

Slavery and Manumission

Forthcoming in the *Oxford Handbook of Ancient Greek Law*

David Lewis (The University of Nottingham)

Abstract

This chapter explores the legal position of slaves in the Greek world from Homeric times down to the Roman conquest, including Gortyn, Athens, Sparta and Ptolemaic Egypt, introducing key scholarly debates; it also provides an overview of manumission in the Greek world.

Keywords

Slavery, property, ownership, law, manumission, freedmen, Gortyn, Athens, Sparta.

From the earliest periods of Greek history, slavery played a prominent role in social and economic life (Van Wees 1992: 49-53; Thalmann 1998: 50; Harris 2012). It should come as no surprise, then, that the regulation of slavery by law was an early development, and one that continued to be a concern over many centuries. The scattered nature of the Greek world - displaying variation from region to region in terms of local resources and economic organisation, and fragmented into over 1,000 city-states with their individual laws and institutions - created a patchwork of epichoric slave systems in which local imperatives influenced the shape that slave law assumed. Of this vast array of local arrangements, only a handful of Greek slave systems can today be analysed as detailed case studies. In this chapter, we will proceed on a regional basis, focusing upon these concentrations of evidence. This approach has advantages and disadvantages: on the one hand, it allows us to treat side-by-side those areas from which our evidence survives in the greatest quantities, tracking continuities and changes through time, similarities and differences from place to place, and to discern trends about the 'unity' of Greek law; but it also forces us to overlook some of the scattered evidence from more sparsely attested parts of the Greek world. Since this chapter is intended as a general overview of slave law in the Greek world, these limitations are somewhat inevitable.

Beginning with the world of the Homeric poems (which is treated here as a 'region', though obviously not one *stricto sensu*), we will move to the Cretan polis of Gortyn, for which extensive inscribed slave legislation survives from around the fifth century BCE. From there, we turn to the most amply attested Greek society: Classical Athens. Next, we consider Sparta and the phenomenon of so-called 'helotic' slavery. Egypt under the Ptolemies yields further insights due to its rich papyrological sources, and constitutes our final regional study. The evidence for manumission does not follow this schema: manumission documents survive in great numbers from various parts of the Greek world, but few from the aforementioned regions, and will be treated separately at the end of this chapter.

1. Introduction: what is slavery?

Slavery is a multifaceted phenomenon. Legally speaking, it is an institution that commoditizes the human being. We may define slavery as the ownership of human beings (Allain-Hickey 2012; Lewis 2016, *contra* Patterson 1982). Ownership is a legal relationship found widely in human societies, and represents the greatest legal interest in a thing that a mature system of law recognises (Honoré 1961). Yet the human being is an unusual kind of property, acting in ways that require more extensive rules than those pertaining to inanimate goods. Human beings can *inter alia* bear children, damage the persons and property of others, run away, have undesirable ailments, know inconvenient secrets, and even kill their owners; any of these traits can have legal consequences. M.I. Finley was quite right, then, when he wrote of slaves as 'a peculiar property' (Finley 1980: 73). It is quite true that the slave was much more than the 'mere chattel' of his or her owner, and various facets of slavery - for example, slaves' social agency, labour, sexuality, religious beliefs, and so forth - are important subjects of study. To recognise that the slave was property does not require the dismissal of these other aspects; however, the scope of this chapter requires us to limit our purview to legal matters.

Ownership entails certain structural features that remain constant from one society to the next (Honoré 1961; cf. Harris 2002; 2012). Since slaves were property and their masters were their owners, slaveholders had a recognised title to their slaves (*right to possess*); they held extensive rights in terms of what they might do with their slaves (*right to use*); they could decide how and by whom their slaves were put to work (*right to manage*) and they held a right to any income generated by slave labour (*right to income*). They were able to alienate their slaves (*right to capital*), which in practical terms meant the right to give away or sell them. Their rights over the slave

were protected by law, providing legal remedies against those who might steal, damage or kill the slave (*right to security*); and the legal interest they held over their slaves was permanent (*absence of term*), reverting to the owner's heir(s) after his death (*transmissibility*). Yet ownership did not comprise a mere list of rights or liberties on behalf of the owner: the owner was also held legally liable for the actions of his slave (*prohibition of harmful use*) and his slave might be confiscated by the state in certain circumstances, or by creditors if the slave had been pledged for a loan and default occurred (*liability to execution*).

