitrators. It is not clear whether this procedure was also used in *apostasiou* prosecutions, because the text continues, 'but he himself (αὐτός, i.e., the Polemarch) introduces private prosecutions, those of *apostasiou* . . .' (58.3). Rhodes (1981, 656), noticing this difficulty, suggests emending 'himself' to 'he' (οὗτος) and proposes that the same procedure was used in *apostasiou* proceedings. Harpocration (s.v. ἡγεμονία δικαστηρίου), on the basis of Isaeus' lost speech *In Defence of Apollodorus*, says that *apostasiou* trials were heard by a special court composed of the members of the prosecutor's tribe. The same information is given by Pollux (8.91). Drawing on Plato's *Laws*, 915c, which refers to tribal law courts that judge cases that were not decided by neighbours and arbitrators, Beauchet (1897, 507) infers that the lexicographers were right. But here Plato seems to be speaking only of trials on charges of violating the law that foreigners and manumitted slaves must leave the state within 30 days if their property exceeds that of the third property class.

There are other puzzling questions. First, since the defendants in the *dike apostasiou* were manumitted slaves, were they allowed to plead in court or were they obligated to be represented by their *prostatai*? This question also applies to metics, particularly if we assume that manumitted slaves were assimilated to them. But the procedural capacity of metics in Athens is a matter of dispute.<sup>11</sup> Indirect evidence

<sup>11</sup> In D., 25.58, the *prostates* of a metic woman is called to testify that she paid the metic tax. A scholion to this passage (Dilts) explains that metics had to be represented in court by their *prostatai*. But in other orations of Demosthenes (nos. 32,



may suggest that defendants in *dike apostasiou* could plead through a third party: according to Harpocration (s.v. διαμαρτυρία), foreigners could not use the *diamartyria* procedure in a *dike apostasiou*. The *diamartyria* was the technical objection, brought by a witness during the preliminary stages of the trial, to the effect that the prosecution is legally unjustified. Hence, it can be inferred from Harpocration that a citizen could use the *diamartyria* on behalf of the defendant (Gernet 1955, 171; Todd 1993, 135–6). Second, if we assume that defendants had to be represented by a *prostates*, who represented them if they were prosecuted for registering another *prostates*? The same question applies to prosecutors who were themselves manumitted slaves or metics. Metics do appear among the prosecutors in the ‘Lists of Silver Bowls’, but we cannot tell whether or not they were represented by a citizen or what charges they were bringing against the defendants.<sup>12</sup> Third, according to Harpocration, those convicted in *dikai apostasiou* became slaves. Does this mean that they returned to their former masters or that they were sold to others? A passage in Demosthenes’ *Against Aristogeiton* (25.65) may support the latter possibility. The speaker says that Aristogeiton’s mother was sold, after being convicted in a *dike apostasiou*.<sup>13</sup> Fourth, what was the legal status of those acquitted? According to Harpocration, they became ‘completely free’ (τελέως ἥδη ἐλευθέρους). I believe this means that they were exempted from any further obligation to their former masters<sup>14</sup> and thus entered the category of *exeleutheroi*. The latter, as we have seen (chapter 2.3.2) had more freedom, that is, they did not belong to and were not dependent on their former masters—

33, 34, 56), metics plead without a *prostates*. Cf. Harrison (1968, 191–2), who suggests that the involvement of the *prostates* may have been needed in the preliminary proceedings. Todd (1993, 198) points out that there is no firm evidence for the representation of metics by their *prostatai* in court. See also Whitehead 1977, 91.

<sup>12</sup> As suggested above (chapter 4.3), a metic manumitter either transferred his right to be a *prostates* to a citizen or his own *prostates* filled that role for the manumitted slave.

<sup>13</sup> Todd (1993, 191 n. 40) notes that the verb ἀπέδοσθε in D., 25.65, can be interpreted either as ‘you (the judges) gave back (to the manumitter)’ or as ‘you sold (into slavery)’. But Todd believes, with MacDowell (1978, 82), that conviction in *apostasiou* cases did not lead to the sale of the manumitted slave but to his or her being returned to the former master. He therefore suggests that here this verb means ‘sell’ and that the prosecution in question was a *graphe apostasiou*, brought against metics who failed to register a *prostates*. See also Beauchet (1897, 509), who claims that those convicted in *dikai apostasiou* were sold at auction and that the proceeds were paid to the former masters by way of compensation.

<sup>14</sup> Cf. Martini 1997; Todd 1993, 192; Klees 2000, 6.

although an *exeleutheros* still fell short of an *eleutheros*. This assumption is corroborated by the 'Lists of Silver Bowls'. The *exeleutheroi*, however, were not exempt from their obligations towards the state, which I discuss in chapter 6.1.

The *dikai apostasiou*, as well as their outcome, reflect, I believe, the concept of manumission as protracting the manumitted slave's dependence on his or her former master. The Athenian courts of law, suggests Osborne (2000, 76–80), were a public non-violent mechanism for establishing the social position of the parties. In general, *dikai* were struggles between parties of equal social standing; the court verdict repositioned the winner within a small social group. In public prosecutions (*graphai*), on the other hand, the social repositioning resulting from a successful prosecution could involve more than a small group. A special severe case of third-party prosecutions, says Osborne, were those in which a reward was offered to prosecutors; the size of the potential monetary reward and the potential gap between the social position of the prosecutor and that of the prosecuted threatened to make a successful prosecution into a serious social disruptive. A wealthy citizen who lost a case to a socially inferior person, not only suffered a monetary loss, but also a loss of honour. Moreover, to allow persons to prosecute and to serve as witnesses was to allow them to compete for differential honour. That is why, he says, metics were not allowed to prosecute in several types of *graphe*. Osborne's thesis seems to take no account of *dikai apostasiou*, in which the parties were of an unequal social position;<sup>15</sup> it can, however, be reconciled with this type of *dike*. 'Leaving' a manumittor was itself socially disruptive. Manumitted slaves who evaded their obligations to their manumittors destabilized the social hierarchy, by which they were known to be inferior to and depended on their former masters and to belong to a distinct lesser group among the non-citizen residents. Evading obligations thus meant the loss of honour to the former masters and a threat to the social order of the polis. A successful prosecution in a *dike apostasiou* not only regained honour for the prosecutor, but also re-established social order by removing the rebellious freed person back to slavery. A prosecutor who lost the case may well have lost honour, on top of losing the services of his manumitted

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<sup>15</sup> It is, however, compatible (although Osborne does not mention it) with the *graphe apostasiou*, launched by a third party against metics who failed to register a *prostates*. A loss in this prosecution could be socially disruptive.

slave; the acquitted freed person, on the other hand, became legally and openly an independent free non-citizen. The law court thus regulated the social position of the parties and the social order in general by defining and redefining social and legal distinctions.

Let us now examine the 'Lists of Silver Bowls', the *phialai exeleutherikai*. These inscriptions, *IG* II<sup>2</sup> 1553–1578, found on many fragments of stone, have been the subject of different interpretations. Ever since Wilamowitz (1887) restored the words *πολεμαρχοῦντος* ('in the year of the Polemarch . . .') and ἀπο]στασίον (*apostasiou*) in the heading of *IG* II<sup>2</sup> 1578, it has been maintained that these inscriptions record the results of *dikai apostasiou*. This conclusion is strengthened by the heading of *IG* II<sup>2</sup> 1560, which refers to judges (οἱ δικάσ[ταί; ll. 4–5). Lewis (1959; 1968) has studied and re-edited the fragments; he also assembled and assigned them to separate inscriptions and steles and dated them to ca. 333–320 B.C. The inscriptions record, with various formulae, the names of more than 300 persons who (except in *IG* II<sup>2</sup> 1576 and 1578, col. I) dedicate silver bowls (*phialai*) weighing 100 drachmae to the goddess Athena. The uniform weight implies some sort of a state levy. This is made clear by the heading of *IG* II<sup>2</sup> 1560, in which the verb of dedication (ἀνατιθῆται; l. 1) and the instruction to register names according to the law (ἀναγράφειν τὰ ὀνόματα --- κλεῦο[ν]τος τοῦ νόμου; ll. 5–6) have been restored. Hence it has been suggested that this inscription contains the law that prescribed the payment of silver bowls and that it was enacted about 330 B.C., probably at the initiative of the orator and politician Lycurgus (Diller 1937, 167–8; Lewis 1959, 234–7; 1968, 376). *IG* II<sup>2</sup> 1560, therefore, is later than *IG* II<sup>2</sup> 1576 and 1578, col. I, which do not mention the silver bowls. Two inscriptions also mention a single date under which numerous names are grouped together; the heading of *IG* II<sup>2</sup> 1578, for instance, mention the 15th of the month Hecatombaion; another date is mentioned in lines 12–19 of the fragment edited by Lewis (1968). These dates indicate that the procedures involved took place on different days. The *phialai exeleutherikai* thus resemble the manumission catalogues from other poleis (Thessaly, Mantinea, Epidauros, and Buthrotus): they are concise lists of names, grouped under different dates, and refer to manumitted slaves.

Most of the lists use the following formula: the name of the manumitted slave in the nominative case, his or her occupation, deme of residence (οἰκῶν/οὔσα ἐν . . .), the verb that denotes acquittal (ἀποφεύγειν in various moods and forms), the name of the prosecu-

tor in the accusative, his patronymic and deme (in the case of a citizen), and—except for the earlier inscriptions—the notation that a silver bowl of 100 drachmae was dedicated to Athena. Other inscriptions, however, have a different order and grammatical structure: the name of the prosecutor appears first, in the nominative case, followed by his patronymic and deme, the name of the manumitted slave in the accusative, his or her deme of residence, his or her occupation, and the mention of a silver bowl; the verb *apopheugein* does not appear. Several scholars have interpreted the second formula as signifying convictions of manumitted slaves in *dikai apostasiou*; hence, it has been assumed that all these lists record the results of genuine trials.<sup>16</sup> The variants in wording and order have been explained as the result of the inscriber's negligence.<sup>17</sup> It has also been argued that the verb *apopheugein* is a technical legal term and cannot describe manumission. The view that these lists record genuine verdicts may explain why those who were acquitted (the first formula) appear as already registered in demes that are not the same as those of the prosecutors and why they have independent occupations. Acquittal, according to Harpocration, made them completely free; that is, they were exempted from all prior obligations to their manumitters. But how can we explain the fact that those convicted (indicated by the second formula), too, appear in the inscriptions as registered in demes and working independently, when—according to Harpocration—they should have been returned to slavery?

This difficulty has led other scholars to claim that the inscriptions record manumissions disguised as *apostasiou* trials. Moreover, the idea that so many manumitters prosecuted their manumitted slaves during such a short period strikes them as improbable. Hence the prevalent view is that these were fictitious trials.<sup>18</sup> The fact that the inscriptions display various formulae is explained by Lewis (1959, 237) as merely reflecting different styles. This is also the view of Rädle (1969, 20–1), who suggests adding the verb *apeleutheroun*, 'to manumit', to the second formula. Westermann (1946, 94–104), however, although agreeing that these were fictitious trials, suggests that

<sup>16</sup> Thus Wilamowitz 1887, 110 n. 1; Clerc 1893, 288–92; Beauchet 1897, 511; Todd 1901–2, 198–201; Robert 1946–7, 318; Lewis 1959, 237–8 (who nonetheless has reservations).

<sup>17</sup> Thus Clerc 1893, 288–92.

<sup>18</sup> Thus Diller 1937, 143; Lewis 1959, 237; 1968, 376; Harrison 1968, 183; Rädle 1969, 16–21; Albrecht 1978, 328–9.

they were intended to release the manumitted slaves from *paramone*-obligations, similar to the *apolyxis* known from other poleis (see above, chapter 4.2.2). The dedication of a silver bowl, he claims, was intended to publicize this release as well as the fact of the original manumission. The fictitious element in this procedure, he argues, is minimized by the fact that a release from *paramone* obligations was similar in effect to an acquittal in *dikai apostasiou*. Kränzlein (1975, 264), comparing these inscriptions with the case of Eumathes (Is., fr. 15), who, according to the speaker, had been manumitted by his master in the law court,<sup>19</sup> maintains that the inscriptions that use the first formula (the manumitted slave's name in the nominative) record manumissions in court and have nothing to do with the *dike apostasiou*. The legal verb *apopheugein*, he says, was used because the declaration of freedom was made in the law court. He also suggests that the silver bowl was a manumission tax. We do not know what the procedures were in Eumathes' case; but it should be noted that Isaeus' oration itself was delivered in a trial associated with another procedure, the *aphairesis eis eleutherian*, which will be discussed in the next section.

The view that these inscriptions record fictitious trials, however, also has its weaknesses. First, if an acquittal in a *dike apostasiou* made the manumitted slave completely free, manumitters who made fictitious use of the procedure would have had to take its full implications into consideration. Did more than 300 manumitters forfeit their right to the services of their manumitted slaves?<sup>20</sup> Second, if we accept this view, we must assume that the judicial system in Athens was openly and deliberately used for non-judicial purposes. Moreover, we must assume that the citizens co-operated in this sham and even imposed a tax or a publication fee to make it publicly known. Although fictions were also used elsewhere, such as the manumission by sale to a god, the case of these inscriptions seems different. The sale of slaves to a god made use of an old and probably obsolete religious institution and could easily be presented as a means to obtain divine sanction. The use of the law courts—the embodiment of the sovereignty of the Athenian demos—for the same purpose seems less probable. Were the 6,000 Athenian judges, chosen annu-

<sup>19</sup> On Eumathes' case, see chapter 2.2, and chapter 4.4.

<sup>20</sup> Cf. Todd 1993, 192.

ally by lot, deliberately allotted to sit in fake trials? Surely Aristotle, a severe critic of Athenian democracy, or a student of his would not have failed to mention it in the *Athenaion Politeia*, which contains seven chapters (63–9) on the Athenian legal system.<sup>21</sup> There also remains the question of the reason for using a legal procedure for the purpose of manumission.

Hence, despite the difficulties, I propose we accept the view that these inscriptions record the verdicts of genuine trials. The various formulae may indeed reflect different styles. The fact that so many names are grouped under a single date in *IG II*<sup>2</sup> 1578, for instance, does not necessarily mean that all these trials took place on one day. In the manumission catalogues from Thessaly, for example, we see that manumissions were registered only once a month. I suggest a similar procedure for the publication of the 'Lists of Silver Bowls'. This can be inferred from a special category of legal procedures in Athens, the 'monthly trials' (δίκαι ἔμμηνοι), mentioned in the *Athenaion Politeia*. Since the nature of these 'monthly trials' is important to an understanding of the 'Lists of Silver Bowls', we should examine them in detail. The *Athenaion Politeia* (52.2) lists several categories of monthly trials, among them charges concerning *eranoi* (friendly loan-funds) and slaves (*andrapoda*). All the charges mentioned in the text were brought to court and judged by five citizens, chosen by lot, one from every two tribes. These officials were called *eisagogeis*, from the technical verb *eisagein*, which denotes bringing cases to court.<sup>22</sup> Most scholars believe that the 'monthly trials' were summary legal procedures, in which judgement was given within a month of the day the charges were initiated (e.g., Beauchet 1897, 100–101; Harrison 1971, 16, 154).<sup>23</sup> Cohen (1973, 38–40), on the other hand, argues that the rapidity of these trials was due to the omission of the arbitration stage that usually followed the submission of charges (*lexis*) and of

<sup>21</sup> The latest event mentioned in Aristotle's *Politics* is the death of Philip II of Macedon, in 336 B.C.; hence, if the practice of using the courts for manumission began only about 330 B.C., it could not have been known to Aristotle. It is, however, possible that such manumissions were practiced before their publication, which the 'Lists of Silver Bowls' represent, became compulsory. The *Athenaion Politeia* was written in the late thirties of the fourth century B.C., but several additions had been made to it in the early twenties; see Rhodes 1981, 51–8. Hence, both Aristotle and the author of the *Athenaion Politeia* should have been aware of the use of the law courts for manumission, had such practice existed.

<sup>22</sup> For the *eisagogeis*, see Harrison 1971, 21–3.

<sup>23</sup> For the different interpretations, see Pringsheim 1950, 476.

the preliminary hearing (*anakrisis*). The 'monthly' indictments, he suggests, could be brought only once a month, on a specific date (probably the last day of the month), and were tried within a month, that is, before the next date on which such charges could be submitted (*ibid.*, 31–4).<sup>24</sup> Hence more accusations could be handled in one day and a trial date fixed without delay.

Cohen examined the 'monthly trials' in his study of the *dikai emporikai*, legal procedures arising from commercial disputes, in which both prosecutors and defendants could be non-citizens. These suits, or similar procedures, were originally submitted to the *nautodikai*, who also judged challenges to a person's citizen status (*graphe xenias*).<sup>25</sup> Sometime after 355 B.C., *dikai emporikai* were instituted as a special class. In the *Athenaion Politeia* (59.5) they are among the charges brought before the Thesmothetai, along with cases concerning the mines and prosecutions of slaves who slandered free persons.<sup>26</sup> These are not said to be 'monthly' and do not appear in the list of 'monthly trials' in 52.2. But Harpocration, citing Demosthenes and Hyperides, says that the 'monthly trials' included the *dikai emporikai* and the *dikai eranikai*; the latter category does appear in *Ath. Pol.*, 52.2. Pollux, too, includes these two cases in his definition of the *eisagogeis* of the 'monthly trials' (8.101), along with the *dikai proikos* (concerning dowries), also mentioned in *Ath. Pol.*, 52.2. So there seem to be different versions as to which magistracy was responsible for the 'monthly trials' and different groupings of the relevant cases. Cohen (1973, 161–97) suggests that, sometime after 355 B.C., the *dikai emporikai* were transferred to the *eisagogeis* and included in the 'monthly trials' (even though they are not mentioned in *Ath. Pol.*, 52.2); sometime between 330 and 320 B.C., as *Ath. Pol.*, 59.5, attests, these cases were entrusted to the Thesmothetai. Cohen explains this last change as a result of the grain shortage of 330–326 B.C.; anxious to control grain supplies, the Athenians entrusted cases involving this serious issue to the Thesmothetai, who handled charges of great concern to the community as a whole. Cohen (*ibid.*, 16–34) also points out that several

<sup>24</sup> Cohen's interpretation has been followed by MacDowell (1978, 231–2) and Rhodes (1981, 583). It has been disputed by Gauthier (1974, 424–5).

<sup>25</sup> On the *nautodikai*, see Harrison 1971, 23–4; Cohen 1973, 162–76.

<sup>26</sup> That by the time of the composition of *Athenaion Politeia* the *dikai emporikai* were in the Thesmothetai's jurisdiction is also confirmed by D., 33.1, 23; 34.45; both speeches date to shortly after 330. Cf. Rhodes 1981, 665.



types of cases defined as ‘monthly’ were previously assigned to different procedural categories, while others that are not defined as ‘monthly’ were probably handled as such. Thus the *dike aikeias* (concerning assault), which is included in the list of the ‘monthly trials’ in *Ath. Pol.*, 52.2, was under the jurisdiction of the ‘Forty’ (the tribal judges who sat in cases involving up to 10 drachmae; cf. *Ath. Pol.*, 53.1–2) in 346/5 B.C., according to Demosthenes (37.33). The *dike chreos* (concerning debts) was probably ‘monthly’ by 423 B.C., to judge from Aristophanes (*Nub.*, 1189–91, 1220–21). Hence, the category of ‘monthly trials’ included different charges in different periods, and the class of magistrates responsible for them probably varied over the years.

We see that two of the ‘monthly’ cases mentioned in *Ath. Pol.*, 52.2 (*dikai proikos* and *dikai eranikai*) are referred to as such by Harpocration and Pollux as well; but they also classify the *dikai emporikai* as ‘monthly’, although they are not mentioned as such in the *Athenaion Politeia*. Hence we should consider the possibility that there were other charges that were included in the category of the ‘monthly trials’ in some period, although no source says so explicitly.<sup>27</sup> Moreover, some of the lawsuits mentioned in *Ath. Pol.*, 52.2, are formulated vaguely. The nature of the *dikai eranikai*, for instance, is not explained; but it should be remembered that *eranistai* appear among the prosecutors in the ‘Lists of Silver Bowls’, probably because of the manumitted slaves’ failure to repay loans given them to purchase their freedom.<sup>28</sup> Beauchet (1897, 513) explains the suits concerning slaves (*dikai andrapodon*) as a claim of ownership of a slave. Harrison (1971, 22) and Rhodes (1981, 586), on the other hand, believe that this category involved damage done by slaves. But the vague formulation suggests that other slave-related charges may have been meant.<sup>29</sup> Furthermore, lines 12–19 of the fragment edited by Lewis (1968, 372–3) refer to the location of the court in which *apostasiou* cases were heard, to the trial procedures, and to five officials, from different tribes, who were in charge of the water-clock and the ballots (*psephoi*). As Lewis comments, it is strange that these officials, who seem to have been chosen ad hoc for a one-day trial, were commemorated

<sup>27</sup> Cf. Todd (1993, 334–5 and n. 20), who notes that the list of charges in the *Ath. Pol.*, 52.2, may not have been full.

<sup>28</sup> For *eranoi* in the context of manumission, see above, chapter 4.2.1.

<sup>29</sup> Cf. Todd 1993, 102.



on the stone. Could these five men be the *eisagogeis*, referred to in the *Athenaion Politeia* (52.2) as responsible for bringing the 'monthly trials' to court?

Although no safe conclusion can be reached, it seems plausible that the *dikai apostasiou*, too, were included at some stage among the 'monthly trials'. This procedure, moreover, may well suit the 'Lists of Silver Bowls': they are registers of many verdicts, grouped under several dates, and seem to have been brought to court by five chosen officials. One may ask, of course, why the *dike apostasiou* is not mentioned in *Ath. Pol.*, 52.2, as falling into the *eisagogeis*' jurisdiction, but appears in chapter 58.3 as part of the Polemarch's jurisdiction. This difficulty, however, is not insurmountable. Chapter 58.3, as noted above, lists all the charges that are introduced by the Polemarch. It ends with the words 'and all other (charges) that the Archon (introduces) for citizens, the Polemarch (introduces) for metics'. Hence it may be that 'monthly trial' charges involving metics and manumitted slaves were also brought to the Polemarch.<sup>30</sup> Perhaps *dikai apostasiou* were transferred, at some date, from the *eisagogeis* to the Polemarch, just as *dikai emporikai* were transferred to the Thesmothetai. Note that in *Ath. Pol.*, 52.3, the judicial responsibility for 'monthly trials' involving tax-collectors is given to the *apodektai* (receivers of state revenues), although all other 'monthly' cases were entrusted to the *eisagogeis*. This suggests that several magistrates were responsible for the 'monthly trials'. If we classify the *dikai apostasiou* as 'monthly trials', it can help us to understand the 'Lists of Silver Bowls' and the large number of names grouped under a single date. Nor should the fact that the defendants appear as already registered in different demes confute this interpretation. Since 'monthly' charges could be brought only once a month, these manumitted slaves may have already registered, under other *prostatai*, in other demes; after all, 'leaving' or 'deserting' the manumittor was the cause of such prosecutions.

As noted above, the uniform payment of silver bowls weighing 100 drachmae implies that it was imposed by the state. Opinions are divided, though, as to whether the payment was a manumission tax<sup>31</sup> or a publication fee.<sup>32</sup> The latter view seems to me more prob-

<sup>30</sup> Rhodes (1981, 656), as noted above, suggests that the Polemarch used the same procedure as the *eisagogeis* did and referred to the 'Forty' even cases in which non-citizens were involved.

<sup>31</sup> E.g., Westermann 1955, 16; Kränzlein 1975, 264.

<sup>32</sup> See Todd 1901-2, 201-02; Lewis 1959, 237; Harrison 1968, 183.

able, for two reasons. First, publication fees, prescribed by law, are also attested in other places (see above, chapter 4.1). Second, the earlier inscriptions, which do not mention the bowls, seem to coincide with the law, attested by Aeschines (3.44), that banned proclamations in the theatre, including manumissions. As I argued above (chapter 4.1), this law was meant to prevent unauthorized publication, as was the case in other poleis, too (e.g., Chaeronea). Since proclamations in the theatre were prohibited sometime between 336 and 330 B.C., the sudden appearance of these inscriptions about 333 may well have been the result of new state regulation of publication. In 330 B.C., another law prescribed the publication fee of a silver bowl weighing 100 drachmae, as can be inferred from *IG* II<sup>2</sup> 1560, ll. 5–6. Moreover, the payment itself seems to be more appropriate for a publication fee, which was often a fixed sum (e.g., 15 staters or 22½ denarii in Thessaly), than for a manumission tax, which would probably have been proportional to the value of the slave.<sup>33</sup> If we take the conventional rate of 100 drachmae = 75 denarii, the publication fee in Athens seems to have been a reasonable sum. Still, how could manumitted slaves afford to pay it in on top of the price they had paid for freedom? The occupations recorded in the lists indicate that many of them were skilled workers. It may also be that at least some of them had been *choris oikountes* while still slaves, that is, they were ‘living apart’ from their masters.<sup>34</sup> But this assumption means that not all manumitted slaves could afford to publicize the fact that they were ‘completely free’ or—as argued in chapter 4.2.1—to buy their freedom in the first place.

Why were so many manumitted slaves prosecuted in little more than ten years? The same question arises if we believe these inscriptions to be manumissions in the guise of *apostasiou* trials. It is justified, however, only if there is evidence of a lower proportion of slaves who were manumitted or prosecuted in the years preceding and following these lists. Such evidence, though, is absent. Another question is why were so many manumitted slaves acquitted? We have no way to answer this question, but it should be stressed that neither do we know how many prosecuted freed persons were convicted. The *phialai exeleutherikai* record only those who were acquitted;

<sup>33</sup> In Rome, the tax on manumission was 5% of the slave’s value (e.g., Cic., *Att.*, 2.16.1).

<sup>34</sup> So Diller 1937, 148. On the ‘living apart’, see above, chapter 4.2.1.

the polis had no interest in recording the names of manumitted slaves who went back into slavery. All the same, we can infer the reason for these numerous prosecutions and the publication fee. Although Athenian economy and politics, unlike those of many other poleis, remained fairly stable in the fourth century B.C., the long years of war had their effect. This can be inferred from Athens' efforts made in this period to regulate its finances, especially in the second half of the century. Lycurgus, to whom the law prescribing the dedication of silver bowls is ascribed, played (in 336–324 B.C.) a major part in controlling Athens' revenues and expenses and helped improve its economy by financing various projects with funds provided by private citizens. A law prescribing the dedication of silver bowls is compatible with his policy. On the other hand, the grain shortage and the economic hardship during the Lamian War may have impelled slave-owners to manumit their slaves and manumitted slaves to try to evade their obligations towards their former masters. This could lead to the numerous *dikai apostasiou*, which—if indeed tried on a monthly basis—could be decided in a short time and publicized by state authority. The summary procedure of the 'monthly trials' may have been the reason why *apostasiou* suits were included in this category: manumittors wished to recoup their loss as quickly as possible, while the state was interested in a rapid decision that would enable it to distinguish still-dependent from independent manumitted slaves. These lists, however, ended abruptly about 320 B.C. This may have been an outcome of the abolition of democracy, following Athens' defeat in the Lamian War (322 B.C.), although it is not clear how and there is no evidence to support the hypothesis.<sup>35</sup>

Our evidence for similar legal proceedings outside Athens is scanty. The 'laws of manumitted slaves' mentioned in manumission inscriptions from Thessaly and Aetolia may have included something similar. In Calymna, some inscriptions state that the manumitted slave is to be exempt from the 'regulations (or legal proceedings) relating to manumitted slaves' (ἀπελευθερωτικὰ δίκαια; *TC* 168, 182, 184, 201, 206b). As noted above (chapter 4.2.2), many manumission inscriptions explicitly state that the manumitted slave is to be the *apeleutheros* of no one<sup>36</sup> or only of the manumittors or their children,<sup>37</sup> in addi-

<sup>35</sup> See Rädle 1969, 22–5; Kränzlein 1975, 264.

<sup>36</sup> See *TC* 153, 155, 167, 168, 169, 176b, 181, 182, 189, 190, 196b.

<sup>37</sup> See *TC* 171, 177.

tion to *paramone*-obligations. It follows that, as in Athens, being an *apeleutheros* meant that the manumitted slave was obligated to provide further services after manumission and that this obligation was established by the *apeleutherotika dikaia*.<sup>38</sup> Although these *dikaia* are not specified, it seems safe to assume that they also defined the legal procedures to be followed should the manumitted slave fail to provide the services required. This assumption is corroborated by the reference to the 'leading away of manumitted slaves' (ἀπελευθερωτική ἀγωγή) from which a manumitted female slave is immune after the end of her *paramone* period (*TC* 198). This probably implies that manumitted slaves who failed to perform their obligations were liable to be 'led away' by their manumitters and compelled to perform these obligations. The formulation of this right of manumitters implies that it was sanctioned by law.<sup>39</sup> It recalls Plato's *Laws*, where the manumitter is given right to lead away his manumitted slave if the latter failed to perform his or her duties (*Lg.*, 915a). Gernet (1955, 169–70), believes that the act of leading the manumitted slave into slavery (*agoge eis douleian*) did not much differ from the *dike apostasiou*. The latter was the transposition of 'private law' procedures to the juristic plane and it existed in many poleis. We are not told, though, whether exemption from the *apeleutherotika dikaia* in Calymna conferred on the manumitted slave a different status, similar to the *exeleutheros* in Athens or elsewhere. But seeing that this exemption and immunity to *apeleutherotike agoge* disengaged the manumitted slave from his or her manumitter, a different status must have been created.

The *apeleutheros* mentioned in manumission inscriptions from Thessaly (*IG IX(2)* 541, 542) and Tithora (*IG IX(1)* 190) also seems to indicate a person's right to the services of his or her manumitted slaves. In elaborate manumission documents from other poleis, manumitters explicitly state their right to act against their manumitted slaves should the latter violate the conditions of manumission. But this right seems to have been based on custom, not law, and is usually formulated as the right to punish the manumitted slave or to revoke his or her freedom. Could this be done without recourse to legal institutions? We do not know; but it is significant that only a few documents state that any dispute arising between the manumitter

<sup>38</sup> See above, chapter 4.2.2, and 4.4. See also Babacos 1964.