As we will see, these aspects of property law are present in all of the societies studied in this chapter; but they manifest in subtly different ways from one Greek legal system to the next. Another important point to bear in mind is the notion of restrictions placed on ownership. Ownership is never an absolute set of rights: any of the ten incidents mentioned above may be limited or restricted for reasons of public interest (cf. Birks 1985, who shows that even in Roman law 'absolute ownership' did not exist in practice). Thus owners may face restrictions relating to selling their slaves; or there may be ring-fenced circumstances in which the owner's *right to security* over his slave is curtailed, allowing non-owners to punish the slave for certain transgressions. In some slave systems, owners have been prohibited from killing their slaves. Restrictions of this sort are common to all legal cultures, but they are generally put in place for specific reasons. As we proceed to examine the slave laws of several Greek communities, we will see that the limitations placed on the owner's rights are often linked to specific variables pertaining to the local concerns of the region in question.

2. The Homeric World

The *Iliad* and *Odyssey*, together with Hesiod's *Works and Days*, provide us with the first glimpses of slavery in the post Bronze-Age Greek World, roughly dating to somewhere within the half-century or so either side of 700 BCE (Crielaard 1995). A few observations are necessary before we look in detail at the legal position of Homeric slaves (called *dmoes* and *dmoai* in Homeric Greek). Even though written laws of the sort that appeared in the later archaic and classical periods are not present in Homeric society, we should not consider this preliterate world 'pre-legal' (Cantarella 1979; Burchfiel 1994). Like many preliterate societies studied by anthropologists, the Homeric world is one in which rule-based norms underpin the social structure and shape individual behaviour, and one in which private ownership of property is extensive (Pospisil 1971; Benson 1989; cf. van Wees 1992 *passim* on social structure; Cairns 2011 on behavioural norms). Since Homeric epic is an oral genre, the social institutions presented within it should reflect those of the audience to which it was performed, even if the content of the epics is fictional (Morris 1986); the poems then, do not portray a straightforward picture of an historical society, but they do preserve historical data on institutions, practices and values. The characters in the poems follow social practices (the guest-host relationship, supplication, animal sacrifice, athletic competitions, virilocal marriage with dowry and a distinction between legitimate and bastard children, partible inheritance, etc.), which must have been understood by the audience listening to the poems.

We must acknowledge at the outset that the *Iliad* and *Odyssey* do not provide us with a straightforward description of slave-master relations in the early archaic period. This is for two reasons. First, as a high genre, epic generally does not present the seamier side of slavery, such as whippings and sexual abuse, which is visible in later, more ribald genres such as comedy (Harris 2012: 356). Second, we must bear in mind the audience at which the epics are aimed. Homeric epic is largely peopled by the elite elements of society; common folk are generally pushed to the background of the narrative. This elite was heavily involved in slaveholding (Harris 2012: 358-62) and thus wished to be presented with a flattering and self-justifying picture of their treatment of slaves; it is for this reason that Homeric slave-master relations seem to take on a 'paternalistic' and somewhat benevolent glow (Thalman 1998: 13-107). But to trust this picture of 'paternalistic' slavery would be a mistake, and there is fact evidence of violence against slaves not dissimilar from that of other periods (Ndoye 2010: 239 and 242-7). From an historian's perspective, then, we can hope to extract the basic institutional outlines of slavery from this epic material; but we should be less sanguine about rescuing an historical picture of slave-master social relations, distorted as it is for reasons of genre and ideology.

All the same, it is clear that the *dmoes* and *dmoai* in Homeric poetry are slaves in the full property sense (Fisher 1995: 49; cf. Harris 2012: 354-5, followed closely here). Their owners have a socially recognised right to possession that is backed up by the force of the community: for example, Achilles is awarded the captive Briseis for his participation in war, making her his slave (*Il.* 16.55-9). When Agamemnon takes her away from him (*Il.* 1.157-62; 345-8), it is widely agreed to be an illegitimate act; in fact, Agamemnon acknowledges that the army thought this to be the case, and blames his decision on Zeus, who had addled his reason (*Il.* 19.85-9). Social pressure by his advisors (e.g. *Il.* 1.275-6) forces him to apologise, return Briseis, and compensate Achilles (*Il.*

19.74-144). Likewise, one of the reasons that Odysseus has for slaughtering the suitors in the *Odyssey* is that they have slept with his slave girls and thus violated his rights as owner (*Od.* 22.35-41; cf. Thalmann 1998: 71-2).