<sup>39</sup> So Babacos (1964, 39), who interprets this phrase as the penalty imposed by the *apeleutherotika dikaia*.

and the manumitted slave is to be referred to arbitrators (e.g., *SGDI* 1696, from Delphi).

## 5.2 *The Aphairesis eis Eleutherian*

Another legal procedure, known mainly from Athens, is the *aphairesis eis eleutherian*, which literally means ‘carrying a person off for the purpose of freedom’. The term *aphairesis* is a compound noun derived from *apo-haireisthai*; it is significant that, like the pairs of manumission terms *apeleutheros/apeleutheroun* and *exeleutheros/exeleutheroun*, this term also appears in the form *exairesis/exaireisthai*. In fact, Harpocration’s more elaborate explanation of the procedure refers to *exairesis*: ‘when-ever someone seized and led (*agein*) another person away as a slave, and someone else carried (the latter) off, (alleging him) to be a free person, it was possible for the one who seized the man as a slave to bring a *dike exaireseos* against the person who carried the man away to freedom.’<sup>40</sup> We learn from Harpocration that this procedure, like the *apostasiou*, was classified as a *dike*, that is, a private prosecution. We also learn that the prosecutor was not the one who asserted the freedom of the person claimed as a slave, but the claimant.<sup>41</sup> Harpocration also mentions Hyperides (*Against Aristagora*) and Isaeus (*For Eumathes*), whose speeches either mentioned or concerned this procedure. Fragments of these two speeches have survived, in addition to other evidence. Although the evidence all comes from the fourth century B.C., this procedure could certainly have been used already in the fifth century. We do not know whether in fourth-century Athens these legal actions involved the physical seizure and carrying off of persons or whether they were symbolic acts (as may be inferred from Pancleon’s case, cited below); it is clear, though, that by that time, both *agein* and *aphairesis eis eleutherian* were legal terms.

<sup>40</sup> Harpocration (s.v. ἐξαιρέσεως δίκη): ὅποτε τις ἄγοι τινὰ ὡς δοῦλον, ἔπειτά τις αὐτὸν ὡς ἐλεύθερον ἐξαίροιτο, ἐξῆν τῷ ἀντιποιουμένῳ τοῦ ἀνθρώπου ὡς δούλου λαγχάνειν ἐξαιρέσεως δίκην τῷ εἰς τὴν ἐλευθερίαν αὐτὸν ἐξαιρουμένῳ. On ἀφαίρεσις Harpocration just says: ἰδίως λέγεται ἢ εἰς ἐλευθερίαν.

<sup>41</sup> Beauchet (1897, 515) compares the person who performed the *aphairesis* to the Roman *vindicator* or *assertor libertatis*. It should be noted that in Athens it is this assertor who was prosecuted, although, according to Aristotle (*Problem.*, 951b 6), it is far worse to falsely claim that a free person is a slave than to assert that a slave is free.

In order to set Harpocration's definition in its context, let us review the evidence.

A speech in defence of the banker Eumathes (after 358 B.C.) was written by Isaeus and delivered by Xenocles, who was Eumathes' friend and client. According to the longer fragment of this speech (fr. 15 = D.H., *Is.*, 5), Eumathes, Epigenes' former slave, had been manumitted by the latter in the court of law. Dionysius, Epigenes' heir, laid claim to Eumathes and tried to 'lead him away' (*agein*) into slavery. Xenocles, in turn, 'carried (Eumathes) off to freedom'; by so doing, he was declaring that he knew Eumathes to be a free man. Dionysius then brought suit against Xenocles. According to another fragment of the speech (fr. 16 = Harp., s.v. ἄγει), Dionysius said: 'Xenocles caused me damage by carrying Eumathes off to freedom, when I was leading him (Eumathes) into slavery, according to my share'. We do not know whether this citation was taken from Isaeus' oration for the defence or from Dionysius' prosecution speech, but it is clear that Dionysius acted by right of being his father's heir. But there are some problems with these fragments. First, Dionysius' use of the verb 'caused damage' (ἔβλαψε) raises the possibility that he sued Xenocles in a *dike blabes*, that is, a charge for damage. Were there two parallel suits, one concerning Eumathes' status and decided in a *dike aphaireseos*, the other concerning the damage allegedly caused by Xenocles' carrying off Dionysius' property? Harrison (1968, 179) suggests that in such cases there was no distinction between the two charges and they were heard as a single suit.<sup>42</sup>

Second, why did Dionysius try to re-enslave Eumathes? Judging by fragment 15 (admittedly, the defendant's claim), it seems that Eumathes had been (or was pretending to be) free for a long period before Dionysius tried to re-enslave him.<sup>43</sup> Could a slave live and work as a banker and pretend to be free for many years before his master or his master's heir acted to reassert his ownership? Eumathes may have been a slave 'living apart' (*choris oikon*) who failed to pay over to his master the profits of the business he managed for him.

<sup>42</sup> For the *dike blabes*, see also Todd 1993, 279–82. Cf. Beauchet 1897, 519–20.

<sup>43</sup> Xenocles relates in his speech how he had entrusted a sum of money to Eumathes before he went out to serve as a *trierarchos*. When rumors reached his relatives that he had been killed in battle, Eumathes returned the money to them. When Xenocles came home he rewarded Eumathes by continuing to use his services and even helped him establish a bank. For the date of Isaeus' oration, see above, chapter 2.2.

Or perhaps Dionysius acted because Eumathes, his father's manumitted slave, was evading his obligations to himself. One of the two definitions of *dike apostasiou* offered by the *Souda* (see above, section I) seems to confuse these two types of proceedings: reassertion of ownership of a slave who pretended to be free, and the *dike apostasiou*. Eumathes' case—given that these fragments are all we have to go on—could be interpreted either way. But even if Eumathes had been freed by Epigenes, as Xenocles asserted, his case demonstrates the precarious position of non-citizens and the difficulty of proving one's status.

A third question concerns the terminology used in the speech. Xenocles describes his action with the verb *exaireisthai*, whereas Dionysius refers to it by using *aphaireisthai*. This difference may be due to personal preferences of different speech-writers (if Dionysius' words come from a different oration) or to stylistic variation (if both passages come from Isaeus' speech). It is, however, possible that Xenocles deliberately uses the prefix *ex-* to indicate that he was acting on behalf of a completely free person, whereas Dionysius wished to emphasize Eumathes' continued dependence.

Another case of *aphairesis* is referred to in [Demosthenes'] *Against Neaera* (59.40–5). Neaera purchased her freedom partly with her own savings and partly with the help of an *eranos* headed by Phrynion. After her manumission, she came to live with Phrynion in Athens. Later, however, she absconded to Megara with some of his property. There she met Stephanus, with whom she returned to Athens, living with him as his lawful wife. One day, Phrynion came to their house and attempted to seize and lead (*agein*) Neaera away into slavery. Stephanus reacted by 'carrying (her) off to freedom, according to the law'. Apollodorus, the speaker, adds that Phrynion made Neaera provide sureties (*κατηγγύησεν*) to the Polemarch and that she presented three witnesses, among them Stephanus. But the case never came to trial, because Phrynion and Stephanus agreed to go to arbitration. The arbitrators ruled that Neaera was free (*eleuthera*) and her own mistress (*kyria*). She was also required to return to Phrynion most of what she had taken with her when she ran away and to live with Phrynion and Stephanus on alternate days. If Apollodorus' description is accurate, we learn that a suit against someone who asserted an alleged slave's freedom was brought, like the *dike apostasiou* and all other charges concerning non-citizen residents, before the Polemarch. We also learn that the person whose status was dis-

puted had to provide bonds to the Polemarch, apparently to assure that he or she would appear in court for the trial.<sup>44</sup>

Neaera's case raises some questions. Neaera was a manumitted slave—as Phrynion should have known, since he helped finance her manumission: why, then, did Phrynion try to lead her away into slavery? Stephanus' reaction and the arbitrators' decision imply that Phrynion considered Neaera to be his slave. Evidently his financial assistance had left Neaera his debtor; as such, she was considered to belong to him until full repayment was made. But if so, why did he not sue her in a *dike apostasiou*, like other heads of *eranoi* recorded in the 'Lists of Silver Bowls'? We see again how blurred was the line between these two proceedings; or, at least, between the situations that could lead to such prosecutions. Moreover, a claim to enslave a person compelled the intervention of a third party (Xenocles in the case of Eumathes, Stephanus in the case of Neaera); why, then, did the alleged slave have to put up a bond, if the object of the prosecution is the person who asserted his or her freedom?<sup>45</sup> The uncertainty about the nature of *aphairesis eis eleutherian* is increased by Harpocration's citation of Hyperides' oration, *Against Aristagora in a Graphe Apostasiou*, as his source for the definition of the *aphairesis* procedure (fr. 21). The *graphe apostasiou* was a prosecution of metics who failed to register a *prostates*; hence Aristagora must have been a metic. Why, then, is *aphairesis* mentioned? We do not know the context of this prosecution and are totally in the dark about the reason *aphairesis* is mentioned. Its use in a prosecution against a metic is in any case puzzling.

Also puzzling is the information given in Isocrates' oration, *Trapezeticus* (17.11–7; early fourth century B.C.), written for the son of Sopaeus, an influential person in the Bosphorus Kingdom. While visiting Athens both as a trader and a tourist, Sopaeus' son deposited six talents with the banker Pasion. Some time later, the Bosphoran king's agents in Athens informed Sopaeus' son that his father was arrested for an alleged charge of conspiracy against the king and that he himself must surrender all his money and return. On Pasion's advice, Sopaeus' son denied the existence of the money deposited

<sup>44</sup> See Todd 1993, 212–4. Cf. also Harrison 1968, 179. Beauchet (1897, 516), believes that these sureties were given to guarantee that the defendant, should he or she lose the case, would pay the fine.

<sup>45</sup> Cf. Harrison 1968, 179.



with Pasion. But when his father was released and he himself wished to leave Athens, Pasion denied all knowledge of the money. To prove his case, Sopaeus' son tried to lay hands on Pasion's slave, who was working in the bank, and bring him to court as a witness. But the slave, claims Sopaeus' son, was spirited away by Pasion—probably because the evidence of slaves could be delivered only under torture.<sup>46</sup> Pasion, however, accusing Sopaeus' son and his friend Menexenus of bribing the slave and hiding him, dragged Sopaeus' son before the Polemarch and made him put up sureties. After some time the slave was found by Menexenus, but Pasion asserted that the slave was free (ὁφηρεῖτ' αὐτὸν ὡς ἐλεύθερον) and, at Menexenus' insistence, put up a bond with the Polemarch. If the alleged slave was free (perhaps manumitted), why did Pasion accuse Sopaeus' son and Menexenus of stealing his slave? If the person was Pasion's slave, why was it Pasion who performed the *aphairesis*? And why did he have to provide a surety, and not the slave? The answer to the first question seems clear: because the slave had been found and could be made to testify under torture, Pasion changed his line of argument. The answer to the second question may be that manumitted slaves were entitled—perhaps even expected—to act on behalf of their manumitted slaves against attempts to re-enslave them, as in the manumission inscriptions from central Greece (see above, chapter 4.4). The third question is more difficult, seeing that it was Neaera who provided surety. Sopaeus' son's case, however, is one more example of how difficult it was to decide a person's legal status and of the ever-lurking danger of a challenge to a person's freedom.

This ambiguity is most clearly demonstrated by two other speeches. The first was written by Lysias for an Athenian citizen who prosecuted Panceleon (before 387 B.C.). The speech is an answer to a special plea (*antigraphē*) by the defendant, who had alleged that he was a Plataean, and hence entitled to the rights of an Athenian citizen<sup>47</sup> and should not be brought before the Polemarch, to whom the speaker had submitted charges (of some unknown crime) against Panceleon, believing him to be a metic (23.2). In Lysias' speech, the speaker tells the judges that, in the wake of the defendant's special

<sup>46</sup> On evidence of slaves, see Harrison 1968, 170–71; Todd 1990, 32–6; 1993, 96, 187.

<sup>47</sup> The Plataeans, Athens' allies, were granted Athenian citizenship in 427 B.C., after their city was sacked by the Spartans.

plea, he made inquiries and was told that Pancleon was the run-away slave of Nicomedes, a citizen of Plataea living in Athens. A few days later the speaker saw Nicomedes leading away (*agein*) Pancleon and claiming him as his slave. Pancleon's friends gave security that they would bring Pancleon back on the following day, when Pancleon's brother 'will carry him off to freedom' (ibid., 7–9). The speaker decided to come too so that he could learn the grounds for asserting Pancleon's freedom. But instead of the brother, a woman showed up and claimed that Pancleon was her slave. Although both Nicomedes and the woman were willing to let Pancleon go if someone asserted his freedom, Pancleon's friends carried him off and departed (ibid., 10–11). The speaker remarks that Pancleon's actions prove him to be a slave; otherwise he would not have preferred to have his friends carry him off (*aphairesis*) by force—rendering them liable to a charge of assault—rather than 'be carried off to freedom (again: *aphairesis*) according to the law' and receive justice from those who were attempting to enslave him. Since Pancleon knew he was a slave, continues the speaker, he was afraid to put up bond (apparently before the Polemarch) and await a trial concerning his status (ibid., 12).

Apart from the complex situation, in which a person was alleged to be both a metic and the slave of two different persons, while he himself claimed to be a free citizen, there are other difficulties with this case. First, it seems strange that a brother could act in an *aphairesis* process; was not his testimony suspected? Second, what was the difference between the *aphairesis* that Pancleon's brother was expected to perform and that actually performed by Pancleon's friends? The first is described by the speaker as conforming to the law and the other as 'by force'. But even conceding rhetorical misrepresentation of the facts, was not *aphairesis* itself a violent act?<sup>48</sup> Perhaps the symbolic and legal act of *aphairesis* had to be performed according to certain rules, which Pancleon's friends did not abide by. The only clue, which may also be suspected of rhetorical distortion, is supplied by the speaker's allusion to guarantees; Pancleon's failure to provide sureties to the Polemarch could be taken as a proof of his servile status. This brings us to the third difficulty: here,

<sup>48</sup> Cf. Isoc., 12.97, who says that most persons reduce other Greek cities to slavery, acting no differently than those who 'carry off to freedom' (εἰς ἐλευθερίαν ἀφαιρουμένοις) other persons' slaves, but in fact compel them to slave for them.

as in Neaera's case but unlike Pasion's, it is Pancleon who is to provide the surety.<sup>49</sup> Moreover, in this speech the same speaker used the verbs *aphaireisthai* and *exaireisthai* interchangeably.

The other speech, Aeschines' *Against Timarchus*, refers to the public slave (δημόσιος) Pittalacus, the victim of an attempt by Hegesandrus to lead him away to slavery (*agein*). Pittalacus was helped by the citizen Glaucon, who 'carried him away to freedom'. Legal proceedings began; but since they were protracted, both parties agreed to go to arbitration. This, too, was a long process, so Pittalacus reached an agreement with Hegesandrus and all charges were dropped (1.62–3). Why is Glaucon's action described as 'carrying off to freedom', if Pittalacus was known to be a public slave? Hegesandrus could not have claimed that Pittalacus was pretending to be free. Did he claim that Pittalacus was his own slave? We do not know; but it is strange that, although he is a public slave, only a private person acts on Pittalacus' behalf. Moreover, an acquittal in an *aphairesis* procedure, as we shall see, probably established the alleged slave's freedom. Would a successful trial have resulted in a declaration of Pittalacus's freedom, although he was a slave of the state? MacDowell (1978, 83) and Todd (1993, 192–4) suggest that public slaves at Athens enjoyed a better legal position than privately owned slaves did. This can be inferred from an entry in one of the 'Lists of Silver Bowls', in which [—]leides the public slave appears as the former owner of a slave (*IG* II<sup>2</sup> 1570, ll. 78–9). But this does not explain why an *aphairesis* was performed in a case of a public slave. It may be that Todd is correct when he notes that although Pittalacus is described as a slave, he may have already been manumitted; the orators often refer to former slaves as if they were still slaves (see further in chapter 6.2). Another possibility is that this procedure was not employed to prove that a person was free, but to disprove another person's claim to him or her.<sup>50</sup> One interesting detail appears in Aeschines' oration: as in the case of Neaera, here, too, the parties had recourse to arbitration. Hence, such disputes could be settled out of court.

What were the results of a trial in a *dike aphaireseos*? To judge by Neaera's case, an acquittal made the alleged slave free again. In [Demosthenes], 58.19, the speaker argues that Theocrines owes 500

<sup>49</sup> But see Harrison's remarks (1968, 179 n. 2).

<sup>50</sup> Beauchet (1897, 466) argues that in Pittalacus' case, *aphairesis* was performed to assert that he was a public and not a private slave.

drachmae, a debt incurred by his father, who had falsely led away to freedom (ἄφελόμενος) Cephisodorus' female slave; according to this passage, if the defendant (that is, the person who 'carried [another person] away to freedom') was convicted he paid a fine, half to the prosecutor and half to the state.<sup>51</sup> The alleged slave was probably returned to the person who had laid claim to him or her.<sup>52</sup> The overall impression, however, is that *aphairesis eis eleutherian* was not a well-defined procedure. As we have seen, it could be employed by friends, former masters, and brothers; it could be performed on behalf of manumitted slaves, slaves, and metics; finally, it is not clear who had to put up a bond—the alleged slave or the person who performed the *aphairesis*.<sup>53</sup> Gernet (1955, 164–7) suggests that in the case it was the alleged slave who put up a bond, the prosecution was a *dike douleias*, that is, a prosecution evolving from the plaintiff's claim on the person of another. This prosecution, however, as Gernet himself notes (see above, 5.1), seems to resemble the *dike apostasiou* and had the same results as the *dike aphaireseos*. However, the *aphairesis* procedure demonstrates the fact that the act of manumission was not always the decisive sign of a person's freedom; it also helps explain why, in some places, manumission documents were carefully drawn and inscribed on stone. The *aphairesis* procedure, like the *dike apostasiou*, illustrates the uncertain position of manumitted slaves even more than it attests to the means of protection at their disposal. It is significant that manumitted slaves could not act independently to prove their free status against attempts to re-enslave them, but had to rely on a third party; it seems that in case their free status was challenged, they were considered to be slaves until proven otherwise.

Outside Athens, there is no solid evidence for a similar legal process. The *apeleutherotika dikaia* in Calymna may have included legal procedures by which manumitted slaves could avert re-enslavement. The 'laws' or 'laws of manumitted slaves' in Thessaly and Aetolia probably prescribed legal actions concerning the status of manumitted

<sup>51</sup> See Beauchet 1897, 519–20; Harrison 1968, 179–80 and n. 3.

<sup>52</sup> Beauchet (1897, 520–21) argues, on the basis of [D.], 19.58, that this was not always the case and that the assessor could decide whether to hand over the slave or pay his or her value.

<sup>53</sup> Gernet further claims (1955, 167) that if the assessor succeeded in proving the free status of the alleged slave, his action was regarded as legitimate; if, on the other hand, he failed, he was considered to act aggressively and was liable to a *dike biaion*, on the charge of violence.

slaves. The protection clauses, inserted in manumission documents in many places, imply that manumitted slaves were exposed to attempts to re-enslave them. This issue was discussed above in detail (chapter 4.4). Here it suffices to recall the right of *eis eleutherian aphaireisthai* given in *IG IX(1) 120* (from Elatea) to any person who so wished, should the manumitted slave be seized and led away into slavery. In this inscription, the right of *aphaireisthai* is appended to two other rights. The first is *sylein*, which here means the right to seize the slave for the purpose of asserting his or her freedom. Since in this sense *sylein* is similar to *aphaireisthai*, the latter term may have had the technical meaning known from Athens. The other right is *proïstasthai*, the general meaning of which is protection; but here it may refer to the function of the *prostates*. The right of *sylein*, granted to anyone who wishes to exercise it, also appears in most Delphic manumissions. Moreover, many manumission documents state that anyone who wishes to act on behalf of the manumitted slave will not be liable to legal proceedings and penalties. But this statement implies that ‘carrying a person off to freedom’ was usually considered to be an illegal act, as *sylein* typically was unless authorized. This may mean that, in these poleis, legal actions like the Athenian *aphairesis* were not prescribed by law. Usually, the means of protection of manumitted slaves were determined in the private manumission document. There is, however, no evidence outside Athens of manumitted slaves being prosecuted by their manumittors for failing to perform their obligations, or of manumitted slaves ‘carried off to freedom’ by persons acting against attempts to re-enslave them. We have the written warning and protection-clauses—evidence that implies that such situations could and did exist—but no example of their activation.<sup>54</sup>

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<sup>54</sup> As noted above (chapter 3.1), Schaps (1976) suggests that *IG VII 3372*, from Chaeronea, is a unique example of an actual claim on the person of the manumitted slave—a claim later renounced in this inscription. Although it is tempting to adopt this interpretation, Schaps does not explain how the woman and three boys, who give their assent to a consecration-manumission previously performed by Philoxenus from Orchomenus, were related to the latter. They may have been, as Albrecht suggests (1978, 229 and n. 95), the manumittor’s aunt and nephews. Albrecht, however, like Rädle (1969, 129), understands this inscription as the normal consent by relatives to an act of manumission, given after the event.

5.3 *'Laws on Manumitted Slaves'*

As suggested above (section I), The Athenians may have first enacted laws concerning manumitted slaves in the fourth century B.C. We do not know the exact content of these laws, but what evidence we have about the status of manumitted slaves vis-à-vis their manumitters and about the legal actions concerning them enables us to reach some plausible conclusions. The existence of the *dike apostasiou* implies that the former master's right to the services of his manumitted slave was recognized and sanctioned by law (cf. Klees 2000, 7–8). Pollux (3.83) cites Demosthenes on the laws of *apeleutheroi* and the laws of *exeleutheroi* and then goes on to mention the *dike apostasiou*. He seems to have thought that this procedure was established by these laws. If so, these two sets of laws corresponded to the two categories of manumitted slaves: one (the *apeleutheroi*) consisting of persons who were still bound to their former masters by the general obligation of protracted services, the other (the *exeleutheroi*), of manumitted slaves who had been released from this obligation, either by their manumitters or by winning a *dike apostasiou*. These laws may also have defined the Polemarch's jurisdiction, the procedures for bringing charges, and the procedure of *aphairesis*.

But if manumission was a private agreement, what was the polis' interest in reinforcing manumitted slaves' obligations to their manumitters? I can think of two interrelated answers. First, it should be remembered that slave-owners comprised the citizen Assembly, that is, the legislative institution of Athens; hence they may have been motivated by the interests of a defined social group.<sup>55</sup> Second, a law regulating the obligations of manumitted slaves provided the Athenians with a means of controlling distinctions of legal status. A manumitted slave in Athens, as the cases of Neaera and Panceleon (discussed above) show, could easily pretend to be a metic or even a citizen.<sup>56</sup> Institutionalization of manumitted slaves' dependence on their manumitters served the interests of manumitters both as private persons and as citizens of Athens. If slavery helped to define the full members of the citizen group (see above, chapter 1.2), so did other legal

<sup>55</sup> The fact that metics were slave-owners, too, does not detract from this statement, because they belonged to the same social stratum.

<sup>56</sup> The complaint of Ps.-X., *Ath.*, 1.12, that, in Athens, there is no way of distinguishing between citizens, metics, and manumitted slaves may support the evidence discussed above.

statuses. The manumitted slave's protracted dependence on his or her manumittor constructed the latter's superior social position as both the former master and the full *eleutheros*—a citizen with a defined bundle of rights and privileges. Regulating publication of manumission was another means of social construction. By decreeing that any publication of manumission had to be authorized by the Assembly, the Athenians made sure that a freed person's status would be registered in an approved site and made a matter of public knowledge. Publication also served the interests of manumittors, who thereby forestalled future disputes with their heirs over family property. But not every manumitted slave could afford to pay for the publication of his or her manumission or of the results of a *dike apostasiou*. Manumitted slaves, however, like metics, were probably also required to be registered on the rolls of a deme (in the lists of non-citizen residents), apparently through the mediation of their *prostates*, whether that person was the manumittor or—if the latter was a metic—another citizen. Taking a *prostates* was one of the manumitted slaves' obligations vis-à-vis the polis. These obligations, which are discussed below, in chapter 6.1, were probably included in the laws concerning *apeleutheroi* and *exeleutheroi* in Athens.

Only a few other poleis provide evidence of laws on manumitted slaves. Manumission inscriptions from Calymna often state that the manumission is performed, or that the manumitted slave has rights, 'according to the laws of the *apeleutheroi*'<sup>57</sup> or simply 'according to (all) the laws'.<sup>58</sup> Babacos (1964), as noted in chapter 4.2.2, maintains that the laws in Calymna did not regulate manumission itself, but established the obligations of manumitted slaves vis-à-vis their manumittors and their families. These obligations, he argues, included the payment by the slave for his or her manumission, the freed person's obligation to take a *prostates*, the manumittor's right to inherit the manumitted slave, and the *paramone*—from which the manumitted slave could be released by handing over children to his or her manumittor.<sup>59</sup> As we have seen above (section 1), however, the manumittor had the right to excuse the manumitted slave from these obligations. Moreover, the inscriptions show that manumittors in Calymna were

<sup>57</sup> See *TC* 158, 167, 169, 176b, 181, 189, 190, 196.

<sup>58</sup> See *TC* 158, 193.

<sup>59</sup> The obligation to hand over children was already postulated by Segré (*TC*, pp. 175–8). Against this view, see Klaffenbach 1953, 459. Cf. also Klees (2000, 13).

free to decide which obligations to impose, including whether to bind the manumitted slave by a *paramone* clause, and to determine who would enjoy their services. I would suggest, then, that, as in Athens, the ‘laws of the manumitted slaves’ in Calymna prescribed only a general obligation to the manumittors and left its specification to the discretion of latter. Only one specific obligation seems to have been defined by the laws—the obligation to register a *prostates*. Since manumitted slaves usually became free non-citizens (unless granted some privileges), they needed a mediator in their dealings with the political institutions (see above, chapter 4.3). This was an obligation that directly concerned the polis; other obligations were a matter of private agreement between manumittors and manumitted slaves. It is significant, however, that manumission and the general obligation attached to it made the manumitted slave in Calymna an *apeleutheros*, still dependent on the former master.

A similar picture is revealed by the manumission catalogues from Thessaly, which frequently use the formula ‘according to the law’.<sup>60</sup> Babacos (1966, 79–88) believes that, as in Calymna, the laws of Thessalian poleis decreed the obligations of the manumitted slaves vis-à-vis their manumittors, including *paramone*. Helly (1976), accepting Babacos’ view, compares the formula ‘according to the law’ with another formula, found in three inscriptions (to which he also proposes emendations) that contain individual manumissions: ‘(the manumitted slave) should not fall under the law(s) of the *apeleutheroi* to the benefit of (names of heirs)’.<sup>61</sup> This formula, maintains Helly, was intended to protect manumitted slaves from claims to their person, made by their manumittors and especially their manumittors’ heirs, by right of the obligations decreed by the laws. In *IG IX(2) 1296 A*, from Azorus, the manumitted female slave is set free ‘by gift’ (ἀφῆκαν ἐλευθέραν δωρεάν; l. 30); so in *SEG 23, 462* (= *SEG 26, 670*, l. 5), from Doliche. Helly restores the same phrase in *IG IX(2)*

<sup>60</sup> See Helly 1976, 143. A distinction, however, should be made between the formula ‘(name), the *apeleutheros* according to the law’ (or ‘[name] set free [name], according to the law’) and ‘(name) gave the due payment of staters/denarii, according to the law’. The latter formula indicates the payment due for publication; see above, chapter 4.1.

<sup>61</sup> μὴ πίπτειν ὑπὸ τὸν (or τοὺς) ἀπελευθέρων νόμον (or νόμους). The inscriptions are *IG IX(2) 1296 A*, ll. 31–2, from Azorus; *SEG 23, 462* (= *SEG 26, 670*), ll. 12–15, from Doliche; *IG IX(2) 1290*, ll. 13–6, from Python. For previous editions and readings, see Helly 1976, 143–52.



1290, l. 5, from Pythion (1976, 151–2). He argues that the use of the term shows that in all three cases the manumittors renounced their right to payment; but so that their heirs would not be able to demand payment in the future, a formula had to be inserted that exempted the manumitted slaves from the normal legal requirement (*ibid.*, 153). Hence, Helly assumes that the laws of the *apeleutheroi* decreed, *inter alia*, a payment to the manumittor and *paramone*, from which manumitted slaves could be released only by an explicit declaration.

Helly (1976, 153–4) also maintains that the variation ‘law’/‘laws’ has no special meaning and may merely reflect chronological differences.<sup>62</sup> The three poleis in which these inscriptions were found (Azorus, Doliche, and Pythion) composed a political unit—the Tripolis of Perrhaebia—and their institutions were very similar. Helly notes that all Thessalian manumission inscriptions begin by naming the federal *strategos* and the local *tagoi* (chief magistrates) and mention the uniform payment (which he interprets as a manumission tax). He therefore postulates that there was federal legislation that prescribed the obligations of manumitted slaves.<sup>63</sup> The formula ‘according to the law’ in the Thessalian manumission catalogues reflects this legislation (*ibid.*, 155). Helly supports his thesis by an inscription from Phthiotic Thebes (mid-second century A.D.), published by Lazaridis (1975). Two of the manumission acts in this inscription (nos. 4 and 5) contain the formula, ‘should not fall under the laws of the *apeleutheroi*’. In another act (no. 1), the text reads: ‘[and he shall be re]leased from the *apeleutherotika dikaia*’, a formula similar to that found in Calymna. The word ‘laws’ can be safely restored in act no. 6 of the same inscription and in another fragmentary act.<sup>64</sup>

Helly’s interpretation seems plausible and accords with what we have seen in Athens and Calymna. To his examples one may add the inscriptions *IG IX(2)* 541, 542, from Larissa, which mention the

<sup>62</sup> The two inscriptions which refer to a law (*SEG* 23, 462 = *SEG* 26, 670; *IG IX(2)* 1290) belong to the second half of the second century B.C., whereas the inscription that uses the plural (*IG IX(2)* 1296) is from 18/17 B.C.

<sup>63</sup> To this legislation he also ascribes *IG IX(2)* 1100b, from Magnesia, which refers to the ‘laws of the Magnetes’.

<sup>64</sup> These manumissions are dated by the calendar of the Magnetes and not by that of the Thessalians, as are other inscriptions from the same city. Helly (1976, 158) suggests that Phthiotic Thebes previously belonged to the Thessalian federation and then, in the middle of the second century A.D., was incorporated in the federation of the Magnetes. He infers that the legislation of these federations was not significantly different.

word *apeleutherosis*. As in the case of Calymna, however, I am not convinced that the laws prescribed specific obligations. In *SEG* 23, 462 (= *SEG* 26, 670), for instance, the manumitted slave Alexander is explicitly bound by a *paramone* clause for the rest of his manumittor's life (ll. 6–8). Only after the manumittor's death will Alexander be free and exempt from the laws of the *apeleutheroi* to the benefit of the manumittor's heirs. If the *paramone* was prescribed by law, why was it mentioned in the manumission document? The same question applies to *IG* IX(2) 1290, with its *paramone* clause. It seems, then, that the Thessalian laws set forth the general obligation of manumitted slaves to serve their manumittors, but left the enumeration of these obligations to the discretion of the manumittors. As in Calymna, we do not know whether manumitted slaves who were exempted from these obligations were called *exeleutheroi* or by some other appellation that indicated their different status. But it is significant that in Thessaly, too, manumitted slaves with continuing obligations were called *apeleutheroi* and that the legislation concerning manumitted slaves referred only to them.

Can we infer similar legislation in other poleis? Our evidence is too scanty to allow any safe conclusion. There are, however, some hints. The manumitted female slave in *IG* IX(1) 82c, from Thermon, was granted the right to be *isoteles* and *entimos*, according to 'the laws of the Aetolians'. As noted above (chapter 4.4), this phrase may intimate a privileged legal status. If so, this inscription implies that the Aetolian laws regulated manumitted slaves' status in the polis (see also below, 6.1); we cannot be sure, however, that they also prescribed their obligations vis-à-vis their manumittors. *IG* IX(1) 190, from Tithora, contains a protection clause that warns against attempts to seize and lead off the manumitted slave, neither for re-enslavement nor for *apeleutherosis* (ll. 15–16). In the light of similar terms in Calymna and Thessaly, it seems safe to assume that in Tithora *apeleutherosis* denoted the manumittors' rights to their manumitted slaves' services. We cannot be sure, however, whether these rights were prescribed by law. In Thasus, a manumitted slave was required to remain with his manumittor as an *apeleutheros* (*IG* XII Suppl. 368). This wording recalls the manumission inscriptions from Calymna and may imply that manumitted slaves' obligations in Thasus were formulated in some way or another. A similar situation is revealed in two manumissions from Chaeronea (*IG* VII 3318, 3360), in which slaves were consecrated as *apeleutheroi*. These examples are, admittedly,

few and not unequivocal. But to judge by the use of *apeleutheros* and *exeleutheros* (and their corresponding verbs) in the literary and epigraphic sources, from the fifth century B.C. to the third century A.D., in different parts of the Greek world (see chapter 2.3), it seems plausible that in many—if not all—poleis, *apeleutheroi* were bound to their manumittors by further obligations. This widespread terminological distinction indicates a common concept of manumission and may also imply that laws were enacted to regulate the status of manumitted slaves according to this concept.

As noted above, laws concerning manumitted slaves did not just decree that the freed person had obligations vis-à-vis his or her manumittor. They also prescribed the manumitted slaves' rights and obligations vis-à-vis all the citizens, that is, the polis. In the next chapter, I will examine manumitted slaves' status in the polis and their social integration with the citizenry.

## CHAPTER SIX

### THE REALITY OF FREEDOM

As we have seen, manumitted slaves constituted a distinct category in the legislation of many poleis. To judge by the terminology, they also formed a distinct status group. But the evidence about their legal status and life after manumission is deficient. Manumission inscriptions that state the slave's status after manumission and, usually, after all obligations towards the former master were fulfilled (see chapter 4.4), references to laws in a few places, and some brief allusions in the literary sources, provide some information about freed slaves' status in some poleis. However, the evidence concerning their integration into society and their social position is meagre. The scantiness of the information stems from several reasons. First, many sources that might have contributed to our knowledge—such as treatises on slavery, forensic speeches from Athens written for or against manumitted slaves (see chapter 5.1), and historical accounts of poleis and regions outside Athens—are lost. Whatever fragments have survived of these sources often provide us with nothing but a glimpse.

Second, manumitted slaves are seldom mentioned in the sources as such. They are either referred to in funerary inscriptions and in the literary sources that allude briefly to a continuing bond between them and their former masters (see chapter 2.3.1), or cited as one of the status groups in the polis. Little is known about the fortunes of manumitted slaves; the sparse details we do have can hardly be taken as representative. Moreover, no personal account by a manumitted slave has reached us and there is nothing to suggest that works of this kind existed in the Greek world. True, we have the discourses of the Stoic philosopher Epictetus (ca. 55–135 A.D.), a former slave, who preferred to teach the humble and whose words on the plight of manumitted slaves (4.1.33–37) are often cited as proof of the hardships of a freed person's life. There is also the late and apocryphal *Life of Aesop*, a fictitious biography of the famous sixth-century B.C. fabulist, who had been a fellow-slave of Rhodopis in the service of Iadmon or Xanthus of Samos (see below). But little

solid evidence can be extracted from this biography and other sources about Aesop. It bears notice that Epictetus and Aesop, as well as Bion (above, 2.3) and most of the other former slaves referred to in the sources, were exceptional: they were lucky, talented, or rich and they aroused the affections and respect of both their former masters and other persons.

Third, in Athens, at least, some manumitted slaves settled in the polis and were eventually registered as metics. As noted above (chapter 2.3), the prevalent view is that all slaves in Athens automatically became metics upon manumission. Although this view is weakened by the terminological evidence, it may help us to elucidate the status of manumitted slaves, because these two status groups shared some common features. Still, this is of limited help with regard to the status of manumitted slaves outside Athens. Within the limits permitted by these obstacles, in what follows I shall attempt to sketch out the status of manumitted slaves in the polis and their social position.

### 6.1 *Obligations and Rights*

The one thing we know for sure about manumitted slaves' obligations vis-à-vis the polis, in Athens and in some other poleis, is that they were required to register a *prostates*. This obligation was discussed in detail above (chapter 4.3); here we need only repeat the main conclusions. The *prostates* of a manumitted slave, like that of a metic, had to be a citizen. In Athens, and perhaps in some other places too, this was the manumittor; if the latter was a metic or a manumitted slave himself, the right to be a *prostates* was transferred to another person or the manumittor's own *prostates* performed this role (women, of course, could not be *prostatai*). We have also seen that, like metics, manumitted slaves in Athens came under the jurisdiction of the Polemarch. The evidence about other obligations is scanty and ambiguous. Harpocration (s.v. μετοίκιον), relying on Aristomenes (K.-A. fr. 16), Menander (in his *Anatithemene* [K.-A. fr. 33] and *Didymai* [K.-A. fr. 116]), and other unnamed comic playwrights, says that in Athens manumitted slaves, like metics, paid a special tax, the *metoikion*, and another tax of three obols, 'perhaps to the tax-collector'. Hesychius (s.v.) and Pollux (3.55) give the same information, except that, according to their definitions, metics, too,

paid the three-obol tax, to the tax-collector (Hesychius) or to the secretary (Pollux).<sup>1</sup>

This evidence poses some problems. First, since the extant fragments of Aristomenes' and Menander's aforementioned comedies cannot provide us with the context for Harpocration's explanation, all we have to rely on are these lexical entries. No earlier sources support them. Second, if we accept that manumitted slaves were required to pay the *metoikion*, we must also accept—as do most scholars—that in Athens freed persons were automatically registered as metics. Pollux, indeed, says that a metic is anyone who pays the *metoikion*. This assumption, however, contradicts both the terminological distinction between metics and manumitted slaves (see chapter 2.3) and Aristophanes of Byzantium's definition of a metic: 'A metic is anyone who comes from a foreign (country) and resides in the polis, paying the tax according to the obligations imposed by the polis. As long as he (stays) for several days, he is called *parepidemos* ('a visitor') and is exempt from taxes; but if he (resides) beyond the fixed period, he becomes a metic and is liable to taxation.'<sup>2</sup> Harpocration, too, although he says that manumitted slaves paid the *metoikion*, defines metics as immigrants from other poleis; he also states that a metic is 'not he who stays for a short time as a *xenos* (a foreigner), but he who makes his home there'.<sup>3</sup> Clearly manumitted slaves are not included in these definitions, although they, too, may be regarded (especially according to Aristophanes' wording) as coming from a foreign country.

Moreover, Aristophanes' definition of the duration of residence ('several days') is open to interpretations. Since the *metoikion* was 12

<sup>1</sup> Harpocration, s.v. μετοίκιον (= *Souda*, s.v.): ὅτι δὲ καὶ οἱ δοῦλοι ἀφεθέντες ὑπὸ τῶν δεσποτῶν ἐτέλουν τὸ μετοίκιον, ἄλλοι τε τῶν κωμικῶν δεδηλώκασι, καὶ Ἀριστομένης. Μένανδρος δ' ἐν Ἀνατιθεμένῃ καὶ ἐν Διδύμαις πρὸς ταῖς ἰβ' δραχμαῖς καὶ τριώβολόν φησι τούτους τελεῖν, ἴσως τῷ τελώνῃ. Cf. Hesychius, s.v.: τέλος οὕτως ἐκαλεῖτο, ὃ ἐτίθεσαν τῇ πόλει, δραχμάς δώδεκα, τῷ δὲ τελώνῃ τριώβολον; Pollux, 3.55: μέτοικος ὁ τὸ μετοίκιον συντελῶν· τοῦτο δ' ἦν ἰβ' τῷ δημοσίῳ δραχμαὶ καὶ τῷ γραμματεῖ τριώβολον.

<sup>2</sup> Ar. Byz., fr. 304 Slater: μέτοικος δὲ ἐστὶν ὁπότεν τις ἀπὸ ξένης ἐλθὼν ἐνοικῇ τῇ πόλει, τέλος τελῶν εἰς ἀποτεταγμένας τινὰς χρείας τῆς πόλεως. ἕως μὲν οὖν ποσῶν ἡμερῶν παρεπίδημος καλεῖται καὶ ἀτελής ἐστίν, ἐάν δὲ ὑπερβῇ τὸν ὠρισμένον χρόνον, μέτοικος ἤδη γίνεται καὶ ὑποτελής.

<sup>3</sup> Harpocration, s.v. μετοίκιον: μέτοικος μὲν ἐστὶν ὁ ἐξ ἐτέρας πόλεως μετοικῶν ἐν ἐτέρᾳ καὶ μὴ πρὸς ὀλίγον ὥς ξένος ἐπίδημων, ἀλλὰ τὴν οἴκησιν αὐτόθι κατακτεσάμενος.

drachmae for a man (and six for a woman living independently), scholars assume that it was paid in monthly one-drachma instalments (half a drachma for a woman); hence, a foreigner who resided in the polis more than a month ('several days') was required to register as a metic and pay the *metoikion*.<sup>4</sup> It has been further argued that the legal distinction between metics and transient foreigners was blurred in the fourth century B.C. and that all foreigners who stayed in Athens for more than a month paid the *metoikion*. This argument relies on the significant increase in grants of privileges to foreigners in the fourth century B.C.; in some cases, these grants exempted the beneficiaries from the *metoikion* and other monetary levies. But many of those fourth-century foreigners who received privileges—and even citizenship—were not residing or did not intend to settle permanently in Athens.<sup>5</sup> Most of them were political exiles, princes, and other persons who rendered military and other services to Athens. Their status as 'metics' or 'citizens' was merely honorary. It seems safer to assume that legal distinctions continued to apply for those who resided permanently in Athens and that a metic (in contrast to an honorary metic) was anyone who decided to settle in Athens, was willing to pay taxes, and received permission to register (with a *prostates*) in a deme.<sup>6</sup> According to this broad definition, manumitted slaves could also be registered as metics, if they settled in Athens; in this case, they were required to pay the *metoikion*. In other words, I believe that until the manumitted slave registered as a metic, he or she was legally defined as *apeleutheros* or *exeleutheros*. Gaining metic status depended not only on a decision by the polis, but also on a non-citizen's intention to settle in Athens.<sup>7</sup> Hence, some metics were former slaves, but not all former slaves were metics.

As for the three-obol tax, no source earlier than Harpocration confirms this information. Nor do we know whether this was an

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<sup>4</sup> See Clerc 1893, 253; Gauthier 1972, 116–26; Whitehead 1977, 8–10, 14–17, 76; MacDowell 1978, 77; Whitehead 1986a, 146.

<sup>5</sup> Cf. Zelnick-Abramovitz 1998. On political exiles, see Balogh 1943; Seibert 1979.

<sup>6</sup> Cf. Gauthier (1972, 122), who, noticing the difficulties in accepting that every transient foreigner paid the *metoikion*, suggests that the duration-criterion may have been a year.

<sup>7</sup> Cf. Clerc (1893, 284), who notes that, by registering as metics, manumitted slaves acquired a 'condition publique' and had direct relations with the city. See also Whitehead 1977, 6–10. Klees (2000, 6, 10) claims that manumitted slaves, whose manumission did not include a *paramone*-clause or those acquitted in *apostasiou* trials, were equated to the metics and paid the *metoikion*.

annual or one-time levy.<sup>8</sup> Clerc (1893, 285–6), comparing it to the 15 staters paid by manumitted slaves to the polis of Lamia in Thessaly, believes that the three obols in Athens were paid only once, as a fee for registration on the metic rolls.<sup>9</sup> The payment in Lamia, to which Clerc refers, is the fixed sum of 15 staters or 22½ denarii, mentioned in many manumission inscriptions from other Thessalian poleis—a payment that I have interpreted as a publication-fee (see chapter 4.1). If, indeed, the three-obol payment in Athens was a registration fee, it is significant that Harpocration relies, among others, on Menander, whose lifetime coincides with the ‘Lists of Silver Bowls’ (see chapter 5.1). Perhaps the three obols were paid for enrolment in the demes, just as the 100-drachmae silver bowls were donated for having the outcome of *apostasiou* trials engraved on stone. The enormous difference between these two prices (100 drachmae are 600 obols) can be explained by the higher costs of engraving and by the purpose of the law that prescribed the dedication of the silver bowls.<sup>10</sup> In sum, despite the absence of earlier evidence about the three-obol tax, there seems to be no good reason for rejecting the evidence of the lexicographers. If so, this payment, as Clerc notes, was the mark of the manumitted slaves’ servile origin, because it differentiated them from other free residents in the same way as the *metoikion* distinguished metics from citizens. It should also be noted that the three-obol levy and the *metoikion* were the only direct taxes levied in Athens and that they were imposed on non-citizens (cf. Whitehead 1977, 75–6).

In Athens, then, manumitted slaves differed from metics in at least one or two points: they were obliged to register their former masters as their *prostatai* (unless these were manumitted slaves or metics)

<sup>8</sup> That the lexicographers themselves were uncertain as to the nature of this tax is obvious from Harpocration’s hesitant ‘(paid) perhaps to the tax-collector’. Pollux (3.55) says it was paid to the secretary; Hesychius (s.v. μετοίκιον), to the tax-collector.

<sup>9</sup> Busolt (1920, 984), on the other hand, believes that the three obols were paid every year. So also Klees (2000, 8–9).

<sup>10</sup> See above, chapter 5.1. The inscriptions recording the verdicts in *apostasiou* trials may also have been only copies of those deposited in an archive (perhaps the Metroon); if so, the required dedication of a silver bowl weighing 100 drachmae may also have covered the fee for the parallel document written on papyrus or on a wooden board (see Georgoudi 1988). See also Lewis’ interpretation (1968, 375–7) of the fragment of an inscription, which he believes to be a list of all those who performed liturgies in one year and dedicated 50-drachmae silver bowls. Lewis associates this inscription, too, with Lycurgus’ efforts to increase state revenues.



and they may have paid the three-obol tax. But if they decided to settle in Athens—a decision, it must be remembered, that was often the by-product of their continuing obligations towards their former masters—they could register as metics. As metics, they were subject to several restrictions.<sup>11</sup> Manumitted slaves, like metics, could not own real estate (and hence could not lend money on the security of land or a house), unless granted this right (*enktesis*) by the Assembly. They had no political rights—they could not attend and vote in the Assembly or hold office. Moreover, in *Against Neaera* ([D.], 59.92), Apollodorus (the son of the enfranchised manumitted slave Pasion) says that newly enfranchised persons were barred from holding office as archons or priests,<sup>12</sup> but that the Athenians granted their descendants every right, provided they were born to an Athenian woman who was legally married. After Pericles' law of 451/0 B.C., for a woman to be legally married in Athens she had to be the daughter of a citizen and her spouse the son of a citizen. Hence the children born from the union of manumitted slaves (or metics) and citizens were not considered citizens themselves. From the middle of the fourth century B.C., non-citizens who married citizens were also liable to heavy penalties. Again according to *Against Neaera* ([D.], 59.16), non-citizens convicted of living with an Athenian citizen or a citizen's daughter were sold into slavery and their property was confiscated; in the case of a foreign woman, the Athenian citizen living with her paid a fine of 1,000 drachmae as well. This law reflects the Athenians' fear of non-citizens infiltrating the exclusive citizen body. But precisely the context in which this law is cited reveals the gap between legislation and reality: Neaera, the manumitted slave woman, had been living for years as the lawful wife of the Athenian citizen Stephanus before Apollodorus, himself the son of an enfranchised manumitted slave, decided to prosecute them.<sup>13</sup> I shall come back to this case and refer to the status of Apollodorus himself below (6.2).

<sup>11</sup> For what follows, see in general Harrison 1968, 184–6, 189–99; Whitehead 1977; Lévy 1987; Todd 1993, 194–9. See also Hunter 2000, 15–23.

<sup>12</sup> Cf. [D.], 59.106, where Apollodorus says that even the first generation of the Plataeans granted Athenian citizenship could not serve as archons or priests. Aristotle (*Pol.*, 1278a 38) says that a person who has no share in the public honours (τιμαί) is like a metic.

<sup>13</sup> Cf. Patterson 1994, 199–202.

We do not know whether manumitted slaves who registered as metics differed from the latter in their other financial obligations. If these obligations were identical, manumitted slaves were also expected to perform liturgies. According to a scholion to Aristophanes' *Plutus*, 953 (Dübner), metics could be *choregoi* (that is, defray the costs of a chorus for dramatic performances), but only at the Lenaea festival (cf. Lys., 12.20). Demosthenes (18.20–21, with schol., Dilts) adds the *gymnasiarchia* (supervising athletic training) and the *hestiasis* (providing a public dinner for the citizens). There is also evidence that metics could outfit and command a trireme (*trierarchia*): Pampylus, Midas' agent, commanded a trireme (D., 21.163); the banker Pasion, Apollodorus' father, was a trierarch five times (D., 45.85). We do not know, however, whether Pasion performed this liturgy as a manumitted slave, a metic, or a citizen.<sup>14</sup> Metics were also expected to pay the *eisphora*, a special wartime levy (Lys., 12.20; Isoc., 17.41).<sup>15</sup> It is less certain that metics were expected to make voluntary contributions to the state (*epidoseis*); but the available evidence suggests that even transient foreigners could do so.<sup>16</sup> Performing liturgies, paying the *eisphora*, and making *epidoseis* were a means to gain respect and honour; but it is also obvious that only rich non-citizens could afford them. Metics and manumitted slaves were not homogeneous groups, economically or socially.

Privileged metics could be granted the *ateleia*, or exemption from their financial obligations. Although most of the individuals (and entire communities) who were granted this privilege were exiles, it could be implemented only in Athens; hence the beneficiaries were (temporary) residents in the polis.<sup>17</sup> Diodorus Siculus (11.43.3) says that Themistocles proposed to exempt metics and artisans from taxes in order to promote manufacturing in Athens. This evidence has

<sup>14</sup> Whitehead (1977, 80–2) claims that metics did not perform the *trierarchia*. Cf. Trevett 1992, 6. Pasion became a citizen after 391 B.C. and before 376 B.C. (Davies 1971, 429–35; Trevett 1992, 21–4). Apparently he performed his last *trierarchia* as a citizen, if Davies (1971, 435) is correct in his interpretation of *IG* II<sup>2</sup> 1609, ll. 85–7. Cf. Davies 1969.

<sup>15</sup> See Thomsen 1964, 187–91; Whitehead 1977, 79; Klees 2000, 21. Cf. *Syll.*<sup>3</sup> 329 (306/5 B.C.).

<sup>16</sup> See *IG* II<sup>2</sup> 351, ll. 11–15 (= Rhodes and Osborne, *GHI*, 474–7, no. 94), dating to 330/29 B.C.; *IG* II<sup>2</sup> 791 (245/4 or 244/3 B.C.). See also Photius' *Lexicon*, s.v. *ἐπιδω*.

<sup>17</sup> See, e.g., *IG* II<sup>2</sup> 33 (390–380 B.C.), 109 (363/2 B.C.). Cf. Clerc 1893, 197. On exiles in Athens, see Balogh 1943; Seibert 1979.

been doubted, however (Whitehead 1977, 148 and n. 37), and we do not know which taxes these metics paid in the first quarter of the fifth century B.C. Another privilege granted to non-citizens was the *isoteleia*, the right to pay taxes equal to those of the citizens. That this was a privilege can be inferred from the fact that many grave-stones bear the record that the deceased was an *isoteles* (e.g., *IG II*<sup>2</sup> 7862–7881) and from the fact that Demosthenes twice refers to Theodotus, who had been appointed as a public arbitrator (*diaitetes*), as an *isoteles* (34.18, 44). It may be that this privilege exempted metics from the *metoikion* and thus removed one of the marks of their status (Harrison 1968, 189; Whitehead 1977, 11). In the *Athenaion Politeia* (58.2), the *isoteleis* are one of the status-groups under the jurisdiction of the Polemarch. In Demosthenes' speech *Against Leptines* (20.29), in which he attacked Leptines' proposal to cancel the *ateleia*, the *isoteleis* appear (along with the citizens and the *xenoi*) as one of the groups that, according to Leptines' proposed law, were not to be granted *ateleia*. These two sources may imply that the *isoteleia* had some legal significance. It is important to note, though, that this privilege too was granted to metics or foreigners who rendered services to Athens; hence, only rich and well-connected persons could obtain it. It may be significant that Hesychius (s.v. ἰσοτελής) defines an *isoteles* as an *exeleutheros* who had been exempted from the *metoikion*. Since Hesychius (s.v. ἐξελεύθερος) defines *exeleutheroi* as the children of manumitted slaves, he may have thought that only the second generation of freed persons could be granted this privilege.

Metics were also conscripted for military service in separate units (Clerc 1893, 53–4; Whitehead 1977, 83–4). In this sphere, too, they could be granted the privilege of serving in the same units as the citizens. Again, however, it must be stressed that these restrictions and privileges are recorded for metics; we do not know whether manumitted slaves who registered as metics were subject to the same restrictions and could be granted the same privileges. One privilege, in fact the highest, certainly was also granted to manumitted slaves: both Pasion and, later, his manumitted slave Phormio were granted citizenship.<sup>18</sup> But Pasion and Phormio, like any metic or manumitted slave who was granted privileges, were rich and could 'buy' this gift by their contributions to the city.

<sup>18</sup> For other enfranchised bankers, see below, 6.2; for granting citizenship to manumitted slaves, see, in general, chapter 2.2.

Metics and manumitted slaves, being *xenoi* in the polis, were also subject to certain restrictions on their legal personality and procedural capacity. First, as noted above, they were under the jurisdiction of the Polemarch.<sup>19</sup> Second, the killer of a metic was prosecuted in the Palladion, the court that judged cases of involuntary homicide ([D.], 47.68–73).<sup>20</sup> Third, metics could not file a *graphe* (public prosecution) in some cases, including *graphe xenias* (against persons alleged to be masquerading as citizens) and *graphe hybreos* (demanding redress for an assault).<sup>21</sup> Moreover, unlike citizens, metics were subject to summary arrest (*apagoge*) before trial.<sup>22</sup> It has also been argued that the law, including the restrictions on procedural capacity, constructed the metic as an outsider (Hunter 2000, 23) and that in court metics were peculiarly isolated and vulnerable, because they had no links to the Attic land or household and to kinship structures (Patterson 2000). I shall go back to this view below (6.2); here it should be noted that although under Athenian law metics (including manumitted slaves) had a legal personality, they were still considered to be *xenoi*, non-members, and, as such, unfit for the privileges of citizens and always viewed with some suspicion.

The evidence for other poleis is scantier and more problematic. Several Attic orators refer to metics as registering a *prostates* and paying the *metoikion* in Megara (Lyc., 1.23, 145; D., 29.3) and Oropus (Lys., 31.9). Since these orators refer contemptuously to persons who left Athens to be metics elsewhere, it may be that they deliberately ascribed Athenian practices to these cities. It may also be that these two poleis, which were neighbours of Athens (and Oropus was for a long time under Athenian control), were influenced by Athenian law and practices. But it is significant that later inscriptions from both places record grants of *ateleia* and *isoteleia* to non-citizen residents (e.g., *IG VII* 2–7, 11, 245, 246)—meaning that non-citizen residents of Megara and Oropus usually did pay special taxes. These

<sup>19</sup> It has been suggested that this was a privilege, at least in the fifth century B.C., because a mid-century decree (*ML* 31) regulating Athens' relations with Phaselis states that any legal dispute involving a citizen of Phaselis is to be judged before the Polemarch (Todd 1993, 195–6, 332). For citizens of Phaselis, this may have been a privilege, since it made their status closer to that of metics; but it should be noted that this regulation differentiated non-citizens from citizens, thus underlining the lesser legal standing of the former.

<sup>20</sup> See Harrison 1968, 196–8; Todd 1993, 196.

<sup>21</sup> See Todd 1993, 196.

<sup>22</sup> See Whitehead 1977, 93; MacDowell 1978, 76; Todd 1993, 196.

sources, however, refer to metics (or some equivalent status); we do not know whether manumitted slaves assumed this status there. The same doubt exists concerning other poleis that granted *isoteleia*.<sup>23</sup> An inscription dated to ca. 334 B.C. records the grant of citizenship and other privileges to Pyrrhias of Sinope by the polis of Colophon (Meritt, *AJP*, 56, 1935, 377–9, no. 3).<sup>24</sup> The inscription states that while a metic in Colophon Pyrrhias performed liturgies, contributed *eisphorai* as requested, and fought together with the citizens. Hence, the status of metics in Colophon in the fourth century B.C. seems to have been similar to that in Athens. Here, too, however, we have no evidence about manumitted slaves.

Manumission inscriptions, on the other hand, often provide evidence about the ex-slave's status in the polis. As we have seen (chapter 4.4), such inscriptions usually contain clauses that assert the free status of the manumitted slave. Although isolated and not always clear, this evidence implies that in some poleis manumitted slaves enjoyed a better legal status than in Athens. For instance, in *IG* IX(1) 82c, from Thermon in Aetolia, the manumitted female slave is given the right not to belong to anyone, according to the laws of the Aetolians, and to be *isoteles* and *entimos* (cf. above, 2.2). The status of *isoteles* in Aetolia may have been the same as in Athens. The term *entimos* is more difficult to understand, but it may denote certain privileges or even the right to serve in some public magistracies. What is of interest here is that, although these privileges are in accordance with the laws, they were granted to the manumitted slave not by the polis, but by the manumittor—an impossible situation in Athens. However, in another manumission inscription from an Aetolian polis, *IG* IX(1) 1<sup>2</sup>, 96a (from Phistyon, 213/2 B.C.), the manumitted slave woman is stated to be *eleuthera*, *anephaptos*, and *aphorologetos*. The first two terms were discussed above (chapter 4.4); the third term, *aphorologetos*, means 'exempt from taxation' and thus resembles *isoteles* in the first inscription. Again, it is surprising to find that this privilege is granted by a private person and not by the polis. The only logical explanation that occurs to me is that the Aetolian federal legislation accorded manumitted slaves a better sta-

<sup>23</sup> E.g., X., *Hell.*, 1.2.10 (Ephesus), D., 23.211 (Aegina), *IG* XII(5) 647 (Coresia). See Whitehead 1977, 77.

<sup>24</sup> See *SEG* 41, 986, for the identification of Hegesianax, who is named in line 1 of the inscription as an eponymous councillor.

tus than they enjoyed in Athens, perhaps by virtue of the *isopoliteia*—the equality of citizen rights enjoyed by members of the League—which may also have conferred some privileges on non-citizen residents. If so, it is possible that manumittors (or the manumitted slaves) were allowed to record this privileged status in the manumission document itself.

The peculiar status of manumitted slaves in Aetolia may also be inferred from *SGDI* 2133 (182 B.C.), a sale-manumission performed in Delphi by a citizen of Amphissa in the name of an Aetolian. It is probable that the slave-owner was dead and his heirs had appointed the Amphissan to execute his last wish (Albrecht 1978, 137 n. 184). The manumitted slave, whose origin is Thessalian, is given the right 'to be a citizen' (*politeuein*). This manumission inscription joins three others in which the same right is either granted or denied. In *IG IX(1)* 34, from Stiris in Phocis (2nd century B.C.), the manumitted slaves are granted the right 'to be citizens' (*politeuesthai*) wherever they wish. This is also the case in *SGDI* 1844, a manumission by an Amphissan in Delphi (186 B.C.). In *SGDI* 1718 (158/7 B.C.), on the other hand, the manumittor, a citizen of Lilaea who manumits his slave woman in Delphi, warns her not to live outside Lilaea and not 'to be a citizen', without his consent. Could manumitted slaves become citizens by the mere decision of their manumittors? The grant of citizenship, like that of *isoteleia* and other privileges, was the decision of the polis, not of a private person. In these inscriptions, then, the verb *politeuein* may simply mean 'to go and live (elsewhere)', like *metoikein* in *Syll.*<sup>3</sup> 1208, from Thespieae, and Lazaridis 1975, 647–8, no.2, from Phthiotic Thebes (see above, chapter 4.4). But in *SGDI* 1718, at least, *politeuein* is distinguished from *oikein*, 'to live' or 'reside'. Albrecht (1978, 209–13) argues that, since in *SGDI* 1844 the manumitted slave woman is also described as a captive of war (αἰχμάλωτον), she was born free and hence is being given the right to go back to her home city (Chalcis) and resume her citizen status there. He interprets *IG IX(1)* 34 in the same way, although it says nothing about the slaves' origins. But could a woman be a citizen? Or is this verb used in these inscriptions in the general sense of joining or belonging to a community? It should be noted that in *SGDI* 1718, the manumitted slave, to whom this right is denied, is described as Syrian; hence, she may not have even been Greek.