Homeric slaveholders are depicted as having complete rights to control and use their slaves as they see fit. They might sleep with them if they wish (*Il.* 8.286-91; 9.128-40; 9.658-68; 24.675-6; *Od.* 1.425-33); they can beat them (*Od.* 4.244-6) and even kill them (*Il.* 18.336-7; 23.175-6; *Od.* 22.440-5). They compel their slaves to work either in the household or in the countryside; there is no sign that slaves received any wages, and slaveholders are clearly the beneficiaries of slave labour (Harris 2012: 354-5; free wage-labourers are called *thetes*, e.g. *Od.* 18.351-64; *Il.* 21.441-7). Slaves are also fully alienable, and can be given away (*Il.* 19.245; 23.509-13; *Od.* 4.735) or sold (*Il.* 7.467-75; 21.33-44; *Od.* 15.425-9; 483-4). Slaves in Homeric texts can be set free (e.g. the probable promise of freedom in *Od.* 21.212-16). There is no duration to a slaveholder's rights: he expects to remain owner all his life (*Il.* 1.29-31; *Od.* 1.427-38) and his heirs expect to inherit his slaves along with everything else upon his death (*Il.* 19.330-3).

A certain degree of hierarchy appears among Homeric slaves, which is best explained as being linked to an incentive system to guarantee hard work and loyalty (Hunnings 2011). Some slaves are therefore able to possess property and form sexual relationships. For example, Laertes' slave Dolios cohabits with a Sicilian slave woman who has borne him a number of children (*Od.* 24.383-90). Likewise, Odysseus promises Eumaeus and Philoitius each a house and a woman if they agree to fight for him against the suitors (*Od.* 21.213-6; cf. 14.61-7). Furthermore, we learn in *Od.* 14.449-52 that Eumaeus had bought a slave of his own - a man named Mesaulios - from the Taphians. None of this amounts to evidence for Homeric slaves having a 'right' to own property or marry; these are *de facto* concessions granted by the owner to incentivise slaves and ensure their loyalty (one might compare these practices to the Roman concepts of *peculium* and *servus vicarius*).

3. Gortyn

Our next detailed concentration of evidence on Greek slave law necessitates a leap forward in time of some two hundred and fifty years. Gortyn, lying in the Mesara plain to the south of Mt. Ida, was one of around fifty classical Cretan *poleis* (Perlman 2004); it has proven to be the richest source of Cretan legal inscriptions in an island renowned for its epigraphic treasures. A series of inscribed laws, running the gamut from individual enactments to extensive collections of rules organised in multiple columns, has been excavated at Gortyn, of which by far the most famous is the so-called 'Great Code,' *IC IV 72* dating to the mid fifth century BCE (Davies 1996; translation and commentary in Willetts 1967; Gagarin & Perlman 2016: 334-428). This 'code' is not so much an exhaustive law code in the modern sense, but a twelve-column collection of rules whose concern mainly lies in matters of property and inheritance (cf. Maffi, this volume).

Slave status is indicated by two different words in the 'Great Code': *dolos* and *woikeus*. There has been some controversy over whether these terms denote two different statuses (supporters of this view often translate *dolos* as 'slave' and *woikeus* as 'serf,' e.g. Willetts 1967; Gagarin 2010) or a single slave status. Many scholars now agree that the latter interpretation is correct (Finley 1981: 135-7; Lotze 1959: 18; Maffi 1997: 120-1; Kristensen 2004: 73; Davies 2005: 315-16; Lewis 2013; see in particular Link 2001). This is for several reasons: first, the code in several places divides society into two juridical groups: free and slave (*IC IV 72 I 2, 4-5, 9, 15-16*), and does not make space for a third 'serf' group. Second, the terms *dolos* and *woikeus* are used interchangeably in the code, but there is never a rule that sets them up as alternative groups. Third, the rules on rape and seduction contain a jumble of both terms, and are intelligible if we assume they are synonyms, but unintelligible if we view them as marking different statuses. Fourth, on the assumption that they are synonyms, fines set for offences involving slaves as either victims or perpetrators are uniform in scale (see the tables below), whereas they make no sense if we assume the terms denote two distinct statuses. It is more likely that - like the terms *doulos* and *oiketēs* in Attic Greek - we are dealing with multiple terms for the same legal status (Kristensen 2004: 73). As we shall see, the notion that Cretan slaves were 'serfs' tied to the soil and holding various legal rights does not tally with the evidence of Gortyn's epigraphy.

The slave's owner was known as the *pastas*. We also find the regulation of debt bondage in Gortynian law, which was a method of repaying creditors through labour services; different rules applied depending on whether the person given into debt service was a free man or a slave. A debt bondsman was known as a *katakeimēnos* and his temporary master as a *katathēmenos* (Kristensen 2004; for debt bondage in general, see Harris 2002).