As Bielman (1989, 36) rightly observes, however, the fact that the manumitted slave in *SGDI* 1844 is described as a war captive does

not affect the nature of the deed, which is a typical sale-manumission. The individual in question was probably sold in the slave market and bought by the manumittor. The latter recorded the fact that she had been a captive of war, just as some manumittors recorded the fact that their slaves had been bought at auction (see above, chapter 3.2). However, it seems that in Aetolia manumitted slaves could become citizens by the explicit consent of their manumittors seems, in the light of the grant of other rights, as recorded in *IG IX(1) 82c* and *IG IX(1) 1<sup>2</sup> 96a* (see above). Moreover, an inscription from Thermon (*IG IX(1) 1<sup>2</sup> 9*, third century B.C.) records the grant of citizenship by the Aetolian League (κοινόν) to a woman and her descendants. So it seems that, in third- and second-century Aetolia, the legal standing of women and manumitted slaves was better than it was in Athens. It is also possible, though we have no proof of it, that the laws in Amphissa and Stiris allowed manumitted slaves to become citizens. In *SGDI 1718*, from Lilaea, this right is denied to the manumitted slave, who is also ordered to remain in the polis; hence, the manumittor, wanting the freed woman to remain in his service, prevented her from going away and from implementing what may have been her right in Lilaea or elsewhere. Since, however, we have no other evidence of the status of manumitted slaves in these cities in the second century B.C., no conclusive inference can be made.

It may, however, be significant that in Epirus, where the legal status of women was higher (see above, chapter 3.1) and where several manumitted slaves seem to have entered the families of their manumittors as legally equals (above, 3.2), an inscription from Dodona, dating to ca. 370 B.C. (*SEG 15, 384* = *SEG 37, 515*, ll. 1–19), grants citizenship to a woman from Arronus whose husband is already a citizen.<sup>25</sup> Similarly, the manumission inscription *IG IX(2) 1290* (= Helly 1976, 151–2), from Pythion in Thessaly, grants the manumitted slave woman and her descendants the right to purchase a house and land wherever they wish. Ownership of real estate was the exclusive right of citizens; non-citizens could obtain this right (*enktesis*) only by a state decision (cf. above, the discussion about Athens). In this inscription, however, we see again that a private person can estab-

<sup>25</sup> Lines 20–32 of the same inscription record another grant of citizenship. The grantee may be another woman, if the words Φιντοῦς γενεαὶ ἐξ Ἀρρόνου can be interpreted as ‘to the wife of Phintes from Arronus’.

lish the manumitted slave's status in the polis. Another inscription from Thessaly, *IG IX(2) 458* (Crannon, third century B.C.), grants a woman citizenship and the right to own land (πολιτείαν καὶ ἐν[κ]τάσιν). Although in this case it is the polis that grants these privileges, it is possible that Thessalian federal legislation allowed manumitters to bestow privileges on their manumitted slaves, perhaps after obtaining the consent of the polis. Mention may also be made in this context of manumissions which contain the phrase *xenikei* (*epi lysei*), attested in both Epirus and Thessaly. I have suggested (above, chapter 2.2) interpreting this phrase as indicating the grant of a status similar to that of the *isoteles*. If I am right, this is another case of a privileged status formally conferred by the manumission document (but probably authorized beforehand by the polis).

The differences in the status of manumitted slaves in the various poleis may well reflect different concepts and attitudes. Although freed persons everywhere were *xenoi* in the polis, their rights and obligations varied according to the extent to which the citizens guarded their prerogatives. In Phocis, Aetolia, Thessaly, and Epirus, as we have seen, women could transact business independently. It is therefore possible that, as compared to Athens, fewer restrictions were imposed on other non-citizens as well. It may seem strange that in Athens, the large population of non-citizens who were engaged in manufacture, trade, banking, and building—occupations of great importance in a commercial centre like Athens—suffered more legal restrictions than in the less advanced economies of Aetolia, Thessaly, and Epirus. But it should be remembered that the bulk of evidence concerning Athens comes from the classical period, whereas the inscriptions mentioned above are later. Moreover, in agrarian and less politically developed societies, manumitted slaves may have been regarded as part of the community more than they were in a highly developed political community, which set rigid demarcation lines between members and non-members. Of course, as noted with regard to Neaera, even in classical Athens the actual situation did not necessarily follow the laws and legal procedures.

## 6.2 *Social Position*

To what extent were manumitted slaves integrated into society? This question is not just an academic exercise. As we have seen, manumitted



slaves were free persons, but *xenoi*. They were no longer slaves, but most of them were still bound to their former masters by various obligations. They had acquired a legal personality, but one inferior to that of the citizens. Moreover, whether still dependent on or totally disengaged from their former masters, they had to fend for themselves. It is therefore both interesting and important to study the extent to which manumitted slaves were absorbed in the society in which they settled and whether their servile origin was ever forgotten. As noted above, however, there is not much to build on; what evidence we have concerns almost exclusively an elite group—if I may use this expression in this context—among the manumitted slaves.

Let us start with our earliest evidence. Rhodopis and Aesop, we are told (Hdt. 2.134–5), were fellow-slaves in the service of Iadmon of Samos. Rhodopis was later brought to Egypt by Xanthus of Samos. Herodotus does not tell us who this Xanthus was; in other versions of the story of Aesop, however, this man is said to have been Aesop's second or sole master. In Egypt Rhodopis worked as a prostitute. It was there that Charaxus, Sappho's brother, met her and bought her freedom. Thanks to her charms, Rhodopis became so rich that the Greeks later believed that it was she who built the pyramid actually constructed by the pharaoh Mycerinus. Herodotus refutes this belief and says she lived many years later, in the time of king Amasis (570–526 B.C.) and that she spent only a tenth of her property to buy iron ox-spits, which she sent to Delphi. In other versions, Rhodopis is called Doricha and said to be the Doricha whom Sappho mentions in her poems (frgs. 7 and 5 *PMG*).<sup>26</sup> Strabo (17.1.33) recounts an ancient version of the Cinderella story. Describing the pyramids near Memphis, Strabo mentions a small but lavish pyramid that was called 'the tomb of the *hetaira*', which, he explains, was built by Doricha's lovers. Once, while Doricha of Naucratis was bathing, an eagle came and snatched one of her sandals, carried it to Memphis, and flung it in the lap of the king, who was administering justice in the open air. The king, stirred by the beauty of the sandal and by the strangeness of the event, sent everywhere to search for its owner. When Doricha was found, she was brought to Memphis and became the king's wife. According to Perry's reconstruction (1952, 216–17),

<sup>26</sup> Cf. Athen., 13, 596b–d, where it is also said that Poseidippus wrote an epigram on Doricha and often mentioned her in his *Aesopia*; Phot., *Lex.*, s.v. 'Ροδῶπιδος ἀνάθημα (= *Souda*, s.v.).

Rhodopis-Doricha was manumitted not later than 575 B.C. Like Neaera almost 200 years later, she had the good fortune to be charming and resourceful. Although the story of Rhodopis' life is too legendary and full of missing links to enable a fair assessment, it is nevertheless important in reflecting prevalent ideas on the conduct and fortune of female manumitted slaves.

Even more fanciful is the life of her fellow-slave Aesop. According to Herodotus (2.134), he was killed by the Delphians. Many years later, the Delphians, in atonement, proclaimed that they would pay compensation to anyone who came to collect it; the only one to appear was the grandson and namesake of Iadmon. Hence, concludes Herodotus, Aesop too was a slave of Iadmon. We will shortly encounter various versions of Aesop's life; it is interesting, however (if Herodotus' story is true), that the heir of Aesop's former master received atonement for the murder of his grandfather's ex-slave. In classical Athens, as we shall see, a citizen was explicitly advised by the expounders of religious law (the *exegetai*) not to prosecute the murderers of his father's former slave, because the dead woman was neither his relative nor his slave ([D.], 47). All that can be safely said about Aesop, on the basis of Herodotus and the fragments of Eugeon of Samos' *Horoi Samion* (which, according to Heracleides Ponticus, was cited by Aristotle in his *Samion Politeia*),<sup>27</sup> is that he was from Thrace, that he served Iadmon in Samos and was later manumitted by him, and that he was a teller of fables. But Aristotle (probably on Eugeon's authority) says that Aesop was Xanthus' slave before he became Iadmon's.

According to the earliest complete version of the anonymous and apocryphal *Life of Aesop*, probably composed in Egypt in the first century A.D.,<sup>28</sup> Aesop was a deformed and dumb slave of Phrygian origin who—because of a favour done for the priestess of Isis—was blessed with the power of speech and the skill to devise stories. He was sold to a slave-dealer, who brought him to Samos and sold him to the philosopher Xanthus. Aesop's sharp wit and tongue soon aroused both admiration and indignation. He outwitted his master

<sup>27</sup> See also schol. to Ar., *Av.*, 471 (Dübner); *Souda*, s.v. Αἴσωπος. The testimonies are collected by Perry 1952, 216–17.

<sup>28</sup> This version is found in a tenth-century manuscript in the Pierpont Morgan Library; it was edited by Perry (1952) and given the sign G. See also above, chapters 1.5, 2, 3.1, and 4.1.

many times and finally tricked Xanthus into granting him freedom by helping the Samians against the schemes of Croesus, king of Lydia. After several prosperous years in Samos, Aesop went off to see the world; he visited Babylon (where he became a royal councillor), Egypt, and many other places, demonstrating his wisdom and winning respect and fame. Finally he came to Delphi; but the Delphians did not pay him the respect he was accustomed to, so he publicly reproached them. In revenge, the Delphians accused Aesop of stealing a golden bowl from the temple; he was condemned to death and hurled from a cliff. That, according to Perry, happened in 564 B.C. The story of Aesop, a deformed slave who outwits his betters, seems to be a combination of the sly and energetic slave of New Comedy and the Stoic idea of moral freedom. As Hopkins (1993, 11–12) argues, ‘the *Life of Aesop* is a generic work . . . an invented, generalized caricature of a slave’, whose relations with his master and other persons ‘reflect the central tensions in the relations between masters and slaves.’ This story may also be said to reflect popular ideas of misleading appearances and of the clever inferior who humbles his betters, as well as the fears of former masters at the prospect of becoming dependent on their ex-slaves. Hopkins remarks (1993, 14) that it is small wonder that the story ends with Aesop’s manumission and his murder by citizens: Aesop was too resourceful and troubling to be left alive. Like Rhodopis, however, Aesop’s story is a case of a slave fortunate enough to attract attention and respect. If his murder may be seen as punishment for his success, his manumission was a prize for his talents.

Salmoxis, another semi-legendary figure, was—according to the Greeks in the Hellespont and the Black Sea littoral—the slave of Pythagoras in Samos (Hdt., 4.94–6). After he acquired his freedom, says Herodotus, he acquired great wealth and went back to his native Thrace. But the Thracians were a simple people, whereas Salmoxis was used to Ionian ways and practices. He therefore built a hall where he entertained the chiefs among his countrymen and taught them about eternal life. Eventually (to make a long story short), he was deified by the Getae (a Thracian tribe). Herodotus comments that if there really was a man called Salmoxis, he lived many years before Pythagoras.

Rhodopis, Aesop, and Salmoxis, all said to be natives of Thrace and to have been slaves in Samos, exemplify various similar stories, usually told of famous persons. The philosopher Bion (325–255 B.C.),

for example, is said to have been the son of a slave and a *hetaira* (D.L., 4.46). His master, a rhetorician, gave Bion a good education, set him free, and even bequeathed his property to him. Bion went to Athens to study; later he wandered from city to city, supporting himself by lecturing. Another philosopher of servile origin was Menippus of Gadara, who lived in the first half of the third century B.C. (D.L., 6.29, 95–101). He was a slave in Sinope, studied with the Cynic Metrocles, bought his freedom, and became a citizen of Thebes. The *Souda* (s.v. Κράτης) has a dubious story about the Theban philosopher Crates (365–285 B.C.), according to which Crates gave money to the Thebans, stood by the altar, and declared himself free.

We can end this list of ex-slave philosophers with Epictetus (ca. 55–135 A.D.), who, as a slave of Epaphroditus (himself a freedman of Nero),<sup>29</sup> was allowed to attend the lectures of Musonius Rufus. After his manumission, Epictetus taught philosophy in Rome and—when Domitian expelled the philosophers from Rome—in Epirus. In the fourth book of his *Discourses*, discussing the meaning of freedom, Epictetus describes the life of a manumitted slave after liberation. This is a famous and often-cited passage, but it is worth quoting again:

A slave prays to be set free immediately. Why? Do you think it is because he is eager to give money to the collectors of the 5% tax?<sup>30</sup> No, but because he imagines that until now, because he has not obtained it (i.e., freedom), he is deterred and unlucky. 'If I am set free', he says, 'immediately everything will be well; I shall be at no one's beck and call, I shall talk as an equal and of the same standing as everyone else, I shall go where I wish, I shall come from and where I wish.' Then he is manumitted. And straightaway, having nowhere to go and find food, he looks for someone to flatter, in whose house he can dine. Afterwards, he either earns his living by bodily labour<sup>31</sup> and suffers the most terrible things, and even if he finds any manger, he has fallen into a slavery more depressing than the first; or, even if he gets rich, being a vulgar person he falls in love with a young girl and, being miserable, cries and yearns for slavery. 'What

<sup>29</sup> Another Epaphroditus (of Chaeronea, 1st century A.D.) was the slave and student of Archias of Alexandria and later taught at Rome.

<sup>30</sup> In Rome, a tax of 5% of the slave's value (*vicesima*) was exacted for manumission.

<sup>31</sup> W.A. Oldfather, in his 1928 Loeb edition, understands this phrase as a euphemism for prostitution, comparing it to [D.], 59.20. But the literal meaning is quite in place, rendering the concept that physical labour is slavery (cf. above, chapter 1.2).

trouble did I have? Someone else clothed me, gave me shoes, fed me, and nursed me in my sickness; and I served him in small matters. But now, poor me, how I suffer, being a slave to many more instead of to one!' (4.1.33–7).

Epictetus, of course, means that true freedom and slavery are not legal or physical conditions. He may also have described here the actual plight of most manumitted slaves and the 'harsh risks of independence' (Hopkins 1978, 148–9)—but certainly not his own situation. He was one of the few whose liberation did not bring him into violent collision with the hard soil of reality.<sup>32</sup> Epictetus' words, however, reveal—behind the Stoic ideas—the common notions of slavery and freedom, as we find them in other and earlier sources: slavery is living for someone else, serving others, performing physical labour, flattering the wealthy and powerful, and not being able to talk to others on equal terms (see above, chapter 1.2).<sup>33</sup>

We know of other lucky freed slaves. Sicinnus, Themistocles' slave and the tutor (*paidagogos*) of his children, who was sent by his master to the Persian camp before and after the battle of Salamis (Hdt., 8.75, 110), not only obtained his freedom, but also—with Themistocles' help—became a citizen of Thespieae (when the polis was accepting new citizens) and a rich man. The former slave Pasion and his former slave Phormio are the best-recorded examples of socially integrated manumitted slaves in Athens.<sup>34</sup> We know very little about Pasion's life as a slave. His masters were the bankers Archestratus and Antisthenes (D., 36.43–8); it is possible that, like many bankers in Athens, they were metics or even manumitted slaves. This, in any case, may explain why Pasion, after manumission, registered as a metic in the deme Acharnae and not in his manumittors' deme, Piraeus. As suggested by Davies (1971, 430; see above, chapter 4.3), Peithodorus of Acharnae, with whom Pasion had a close relationship (Isoc., 17.33), may have been Pasion's *prostates*; Pasion's son, Apollodorus, and Peithodorus' grandson and namesake were friends and *philoï* ([D.], 50.27). Pasion may also have been a 'living apart' slave (*choris oikon*;

<sup>32</sup> For the hardships faced by newly freed persons, see Plaut., *Cas.*, 293; *Epid.*, 727.

<sup>33</sup> Cf. D.Chr., 14.3–4, 13: the common concept of being free (τὸ ἐλεύθερον) is to be subject to no one and to be able to do whatever one wishes. A slave, on the other hand, is a person whom one may flog, fetter, kill, and generally treat as one wishes (*ibid.*, 12).

<sup>34</sup> On Pasion and his family, and on Phormio, see Davies 1971, 429–42; Cohen 1992, 81–106; Trevett 1992.

see above, chapter 4.2.1), managing his masters' bank in the Piraeus. As a manumitted slave and, in time, a metic, he had his own establishment and soon became rich and well-connected. One of Pasion's clients was the Athenian *strategos*, Timotheus son of Conon. According to Apollodorus, Pasion, wanting to have influence over Timotheus, loaned him money without security or witnesses ([D.], 49.2–3). Apollodorus describes the relationship between the Athenian general and his father in terms of great significance: Pasion 'served' (ὕπηρέτηκε) Timotheus; the latter promised to reciprocate Pasion's services (χάριν ἀποδώσειν; *ibid.*, 27). These relationships were obviously based on what Aristotle called 'the useful *philia*'. Another friend of Pasion was the Athenian Callistratus (*ibid.*, 47). Pasion's connections also spread outside Athens: he had *xenoi* (guestfriends) in Lampsacus, Tenedus, and many other places ([D.], 50.18, 56).

As a rich metic (D., 36.5), Pasion contributed *eisphorai* (Isoc., 17.41) and probably performed liturgies (above, 6.1). He acquired his fortune from the profits of his bank and his shield factory.<sup>35</sup> Because of his generosity to the city, including the donation of 1,000 shields (D., 45.85), Pasion was granted Athenian citizenship ([D.], 59.2), apparently after 391 B.C. (Davies 1971, 430). In 373 B.C. (Davies 1971, 431–2), Pasion manumitted his slave Phormio and leased him the bank (D., 36.4, 11, 37). We do not know whether there were any conditions attached to Phormio's manumission; but it is significant that the lease document stipulated that Phormio was not to pursue banking activity on his own account (D., 45.31). Moreover, in his will Pasion left instructions that Phormio marry his widow, Archippe, serve as Pasicles' (Pasion's younger son) *epitropos*, and manage the bank and the shield factory until Pasicles came of age. This protracted bond between the former master and the former slave attest, of course, the great trust Pasion had in Phormio; but it also reveals a reciprocal relationship that started when Phormio was still a slave. Years later, when Apollodorus sued Phormio, the speaker on behalf of Phormio said that Pasion saw no other way to save the bank but to make Phormio 'a member of the household' (οἰκεῖος). Thus Phormio, who once, as a slave, was a part of the household, became one again after obtaining his freedom. Phormio himself made a fortune from the bank and owned ships (D., 45.64, 66). Like Pasion before him,

<sup>35</sup> He must have rented the factory while still a metic.

he had many connections with Athenian citizens. Stephanus was his agent (D., 45.63–4) and the trader Timosthenes his friend and partner (D., 49.31). In return for his contributions to the polis, he was granted Athenian citizenship in 361/0 B.C. (D., 36.48; D., 46.13; Davies 1971, 436). In 347/6 B.C. he contributed a set of oars to the polis (*IG* II<sup>2</sup> 1622, l. 472) and was a trierarch before 334/3 (*IG* II<sup>2</sup> 1623, l. 245). Phormio's son by Archippe, Archippus, was also a trierarch (Davies 1971, 436).

Pasion and Phormio were not the only bankers who rose from servitude to riches and citizenship; the bankers Epigenes and Conon were also made citizens (Din., 1.43; Osborne 1981–83, III, 78). Banking provided the means of accumulating wealth and influence; wealth enabled bankers to make generous contributions to the polis and thus be rewarded with citizenship (Cohen 1992, 88–9). This upward mobility of (former) bankers' slaves, says Cohen (1992, 84), was enabled by a variety of factors. One of these was the personal nature of banks: bankers made the *oikos*, the household (in which the bank was often located), 'a mechanism for perpetuating a business producing wealth for persons of largely servile and non-Athenian background'. Slaves working in their masters' banks performed highly confidential functions. Because the bank often operated in the banker's residence, close personal relationships developed between slaves and non-slaves. Hence bankers' slaves had unusual opportunities for gaining personal wealth and social acceptance. That is why, on his deathbed, a banker might prefer to transfer control of the bank to a highly regarded slave and even give this slave his wife in marriage (Cohen 1992, 61–80). Pasion, who, thanks to his zeal (*phileergia*) and integrity (*chrestotes*), had inherited the bank of his former masters (D., 36.43–4), transferred his business and wife to Phormio. But by betrothing his wife to Phormio, Pasion created a baffling situation, at least for modern scholars.

Pasion had married Archippe before he became a citizen. Hence both of them were metics. What was Archippe's status after her husband was granted citizenship? Unlike Aetolia, Epirus, and Thessaly (see above, 6.1), women were not granted citizenship in Athens. After 388 B.C., grants of Athenian citizenship were extended to the recipient's descendants, both male and (tacitly) female (Osborne 1981–3, IV, 151–2); but nothing was said about the grantee's wife. Moreover, Pasion's deathbed instructions (370/69 B.C.) that Phormio continue his lease of the bank, marry Archippe, and serve as the guardian of

Pasion's minor son, Pasicles—were clearly illegal, because Phormio was not a citizen (Osborne 1982, 126; Cohen 1992, 103–4). By her marriage in 368 B.C. (D., 45.3) to a non-citizen, a *xenos*, Archippe was breaking the law that her own son, Apollodorus, would cite ca. 340 B.C. in his prosecution of Neaera (D., 59.16). According to this law (see above, 6.1), had Phormio been convicted of living as the husband of a woman of citizen status, he would have been sold into slavery and his property confiscated. Since both Pasion and Phormio were well known in Athens, this marriage could not have been a secret. In fact, in his prosecution of Phormio, Apollodorus challenged its validity (D., 45.3; D., 46.23). The speaker defending Phormio (D., 36) provides other examples of manumitted slaves who had married their manumittor's widow: the banker Socrates, a former slave, gave his wife to his slave, Satyrus; the banker Socles, gave his wife to his slave, Timodemus; outside Athens, Strimodorus of Aegina gave his wife to his slave, Hermaeus (D., 36.28–9). It may be that this was a custom among bankers, who wished to keep their establishment in the hands of their wives, through their former slaves and managers. But it does not explain how Archippe, the widow of an enfranchised banker, managed to live as the wife of a non-citizen and not be prosecuted—not even by Apollodorus' many enemies.

Whitehead (1986b) infers from Archippe's case that the Athenians were tolerant of the certain ambiguity in the status of women, especially the wives of naturalized foreigners. Carey (1991), on the other hand, argues that Archippe remained a *xene* when married to both Pasion and Phormio; when Pasion was granted citizenship she became, in fact, his concubine (*pallake*). But this view is acceptable only if we agree with Whitehead that the Athenians were tolerant of such situations. It seems implausible that Apollodorus and Pasicles, and their sons after them, could enjoy the rights of citizens unless their mother's status was of no legal relevance. This is also the view taken by Cohen (1992, 105–6). He claims that, in practice, the issue of the wife's status would normally never be raised. Male family members protected their female relatives from public discussion; that is why Apollodorus waited until after his mother's death before he brought the issue up in his prosecution of Phormio—and even then only suggested that her status might have invalidated the marriage. Hence, according to Cohen, the silence of the law left Archippe's status ambiguous. It may also be that the Athenians were well aware of the legal problems concerning the wives of naturalized foreigners and



that this is one of the reasons why new citizens were barred from public magistracies. As the sons of a foreign woman, Apollodorus and Pasicles (born before their father was granted citizenship) could not serve as archons or priests—as Apollodorus himself reminds the judges in his prosecution of Neaera ([D.], 59.92).

Neaera's case is another example of the ambiguous status of citizens' wives. Although she was a manumitted slave and a foreigner in Athens, Neaera managed to live for many years as the lawful wife of Stephanus, have her sons registered as citizens, and her daughter married (twice) to citizens. Apart from Phrynion's attempt to bring her back to his house (a case of a *dike aphaireseos* that was settled out of court), her status was never discussed in public until Apollodorus' prosecution of her.<sup>36</sup> As Patterson (1994, 199) notes, the irony in *Against Neaera* is that the prosecutor, the son of a former slave, calls the Athenians to guard their sacred purity and return Neaera, herself a former slave, to slavery. The irony is even more acute when we remember that Apollodorus contested the clause in his father's will that arranged for Archippe's marriage to Phormio. Apollodorus did not mean to dispute his mother's status (and, indirectly, his own), but to challenge Phormio's right to the family property. But by bringing up this subject he attracted attention to his own ambiguous status and, hence, undermined his arguments. His mother's uncertain status and his attack on Neaera reveal the other side of legal and social distinctions in Athens.

Apollodorus' litigious character is revealed by the seven forensic speeches he delivered (preserved in the corpus of Demosthenes' orations). These speeches also reveal Apollodorus' consciousness of his servile origins and his endeavours to be 'more Athenian than the Athenians' (Osborne 1981–3, IV, 196; Trevett 1992, 178). Apollodorus sought to distance himself as far as possible from his servile and commercial background. After his father's death he moved to the countryside ([D.], 53.4). He married the daughter of Deinias, of a well-off family (D., 36.17; 45.55), and later gave his own daughter in marriage to Deinias' son ([D.], 59.2). He lived extravagantly (D.,

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<sup>36</sup> In Menander's comedy, some *hetairai* stay in the house of their master, apparently as concubines. This is probably the case of Chrysis in *Samia* (Zagagi 1994, 114). Less clear is the status of Crateia in *Misoumenos*, who may have been manumitted in the opening section of the play, perhaps with a *paramone* condition, or in a later part (Zagagi 1994, 175 n. 94; Krieter-Spiro 1997, 53–4).

36.8), performed the *trierarchia* four times, paid a *proeisphora*, and was a *choregos*—with much lavishness ([D.], 50.54). Apollodorus himself says that those who have been made citizens should perform liturgies as if they were returning a favour (D., 45.78). His speech against Neaera ([D.], 59) reveals the wide knowledge he had acquired of Athenian laws and history; in this speech he also shows his concern for the sanctity of the Athenian citizenship. As a naturalized citizen, Apollodorus feels he must embrace the ideology and conduct of a citizen by birth. Most revealing is his attack on Phormio, his father's former slave (D., 45): he mocks Phormio's bad Greek, stresses his servile origins, and finally says to the judges (45.86):

Each one of you must consider what slave you have left at home, and then imagine that you have suffered from him the same treatment that I have suffered from Phormio. Do not take into account that they are Syrus or Manes or the like, while this man is Phormio. The principle is the same—they are slaves, and he was a slave; you are masters, and I was master.

Although Phormio was long free, Apollodorus treats him as if he were still his slave.<sup>37</sup> Moreover, by addressing the Athenian judges with these words, he is endeavouring to be identified with the Athenian citizens and slave-owners in contrast to the former slave Phormio. It is also significant that Apollodorus claims that Phormio, as his father's ex-slave, should not be too prosperous and should show respect to himself. This concept of the proper position of manumitted slaves is revealed by laws and legal proceedings, by terminology, and by manumission documents. The parvenu Apollodorus embraced this concept just as he embraced Athenian citizenship. In his speech against Nicostratus, Apollodorus tells the judges that he had agreed to a fine rather than the death penalty in his legal dispute with Arethousius (Nicostratus' brother) because he did not want people to say that he—Apollodorus, the son of Pasion, and a citizen by state decision—brought about the death of an Athenian.

Little is known about Pasicles, Pasion's second son. He appeared as a witness in support of Phormio in 349 B.C. (D., 45.37), but was later involved in a legal dispute with him.<sup>38</sup> His son, Pasion, prosecuted

<sup>37</sup> Cf. the speaker's admonition to Apollodorus that he should not hold Phormio's servile background against him, because he himself has similar origins (D., 36.48).

<sup>38</sup> Hyperides' *Against Pasicles* (frgs. 134–6) and *For Pasicles* (frg. 137) may have been the same speech; see Davies 1971, 442.

his former slave, Hippolochus, in a *dike apostasiou* (IG II<sup>2</sup> 1570, ll. 42–4).

The opportunities open in Athens to bankers' slaves and former slaves to accumulate wealth and influence helped them achieve deeper integration into society. Cohen (1992, 102) argues that the Athenians, by granting citizenship to bankers, facilitated the creation of new great households and their social integration. In the light of the evidence concerning Phormio and Apollodorus, however, this may be true only for their descendants; and it seems that Eumathes (Is., fr. 15) was not a prosperous banker. Many other freed persons who worked and lived in Athens escape our knowledge, because they were not rich or famous enough to attract attention and may have lived on the margin of society. The 'Lists of Silver Bowls' show that many manumitted slaves were engaged in manufacturing and trade; they contributed to Athens' economy and were doubtless socially incorporated in the working populace. In this respect, they were 'servile' and dependent, just like any person who engages in a physical work and labours under the control of another person (see chapter 1.2). But we do not hear of them unless they are mentioned as the *apeleutheroi* of others, usually in forensic speeches. Thus Milyas, the former slave of Demosthenes' father, is known to us only because Aphobus challenged Demosthenes to hand Milyas over so he could be tortured and give testimony; Demosthenes was compelled to declare that Milyas is 'our *apeleutheros*' (D., 27.19) and to bring the testimony of his mother and female slaves to this effect (D., 29.25–6). But even as *apeleutheros*, Milyas seems to have continued to work in the family business, just as Euctemon's *apeleuthera* managed his tenement house in the Piraeus (Is., 6.19).

Other freed slaves about whom we have evidence seem to have become independent, although they too are referred to as the *apeleutheroi* of their former masters: Nicarete, Neaera's first owner, was the *apeleuthera* of Charisius of Elis ([D.], 59.18). Alcias, who leased a plot of land from the speaker in Lysias, 7.10, was Antisthenes' *apeleutheros*. Not all known former slaves were economically independent. The speaker prosecuting Euergus for perjury ([D.], 47) tells a touching story about his old nursemaid. The speaker was in debt to Theophemus because he had lost a suit initiated by Theophemus, in part because of Euergus' alleged false testimony. The speaker recounts how Theophemus and his men broke into his house in the countryside while he was away and, in the presence of his wife and children, carted

off his furniture. Also present was his old nursemaid, who had been manumitted by his father and gone to live with her husband, but had returned to his house after her husband's death because there was no one else to look after her. When the old nurse tried to hide a cup from Theophemus and his men, she was severely beaten and later died (47.52–9). The speaker's story presents affectionate ties between the former slave woman and the son of her former master. He describes her as well disposed and faithful (εὖνους καὶ πιστή; 47.55). When she returned to his house after her husband's death, old and with no one to care for her, he felt that he must not ignore those who are in distress, neither a nursemaid nor a *paidagogos* (ibid., 56). He also called in a doctor, when she was lying bruised and ill, because Theophemus would not do so despite his demand (ibid., 67). When she died he even went to the *exegetai*, those who expound religious law, to ask what should be done, because she was a good woman and had lived in his house (ibid., 68). But the *exegetai* advised him not to prosecute, both because he himself was not present at the incident and because the dead woman was neither his relative nor his slave; he should only purify his house and bear the calamity as calmly as possible (69–70). That is why, explains the speaker, he could not prosecute Theophemus for murder; to make this point clear, he even asks the court clerk to read the law on homicide (72–3).

But this story is not unique; nursemaids naturally had particularly close relations with their masters' family, as the speaker's words attest (ibid., 56; cf. Hunter 1994, 86–7). A similar case appears in Menander's *Samia*, 236–8, where Demeas says that the old nurse of his adopted son Moschion had been slave, but now is free;<sup>39</sup> nonetheless, she still lives in his house and seems to help with the housework. Moreover, despite his tender words, the speaker in [D.], 47, only twice refers to her as a nursemaid (τίτθῃ; 47.55, 81); otherwise he constantly refers to her by the word *anthropos*, 'woman', a word that usually does not imply affectionate ties. It should also be considered that his long description of the woman's mishap and his efforts to restore her health and later to avenge her death is intended to blacken his adversary in the eyes of the judges and create a good impression of himself. This is not to say that the nursemaid did not have a close

<sup>39</sup> For this interpretation of the phrase γεγονυῖ' ἐμὴ θεράπειαν' and, generally, on the nurse in this play, see Krieter-Spiro 1997, 34–5.

relationship with the speaker; but the speaker may have exaggerated her role in the family for rhetorical effect. A hint that this is the case is his offhand remark (47.56), after he explains that he could not ignore her destitute situation, that another reason she re-entered his house was that his wife did not want to be left alone while he was off performing his trierarchy. He must have had warm feelings towards his old nursemaid and may even felt morally obliged to help her; she, for her part, returned to her former master's house when she was left alone. This story reflects affection, but also ex-slaves' prolonged dependence on their one-time masters. All said and done, she was still only a former slave, an *anthropos*, and her fate was that there was no one to avenge her and prosecute her murderers.<sup>40</sup>

When trying to assess the place of manumitted slaves in society, therefore, we must consider both their economic position and their status as defined by law. We have seen that, in Athens, those who were more deeply assimilated or had even been naturalized were wealthy enough to contribute to the polis and to have influential connections. But both they and other, less fortunate, former slaves were still referred to as manumitted slaves, as persons who belong or had once belonged to others. Thus the speaker in Lysias' *Against Agoratus* tells the judges that they should know that the defendant (a metic in Athens) is a slave and the son of slaves (δοῦλος καὶ ἐκ δούλων), so that they may know what sort of man had caused the Athenians harm; he goes on to explain that Agoratus is the son of Eumares, who belonged to Nicocles and Anticles (13.64; cf. §18). Agoratus' servile origins were of no legal relevance to the case, and the speaker's allusion to it was intended to arouse the citizens' inbred prejudice against any non-Athenian, and especially a former slave. His words recall those of Apollodorus about Phormio (D., 45.86), quoted above. In another speech of Lysias, *Against Nicomachus*, the defendant's servile origin is brought up as a device to turn the judges' feelings against him. Nicomachus is said to be the son of a public slave (30.2) and is later referred to as a public slave himself (ibid., 5), although at the time of the speech he apparently was a citizen.<sup>41</sup> This prejudice is also evident in Demosthenes' comparison

<sup>40</sup> Cf. Patterson 2000, 100. On homicide law, according to [D.], 47, see MacDowell 1963, 17–20; Gagarin 1981, 56–7; Carawan 1998, 186.

<sup>41</sup> Cf. Todd 1993, 193.

of Aeschines' conduct to that of manumitted slaves (24.124): the latter, says Demosthenes, never show enough *charis*, gratitude, to their former masters, but hate those who remember their former servitude.

Gernet (1955, 172) claims that, because manumitted slaves' obligations were defined by law, their legal status was better in Athens than it was in other poleis. But as we have seen, the legal restrictions, the ongoing obligations, and the prejudice against manumitted slaves placed them in a distinct category. Socially, they may have been assimilated: there is nothing to suggest that working-class former slaves were socially or economically different from working citizens; the same can be said about rich and educated former slaves vis-à-vis rich and educated citizens. But they always remained 'the manumitted slave of' someone, even when registering as metics. As Todd (1993, 173-4) remarks, the privileges granted to metics highlighted the depth of the gulf between them and the citizens. And metics, including former slaves, were *xenoi*; they were outsiders and, as such, always a threat to the sanctity of the household and the polis. Patterson (2000) claims that the metics' isolation, a result of their lack of roots and ties to the Attic land and kinship structures, jeopardized the exercise of their legal privilege and fostered the topos of the dangerous *xenos* within. The metics' standing in the courts was hence peculiarly vulnerable. Since metics and former slaves lacked the supporting net of kindred (the *anchisteia*), no one could prosecute their murderers, as is shown by the case of the dead nursemaid discussed above.

The position of manumitted slaves in society thus reveals the ambiguous attitude of the Athenians towards them, and this attitude may well have been the same in other poleis. On the one hand, manumitted slaves, like metics, played an important role in the economic life of the polis; to use Aristotle's terminology, they engaged in the 'non-liberal arts'. Hence manumission functioned as a catalyst for commerce and manufacturing. It also served to emphasize the collective free identity of the citizens. For the individual slave-owner, manumission was a means both to replace an old and feeble 'tool' with a new one and to benefit in exchange from the continued services of the freed slave. On the other hand, manumitted slaves were never wholly free. Neither wealth nor social integration could wipe away the stain of servile origin. More important, neither privileges nor even naturalization could make a former slave cease

being the *apeleutheros* of another.<sup>42</sup> Judging by this attitude and by Demosthenes' reference to the laws of the *exeleutheroi* (Pollux, 3.83), it may be that, in Athens, even *exeleutheroi*—manumitted slaves who were completely disengaged from their ex-owners—were still referred to as former slaves.

Manumission was a widespread, diverse, and dynamic phenomenon. Its existence implies its advantages to slave-owners and poleis, as well as to the slaves themselves. After being granted freedom, former slaves were indebted to their former masters and dependent on them. But this debt had to be sanctioned by state laws, lest former slaves attempt to renege on their obligations and infiltrate the citizenry. Manumission, therefore, also reflects the continuous tension between the advantages of manumission and the fear (always present in Greek society) of the *xenos*. This tension, based on the reciprocal nature of manumission, is reflected in the laws and legal procedures, in the social and economic position of manumitted slaves, and in the prejudices against them. It can also be detected in Plato's suggestion in the *Laws* to encourage foreigners to come and work in the city but to limit the duration of their residence.

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<sup>42</sup> It is worth noting that in Rome the emperor could grant to a manumitted slave the right of *ingenuitas*, i.e., the right of being considered freeborn; see Suet., *Aug.*, 74.1.

## CONCLUSIONS

I began this book by citing Dio Chrysostom (14.1, 4) and Epictetus (4.1.34) on the common concept of slavery and freedom. According to this truism, freedom is the highest goal of mankind; its essence being complete independence and the absence of any restraint. Moreover, manumission is the immediate transfer from total dependence to complete freedom and to equality. This concept, although presented by two Stoic philosophers of the first and second centuries A.D., seems to have been widespread among the Greeks as early as the sixth century B.C. The ancient sources from the archaic and classical periods also suggest that a free person is a citizen, a full member of the community. And yet, a freeborn citizen might be sometimes considered as slavish in his conduct and soul, if he works for wages or depends on others for a meal. The same can be said of a slave who obtained freedom; if he has to flatter rich men and perform bodily labour, says Epictetus later in this passage (see above, chapter 6.2), he falls into greater slavery than before. This widespread concept undermines the accepted free-slave dichotomy; freedom, as well as slavery, had many shades. Moreover, this concept reflects a reality in which legal freedom did not necessarily coincide with social equality, and the ambiguous relations between the free members and the non-members. Members of the free community tend to guard their privileged status and close their ranks to any intruder who is 'less free', while depending on these 'less free' and on the completely non-free in order to maintain their superior position.

Slavery was thus an essential institution, but it also constituted a threat—not only as a potential condition, into which any free person might fall, but also as an impending socially subversive element. Slaves were bought, bred, and exploited; they were admonished, beaten, and sold. But they were also confided in, relied on, and used for the most intimate chores. Moreover, female slaves were their masters' concubines and had children by them. The slave was an outsider, yet, at the same time, a part of the household. These intricate relations reveal another facet of the property relations that is commonly thought to characterize slavery: slave-ownership consisted of a social interaction, based on reciprocity and exchange. Or, as



Aristotle argues (*Pol.*, 1255b 13–5; *NE* 1161b 5): as a human being the slave is capable of having *philia* relations with his master.

In this book, I have attempted to show that *philia*-relations can be applied to manumission. To free a slave meant not only to alienate family property, but also to disengage a member, though an inferior one, from the *oikos*. Given that master-slave relations were essential to the well-being of the household and enhanced the master's sense of superiority and position of power, manumission seems senseless. From a broader point of view, it also threatened the entire community, in that it transformed a privately owned property into a master-less non-member, who might attempt to appropriate what belonged by right to the full-members. Moreover, as Patterson (1982, 209) observes, if the slave is merely property, there seems to be no way by which he or she can be manumitted. Property cannot transact with the owner, buy its freedom and acquire self-ownership. By applying the concept of *philia* to master-slave relations, however, manumission can be explained as the protraction of these relations to a different level. If we view the slave as a human being, capable of creating and maintaining social relations, manumission can be seen as a transaction, an exchange of freedom for past services and money.

But this exchange, as any other, is expected to create equality, whereas manumitted slaves in the Greek world remained outsiders, foreigners who had no share in the political rights. Moreover, the evidence on manumission reveals that freed slaves were often obligated to remain with their former masters and work for them, or required to fulfill other conditions which were stipulated in the manumission act. Slave-owners wished to recapitalize the value of old or dispensable slaves, yet retain the latter's services. The polis was interested in keeping social distinctions by sanctioning the former masters' rights to their freed slaves' services; and since manumitted slaves, like other non-citizens, engaged in those kinds of work that were considered 'slavish', manumission was to the advantage of the economic life in the polis. Hence, manumission was a case of *philia*-relations between unequal persons; and since the parties were not equal, the manumitted slave was indebted to his or her ex-owner until the debt was completely repaid or renounced by the creditor; only then were the slaves free to go and live wherever they wished. Manumission, one should also remember, was reversible; a failure to fulfill the conditions of manumission made the act void, and the freed person went back to slavery.

This unique nature of Greek manumission can be further clarified by comparing it with manumission in Rome. As in the Greek poleis, manumitted slaves in Rome were obligated to help and support their former masters; they became the latter's *clients*. But this social position was traditionally applied not only to freed slaves, but also to socially inferior individuals and families, who voluntarily created *patron-client* relations with influential and more well-to-do citizens. Moreover, manumitted slaves in Rome became citizens; hence their support in elections could also be secured, and they had a share in the political rights. Their obligations to their former-masters were not stipulated in the manumission act; in fact, Roman manumission did not recognize conditional manumission. By contrast, manumitted slaves in the Greek world remained non-citizens, they were offered freedom on the condition that they fulfill certain services, and hence they remained half-way between slavery and freedom.

Manumission in the Greek world, however, might seem from the relevant sources to be a multifarious, amorphous, and local phenomenon. Yet, although the evidence derives from different places and periods, and displays an array of manumission modes, conditions, and appellations, it is nonetheless clear that manumission had similar features and was based on a common concept in all the areas where it is attested. A thorough analysis of the evidence has shown that manumission was a widespread phenomenon and that it existed from the archaic period to the Roman age. Manumission appears in many forms: as a simple declaration of freedom by the family hearth, at the owner's deathbed, by a symbolic ritual; or, in public, declared by a herald at the altar, in the theatre, in a sanctuary—where it could take the form of a consecration or a sale to the god—or before a magistrate. In some places, the evidence points to the involvement of the polis that authorized the publication of manumission acts. Whatever form it took, however, manumission was a transaction between the owner and the slave or a third party (whether human or divine). And what is perhaps its most important feature: the terminology of manumission confirms the existence of a common concept of the status of manumitted slaves. This can be sustained by several facts. First, manumitted slaves are often distinguished in the sources from other non-citizen residents; hence, we may deduce that they formed a distinct social group. Second, the manumitted slave is never called an *eleutheros*, a fully free person, except when this term appears as a predicate, following verbs that denoted consecration or

sale. A freed person was usually called *apeleutheros* or *exeleutheros*. Third, these two terms are employed in the sources in a way which suggests that manumitted slaves were subdivided into two distinct groups: the *apeleutheroi*, who maintained a persisting bond with their former masters, and the *exeleutheroi*, who seem to have been completely disengaged from them. The fact that the same terms and their related verbs were used in the same sense in different places, from the classical to the Roman periods, proves the uniformity of the Greek concept of manumission.

The nature of master-slave relations and the concept of manumission as exchange can be clearly seen by examining the recorded manumitters and manumitted slaves. We can discern motives for manumission, other than merely profit-seeking, by analysing these two groups according to gender, age, and origin. Slaves were manumitted as a token of gratitude for past services, as an acknowledgement by the owner of slave children as his offspring, and as an expression of warm feelings towards fosterlings raised as slaves and slave concubines. These motives, as well as the family ties attested among slaves, again divulge the social aspect of slavery and manumission. The act of manumission, nonetheless, was a transaction. This is revealed by the use of witnesses, guarantors and warning clauses, and by the conditions attached to manumissions. The more elaborate manumission documents, which first appear in the third century B.C., also reveal the deep concern of both slave-owners and manumitted slaves with the validity of the document and with warranting the owners' right to dispose of their property and the manumitted slaves' freedom. These documents were painstakingly formulated, copied and deposited in archives or with private persons, in addition to their engraving in public places. Moreover, in many places, publication, which was the most important safeguard against attempts to re-enslave the freed person, had to be authorized by the polis and paid for. The publication fee is yet another sign of the polis' concern with controlling the population of non-citizens.

Conditions attached to manumission, too, point to its business-like nature. Slaves were required to pay for their freedom, regardless of ties of affection, which may have been formed between masters and slaves. This very fact, however, further indicates that slaves were more than property. Although lacking legal personality, they were allowed to save money and use it, or could take a loan from a third party, meaning that they could transact on their own. Other con-

ditions found in manumission documents span from the vague obligation of the manumitted slave to remain with the ex-owner and do whatever he or she were ordered to do (*paramone*) to more specific obligations (such as the requirement to perform the manumittors' funeral rites or to raise and leave behind children as a replacement), and also the requirement to pay extra money. Some former slaves were also forbidden to use their property or bequeath it, or to go and live somewhere else. These conditions deferred freedom and protracted the manumitted slaves' dependence on their ex-masters. In fact, to a certain extent, these conditions perpetuated slavery and, hence, *philia*-relations between unequal parties. This is made clear by several manumission documents that order the freed slave not only to remain and do as told, but also to continue working like a slave, often under the threat of corporal punishment.

Hence, although legally free, in social terms manumitted slaves' actual position was semi-slavery, or half way between slavery and freedom. As the inferior party to the transaction, slaves had little choice and were forced to accept these conditions. The legal status of freedom, as phrased in Dio Chrysostom's discourse (see above), was the greatest blessing, the object of long years of craving. In reality, this freedom was partial. In many cases it was also gradual: the slave first bought a deferred manumission and then paid extra money to be released from the prolonged service. Many others, however, were not able to buy their full freedom. The import of the term *apeleutheros*—the protracted dependence of the freed person on his or her manumittor—is thus corroborated by the contents of manumission documents. Moreover, manumitted slaves were often required to remain and perform services for persons other than their manumittors, thus indicating that deferred freedom, or the continuation of dependence, was not only a means by which slave-owners maximized their profits; it also manifests the basic concept that the manumitted slave is not a fully free person. His or her function was to keep working for others; it was his or her natural social position to be dependent on others. This concept is also demonstrated by the obligation imposed on the freed person to register a *prostates*—a citizen who represented and protected the ex-slave.

Despite the scanty evidence relating to this obligation, I believe that the use of *prostates* was widespread. In some places, the law required that the *prostates* must be the manumittor. When the latter was a metic, a woman, or a manumitted slave, this right was probably

transferred to a citizen. Although this obligation was beneficial to manumitted slaves, it nevertheless reflects their inferior legal status and—where the *prostates* was the manumittor—the freed persons' continuing dependence on their former masters. In Athens, a manumitted slave, who registered a *prostates* other than his or her manumittor, was liable to prosecution as avoiding his or her obligations. The obligation to register a *prostates* also suited the interests of the polis by enabling the state to keep track of non-citizens and to prevent them from misappropriating citizen rights. Hence, the registering of a *prostates* was usually an obligation required by the polis. Where the law required that the *prostates* is to be the manumittor, this obligation was to the advantage of manumittors too. Freed slaves' limited freedom is also paradoxically revealed by rights conferred on them and protection clauses inserted in manumission documents. Such clauses often grant the manumitted slave the right to go and do as he or she pleases, unhindered and unmolested. Such clauses also warn heirs and other persons against attempts to re-enslave the freed slaves, and charge the manumittors, the guarantors, and any other person who so wishes to act in defence of the slaves' newly-purchased freedom. Nevertheless, these rights and means of protection could be exercised only if the manumitted slave was completely free, that is, disengaged from his or her former master and excused from any ongoing obligation. Many manumission documents explicitly state that freedom and any right it entails can be implemented only after all conditions are fulfilled. Since most manumitted slaves were in a state of a continuous dependence on their former masters, they could not use these rights and means of protection. Or, if they became completely free, they could use them only if they stayed in the same polis and could produce their manumission document as proof. In any other place, they were exposed to the danger of re-enslavement. But this menace awaited them in the manumittor's polis as well, if the heirs, or the manumittor himself, laid claim to their person.

This is made clear by legal procedures involving manumitted slaves, attested mostly in Athens. The *dike apostasiou* was a legal prosecution, initiated by ex-masters against their former slaves, if the latter failed to fulfil their obligations towards them, registered another *prostates*, or did not do what the laws require. According to Harpocration (s.v. ἀποστασίου), acquittal resulted in complete freedom; a convicted freed slave, on the other hand, went back into slavery. This legal proce-

dure demonstrates the dependent position of manumitted slaves in Athens and their vulnerability. It also points to the polis' interest in the relations between manumittors and their manumitted slaves. First, although manumission and the conditions attached to it were a private agreement between slave-owners and their slaves, violation of this agreement was regarded as public concern. Second, registration of a *prostates*, as noted above, was an obligation required by both the manumittor and the polis; metics, too (at least in Athens), were required to register a *prostates*. Third, the vague phrase 'what the laws require' implies the existence of a state regulation stipulating the manumitted slave's obligations. Of special interest is Harpocration's statement that acquitted defendants in a *dike apostasiou* became completely free. This evidence accords well with what is imparted, as I argue, by the terminology of manumission: an *apeleutheros* was a manumitted slave with ongoing obligations towards his manumittor; an *exeleutheros* was a manumitted slave with no such obligations. It seems quite plausible, then, that acquitted persons in a *dike apostasiou* became *exeleutheroi*. Moreover, a series of inscriptions, which are dated to the years 330–320 and usually referred to as the *phialai exeleutherikai*, records names of prosecutors and successful defendants in *dikai apostasiou*, who dedicated silver bowls of 100 drachmae weight to Athena. It is generally believed that these 'Lists of Silver Bowls' are the records of manumissions in the guise of trials. However, I believe that the numerous entries in these inscriptions record genuine legal prosecutions, which were concluded in summary procedures, known as 'monthly trials'. This interpretation can explain the large number of prosecutions recorded in the inscriptions—presumably grouped under single dates—and the fact that the acquitted defendants appear on the stones as residing in demes different from those of their ex-masters'. These acquitted manumitted slaves, I therefore suggest, became *exeleutheroi*, completely free.

Another legal process evolved from a claim laid on the manumitted slave by another person, who alleged the former to be his slave and attempted to lead him or her away back to slavery. In such cases, a third person could come to the rescue by 'leading away the alleged slave to freedom' (*aphairesis eis eleutherian*). The claimant then sued the third party in a *dike aphaireseos*. Although the evidence on this process is ambiguous, it is evident that the status of manumitted slaves was often challenged, and that in such a case they could not defend themselves, but had to be represented by a third

party. In other words, when a manumitted slave's status was challenged, he or she were considered slaves until otherwise proven. There is no direct evidence to these two legal procedures outside Athens. Nevertheless, punitive clauses in manumission documents, which threaten the manumitted slaves with the annulment of the manumission should they fail to abide by the conditions, may imply that, in such cases, manumittors led their former slaves back to slavery. Conversely, protection clauses authorised manumittors or any other person to help manumitted slaves, should anyone attempt to re-enslave them. Outside Athens, it is not known whether attempts at re-enslavement or breaches of manumission contracts brought about legal actions; however, there is evidence on laws that were enacted to regulate former masters' relations with their manumitted slaves and the latter's status in the polis.

The existence of such laws in Athens, as note above, is implied by Harpocraton's explanation of the *dike apostasiou*. Moreover, to judge by Demosthenes (as cited by Pollux, 3.83), it seems that these laws consisted of two distinct categories, one for the *apeleutheroi* and the other for the *exeleutheroi*. If this evidence is reliable (and there is no reason to doubt it), not only did the laws in Athens regulate the relations between manumittors and manumitted slaves, but they also formulated the distinct status of each group of the latter. Laws concerning manumitted slaves are also attested in several Thessalian poleis, in Calymna, and in Aetolia. However, despite Babacos' (1966, 79–88) and Helly' (1976) views that the laws in Thessaly and Calymna specified the obligations of manumitted slaves towards their former masters, I argue that they merely established the general obligation of manumitted slaves to provide their manumittors with whatever service the latter required, and that the specific obligations were concluded between owners and their slaves in the manumission agreement. This situation seems also to have existed in Athens. Harpocraton's explanation of the offences covered by the *dike apostasiou* explicitly distinguishes between the evasion of private and specific obligations and the general requirement to continue and serve the manumittor. The laws on manumitted slaves, however, also prescribed the manumitted slaves' rights and obligations in the polis and thus regulated their legal status in the community. State regulation of legal status is of great importance to the understanding of social ideas. It points to the prevailing concepts of freedom, to the social boundaries, and to the notions of community membership in different poleis.

The evidence concerning manumitted slaves' status in the polis, however, is scanty and problematic. What we do know shows that manumitted slaves were *xenoi*, foreigners; that is, they did not possess political rights, they could not own land, they were barred from marriage with citizens, and, at least in Athens, they had to pay a special tax. Manumitted slaves, who decided to settle in Athens, were eventually registered as metics and, as such, paid the *metoikion* (the poll tax that distinguished metics from other foreigners and from citizens), they were enlisted for military service, and—if they were rich—they made monetary contributions and performed liturgies. If they demonstrated particular loyalty and generosity towards the polis, they could be granted tax exemption, equation of tolls, and even citizenship. But unless granted citizenship, they were still considered as non-members. On the other hand, evidence from some other poleis, in Phocis, Aetolia, Thessaly, and Epirus, implies a better legal standing for manumitted slaves. Some manumission documents from these places confer on the freed persons the right to own land, equation of taxes, and perhaps also the right to be a citizen. The differences in the status of manumitted slaves in the various poleis probably reflect diverse concepts and political systems. It should also be noted that in these places, unlike in Athens, women could transact (including manumission) without a *kyrios*.

The precarious condition of manumitted slaves and the ambiguous attitude of the citizens towards them can be best appreciated when we weigh the evidence on freed persons' legal status against that about their social position. Manumitted slaves were never wholly free. Although some of them acquired wealth and were socially integrated, their servile origins were never forgotten. Our evidence refers, perhaps inevitably, to former slaves who were skilled, clever and rich; however, the fortunes of the greater part of manumitted slaves remain obscure. But even privileged or naturalized ex-slaves were considered as outsiders or 'new comers'. This social position may seem strange in the light of manumitted slaves' important contribution to the economic life of the polis. Yet the limited freedom and inferior position of manumitted slaves served the social and political interests of the citizens. Former slaves were dependent on their former masters and provided them services of various kinds. This dependence emphasized social distinctions and strengthened the citizens' sense of belonging to a superior group. But this is precisely why this very dependence was sanctioned by laws; it was designed to prevent



manumitted slaves from avoiding their obligations and infiltrating the citizen body. Hence, manumission also reflects the underlying tensions between citizens and non-citizens, between the need of citizens to make other persons dependent on them and the economic dependence of the citizens on an inferior social group. These tensions, therefore, both evolved from and reflected the reciprocal nature of slavery and manumission. They are also heightened by the conditions attached to manumission, by the ambiguous status of manumitted slaves who were the offspring or fosterlings of manumitters, and especially by the terms employed to describe a manumitted slave. The latter was not called *eleutheros*, free; this appellation described a full member of the polis. A manumitted slave, on the other hand, was either an *apeleutheros*, that is, a freed person who was still considered as belonging to another, or an *exeleutheros*, that is a freed person who had no further obligations towards his or her former master. It is significant that these two appellations are compounds of *eleutheros*, but have different implications. The terminology of manumission, I therefore believe, perfectly reflects the reality and the concept of manumission, and these were shared by all Greeks at all times.

## LIST OF ABBREVIATIONS

Editions of poems, comedies, and fragments, and collections of inscriptions and papyri that are listed below, do not appear in the bibliographical list.

<i>ABSA</i>	<i>Annual of the British School at Athens</i>
<i>AJPh</i>	<i>American Journal of Philology</i>
<i>ASNP</i>	<i>Annali della scuola normale superiore di Pisa</i>
<i>BCH</i>	<i>Bulletin de correspondance hellénique</i>
<i>BGU</i>	<i>Berliner griechischer Urkunden</i> (Ägyptische Urkunden aus den königlichen Museen zu Berlin), Berlin 1895–.
<i>BMus. Inscr.</i>	<i>Ancient Greek Inscriptions in the British Museum</i>
<i>CIRB</i>	<i>Corpus Inscriptionum Regni Bosporani</i> , ed. V. Vasilevich Struve et al., Leningrad, 1965.
<i>CPh</i>	<i>Classical Philology</i>
<i>CQ</i>	<i>Classical Quarterly</i>
<i>D-H-R, Ins. Jur. Gr.</i>	Dareste, R., Haussoullier, B., and Reinach, T. (eds.), <i>Recueil des inscriptions juridiques grecques</i> , Vol. II, Paris 1898.
Dilts	Dilts, M.R. (ed.), <i>Scholia Demosthenica</i> , Vol. I, Leipzig 1886.
Dübner	Dübner, F. (ed.) <i>Scholia Graeca in Aristophanem</i> , Hildesheim 1969.
<i>EV</i>	<i>Epigraphes Veroias</i> (Epigraphes Kato Makedonias, Vol. I), ed. Gounaropoulou, L. and Hatzopoulos, H., Athens 1998.
<i>FD</i>	<i>Fouilles de Delphes</i> , Vol. 3, ed. G. Daux et al., Paris 1909–54.
<i>FGrH</i>	<i>Die Fragmente der griechischen Historiker</i> , ed. F. Jacoby, Berlin 1923–.
<i>G&amp;R</i>	<i>Greece and Rome</i>
<i>GV</i>	<i>Griechische Vers-Inschriften</i> , ed. W. Peek, Vol. I: <i>Grab-Epigramme</i> , Berlin 1955.
<i>HThR</i>	<i>Harvard Theological Review</i>
<i>IC</i>	<i>Inscriptiones Creticae</i> , ed. M. Guarducci, Rome 1935.
<i>IG</i>	<i>Inscriptiones Graecae</i>
<i>IGRR</i>	<i>Inscriptiones Graecae ad res Romanas pertinentes</i>
<i>Ins. of Cos</i>	<i>The Inscriptions of Cos</i> , ed. W.R. Paton and E.L. Hicks, Oxford 1891.
<i>IPE</i>	<i>Inscriptiones antiquae orae septentrionalis Ponti Euxini graecae et latinae</i> , ed. by V.V. Latyshev, St. Petersburg 1895–1890.
<i>IPr</i>	<i>Die Inschriften von Priene</i> , ed. by F. Hiller von Gaertringen, Berlin 1906.
<i>JJP</i>	<i>Journal of Juristic Papyrology</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>K.-A.</i>	Kassel, R. and Austin, C. (eds.), <i>Poetae Comici Graeci</i> , Berlin and New York 1983–.
<i>K.-P., Erste Reise</i>	Keil, J. and von Premerstein, A., <i>Bericht über eine erste Reise in Lydien</i> , Vienna 1908.
<i>LCM</i>	<i>Liverpool Classical Monthly</i>
<i>LEC</i>	<i>Les études classiques</i>
<i>L.P.</i>	Lobel, E. and Page, D. (eds.), <i>Poetarum Lesbiorum Fragmenta</i> , Oxford 1955 (reprinted 1968).

<i>LSJ</i>	Liddell, H.G. and Scott, R., <i>Greek-English Lexicon</i> , 9th ed., revised by H. Stuart Jones, with a supplement, Oxford 1968.
<i>MH</i>	<i>Museum Helveticum</i>
<i>ML</i>	Meiggs, R. and Lewis, D. (eds.) 1989. <i>A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.</i> <sup>2</sup> , Oxford (a revised edition of 1969).
<i>Nomina</i>	<i>Nomina. Recueil d'inscriptions politiques et juridiques de l'archaïsme</i> , ed. by H. van Effenterre and F. Ruze, vol. I, Rome 1994.
<i>OGIS</i>	<i>Orientalis Graeci Inscriptiones Selectae</i> , ed. W. Dittenberger, Leipzig 1903–5.
<i>P. Oxy.</i>	<i>Oxyrhynchus Papyri</i> , ed. B.P. Grenfell and A.S. Hunt, London 1898–.
<i>PCPhS</i>	<i>Proceedings of the Cambridge Philological Society</i>
Petsas	Petsas, P.M. et al. (eds.), <i>Inscriptions du sanctuaire de la Mère des Dieux Autochtone de Leukopéttra (Macédoine)</i> , Athens 2000.
<i>PMG</i>	<i>Poetae Melici Graeci</i> , ed. D.L. Page, Oxford 1962.
<i>PSI</i>	<i>Papiri greci e latini</i> (Pubblicazioni della società italiana per la ricerca dei papiri greci e latini in Egitto), Firenze 1912.
<i>REA</i>	<i>Revue des études anciennes</i>
<i>REG</i>	<i>Revue des études grecques</i>
<i>Rev. Ét. Lat.</i>	<i>Revue des études latines</i>
Rhodes and Osborne, <i>GHI</i>	Rhodes, P. and Osborne, R. (eds.), <i>Greek Historical Inscriptions, 404–323 BC</i> , Oxford 2003.
<i>SEG</i>	<i>Supplementum Epigraphicum Graecum</i>
<i>SGDI</i>	<i>Sammlung der griechischen Dialekt-Inschriften</i> , ed. H. Collitz et al., Göttingen 1884–1915.
<i>SVF</i>	<i>Stoicorum Veterum Fragmenta</i> , ed. H. von Arnim, Stuttgart 1903.
<i>Syll.</i> <sup>3</sup>	<i>Sylloge Inscriptionum Graecarum</i> , ed. W. Dittenberger, 3rd ed., Leipzig 1915–1924.
<i>TAPA</i>	<i>Transactions of the American Philological Association</i>
<i>TC</i>	<i>Tituli Calymni</i> , ed. M. Segré, Bergamo 1952.
Tod, <i>GHI</i>	Tod, M.N., <i>Greek Historical Inscriptions</i> , 2nd ed., Oxford 1946.
<i>VDI</i>	<i>Vestnik Drevnei Istorii</i>
West	West, M.L. (ed.), <i>Iambi et Elegi Graeci Ante Alexandrum Cantati</i> <sup>2</sup> , Oxford 1998.
<i>ŽPE</i>	<i>Zeitschrift für Papyrologie und Epigraphik</i>
<i>ŽRG</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte</i>

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# INDEX OF ANCIENT SOURCES

## I. *Literary Texts*

Aelian		Aristophanes (Ar.)	
<i>Varia Historia</i> (VH)		<i>Aves</i> (Av.)	
2.7	173	11	278 n. 8
12.15	179	30-5	278 n. 8
		764-5	278 n. 8
		1526-7	278 n. 8
Aeschylus (A.)			
<i>Choephoroi</i> (Ch.)		<i>Equites</i> (Eq.)	
1046	101 n. 74	763 ff.	35 n. 44
<i>Persae</i> (Pers.)		<i>Lysistrata</i> (Lys.)	
182	120	185 ff.	74 n. 24
403	101 n. 74		
<i>Supplices</i> (Suppl.)		<i>Nubes</i> (Nub.)	
384	111 n. 95	1189-91	287
609	272 n. 168	1220-21	287
963-5	251 n. 134		
		<i>Pax</i>	
Aeschines (Aeschin.)		684	251 nn. 134 and 138
1.62-3	298		
1.97	215 n. 64	<i>Plutus</i> (Pl.)	
1.114	108 n. 88	1-7	56
1.114-5	278 n. 8	1175	121
3.41	71, 107 n. 84, 186 n. 4, 188, 278	<i>Ranae</i> (R.)	
3.44	71, 186 n. 4, 188, 278	19-34	56
		33	70 n. 12
		179	56
Alcaeus (Alc.)		479-673	56
fr. 72.11-13 (L.P.)	32	569-70	251 nn. 134 and 138
Andocides (And.)		579-88	56
1.15-6	70	693-4	70 and n. 12
1.38	215 n. 64	743-53	33
Appian (Ap.)		<i>Thesmophoriazusae</i> (Th.)	
<i>Bella Civilia</i> (BC)		426	179 n. 92
4.6.44	110 n. 93, 113	491-2	33
5.9.78	110 n. 93, 113		
Aristomenes		<i>Vespae</i> (V.)	
fr. 16 (K.-A.)	308	438-51	56
		716-18	278 n. 8

Aristophon		1253b 34–1254a 1	59
<i>Philonides</i>		1254a 9–13	36
fr. 13 (K.-A.)	74, 152	1254b 16–26	36
		1254b 28–9	36
Aristotle (Arist.)		1255a 3–12	37
<i>Eudemian Ethics</i> (EE)		1255b 6–8	37
1239a 4–6	53	1255b 11–12	36
1241b 19	53	1255b 13–5	37, 336
1242a 28–31	53	1255b 18–9	36
<i>Metaphysics</i> (Met.)		1259a 38–1260b 26	33
982b 25	34	1259b 23–1260b 7	31
		1259b 27–8	54
<i>Nicomachean Ethics</i> (EN)		1269b 3	28 n. 23
1125a 1	34	1271b 30–2	28 n. 23
1125a 1–2	35	1272a 18–9	28 n. 23
1155a 7–9	44	1275b 36	70 n. 12
1155b 19–1156a 5	44	1278a 2	107 n. 84
1156a 6–b 5	44	1278a 38	312 n. 12
1156a 24–31	44	1303a 8	28 n. 23
1158b 1	47	1315a 37	70 n. 11
1158b 4–10	48	1327b 11–15	28 n. 23
1158b 11	47	1330a 32–4	152
1158b 11–1159a 11	44	1337b 4–19	34
1158b 24–8	48	1337b 20	34
1158b 33–4	47	1337b 21	34 n. 41
1159b 2	48	1341b 14	34 n. 41
1159b 3	47		
1159b 11–12	48	<i>Problemata</i> (Problem.)	
1159b 25–32	44, 52	951b 6	292 n. 41
1159b 31	52		
1160a 9–28	53	<i>Rhetoric</i> (Rh.)	
1160b 22 ff.	53	1366a 39	42 n. 59
1160b 27–9	53	1367a 27–8	34
1160b 32	53	1385a 16–b 10	44 n. 61
1161a 3–5	53	1408b 25	109, 196,
1161a 8–9	53		249, 251
1161a 33–5	53		n. 138
1161b 1–4	53		
1161b 1–5	37, 52	[Aristotle]	
1161b 5	53, 336	<i>Athenaion Politeia</i> (Ath. Pol.)	
1161b 6–8	54	2.2	34 n. 41,
1161b 11–1162a 33	44		111 n. 95
1162b 36	44	42.1–2	278 n. 8
1163b 4	44	52.2	285, 286,
1165a 32	44		287, 288
1167b 16–25	42 n. 59	52.3	288
1167b 16–1168a 9	44	53.1–2	287
		58.2	251, 279,
			314
<i>Politics</i> (Pol.)		58.3	248, 274
1252a 32–1255b 31	34, 52		and n. 2,
1252b 32–1255b 31	33		279, 288
1253b 20–3	37	59.5	286
1253b 33	36		

<i>Rhetorica ad Alexandrum</i> ( <i>Rh. Al.</i> )		35.47–9	274 and n. 2,
1422b 9 ff.	229 n. 99		279
		36.4	325
Athenaeus (Athen.)		36.5	325
3, 115b	102, 122	36.8	329
6, 234c–261f	35	36.11	325
259f	28 n. 23	36.14	147
265b–c	62	36.17	328
265c	28 n. 23	36.28–9	327
267c–e	27	36.28–30	141
271b–272a	28 n. 23	36.37	325
271e–f	177 n. 87	36.43–4	326
271f	63	36.43–6	71, 324
13, 596b–d	320 n. 26	36.45–6	180, 214
		36.45–8	252
Chrysippus		36.48	141, 324, 326,
fr. 351 ( <i>SVF</i> III)	34 n. 41		329 n. 37
fr. 353 ( <i>SVF</i> III)	37, 110	37.33	287
		39	278 n. 8
Cicero (Cic.)		40	278 n. 8
<i>ad Atticum</i> ( <i>Att.</i> )		41.8	212 n. 59
2.16.1	289 n. 33	45.3	141, 327
		45.31	325
<i>Codex Theodosianus</i>		45.37	329
5.10.1	177 n. 89	45.55	328
		45.63–4	326
Demosthenes (D.)		45.64	325
4.36	215 n. 63	45.66	325
15.3–12	42 n. 59	45.73–88	141
15.18	42 n. 59	45.78	329
16.11–13	42 n. 59	45.85	147, 313, 325
16.27	42 n. 59	45.86	171, 329
17.15	106–7 n. 84	46.13	326
18.20–1	313	46.20–21	141
20.29	314	46.23	327
21.163	313	57	278 n. 8
23.211	316 n. 23	57.34	81
25.58	279 n. 11		
25.65	280 and n. 13	[Demosthenes] ([D.])	
25.85	251 n. 134	19.58	299 n. 52
27.9	212 n. 59	47	321
27.19	108, 330	47.35	215 n. 63
27.22	180	47.52–9	331
28.12	216 n. 67	47.55	331
29.3	315	47.56	331
29.25–6	74 and n. 23,	47.67	331
	108, 147,	47.68	331
	330	47.68–73	315
33.1	286 n. 26	47.69–70	331
33.23	286 n. 26	47.72	215 n. 63
34.18	314	47.72–3	331
34.44	314	47.81	331
34.45	286 n. 26	49.2–3	325
35.21	29	49.27	325



- |                            |                |  |                |
|----------------------------|----------------|--|----------------|
| 49.31                      | 326            | 12.76.1  | 101 n. 75      |
| 49.47                      | 325            | 14.105.4   | 271 n. 167     |
| 50.18                      | 325            | 17.11.2  | 105 n. 81      |
| 50.27                      | 252, 324       | 20.36.3  | 113            |
| 50.47                      | 43 n. 60       | 20.100.1-4                                       | 70 and n. 12   |
| 50.54                      | 329            | 30.6   | 113, 147       |
| 50.56                      | 325            |  |                |
| 53.1                       | 212 n. 59      | Dionogenes Laertius (D.L.)                       |                |
| 53.4                       | 328            | 2.52   | 277 and n. 7   |
| 53.19                      | 178            | 3.42   | 75 n. 26       |
| 53.20-1                    | 216 n. 67      | 3.43   | 185            |
| 58.19                      | 298            | 4.46   | 113, 323       |
| 59                         | 66, 82, 96,    | 5.11   | 185            |
|                            | 158, 174, 221  | 5.14   | 152, 215 n. 62 |
| 59.2                       | 325, 328       | 5.14-5   | 224 and n. 87  |
| 59.16                      | 312, 327       | 5.14-6   | 75 and n. 26   |
| 59.18                      | 108, 330       | 5.54-5   | 75 n. 26, 226  |
| 59.20                      | 323 n. 31      | 5.56-7   | 185            |
| 59.29                      | 209, 217       | 5.62   | 185            |
| 59.29-32                   | 131 n. 2       | 5.72   | 198, 209       |
| 59.37                      | 253            | 5.72.3   | 226            |
| 59.40                      | 221            | 5.72-4   | 75 n. 26, 152  |
| 59.40-5                    | 294            | 5.73   | 210, 226       |
| 59.92                      | 312, 328       | 5.74   | 185, 210 n. 55 |
| 59.106                     | 312 n. 12      | 6.29   | 323            |
|                            |                | 6.95-101   | 323            |
|                            |                | 7.121-2  | 37             |
| Dinarchus (Din.)           |                |  |                |
| 1.43                       | 326            |  |                |
| fr. 16                     | 278 n. 8       | Dionysius of Halicarnassus (D.H.)                |                |
|                            |                | <i>Antiquitates Romanae</i> ( <i>Ant. Rom.</i> ) |                |
| Dio Cassius (D.C.)         |                | 2.9-10   | 111            |
| 36.42.2                    | 110 n. 93, 122 | 4.22.4-23.7                                      | 59 n. 87, 111, |
| 39.38.6                    | 110 n. 93, 121 |  | 121            |
| 53.30.3                    | 113            | 4.23.6   | 111, 122       |
| 60.15.5                    | 124            |  | n. 116         |
| 60.16.4                    | 110 n. 93, 112 |  |                |
| 63.10.1a                   | 110 n. 93, 112 | <i>Dinarchus</i> ( <i>Din.</i> )                 |                |
| 63.12.2                    | 110 n. 93, 112 | 12   | 277 n. 7       |
| Dio Chrysostom (D. Chrys.) |                | <i>Isaeus</i> ( <i>Is.</i> )                     |                |
| 14.1                       | 1, 335         | 5  | 293            |
| 14.3-4                     | 34, 324 n. 33  |  |                |
| 14.4                       | 1, 335         | Epictetus  |                |
| 14.12                      | 324 n. 33      | 4.1.33-7   | 247, 307,      |
| 14.13                      | 324 n. 33      |  | 323-4          |
| 15.5                       | 168 n. 70      | 4.1.34   | 1, 335         |
| 15.8                       | 164 n. 63,     |  |                |
|                            | 230            | Eubulus (Eub.)                                   |                |
|                            |                | fr. 126 K  | 74 n. 24       |
| Diodorus Siculus (D.S.)    |                | Euripides (E.)                                   |                |
| 4.2.6                      | 101 n. 74      | <i>Alcestis</i>                                  |                |
| 10.25                      | 70 n. 11       | 38-73  | 43             |
| 10.26.1                    | 101 n. 75      |  |                |
| 11.43.3                    | 313            |  |                |

<i>Andromache</i> ( <i>Andr.</i> )		Homer (Hom.)	
153	120	<i>Iliad</i> ( <i>Il.</i> )	
		1.37–42	40
<i>Helena</i> ( <i>Hel.</i> )		3.409	32
1234	43 n. 60	6.215–37	40
		6.455	30
<i>Iphigenia in Aulis</i> ( <i>IA</i> )		6.458	30
1400–1	37 n. 48	6.463	30
		6.490–3	30
<i>Supplices</i>		6.528	30
875–7	55	7.229–302	40
		8.287–91	40 n. 54
<i>Fragmenta Vaticana</i>		9.315–7	40 n. 54
35	177 n. 89	10.214–6	40 n. 54
		16.831	30
Hellanicus (Hellan.)		16.836	30 n. 31
<i>FGH</i> 323a F 25	70 n. 12	20.193	30
		21.34–44	30
Herodas		21.42	100 n. 73
2 ( <i>Pornoboscos</i> )		21.57–8	30
8	254	21.75–80	30
8 ff.	105 n. 81	21.444	34 n. 42
10	254		
15	254	<i>Odyssey</i> ( <i>Od.</i> )	
37–9	254	4.12	32
		4.644	34 n. 42
Herodotus (Hdt.)		4.694–5	40 n. 54
1.90–1	43 n. 60	6.51–2	27 n. 22
1.165.1	62	7.103	27 n. 22
2.59.1	89 n. 55	11.489	34
2.134	321	14.61	37
2.134–5	63, 82, 171,	14.61–6	32, 55
	181	14.63–5	40 n. 54
2.135	209	14.115	30
2.137.5	89 n. 55	14.295–7	30 n. 30
2.156.5	89 n. 55	14.340	30 and n. 30
2.178.2	62	15.386–7	30 n. 30
4.94–6	322	15.403–84	30
4.95–6	71	15.427–9	30 n. 30
4.137.1	101 n. 74	16.418–33	40
5.62.1	101 n. 74	17.320–3	31
6.59	29	18.357	34 n. 42
8.75	324	21.212–6	55
8.75.1	71, 147	22.395–423	30
8.110	324	22.430–73	32
8.137	34 n. 42	24.225–57	31
Hesiod		Hyperides (Hyper.)	
<i>Opera et Dies</i> ( <i>Op.</i> )		3.3 ff.	82, 96, 180
353–4	40	3.4	209, 217–8,
			220 and n. 77,
Hipponax			238
fr. 6.6 (West)	32 n. 34	3.5	218
fr. 115.8 (West)	32 n. 34	3.9	220 n. 78

3.27	186 and nn.	1.41	70 n. 11
	5-6	1.145	315
4.3	278 n. 8		
fr. 21	251 n. 134,	Lysias (Lys.)	
	253, 295	5.3-5	70
fr. 134-6	329 n. 38	7.10	108, 181, 330
fr. 137	329 n. 38	7.16	70
fr. 197	121	12.20	313
		20.31	43 n. 60
Idomeneus		23.2	296
<i>FGrH</i> 338 F 14	96 n. 69	23.7-9	297
		23.10-11	297
Isaeus (Is.)		23.12	297
4.9	109, 214	31.9	254, 315
6.19	108, 180, 330		
6.20	108 n. 89	Menander (Men.)	
8.35	216 n. 67	<i>Anatithemene</i>	
12	278 n. 8	fr. 33 (K.-A.)	308
fr. 15 (Thalheim)	73, 186 and n. 4, 284, 293, 330	<i>Aspis</i> ( <i>Asp.</i> )	
		11-12	56, 152
fr. 16 (Thalheim)	139 and n. 23		
		<i>Didymai</i>	
Isocrates (Isoc.)		fr. 116 (K.-A.)	308
1.16	43		
8.53	251 nn. 134-5	<i>Dyscolus</i> ( <i>Dysc.</i> )	
9.57	121	797-812	43 n. 60
12.97	297 n. 48		
14.1	42 n. 59	<i>Epitrepontes</i> ( <i>Epitr.</i> )	
14.48	34 n. 42	203	215 n. 64
17.11-7	295	408	215 n. 64
17.33	252, 324	538-40	167 n. 68
17.41	313, 325	548	56, 167 n. 68
		557-62	167 n. 68
Josephus Flavius		560-2	56
<i>Antiquitates Judaicae</i> ( <i>Ant. Jud.</i> )			
7.263	112	<i>Heros</i>	
17.79.1	112	18	38-9
18.167.2	112	20	245
18.169.1	112	35-6	245
18.228.1	112		
19.64.1	112	<i>Perikeiromene</i> ( <i>Perik.</i> )	
		982-3	56, 152
<i>Bellum Judaicum</i> ( <i>Bell. Jud.</i> )			
1.33.9	112	<i>Rhapizomene</i>	
		fr. 321-2 (K.-A.)	103
Justinian			
<i>Institutiones</i>		<i>Samia</i>	
1.3.2	35 n. 45	236-8	331 and n. 39
Lycurgus (Lyc.)		fr. 786 (K.-A.)	56
1.21	254		
1.23	315	Myron of Priene	
		<i>FGrH</i> 106 F 1	63

Pausanias (Paus.) 7.15.7	70 n. 11	<i>Symposium</i> (Sym.) 176b	74 n. 24
Philostratus (Philostr.) <i>Vitae Sophistarum</i> (VS) 2.560	110 n. 93	Plautus <i>Asinaria</i> (Asin.) 650–1	212 n. 59
Phrynichus <i>Apeleutheroi</i> 52–60 (K.-A.)	103	<i>Casina</i> (Casin.) 279–93 293	56 n. 83 324 n. 32
Phylarchus <i>FGH</i> 81 F 43	177 n. 87	<i>Epidicus</i> (Epid.) 727	324 n. 32
Pindar (Pi.) <i>Isthmian Odes</i> (I.) 4(3).39	244 n. 127	<i>Mostellaria</i> (Mostell.) 971–2	212 n. 59
Plato (Pl.) <i>Euthyphro</i> (Euthyph.) 4c	111 n. 95	Pliny <i>Epistulae</i> (Ep.) 10.65 10.66	174 and n. 84, 180 174 and n. 84
<i>Gorgias</i> (Grg.) 491–2	33 n. 39	Plutarch (Plut.) <i>Alcibiades</i> (Alc.) 19	70
<i>Laws</i> (Lg.) 776b 776c–778a 776d 914e–915c 915a	28 n. 23 27 31 223–4 224, 228 and n. 98, 234 n. 110, 291	<i>Cato Minor</i> (Cat. Min.) 38.3  <i>Cicero</i> (Cic.) 3.4 7.5 41.4 49.4	111 n. 94  111 n. 94 110 n. 93 111 n. 94 111 n. 94
915a–b 915a–c 915b 915b–c 915c	109, 115 n. 102, 228 233–4, 250, 276 109 n. 91 229 279	<i>Galba</i> (Gal.) 7.1 24.1 24.3 28.3	111 n. 94 111 n. 94 111 n. 94 111 n. 94
<i>Meno</i> 85e	178	<i>Lycurgus</i> (Lyc.) 28	38 n. 50
<i>Politicus</i> (Plt.) 290a 309a	37 33	<i>Nicias</i> (Nīc.) 3.3	66, 111 n. 94, 147 178
<i>Republic</i> (R.) 469b–471c 566e 590c–d	37, 173 29 33	5.2  <i>Moralia</i> (Mor.) 66d 70e	110 n. 93 110

200b	110 n. 93	1258	120
277f	111 n. 94	1260–3	120
278e	110 n. 93		
778c–d	43 n. 60	<i>Ichnēutae</i>	
<i>Pericles</i> ( <i>Per.</i> )		57(63)	107, 108
37	278 n. 8	158–9	107 n. 86, 108
		193(199)	107, 120
		445	107 n. 86
<i>Phocion</i> ( <i>Phoc.</i> )		<i>Oedipus Coloneus</i> ( <i>OC</i> )	
28	278 n. 8	1202	43 n. 60
34–6	278 n. 8		
<i>Pompeius</i> ( <i>Pomp.</i> )		<i>Oedipus Tyrannus</i> ( <i>OT</i> )	
40.1	111 n. 94	411	251 n. 134
78.4	111 n. 94	1123	179
80.3	111 n. 94		
<i>Quaestiones Graecae</i> ( <i>Quaest. Gr.</i> )		<i>Philoctetes</i> ( <i>Ph.</i> )	
49	105 n. 81	665	41 n. 57
		671–3	41 and n. 56
<i>Romulus</i> ( <i>Rom.</i> )		1128–9	41 n. 57
23	111	1143–5	41 n. 57
		1375	41 n. 57
		1383	41 n. 57
<i>Sulla</i> ( <i>Sul.</i> )		Stobaeus ( <i>Stob.</i> )	
1.4	110 n. 93	3.344	36 n. 46
33.2	122 n. 116		
<i>Themistocles</i> ( <i>Them.</i> )		Strabo ( <i>Str.</i> )	
5	147	8.6	91 n. 61
Polybius		11.4.7	91 n. 61
12.6a.4	110	12.2.3	91 n. 61
33.9.5	110	17.1.33	320
38.15.3	150 n. 49	Suetonius ( <i>Suet.</i> )	
Sappho		<i>Augustus</i> ( <i>Aug.</i> )	
fr. 5 ( <i>PGM</i> )	320	74.1	334 n. 42
fr. 7 ( <i>PGM</i> )	320		
Semonides ( <i>Sem.</i> )		Theognis ( <i>Theog.</i> ) ( <i>West</i> )	
fr. 7.57–8 ( <i>West</i> )	32	2	43 n. 60
		105–12	43 n. 60
Solon ( <i>West</i> )		529–30	32
fr. 9.3–4	32	535–8	32
fr. 36.5–7	29	915–6	32
fr. 36.13–5	32	920–6	32
fr. 36.15	101	Theopompus	
Sophocles ( <i>S.</i> )		<i>FGrH</i> 115 F 81	28 n. 23
<i>Ajax</i> ( <i>Aj</i> )		<i>FGrH</i> 115 F 122	62
349–50	41 n. 55	Thucydides ( <i>Th.</i> )	
406	41 n. 55	1.32.1	42 n. 59
506–7	40–1 n. 55	1.41.1	42 n. 59
522–4	40 and n. 55	1.95.1	101 n. 74
		1.139.1	102 n. 76

2.40.4-5	41-2, 44	2.5	43
3.12.1	42 n. 59	2.5.2	212 n. 59
3.62.5	101 n. 74	2.6.2-5	42
8.15.2	101 n. 75	2.8	34
		2.9.8	49
<i>Vita Aesopi</i> (Perry)		2.10	49
G 70-6	55	2.10.6	49 n. 67
80	55 and n. 81		
90	74 and n. 25,	<i>Oeconomicus</i> ( <i>Oec.</i> )	
	82, 112, 151	1.21-2	33
	n. 50	3.4	224 n. 85
W 74	55	5.16	152
78	55, 152	9.5	164 n. 62
80	55		
89-90	55	<i>Vectigalia</i> ( <i>Vect.</i> )	
90	66, 74 n. 25,	2.7	133 n. 8
	82 n. 44, 86	4.14	147
	n. 50, 93, 151	4.14-6	216 n. 67
	n. 50, 152	4.15-6	147
		4.23	212 n. 59
Xenophon (X.)		4.49	215 n. 64
<i>Agesilaus</i> ( <i>Ages.</i> )			
1.21	160 n. 57	Ps.-Xenophon	
		<i>Athenaion Politeia</i> ( <i>Ath.</i> )	
<i>Hellenica</i> ( <i>Hell.</i> )		1.10	104, 106 n. 84
1.2.10	316 n. 23	1.11	215 n. 64
5.3.9	177 n. 87	1.12	301 n. 56
		1.17	216 n. 67
<i>Memorabilia</i> ( <i>Mem.</i> )			
2.2.1-3	42		
2.4	42		

II. *Scholia and Commentaries*

<i>ad Aristophanem</i> (Dübner)		<i>ad Demosthenem</i> (Dilts)	
<i>Av.</i> 471	321 n. 27	18.20-1	313
<i>Pl.</i> 953	313		
1175	121	Eustathius (Eust.)	
<i>Ran.</i> 694	70 n. 12	2.1751	103
<i>Vesp.</i> 716-8	278 n. 8		

III. *Lexica*

Ammonius		<i>Anonymous in Rh.</i>	
s.v. ἀπελεύθερος	102 n. 77, 103	190, 17-24	250 n. 133
ἐξελεύθερος	103		
οἰκότριψ	179	Aristophanes of Byzantium	
χωρίς οἰκοῦντες	215 n. 64	(Ar. Byz.) (Slater)	
		fr. 304	309 and n. 2
<i>Anecdota Graeca</i> ( <i>An. Gr.</i> ) (Bekker)		fr. 332.333	102 and n. 77
1.95.12	102 n. 77		
3.6.11	215 n. 65		

Ps.-Didymus <i>On Difficult Words in Plato</i> (Miller = Latte and Erbse) 251	102 n. 77	<i>Lexicon Rhetoricum</i> 201	275, 6
<i>Etymologicum Gudianum</i> ( <i>Etym. Gud.</i> ) (Sturz) 485	103 n. 78	Photius (Phot.) <i>Lexicon</i> ( <i>Lex.</i> ) s.v. <i>θεριῶ</i> <i>Ῥοδώπιδος</i> <i>ἀνάθημα</i>	313 n. 16 320 n. 26
<i>Etymologicum Magnum</i> 590.15	179	Phrynichus s.v. <i>παιδίσκη</i>	155 n. 54
Harpocration (Harp.) s.v. <i>ἄγει</i> <i>ἀπελεύθερος</i> <i>ἀποστασίον</i>  <i>ἀπροστασίον</i> <i>ἀφαίρεσεως δίκη</i> <i>διαμαρτυρία</i> <i>δίκαι ἔμμηνοι</i> <i>Ἐλευθέριος</i> <i>Ζεὺς</i> <i>ἐξαίρεσεως δίκη</i> <i>ἡγεμονία</i> <i>δικαστηρίου</i> <i>μετοίκιον</i>  <i>χωρὶς οἰκοῦντες</i>	139, 293 102 n. 77, 103 84 n. 46, 122, 248 and n. 130, 274 251 292 n. 40 280 286 121  292 and n. 40 279  308, 309 nn. 1 and 3, 311 n. 8 215 nn. 63–4	Pollux <i>Onomasticon</i> 3.55  3.74–82 3.82 3.83  8.35 8.91 8.101  <i>Souda</i> s.v. <i>Αἴσωπος</i> <i>ἀνάκαιον</i> <i>ἀποστασίον</i>	308, 309 n. 1, 311 n. 8 27 34 28 n. 23, 51 n. 72, 73 and n. 22, 102, 105, 121, 188, 275, 277, 301 275 279 286  321 n. 27 109 84 n. 46, 248, 253, 274–5
Hesychius (Hesych.) s.v. <i>δεκτήρ</i> <i>ἐξελεύθεροι</i> <i>ἰστοτελής</i> <i>μετοίκιον</i>  <i>φίλος</i>	75 n. 27 103, 314 314 308, 309 n. 1, 311 n. 8 43 n. 60	<i>Κράτης</i> <i>νέμειν προστάτην</i> <i>πρόξενος</i> <i>Ῥοδώπιδος</i> <i>ἀνάθημα</i>	72, 323 251 251 320 n. 26

IV. *Inscriptions*

<i>Attic Stelae</i> VI.31–46	216 n. 68	19 (1895), 161, no. 2	257
<i>BCH</i> 17 (1893), 360–1, no. 38	97	22 (1898), no. 91 133, no. 116	206 206
386, no. 88	133, 134	25 (1901), 359–61, no. 1	235 n. 113, 257
387, no. 89	134	361–2, no. 2	75 n. 29
387, no. 91	135	33 (1913), 316, no. 6	119–20 n. 112
388, no. 92	135	59 (1935), 202, no. 1	255 n. 145
390, no. 98	135	109 (1985), 187–8	113

- Béquignon 1974  
     3, no. 1                      146 and n. 41  
     6, no. 5                      70
- Bmus. Inscr.*  
     1010                      124                      71
- Cabanes 1974  
     I                      68 n. 7, 89  
                                 n. 56, 131  
                                 n. 2, 146, 148                      72  
                                 n. 45, 169                      73  
                                 n. 73, 201  
                                 201  
     II  
     IV                      68 n. 7, 147,  
                                 168 n. 69  
     V                      68 n. 7, 89  
                                 n. 56, 131                      74  
                                 n. 2, 140 n. 25,  
                                 148 n. 45  
     VII                      140 n. 25                      145  
     VIII                      89 n. 56, 148                      474  
                                 n. 45                      710  
     IX                      89 n. 56                      976  
     XI                      89 n. 56                      985  
     XIII                      147, 168 n. 69  
     XIV                      89 n. 56  
     XVI                      131 n. 2  
     XVIII                      140 n. 25                      1021  
     XIX                      89 n. 56, 131                      1123  
                                 n. 2, 147, 148  
                                 n. 45, 168  
                                 n. 69                      1125  
     XX                      140 n. 25, 148                      1126  
                                 n. 45                      1127  
     XXI                      140 n. 25, 148  
                                 n. 45  
     XXIII                      89 no. 56  
     XXIV                      140 n. 25                      1128  
     XXVI                      89 n. 56, 148  
                                 n. 45  
     XXVII                      89 n. 56, 148                      *Clara Rodos*  
                                 n. 45                      II, no. 6                      79 n. 40  
     XXVIII                      148 n. 45                      D-H-R, *Inscr. Jur. Gr.*  
     XXIX                      89 n. 56                      II, no. 14  
     XXX                      89 n. 56, 146,                      no. 43  
                                 169 n. 73                      no. 45  
     XXXI                      89 n. 56                      no. 47  
   no. 94
- Carapanos 1878  
     XXXII, 2                      76                      *EV*  
   no. 45
- CIRB*  
     70                      89, 152, 178,  
                                 195 and n. 24,
- 196 and n. 28,  
 220 n. 77, 231  
 n. 103, 268  
 and n. 162,  
 271  
 178, 195 and  
 n. 24, 196,  
 231 n. 103,  
 268 and  
 n. 162  
 196 n. 27  
 152, 195 and  
 n. 24, 196,  
 228 n. 98, 231  
 n. 103, 232,  
 268 and  
 n. 162, 271  
 131 n. 2, 178,  
 227 n. 92, 267  
 n. 161, 268  
 118  
 119 n. 112  
 119, 172  
 111 and n. 96  
 89 n. 56, 92,  
 178, 195 and  
 n. 24, 231  
 n. 103  
 139, 178  
 178, 195 and  
 nn. 24–5, 267  
 n. 161  
 131 n. 2, 178  
 267 n. 161  
 195 n. 26,  
 231–2 n. 103,  
 267 n. 161,  
 268  
 195 nn. 24–5
- 132, 163, 196  
 n. 30, 233  
 n. 109, 258,  
 264 n. 156



no. 46	169 n. 73	<i>IC</i>	
no. 48	117	IV 78	113
no. 49	139 n. 21, 206	231	168
no. 50	206		
no. 51	132 n. 5, 155,	<i>IG</i>	
	206	I <sup>3</sup> 237	104, 114, 122
no. 52	132 n. 5, 159		
	and n. 56, 206	II <sup>2</sup> 33	313 n. 17
no. 53	132 n. 5, 156,	109	313 n. 17
	206	351	313 n. 16
no. 54	159, 206	791	313 n. 16
no. 55	142 n. 30,	1177	72 n. 15
	156, 159, 164	1553-78	222, 282
no. 56	159, 206	1553	222 n. 83
		1556 B	222 n. 83
<i>FD</i>		1557 A col. II	141
3.1.565	181, 212 n. 59	1557 B	222 n. 83
3.1.566	163	1558 A	222 n. 83
3.2.120	191-2, 211	1559 A col. II	131 n. 2, 222
	n. 57		n. 83
3.2.130	135 n. 14	1559 B	131 n. 2, 147
3.2.172	158		n. 44, 166
3.2.215	165 n. 64	1560	282, 289
3.2.216	165 n. 64, 217	1561 col. II	147 n. 44,
3.2.226	173		166
3.2.230	181	1563	167
3.2.233	163 n. 60	1564	167
3.3.8	162	1565	141
3.3.26	181	1566 A	222 n. 83
3.3.287	169 n. 74	1568 B	222 n. 83
3.3.291	154	1569 A col. II	140
3.3.294	166	A col. III	222 n. 83
3.3.329	91, 169, 228,	1570	222 n. 83,
	234, 236 and		298, 330
	n. 115	1571	222 n. 83
3.3.333	169, 236	1572	222 n. 83
	n. 115	1576	282
3.3.413	217	1578	187 nn. 7
3.4.73	190		and 8, 282,
3.6.6	163 n. 60		285
3.6.12	160, 163 n. 60	1609	313 n. 14
3.6.38	229	1622	326
3.6.101	198 n. 38	1623	326
3.6.124	135 n. 14	7862-81	81, 119
3.6.125	169 n. 74		n. 111, 314
3.6.133	135 n. 14		
<i>GV</i>		IV(2) 274 I	75, 153, 186
379	117, 170		n. 3, 267
380	117 n. 108	274 II	n. 158
809	118 n. 109	342a	72, 87, 270
1475	118	345	72 n. 16
			83, 176 and

	n. 86, 192,	3327	91, 123 n. 117
	200, 202	3328	123 n. 117
	n. 44, 212	3329	123 n. 117,
353-66	72, 114		134 n. 10, 170
353	270		n. 75
1228-32	63	3330	86, 123
			n. 117, 131
VII(1) 2-7	315		n. 2, 134,
11	315		189 n. 13
245	315	3331	94 n. 67, 123
246	315		n. 117, 145,
1778	227 n. 92, 256		162, 175
1779	88	3332	123 n. 117,
1780	72, 87, 196		208 n. 52, 267
	n. 30, 238,		and n. 157
	243 and	3333	94 n. 67, 123
	n. 127, 256		n. 117, 145
2228	227 n. 92	3349	267 n. 158
		3350	267 n. 158
VII(2) 3080	163	3351	267 n. 158
3081	131	3352	267 n. 158
3082	188 n. 11	3353	267 n. 158
3083	92, 228 n. 98	3354	259 n. 148
3085	162 n. 58	3357	134 n. 10
3198	131 n. 2, 188	3360	93, 117, 123,
	n. 11		142 n. 30, 305
3199	131 n. 2	3362	267 and
3204	131		n. 157
3301	167, 175	3363	131 n. 2
3312	142 n. 30	3365	134 n. 10
3313	123 n. 117,	3366	94 n. 67, 145
	189 n. 13		n. 37
3314	89, 123	3367	145 n. 37, 267
	n. 117, 227		n. 158
	n. 92	3372	143, 300 n. 54
3315	123 n. 117,	3374	145 n. 37
	131 n. 2	3376	142 n. 30,
3318	93, 117, 123,		175, 178, 221
	270, 305		and n. 82,
3321	91, 123		230, 231
	n. 117, 267		n. 102
	and n. 158	3377	145 n. 37,
3322	123 n. 117,		229, 257
	131, 227	3378	144
	n. 94, 229,	3381	145 n. 38, 257
	267 and	3387	134 n. 10
	n. 158	3391	226 n. 92
3323	123 n. 117		
3324	123 n. 117	IX(1) 34	225 n. 88, 255
3325	123 n. 117		and n. 145,
3326	123 n. 117,		272 n. 169,
	267 n. 158		317

36	131 n. 2, 146 and n. 40, 191, 200, 255, 266 n. 157	194	205 and n. 48, 228, 243, 263 n. 154
39	266 n. 157	318	229 n. 100
42	255 n. 145, 266 n. 157	331	144, 172
47	255 n. 145	349	263 n. 154
63	84–5, 131 n. 2, 175, 203	350	263 n. 154
65	175 n. 85	412	105
66	255 n. 145	614	142 n. 30
82c	81, 267 n. 158, 272 n. 169, 305, 316, 318	624e	131 n. 2
		634a	142 n. 30
		639 II	131 n. 2
		681	142 n. 30
		684 I	142 n. 30
86	88, 135 n. 14	IX(1) 1, 96a	214
109	85, 189 and n. 12, 190, 192, 196	137a	161 and n. 58
		137c	161 and n. 58
		137f	166
119	89, 188, 190, 255 n. 145	IX(1) 1 <sup>2</sup> , 9	318
120	131 n. 2, 188, 254, 255 and n. 145, 264, 300	96a	145, 216 n. 69, 231, 316, 318
121–4	188 n. 11	96b	170
121	255 n. 145	97	207, 217 n. 69
122	255 n. 145	98	217 n. 69
124	255 n. 145	99	217 n. 69
125–7	188	101	171
125	211 n. 57	102	217 n. 69
126	188 n. 11, 267 n. 161, 268	106	217 n. 69
188	123, 131 n. 2, 196 n. 30, 203	108	131 n. 2, 217 n. 69
189	203, 204, 227 n. 92, 234 and n. 110, 267 n. 158	137c	147 n. 43
		137e	147 n. 43
190	115 and n. 103, 131 n. 2, 160, 227 n. 92, 228 n. 98, 248, 255 n. 145, 263 n. 154, 291, 305	IX(1) 2, 74–8	83 n. 45
		IX(1) 2 <sup>2</sup> , 419	83 n. 45, 148 n. 44
192	205 n. 49, 243, 267 n. 161, 268	IX(1) 3, 709a	188 n. 11
193	90 n. 59, 175, 193 n. 20, 204 and n. 47, 229	IX(1) 3 <sup>2</sup> , 616 618 622 623 624d	171 and n. 78 225 163, 171 166 136 n. 17, 171, 182, 196 n. 30, 214, 231
		624f	235 n. 113
		630a	181
		638.9	157, 227 n. 95

639.4	158, 163	851	77 and n. 34,
639.7	157		117 n. 108,
640	157, 171		119–20 n. 112
643 I, II	133	852–5	117 n. 108
654g	133	856	119 n. 112
705	143 n. 32, 189	1040b	132 and n. 6
	and n. 14, 190	1042	199
	n. 17, 197	1100b II	198 n. 37
709a	90, 189 n. 15	1100b III	105, 197, 198
710	189 n. 15		n. 37, 304
712	189 n. 15		n. 63
754	243, 267	1116b	198 n. 37
	n. 161, 268	1117 III, IV	198 n. 37
755a, b	135 n. 14, 205	1119 III	198 n. 37
	and n. 50	1232	259
		1268	76
IX(2) 17	200	1268 II	199
22	76, 115, 200	1268 V	199
27	76	1282 II	196, 198 n. 37
28	76	1282 III	196
74	68, 83, 101	1290	115, 228
	n. 75, 114		n. 98, 270 and
75–8	114		n. 165, 303
78b	270		n. 61, 304 and
92	198 and n. 35		n. 62, 305, 318
102a	75, 153, 197	1296	76, 83 n. 45,
109a	131 n. 2,		153, 208, 303
	153, 170, 198		and n. 61, 304
	n. 34, 199,		n. 62
	259 and		
	n. 149	XII(1) 49	79 n. 40
109b	75, 131 n. 2,	383	71, 78 and
	198		n. 37
118	75 n. 29		
207c	76	XII(5) 647	104, 107 n. 84,
302 A.a	83 n. 45, 196,		316 n. 23
	199	721	105 n. 81
342	199 n. 39		
415	83 n. 45, 114,	XII(6) 1, 169	86 n. 50
	198 n. 33,		
	270	XII Suppl., 368	116, 124, 226
458	319		n. 92, 248,
517	59 n. 87		305
539–68	83 n. 45, 114		
541	115, 248, 270,	XIV(1) 389	117 n. 108
	291, 304	408	117 n. 108
542	115, 199, 248,	611	117 n. 108
	291, 304	1317	249 n. 131
544	199	1504	117 n. 108
546	75 n. 29, 153,		
	199 n. 39	XIV(2) 1946	117 n. 108,
549	146 n. 41		177 n. 87
555	146, 147 n. 44	2435	117 n. 108,
568	260 n. 151		169 n. 73

<i>IGRR</i>		7	165 n. 65
III 801	105, 114	10	178, 265
	n. 99, 133 n. 6	12	148 n. 44,
802	105, 114 n.		152, 227
	99, 133 n. 6		n. 92, 232 and
			nn. 105-6,
<i>Ins. of Cos</i>			265, 267
29	73		n. 158
36	92, 233	14	152, 159, 232
			n. 105, 268
<i>IPE</i>		16	178
I(2) 508	118	19	178, 268
		20	131 n. 2, 265,
<i>IPr</i>			268
108	105 n. 81, 123	21	178
109	105 n. 81, 123	22	165 n. 65, 268
		23	89 n. 56, 268
<i>K.-P. Erste Reise</i>		24	170 n. 76
157	124, 179 n. 91	25	159, 227
			n. 92, 232 and
<i>Lazaridis 1975</i>			n. 106
no. 1	167 and n. 67,	26	89 n. 56, 148
	304		n. 44, 165
no. 2	267 n. 158,		n. 65
	272, 317	27	132 n. 5
no. 3	260	31	232, 265, 268
no. 4	267 n. 158,		n. 162
	304	33	231 n. 103,
no. 5	267 n. 158,		233 and
	304		n. 108
no. 6	304	35	91 n. 60
		36	137
<i>Meritt, AJPh, 56 (1935)</i>		37	156
377-9, no. 3	316	39	145, 159, 163
			n. 59, 170
<i>ML</i>			n. 76, 177
31	315 n. 19		n. 89, 178
79	171, 181, 212	42	159
	n. 59	43	145 n. 39, 231
<i>Nomima</i>			n. 103, 232-3
I, 16	113	44	n. 107, 233
			89 n. 56, 148
			n. 44
<i>OGIS</i>		45	142, 145
253	70 n. 12		n. 36, 152
338	105 n. 81, 123		n. 51, 159
345	172	51	133 n. 6, 232
		52	132 n. 5, 134
<i>Petsas</i>			n. 9, 152
2	148 n. 44		n. 51
3	159	55	178
5	265, 268	56	227 n. 95
6	131 n. 2, 132	58	148 n. 44
	n. 5, 268	59	131 n. 2, 231
	n. 162		n. 103, 233

65	142, 152	134	136 n. 17,
69	152, 156, 158,		137, 152
	159, 165, 170	139	152 n. 51,
	n. 76, 178,		159, 232
	207		n. 105
70	165 n. 65, 228	146	131 n. 2
	n. 97	151	145 n. 39
71	177 n. 89,	157	152 n. 51
	178, 265		
74	148 n. 44	Rhodes and Osborne, <i>GHI</i>	
75	227 n. 95	94	313 n. 16
76	170 n. 76, 265		
77	148 n. 44	Roesch and Fossey 1978a	
79	159	no. 1	196 n. 30
81	178	no. 5	226 n. 92, 238
83	164, 165		n. 118
	n. 65, 231	no. 6	228 n. 98
	n. 103, 233,	no. 9	134
	265, 267		
	n. 158, 268	Roesch and Fossey 1978b	
86	148 n. 44, 177	138–41	132, 136 n. 16,
	n. 89, 178,		238 n. 118
	227 n. 95		
87	152 n. 51	<i>SEG</i>	
89	156, 166, 170	7, 15	155 and n. 54,
	n. 76		196 n. 30, 264
90	164 n. 61,		n. 156
	165, 207	22	155
91	165 n. 65	25	155
93	142	12, 272	90 n. 59, 189
94	142, 177 n. 89		and n. 15
95	148 n. 44,	314	132, 147
	178		n. 44, 163,
99	203 n. 45, 206		264 n. 156
103	177 n. 89,	14, 529	92 n. 65, 233
	178, 207	15, 293	88
106	145 n. 36, 207	384	318
107	265	23, 462	116 n. 106,
108	156, 207		208, 303 and
109	145 n. 39		n. 61, 304
112	145 n. 39		n. 62, 305
113	145 n. 39,	478	132, 267
	178, 231		n. 160
	n. 103, 233	479	163 n. 60
115	165 n. 65,	26, 644	115
	178, 207	670	115, 116, 124,
117	145 n. 39,		208 n. 53,
	156, 159, 163		215, 303 and
	n. 60		n. 61, 304
128	178 n. 90		n. 62, 305
129	266 n. 157,	691	198 n. 37
	268	30, 531	83, 101 n. 75
131	232 n. 105	35, 593	199
133	148 n. 44, 245	37, 450	199 n. 41
	n. 128	515	318 and n. 25

541	199 n. 41	1703	166 n. 66,
39, 493–6	198 and n. 35		266, 267
494	144	1705	131 n. 2
41, 986	316 n. 24	1706	71 n. 14, 90
43, 510	195 and n. 24,		n. 59
	197, 231	1708	166, 172, 217
	n. 103, 268	1710	264 n. 155
	n. 162	1711	171 n. 78
		1712	143 n. 31, 171
<i>SGDI</i>			n. 78
382	211	1714	131 n. 2, 234
400	135	1715	143 n. 31,
406c	170 n. 75		169
406m	134 n. 11	1716	266 n. 157,
406o	134 n. 11		267
425	157	1717	131 n. 2, 211
429	134 n. 11, 197		n. 56, 236,
498	134 n. 11, 197		266 n. 157
501	134 n. 10	1718	145, 172, 214,
811	171		225 and n. 88,
1348	146 n. 42, 169		228, 317, 318
1351	76	1719	145, 229, 234,
1354	81, 82		271
1356	81	1722	163 n. 60,
1357	207		171, 267
1359	131 n. 2, 137,		n. 160, 268
	228	1723	158, 219
1360	76	1726	136 n. 17
1448	120 and	1749	172, 210, 271
	n. 113, 131	1750	210–11
	n. 2	1751	166 n. 66,
1461	148 n. 45		228, 236 and
1523	147 n. 44		n. 115
1524	175 n. 85	1754	221
1545	93, 228 n. 98	1772	221
1546	93, 228 n. 98	1777	131 n. 2
1555a	131 n. 2	1783	148 n. 45
1555c	115 n. 103,	1791	221
	160	1803	162, 168, 178,
1684	196, 267		261 n. 152
	n. 160	1804	220, 231
1685	172, 265		n. 102, 233
1686	271		n. 109, 266
1689	67, 87, 163,		n. 157
	172	1806	162
1690	228	1807	271
1693	166, 196	1818	95, 271 n. 166
1694	219	1842	181
1696	171 n. 78,	1844	317
	172, 214,	1853	143 n. 31,
	226 n. 92,		173 n. 82
	228, 234,	1854	144 n. 32,
	265, 292		145 n. 36,
1698	172		171 n. 78, 233
1702	265		n. 109

1855	132, 143 n. 31, 145 n. 36	2172 2183	211 n. 57, 255, 256 163
1856	171 n. 78, 203	2191 2199	142 n. 30 235 and n. 115
1866	271 n. 166		235 and
1867	271 n. 166	2200	n. 115, 242
1870	271 n. 166		144 n. 34
1878	221, 234 n. 110, 271 n. 166	2228 2251 2265	255, 256, 271 259 n. 148
1879	163 n. 60	2317	220
1888	148 n. 45	2318	212 n. 59
1904	228	2322	156
1909	212 n. 59, 221	3634	92 and n. 65, 233
1918	97, 235		254
1919	235	4642	86 n. 50
1920	271 n. 166	5702	
1931	267 n. 160		
1935	169 n. 73, 261 n. 152	Sokolowski 1969 no. 137 A no. 160	79 n. 40 92 n. 65, 105 n. 81
1953	203 n. 45		
1983	144 n. 34		
1984	217 n. 70, 271 n. 166	<i>Syll.</i> <sup>2</sup>	
2001	142 n. 29	868 IV	73, 83 n. 45
2011	144 n. 34		
2016	172	<i>Syll.</i> <sup>3</sup>	
2025	131 n. 2	329	313 n. 15
2029	171, 267 n. 160	521 543	122 59 n. 87
2041	163 n. 60	622 B	211 n. 57
2065	171 n. 78, 266 n. 157	742 1014	105, 123 132-3 n. 6
2071	143 n. 32, 162 n. 58, 227 n. 94	1106 1206 1208	92 n. 65 81 272, 317
2072	203 n. 45	1209 I	75 and nn. 27-8, 186
2074	163 n. 60		n. 3
2080	259 n. 148		72
2086	211 n. 57	1209 II	73 n. 20, 83 n. 45
2097	91 n. 59, 182 and n. 95 225 n. 89	1210 I, II	
2101			
2123	175, 217	<i>TC</i>	
2133	317	152	268
2142	171 n. 78	153	114 n. 101, 227 n. 92, 268, 269, 290 n. 36
2143	144 n. 32, 171 n. 78, 203, 237		114 n. 101, 228, 269, 290 n. 36
2144	169 n. 74	155	115, 302 nn. 57-8
2146	212 n. 59		
2154	181		
2167	211 n. 57	158	
2171	229-30, 234		



167	114 n. 101, 115, 269 n. 163, 290 n. 36, 302 n. 57	178 179 181	228, 242, 269 and n. 164 261 114 n. 100, 269 n. 163, 290 n. 36, 302 n. 57
168	114 and n. 101, 115, 269 n. 163, 270, 290 and n. 36	182	114, 115, 269 n. 163, 290 and n. 36
169	114 n. 101, 269 n. 163, 290 n. 36, 302 n. 57	184 185 186	114, 115, 235 n. 113, 290 261
170	114 n. 100, 269	188	229 n. 100, 237 261
171	114 n. 100, 268-69, 290 n. 37	189	269 n. 163, 290 n. 36, 302 n. 57
175	242, 269	190	269 n. 163, 290 n. 36, 302 n. 57
176a	154, 229 n. 100, 242, 269	192a	261
176b	114 n. 101, 115, 242, 269 and n. 163, 290 n. 36, 302 n. 57	193 194 196 196b	302 n. 58 271 302 n. 57 269 n. 163, 290 n. 36
177	114, 228 n. 96, 242, 247-8, 269, 290 n. 37	197 198 201 206b	271 115, 177, 261, 270, 271, 291 290 290

V. *Papyri*

<i>BGU</i>		<i>P. Oxy.</i>	
I 96	196 n. 30	I 48	76, 127, 131, 133 n. 6, 155, 200
IV 1070	133 n. 6		
1141	124		
VII 1564	87 n. 51, 126 n. 118	49	76, 127, 133 n. 6, 200
		II 349	76
<i>Freib.</i>		III 478	126 n. 118, 131 n. 3
II 10	76		131 n. 3
		479	105 n. 81
Kraeling 1953		480	126 n. 118, 131 n. 3, 205
no. 2	168 n. 72	485	n. 51
no. 5	168 n. 72		126 n. 118, 131-2 n. 3,
no. 8	168-9 n. 72, 172 n. 81	490	

	133 n. 6, 205	722	68–9, 76, 125,
	n. 51, 236		126 and
494	n. 117		n. 119, 131
	75 n. 29, 126		n. 2, 156, 186,
	n. 118, 133		198 n. 36, 200
	n. 6, 151, 168		and n. 42, 201
	n. 69, 172,		n. 43
	185, 231	723	76
IV 716	125, 126 and	IX 1205	100 n. 73
	n. 119, 131	XXXVIII 2843	200, 201 n. 43
	n. 2, 133 n. 8,	XLV 3421	201
	155–6		
		<i>PSI</i>	
		V 473	124

## GENERAL INDEX

- Achaea Phthiotis 75, 198  
 acquiescence clauses 135–9; see also  
     s.v. manumission  
 adoption 162, 167 and n. 67, 169  
     and n. 73, 174, 178–80, 261; see  
     also s.v. manumission, *threptos*  
 Aegialae 122–3  
 Aelian 173, 179  
 Aeschines 71, 72 n. 15, 73, 187–8,  
     193, 278, 289  
 Aesop 55 and nn. 80–1, 63, 65–6,  
     74 and n. 25, 82, 86 and n. 50, 93,  
     112, 151 n. 50, 152, 320–2  
 Aetolia, Aetolians 64, 67 n. 5, 105,  
     137, 148, 150, 154, 170–1, 173  
     n. 83, 181–2, 194 n. 22, 197, 213,  
     216, 305, 316–8  
*agein* 221, 234 and n. 110, 270,  
     292–4, 297–8  
*agoge* 275, 291  
*agoranomos* 76, 186, 200  
*aidos* 39 n. 52, 40–1 n. 55  
 Ammonius 102 n. 77, 179  
*amphipolos* 27 and n. 22, 31  
 Amphissa 97, 131 n. 2, 132, 141  
     n. 28, 144, 172, 203, 205, 229  
     n. 100, 243, 267 n. 161, 317–8  
*anatithenai* 86, 89 and n. 56, 91, 93,  
     99, 114 n. 99, 117, 128, 195, 239  
*andrapodon* 27, 285  
*anephaptos* 79, 267, 316  
*anepileptos* 79, 268 and n. 162  
*anthropos* 27, 331, 332  
*apeleutherikoi nomoi* 105, 115; see also  
     s.v. laws  
*apeleutheros* 51, 52, 73, 93, 100–20,  
     *passim*  
*apeleutherosis* 105 n. 81, 115, 198, 248,  
     270, 291, 305  
*apeleutherotika dikaia* 105, 115, 290–1,  
     299, 304  
*apeleutherotike agoge* 115 and n. 102,  
     290  
*apeleutheroun* 76, 80, 93, 99–102,  
     105–20, *passim*  
*aphairesis eis eleutherian* 139 n. 22, 185,  
     221, 253, 273, 275, 284, 292–300  
*aphetheis* 51, 52, 100  
*aphienai* 75, 76, 80, 88, 89 and n. 56,  
     91, 93, 99, 100, 102, 112, 114  
     n. 99, 116–7, 128, 195, *passim*  
 Aphrodite 142, 154, 176  
*apodidonai* 87, 95, 99, 128, 239  
 Apollo 43, 107 and n. 87, 189 n. 15;  
     in Delphi, 20, 67, 87, 97, 132,  
     143 n. 32, 148–9, 192, 194, 196,  
     *passim*  
 Apollodorus 178, 214–5, 252–3, 294,  
     312, 325, 327–9  
*apolyein* 76, 80–81, 100 and n. 73  
*apolysis* 235–8, 284  
*apopheugein* 282–84  
*apostasiou dike* 84 and n. 46, 104  
     n. 80, 122, 187 and n. 7, 248–9,  
     250 n. 133, 251, 253, 262, 273–92;  
     see also s.v. ‘Lists of Silver Bowls’,  
     *phialai exeleutherikai*, publication  
*aprostasiou graphe* 251–3, 280 n. 13  
 arbitration 234, 294, 295, 298  
 Archippe 325–8  
 archives 93, 201–4, 206, 264  
*arete* 31, 42 and n. 59, 44, 54, 57  
 Aristophanes 33, 55–56, 109 n. 92,  
     287  
 Aristophanes of Byzantium 102 and  
     n. 77, 309  
 Aristophon 74, 152  
 Aristotle 8, 75, 109 and n. 92, 196,  
     224, 249–50, 285; on freedom, 34;  
     on *philia*, 8, 10, 37 and n. 47, 39,  
     43–4, 47, 52–4; on slavery, 9–10,  
     31, 34–7, 52–4, 59, 70 nn. 11–12,  
     152  
 Arsinoe 145, 216 n. 69  
 Artemis 89 n. 55, 160, 206  
 Asclepius 72, 82, 87–88, 89 n. 56,  
     97, 142, 146, 163, 170, 191–2,  
     200–1, 225, 255  
 Assembly and manumission: in Athens,  
     49, 72, 188, 193, 302; in Daulis, 85;  
     in Elatea, 85, 188–90, 192; in  
     Locris, 90 n. 59, 181–2, 196; in  
     Oeanthea, 90, 182; in Physceis,  
     143–4 n. 32, 182, 189; in Rhodes,  
     71; in Samos, 82, 86 n. 50; in  
     Tithora, 90 n. 59, 193 n. 20; in

- Tolophon, 90 n. 59, 182; see also s.v. Council, polis, publication  
*ateknoi* 140–1  
 Athena 85, 89, 189, 201, 203, 282–3  
 Athenaeus 27, 28 n. 23, 35, 102, 122  
 Athenogenes 82, 96, 180, 186, 217, 218 and n. 71, 220  
 Athens, Athenians 42, 49–50, 62–63, 66, 70 and nn. 11–12, 71–3, 81, 84, 98, 101, 104 and n. 80, 105, 114, 121–2, 141, 147, 180, 248–53, 274–90, 292–9, 301–5  
 Atrax 70, 146  
 Azorus 76, 153, 207, 303 and n. 61, 304  
 Beroea 117, 132 and n. 5, 139 n. 21, 142 n. 30, 143 n. 32, 147 n. 44, 155–6, 159, 162 n. 58, 163–4, *passim*  
 Bion 113, 308, 322–3  
 Black Sea 28 n. 23, 62, 174, 178; see also s.v. Bosphorus Kingdom  
 Boeotia 131–2, 135, 221, 256  
 bondsmen 9 n. 16, 28 n. 23  
 Bosphorus Kingdom 64–65, 89 and n. 56, 92, 111–2, 131 n. 2, 139, 152, 178, 195–6, 220 n. 77, 227 n. 92, *passim*  
 Boucation 207, 217 n. 69  
 Buthrotus 68 n. 7, 76 n. 33, 83, 89 n. 56, 114 n. 99, 131 n. 2, 136 n. 15, 140 and n. 25, 141, 146, 148 n. 45, 149, *passim*  
 Calydon 147 n. 43, 160, 161 and n. 58, 166 and n. 66  
 Calymna 64, 73 and n. 20, 83 n. 45, 105, 114 and n. 100, 115, 134, 167 n. 67, 170, 175, 177, 227 and n. 92, 228, *passim*  
 captives 28, 80, 100, 122–3, 173, 209, 317  
 Chaeronea 72 n. 15, 86, 89, 91 and n. 60, 93–94, 117, 123 and n. 117, 131 n. 2, 134 and nn. 10–11, 135, 142 and n. 30, *passim*  
 Chalcion 135 n. 14, 136 n. 17, 141 n. 28, 144, 172  
*charis* 40–5, 55, 152–3, 325, 333  
 Chius 62, 73 n. 21, 101 n. 75  
*choregos* 78, 79  
*choris oikountes* 104 n. 80, 215 and nn. 63–5, 216 and nn. 67–8, 218 n. 73, 269, 289, 293; see also s.v. slaves  
 Chrysippus 34 n. 41, 37, 38, 109–10, 129  
 citizens, citizenship 15–16, 21–3, 32, 38, 41–2 and n. 58–59, 70–71, 77, 90, 101–5 and n. 81, 121, *passim*  
*clientes* 110–2  
 Comedy as evidence 35, 55–56, 65  
 conditions of manumission 11, 114, 115 and n. 100, 145, 154, 157–8, 161, 173, 175, 179, 195, 207–48; see also s.v. manumission, obligations  
 copies of manumissions 11, 94, 201–7, 264, 266; see also s.v. manumission, publication  
 Coresia 104, 316 n. 23  
 Corinth 66, 209, 217, 253  
 Coronea 132, 136 n. 16, 238 n. 118  
 Cos 73, 92 and n. 65, 105 n. 81, 233, 254  
 Council and manumission: in Athens, 49; in Chaeronea, 89, 90 and n. 57, 123 n. 117, 142–3, 167, 189, 191–2, 221; in Elatea, 85, 188–90, 192; in Orchomenus, 176, 192–3, 200; in Rhodes, 71, 78; in Samos, 65; see also s.v. Assembly, manumission, publication  
 Crates 72, 323  
 Crounoi 142, 163, 170  
 Daulis 84, 131 n. 2, 145, 147 n. 44, 175 and n. 85, 188, 203, 255 n. 145  
 debt-bondage 16, 19–20, 23, 129, 173  
 Delphi 20, 35 n. 45, 64, 67–68, 71 n. 14, 80 n. 41, 87, 90 n. 59, 91 and n. 60, 94, 95, 97, 131 n. 2, 133–5 and n. 113, *passim*  
 Demetrias 198 and n. 37, 199 n. 41  
*demos* 49 n. 69, 50, 89  
 Demosthenes 72 n. 15, 73 and n. 22, 74 and n. 23, 83, 85, 102, 105, 108, 116, 121–2, 147, 180, 185, 188, 214, 249, 274, *passim*  
 Dio Cassius 112, 121–2, 124  
 Dio Chrysostom 1, 34, 230  
 Diodorus Siculus 113, 147, 271 n. 167, 313  
 Diogenes Laertius 37, 75, 113, 277  
 Dionysius of Halicarnassus 59 n. 87, 111, 121  
 Dionysus 107 and n. 87, 142  
*dmos*, *dmoe* 27, 30–31

- Dodona 76, 79–82 and n. 43, 88  
n. 53, 131 n. 2, 137–8, 140–1, 146  
n. 42, 153, 169, 207, 228, *passim*  
*doero/a* 28, 31  
Doliche 76, 116, 124, 199, 207, 215,  
303 and n. 61, 304  
*doulos, douleia* 27–28, 29 and n. 29,  
30–35, 37, 56, 100, *passim*
- Echinus 144, 198–9  
Egypt 55, 61, 62, 63, 69, 75 n. 29,  
76, 82, 86 n. 50, 87 n. 51, 89, 95,  
100 n. 73, 105 n. 81, 124–6 and  
n. 119, 131 and nn. 2–3, *passim*  
*eisagogeis* 285–6, 288 and n. 30  
Elatea 80 n. 41, 85, 89, 131 n. 2,  
143 n. 31, 188 and n. 11, 190, 192,  
211 and n. 57, 254–5 and n. 145,  
264, *passim*  
Elephantine 168 n. 72, 172 n. 81  
*eleutheros, eleutheria* 27–28, 29 and  
n. 29, 30, 33 and n. 36, 34–35,  
72–5, 80, 86, 88–89 and n. 56, 91,  
95, 97, 99–101, *passim*  
*eleutheroun* 100, 101 and nn. 74–5,  
102, 105 n. 81, 106, 112  
*endogenes* 27, 170; see also s.v. slaves  
*entimos* 81, 272 n. 169, 305, 316;  
see also s.v. status  
Epheesus 70 n. 12, 123, 317 n. 23  
Epictetus 1, 247, 307, 308, 323  
Epidauros 72, 83, 114, 194, 270  
Epirus 64, 76, 89 n. 56, 132, 138,  
140–1, 149, 318–9, 323  
*epistates* 84 n. 46, 248–50, 274  
*epitropeuein* 195–6  
*epitropos* 109 and n. 92, 132, 133 nn.  
6 and 8, 196, 249 and n. 132, 250  
and n. 133, 262, 325  
*eranikai dikai* 286–7  
*eranos* 66, 131 n. 2, 220–2, 231, 285,  
287 n. 28, 294–5  
*e-re-u-te-ro/a* 28, 29 n. 27  
Erineus 145, 256  
Eumaeus 30, 32, 37, 55  
Eumathes 73, 84, 139–40, 186, 284,  
293–4, 330  
Euripides 55, 179 n. 92  
evidence of manumission 2, 3, 8–10;  
chronological distribution of, 62–3;  
epigraphic, 61–2, 65, 67–8;  
geographical distribution of, 62–3;  
literary, 61–2, 65–7; in papyri, 61–2,  
68–9
- exchange 6–7, 40, 43, 45–8, 50,  
56–8, 75 n. 29, 214  
*exeleutheros* 10, 51–2, 73, 100–1, 102  
and n. 77, 103–6, 120–6  
*exeleutheroun* 99–102, 105–6, 120–6
- flattery as slavery, 35 and nn. 43–4;  
see also s.v. *kolax*  
foreigners 11, 16, 38, 76–77, 79, 105  
n. 81, 123, 141, 142 and n. 29, 246,  
256, 266, 280; see also s.v. *xenos*  
fosterage, fosterlings 124, 162, 167,  
173–80; see also s.v. *threptos*  
free, freedom 1, 15, 1627; as  
independence, 33–4, 39; cultural,  
32–3; modern definitions of, 9,  
16–27; moral, 32–3 and n. 39, 101;  
political, 17–19, 22, 32, 33 n. 36,  
101; see also s.v. liberty
- gift 40, 43, 45, 48, 50, 56–8, 75  
n. 29  
Gonnoi 132, 199  
Gordus 124, 179 n. 91  
Gortyn 113, 114, 168  
*graphe xenias* 275, 286, 315  
guarantors 11, 87, 90, 184–5, 194,  
196 and n. 29, 202–5, 229, 255–6,  
264, 266  
guardians: of manumitted slaves, 109,  
195, 196; of minors, 125, 132, 133  
and nn. 6–8; of sale, 90, 97, 195,  
203
- Halus 131 n. 2, 148 n. 45, 199  
handwriting 204–7  
Harpocraton 84 and n. 46, 122, 139,  
248–51, 273–4, 276, 279–80, 286,  
292, 295, 308–9, 311 and n. 8  
Helots, helotry 9 n. 16, 23, 28, 35,  
38, 62, 63 and n. 3  
Hera 66, 82 n. 44, 86 n. 50, 93, 116  
n. 107  
Heracles 92, 233  
Herodotus 34 n. 42, 62–63, 71, 82,  
209, 320–2  
Hesychius 103, 105, 308–9, 311 n. 8,  
314  
*hetaira* 82, 96 n. 69, 167 n. 68,  
180–1, 209, 216–7, 323  
*hierarchos* 94, 145 and n. 37, 197, 257  
*hieros/a* 86 and n. 50, 89 n. 56, 91,  
94, 117, 123 and n. 117, 145 and  
n. 37, 233, 257, 264

- Homer on *philia*, 32, 39–40 and nn.  
52 and 54, 41 n. 52, 55, 62, 100,  
174; on slavery and freedom, 27  
and n. 22, 29–30, 31 and n. 32, 32,  
34 and n. 42, 39
- Hymapolis 88–9, 135 n. 14, 188, 255  
n. 145
- Hypata 115, 199, 260
- Hyperides 82, 96 and n. 69, 121,  
186, 209, 217–8, 220, 238, 253,  
292, 295
- inscriptions: as means of publication,  
119, 185 n. 2, 193 and n. 21; as  
evidence, 61, 62; see also s.v.  
manumission, publication
- Isaeus 73 and n. 21, 84, 108 and  
n. 89, 109, 139, 186, 214, 292–3
- Isis 89 and n. 55, 95, 321
- Isocrates 34 n. 42, 43, 252, 295
- isoteles* 81, 103, 105, 119, 123, 272  
n. 169, 305, 314–6
- Jericho 117–8
- Jews, Jewish 88–89, 112, 118, 168  
n. 72, 171, 195, 220 n. 77, 231–2
- katadoulousthai* 113–4
- koinonia* 44, 52–3
- kolax* 35 and nn. 43–4, 49 and n. 68
- korasion*, *koridion* 153, 155
- kyrios*, *kyrieia* 85, 131 and n. 3, 132  
and nn. 4–5, 133 and n. 6, 134,  
135 and nn. 13–4, 138, 190, 257–8,  
262
- Lamia 68, 83 and n. 45, 101 n. 75,  
114, 120, 260, 311
- Larissa 59 n. 87, 77, 83 n. 45, 114,  
115 and n. 104, 144, 147 n. 44,  
199 and n. 39, 248, 259, 260 and  
n. 151, 261, 304
- law courts 49, 73, 84, 86, 281–2,  
284; see also s.v. manumission
- laws: of Pericles on citizenship, 15,  
312; on manumitted slaves, 5, 8, 12,  
73, 77, 83, 105, 114–6, 120–1, 127,  
188, 207, 237, 242, 248–50, 254,  
260–1, 269–70, 273, 276–306; see  
also s.v. *apeleutherikoi nomoi*
- Lebadeia 92, 131, 134 n. 11, 142  
n. 30, 157, 162 n. 58, 163, 188  
n. 11, 197, 227, 228 n. 98
- legal actions 5, 8, 12, 84, 105,  
274–300; see also s.v. *aphairesis eis  
eleutherian*, *apostasiou dike*, procedures
- Lemnos 30, 100 n. 73
- Leucopetra 89 n. 56, 131 n. 2, 132  
n. 5, 133 n. 6, 134 n. 9, 136 n. 17,  
142, 145 and n. 36, 150, 152, 154,  
156, 158–9, 163 and nn. 59–60,  
164–6, *passim*
- libertini* 103, 121 and n. 114
- libertus* 117 n. 108, 121 n. 114
- liberty 15, 16, 20; see also s.v.  
freedom
- Lilaea 145, 225, 317–8
- ‘Lists of Silver Bowls’ 73, 83–4, 86,  
121–2, 131 n. 2, 140 n. 24, 141,  
166, 181, 187, 191, 201–2, 250–1,  
273, 280, 282–90; see also s.v.  
*apostasiou dike*, *phialai exeleutherikai*,  
publication
- liturgies 49–50 n. 69, 313, 329;  
see also s.v. status
- Locris 90–1 nn. 58 and 59, 137, 142,  
170, 182, 188, 190, 192, 196–7
- Lycaon 30, 100 n. 73
- Lycon 75, 152, 185, 198, 209, 210  
and n. 55, 226 and n. 91, 244
- Lycurgus 282, 290, 311 n. 10
- Lysias 108, 296
- lysis* 76, 80
- lytron*, *lytra* 80, 198–9, 209–12
- lytrosis* 76, 80
- Macedon 9, 62, 64–65, 67 n. 5,  
92–3, 132 and n. 5, 137, 149, 156,  
159, 206, 264
- Magnesia 105, 198 and n. 37, 260,  
304 nn. 63–4
- Mantineia 72 and n. 16, 75, 83, 87,  
153, 186 n. 3, 194, 267 n. 158, 270
- manumission: acquiescence clauses in,  
135–40; and adoption, 162, 167 and  
n. 67, 169, 178–80, 261; and *philia*,  
57–60; collective, 131, 133, 136–40;  
conditions of, 5–6, 11, 114, 115 and  
n. 100, 136 n. 18, 145, 154, 157–8,  
161, 173, 175, 207–48; economic  
implications of, 138–51; evidence of,  
2, 3, 8–10, 61–9, 127; function of,  
59–60; meaning of, 1–2, 5–6, 15;  
modes of, 5, 10, 66, 69–99, 127,  
185–96; motives behind, 11, 59,  
147–53, 157–70, 180, 183, 247;  
partial, 125, 126 and nn. 119–20;  
penalty clauses in, 115, 233–4;

- presence clauses in, 133–5;  
 procedures of, 11, 184–207;  
 publication of, 11, 184–6, 191–5,  
 197–202, 207, 263, 289; terminology  
 of, 5, 8, 10, 51–2, 63, 99–126; see  
 also s.v. acquiescence clauses,  
 adoption, conditions of manumission,  
 evidence of manumission,  
 manumitted slaves, modes of  
 manumission, *philia*, procedures,  
 sacral manumission
- manumitted slaves: age of, 155–64;  
 and familial ties, 157, 163–70; and  
 legal actions, 5, 8, 12, 274–300;  
 gender of, 153–4; laws on, 5, 8, 12,  
 277–306; number of, 142 n. 28,  
 148–51, 153–4, 158, 170–1;  
 occupations of, 319–34; protection  
 of, 11, 115, 197, 254, 264–6, 300;  
 obligations of, 8, 208–62; social  
 integration of, 12, 307, 319–34;  
 status of, 4, 12, 51, 66, 77, 80,  
 307–19; see also s.v. laws, legal  
 actions, manumission, obligations,  
 protection of freedom, status
- manumitters: age of, 130–36;  
 ‘childless’, 140–1; gender of, 130–5;  
 legal status of, 141–7; motives of,  
 11, 59, 147–53, 157, 158–70, 180,  
 183, 247; socio-economic position of,  
 147–51; see also s.v. *ateknōi*, motives  
 of manumission
- Megara 254, 315
- Menander 38, 56, 103, 152, 308–9,  
 311, 328 n. 36, 331
- Messenia 64, 254
- metics 4–5, 12, 38, 42 n. 58, 78, 81,  
 103–4, 105 and n. 81, 119, 123,  
 128–9, 141, 144 and n. 33, 189  
 n. 16, 249, 251–2, 254, 257, 259,  
 279–300, 308–16
- metoikion* 103, 189 n. 16, 308–11
- Midas 180, 216, 217, 218 and nn. 71  
 and 73
- Miletus 28, 70 n. 11
- Milyas 74 and n. 23, 85, 108, 147,  
 180, 185, 330
- modes of manumission: before a  
 magistrate, 68–9, 76, 127, 186; by  
 consecration, 6, 10, 63, 66, 82  
 n. 44, 83, 86–94, 98–9; by  
 proclamation, 71–3, 76, 83, 127,  
 186, 188; by sale, 6, 10, 67, 71  
 n. 14, 86–91, 94–9; by testament,  
 71, 74–6, 185–6; in court, 73, 127,  
 186–8; in family circle, 74, 127, 185;  
 partial, 125, 126 and nn. 119–20;  
 public, 70–1, 186; *xenikei*, 76–81;  
 see also s.v. manumission, sacral  
 manumission
- monthly trials 285–8
- Mother of Gods 142, 145, 146 n. 39,  
 153–4, 156, 159, 170 n. 76, 232,  
 264
- motives of manumission 11, 59,  
 147–53, 157, 158–70, 180, 183, 247;  
 see also s.v. manumission,  
 manumitters
- Mycenaean period 28–9, 31, 100
- Naupactus 131 n. 2, 133 and n. 8,  
 136 n. 17, 142 and n. 30, 157, 158,  
 163, 171, 181–2, 196 n. 30, 214,  
 225, 227 n. 95, 231, 235 n. 113,  
*passim*
- Neaera 66, 82, 96, 108, 131 n. 2,  
 158, 174, 180, 209, 217, 221–2,  
 224, 244, 253, 294–5, 298, 312, 328
- Nicias 66, 71, 72 and n. 15, 147, 178
- obligations: of manumitted slaves,  
 92–93, 98, 100 n. 73, 103, 104 and  
 n. 80, 109 and n. 91, 115 n. 102,  
 116–7, 119, 122, 124, 136 n. 18,  
 166, 185, 195–6, 208–62; to repay  
 favours, 40, 42–8; see also s.v.  
 conditions of manumission, *philia*
- Odysseus 30–2, 34, 37, 41 and n. 57,  
 55
- Oeanthea 90 and n. 59, 141 n. 28,  
 182, 188 and n. 11, 189 and n. 15
- Oeniadae 83 n. 45, 149 n. 47, 194
- oiketes* 27, 37; see also s.v. slavery
- oikogenes* 27, 170; see also s.v. slaves
- oikos* 36, 43, 52, 54, 59, 137
- ona* 95–6, 176, 198, 207, 235, 263
- Orchomenus 83, 94, 131 and n. 2,  
 134 nn. 10–11, 143, 176–7, 188  
 n. 11, 192, 197, 200, 202, 212, 257
- Oropus 88, 254, 315
- orphanophylakes* 133 and n. 8; see also  
 s.v. *kyrios*, manumitters
- Oxyrhynchus 68–69, 75 n. 29, 131,  
 168 n. 70, 185
- paidarion*, *paidion* 153, 155, 159 n. 56,  
 217 n. 69
- paidiske* 155 and n. 54, 159 n. 56

- Panticapaeum 118–9, 131 n. 2  
 papyri: as evidence of manumission, 55, 61–3, 68; see also s.v. evidence of manumission  
 Pasion 71, 141, 147, 171, 180, 216, 252 and nn. 140–1, 295–6, 312, 313 and n. 14, 314, 324–5  
*paramone* 100 n. 73, 104 n. 80, 134, 135, 136 and n. 18, 145, 150, 157, 166 n. 66, 169, 182, 208–9, 211, 212 and n. 60, 219 and n. 75, 222–48  
*paroikoi* 104–5, 123  
 patron, patronage 41 n. 55, 47–9, 50 n. 70, 110, 118 n. 109  
 patronymics of manumitted slaves 78 n. 37, 120 n. 113, 259–60  
 payment: for freedom, 11, 72–3, 80, 154, 158, 181, 198–9, 208–22, 235–8; for publication, 83, 115 n. 104, 197–202, 289, 303 n. 60; see also s.v. conditions, prices, publication  
*peculium* 50 n. 71, 214; see also s.v. Rome  
*pelatai* 34–5, 111  
 Peloponnesus 62, 64, 87  
 penalty clauses 115, 233–4; see also s.v. conditions, manumission  
 Penestae 28 and n. 23, 35, 62  
*perioikoi* 28, 63 n. 3  
 Pericles: funeral oration of, 41–2 and nn. 58–9, 49; and law on citizenship, 15, 312  
 Perrhaebia 83 n. 45, 304  
 Phaestinus 90 and n. 59, 141 n. 28, 188 n. 9, 189 n. 15  
 Pherae 83 n. 45, 114  
*philia, philos* 8, 10, 32, 37, 39–58, 124, 134 and n. 10; and manumission, 50–60, 119 and n. 110, 180; and slavery, 32, 37, 39, 47, 50–60, 179–80; between unequals, 44, 47–50; motivated by *arete*, 44, 48; motivated by pleasure, 44, 48; motivated by utility, 44, 48, 54, 57–8, 325  
*philiai exeleutherikai* 73, 83–4, 86, 187, 201, 222, 273, 282–90; see also s.v. *apostasion dike*, ‘Lists of Silver Bowls’, publication  
 Phistyon 142, 145, 154, 170–1, 214, 217 n. 69, 227, 231, 316  
 Phocis 88, 188–90, 192, 255–6, 317  
 Phoenice 132, 163 n. 60, 267 n. 160  
 Phormio 71, 141, 171, 180, 214, 216, 252 n. 141, 314, 325–6, 328–9  
 Phrynion 66, 96, 221–2, 224, 244, 253, 294–5, 328  
 Phthiotic Thebes 153, 167, 198 and n. 37, 260, 267 n. 158, 272, 304 and n. 64, 317  
 Physceis 90, 91 n. 59, 142 n. 30, 143–4 n. 32, 182, 188, 189 and n. 14, 191 n. 17, 263 n. 154  
 Piraeus 72 n. 15, 167, 252  
 Plato 27, 31, 33, 37, 75, 109 and n. 91, 178, 223–4, 228–9, 233, 234 n. 110, 246, 250, *passim*  
 Plautus 212 n. 59, 216  
 Pliny 174, 180  
 Plutarch 38 n. 50, 66, 71, 72, 110 and n. 93, 111  
 Polemarch 187 and n. 7, 248, 274 n. 2, 279, 288 and n. 30, 294–7, 301, 308, 314–5; see also s.v. legal actions, status  
*polis* 42–3, 52; and involvement in manumission, 11, 70, 78, 82–5, 89–90, 127, 181–2, 189–94, 273–306; see also s.v. Assembly, Council, laws, legal actions  
*politeuein* 272 n. 169, 317. See also s.v. status  
 Pollux 27, 34–5, 51 n. 72, 73, 102, 105, 121, 279, 286, 308–9, 311 n. 8  
 Poseidon 63, 65, 72, 75, 87, 89, 98 n. 72, 194 n. 22  
*praxis epi lysei* 81 and n. 42, 96, 108 n. 87, 218  
 prayer-house 89 and n. 56, 92, 195, 231 and n. 103, 232  
 presence-clauses 90, 133–5; see also s.v. manumission, manumittors  
 prices: of freedom, 90, 95, 160–1, 170, 181–2, 199, 209–10, 211 and n. 56, 212 and nn. 59–60, 213, 216–7, 235–38; of publication, 197–201, 202 n. 44, 288–9; of slaves, 212 and n. 59; see also s.v. conditions, payment, publication  
 priests 20, 72, 74–5, 89, 94 and n. 67, 134 n. 9, 148, 194–7, 202–3, 255  
 procedures: of manumission, 11, 184–207; legal, 11, 185, 187–8, 273–300  
 Proschion 131 n. 2, 217 n. 69



- proshekein* 75, 267 and n. 158; see also s.v. protection of freedom
- proskarteresis* 231, 232; see also s.v. conditions
- prostates* 4–5, 11, 84 and n. 46, 104 n. 80, 109 n. 92, 146 and n. 40, 170, 187 and n. 7, 208, 242, 248–62, *passim*
- protection of freedom 11, 115, 197, 254, 256, 264–6, 300; see also s.v. manumitted slaves
- publication of manumission 11, 64–5, 71, 74, 86, 93, 99, 127–8, 184–6, 191–2, 194–5, 197, 201–2, 207, 263, 302; see also s.v. Assembly, Council, inscriptions, manumission, sanctuaries
- Pylos 9, 28 and n. 24, 31
- Python 198 and n. 37, 228 n. 98, 270 and n. 165, 303 n. 61, 304, 318
- ransom 80, 100 and n. 73, 123, 173, 209 and n. 54, 211
- reciprocity 6–7, 32, 43–6, 48, 50, 56, 214, 325
- Rhodes 70 and n. 12, 71, 77–8, 79 and n. 40
- Rhodopis 63 and n. 1, 82, 171, 181, 209, 307, 320–1
- Rome: implications of conquest by, 64–5, 110, 150, 197–8 n. 33, 213, 247, 337; slavery and manumission in, 22, 24, 35 n. 45, 45, 49 n. 69, 50 nn. 70–1, 59, 102–3, 105, 110–2, 114 n. 99, 117 and n. 108, 118 and n. 109, 121–2, 126 nn. 119–20, 128, 132 n. 5, 177 n. 87, 199 n. 40, 278 n. 10, 289 n. 33, 292 n. 41, 334 n. 42
- sacral manumission 6, 10; by consecration, 63, 66, 82 n. 44, 83, 86–94, 98–9; by sale, 67, 71 n. 14, 86–91, 94–9; see also s.v. manumission, modes of manumission
- Samos, Samians 55, 63, 65–6, 74, 82, 86 n. 50, 112, 151 n. 50, 152, 171, 181, 307, 320–2; see also s.v. Aesop
- sanctuaries 87, 92–3, 98 n. 72, 142, 152, 194 and n. 22, 201–3; see also s.v. priests, publication, sacral manumission
- Serapis 86, 87 n. 51, 88–91, 95, 123, 142, 145, 160, 167, 203–4, 221
- serfdom, serfs 19, 20, 21, 28 n. 24
- Sicinnus 71, 147
- Sillyum 105, 114 n. 99, 133 n. 6
- slavery 1, 15–6, 27–39, ancient definitions of, 1, 27–39, and *philia*, 32, 37, 39, 50–7; as cultural behaviour, 32–3; as dependence, 7, 33–5, 38, 39, 324; as moral condition, 32–3, 35, 324; as political condition, 22, 32; as social relations, 6–7, 9, 25–7, 32, 36–7, 39, 54–7; development of, 21–22; function of, 21–2, 33 and n. 40, 59; in archaic times, 9; in Homeric epics, 30–2; in Mycenaean period, 9, 28–9; modern definitions of, 16–27; terminology of, 27–9
- slaves: as concubines, 11, 167–9; as outsiders, 22, 24, 25 n. 18, 51; as owners' offspring, 11, 167–80; fosterlings, 16, 124, 162, 167, 173–80; home-born, 54 n. 78, 150–1, 158, 159, 161, 165 and n. 65, 166, 170–2, 179, 180, 213–4; 'living apart', 104 n. 80, 215 and nn. 63–5; 216 and nn. 67–8, 218 n. 73; names of, 169, 170–2; occupations of, 180–3, 212 n. 59, 213; origin of, 170, 171–3; public, 82, 298; see also s.v. *choris oikountes*, *oikogenes*, *threptoi*
- social integration 12, 307, 319–34; see also s.v. manumitted slaves
- Socrates 42, 49, 224 n. 85
- Solon 29, 32, 101
- soma* 27, 87, 153, 155
- Sophocles 40–1, 55, 107 and n. 85, 120, 179
- Souda* 109, 248, 251, 253, 274–5
- Sparta 28, 38 and n. 50, 62, 63 and n. 3, 177 n. 87
- status 12, 238–46, 265–6, 307–19; see also s.v. manumitted slaves
- Stephanus 66, 221, 253, 294–5, 312
- Stiris 93, 131 n. 2, 146, 191–2, 200, 225 n. 88, 228 n. 98, 255 and n. 145, 266 n. 157, 272 n. 169, 317, 318
- Stoics and slavery 36–7, 38 and n. 49
- Susa 155, 196 n. 30, 264 n. 156
- sylein* 113–4, 254, 255 and n. 144,

- 256 and n. 146, 265, 300; see also  
s.v. protection of freedom
- symbolic acts 74 n. 24, 85 n. 48, 98,  
127; see also s.v. modes of  
manumission
- synepitropeuein* 195–6
- synexeleutheros* 124, 179 n. 91
- synteknos* 124, 179 n. 91
- syntrophos* 176, 177 and n. 87; see also  
s.v. *threptos*
- Taenaron 8, 63, 65, 86, 194 and  
n. 22; see also s.v. Poseidon, sacral  
manumission
- taxes 81, 103, 189 n. 16, 199 and  
n. 41, 200, 201, 279, 284, 288–9,  
308–11, 323 and n. 30; see also s.v.  
*metoikion*, status
- Tecmessa 40–1 and n. 55, 55
- terminology: development of, 31;  
etymology of, 29; metaphorical uses  
of, 24–5, 29, 32–3; of manumission,  
5, 8, 10, 51–2, 63, 99–126; of  
slavery, 27–9; see also s.v. freedom,  
manumission, slavery
- Thasus 116, 124, 226 n. 92, 248,  
305
- Thebes 72–3, 173, 323
- Themistocles 71, 147, 313, 324
- Theophrastus 75, 185, 226 and  
n. 91, 244
- Theopompus 28 n. 23, 62
- therapeia* 27, 75, 276
- Thermon 81, 105, 267 n. 158, 272  
n. 169, 305, 316, 318
- Thespiac 72, 75 n. 29, 87–8, 171,  
196 n. 30, 227 n. 92, 235 n. 113,  
256–7, 272, 317, 324
- Thessaly 28 and n. 23, 62, 64, 70,  
75 n. 29, 76–81, 82 n. 43, 83, 101  
n. 75, 105, 114–6, 117 n. 108,  
119 n. 112, 131 n. 2, 133 n. 8,  
*passim*
- thetes* 34 and n. 42, 35, 37
- Thisbe 131 n. 2, 227 n. 92
- thopeia* 231–2
- Thrace 28 n. 23, 62–3, 117, 170–1,  
321–2
- threphein* 173–5, 178, 226, 229, 231;  
see also s.v. conditions, *threptos*
- threptos* 162, 163 n. 59, 167, 173–80,  
203, 214, 221, 231 n. 102, 261;  
see also s.v. fosterlings, manumitted  
slaves
- Thucydides 41–3, 49
- Tithora 90 n. 59, 115, 123–4, 131  
n. 2, 160, 175, 193, 196 n. 30,  
204–5, 227 n. 92, 228 and n. 98,  
229, *passim*
- Tolophon 90 n. 59, 182, 188–9
- tropheia* 174, 176–7, 179–80, 212;  
see also s.v. fosterlings, *threptos*
- vindicta* 105, 114 n. 99
- witnesses 11, 71, 74, 87, 90, 184–5,  
189 and nn. 14–5, 194, 196 and  
n. 29, 197, 202–6, 264, *passim*
- xenia* 40 and n. 53, 79
- xenikei lysei* 76–81, 82 and n. 43, 83  
n. 45, 319; see also s.v.  
manumission, modes of manumission
- xenodokos* 77, 78, 196, 199; see also  
s.v. procedures, payment
- Xenophon 33–4, 42, 49, 147, 152,  
160 n. 57, 177 n. 87, 277
- xenos* 24, 33, 40, 50, 60, 71, 76–81,  
141, 266, 309, 314–5, 319–20, 327,  
*passim*
- Zeus 31, 76, 89; Basileus, 157;  
Eleutherius, 121



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