Gortyn's laws recognise the owner's title to his slaves and regulate the boundaries between status groups. We come across this issue at the beginning of the Great Code. *IC IV 72 I 15-18* governs a case concerning a

man who is contended by one party to be a slave, the other to be free, giving the benefit of the doubt to the latter party (presumably if there were no other evidence to facilitate a clear decision either way). The text then turns to the case of an individual who is beyond doubt a slave, but whose ownership is contended between multiple parties (*IC IV 72 18-35*). It provides guidance for the judge in deciding the case and lays down rules for the return of the slave to his true owner, as well as penalties for any delays in the return. An exception is the man serving as Kosmos (chief magistrate), who has to wait until his magistracy has ended before litigating on these issues (*IC IV 72 I 51-5*).

Some scholars have argued that Gortynian slaves were able to own (rather than possess) money, claiming that the rules on rape and adultery in column II of the Code prove that slaves not only had the right to own money (from which they would pay any fines imposed upon them), but also received the fines imposed on perpetrators were they the victim of an offence. On this view, slaves had formal title to the money in their possession, which if true would be a startling concession by their masters. *Prima facie*, this is what appears to occur in this section of the code. But if one looks at the rules on debt bondage found in *IC IV 47*, it is clear that the owner, not the slave, was legally entitled to damages and legally liable for the actions of his slave. In situations where a slave given into debt bondage perpetrated an offence, his owner was held liable if the offence were committed on the slave's initiative, but the *katathemenos* was liable if the offence were committed at his behest. In neither scenario was the slave held legally liable for his actions (*IC IV 47 1-10*). Similarly, if a slave held in debt bondage were the victim of an offence by a third party, both the owner and the temporary master (*katathemenos*) could agree to litigate, and if successful, they split the damages. If one of them did not wish to litigate, the other one could, and if successful, kept all of the damages to himself. In either scenario, the slave received nothing (*IC IV 47 10-16*; Kristensen 2004: 74). If we read the section of column II of the Code against this background and with this principle in mind, we can see that the notion that slaves had a right to receive fines or were personally liable to be fined is unwarranted (cf. Link 1994: 37-8). The reason why slaves 'pay' fines in column II of the Great Code lies in the terse language of the inscription, which does not spell out in detail the real legal liabilities of the different parties, but assumes that the reader will be aware of these (Lewis 2013: 393-7).

The principle that slaves could not own property is further demonstrated by *IC IV 72 VI 56-VII 10*, which deals with a situation in which a sexual union is established between a free person and a slave. If a free woman bore both slave and free children, only the free children inherited her property; and if she had no free children, her kin were next in line to inherit (*IC IV 72 VII 4-10*). Again, the slaves received nothing. Another sign that the fruits of slave 'labour' accrued to slaveholders alone are those rules that apportion the children of slave couples: in situations where slave couples belonged individually to different owners, there were elaborate rules on which owner gained property rights to the child; but slaves never gained rights to the child (*IC IV 72 III 52- IV 23*; Lewis 2013: 402-4).

Slaveholders at Gortyn had a *right to the capital* and could thus sell their slaves (*IC IV 72 VII 10-15: doloi*; cf. *IC IV 41 IV 5-17: woikeis*). Sales were not unrestricted, however: slaves who were serving as debt bondsmen to pay off the obligations of their owner could not be sold by that owner until the debt service was completed (*IC IV 72 X 25-9*), essentially suspending the owner's right to alienate his slave for the duration of the debt service. Private manumission appears to have been possible, as may be indicated in *IC IV 78 1* (if the restoration of *ton apeleu[theron]* is correct, as is highly probable).

The protection of owners' property rights is evident in the rules on debt bondage that we have just considered, for these provide legal redress for an owner whose slave has been damaged by a third party (*IC IV 47 10-16*). Owners also had guarantees that if they placed their slave in debt bondage, the temporary master (*katathemenos*) could not kill or sell the slave, and had to alert the owner if the slave ran away to a temple (*IC IV 47 16-33*; Kristensen 2004: 74). Other rules buttress his right to hold on to his slaves: for example, in *IC IV 72 I 39-49* we find rules regarding slaves who take sanctuary in a temple, in which case anyone with knowledge of this is obligated to inform the owner of the slave's whereabouts. *IC IV 41 IV 5-17* complements these rules by preventing anyone from opportunistically selling a slave who has fled from his master and taken shelter in a temple. Fines pertained in cases where a man in illegal possession of a slave was tardy in returning him to his owner (*IC IV 72 I 1-14*; 24-35), and also in cases where a slave was raped or seduced. As this table (adapted from Gagarin 2010: 17) shows, however, the penalty was a mere 1/40th of that imposed for the same crime where a free person was the victim (NB. As explained above, the terms *dolos* and *woikeus* refer to the same slave status).

Table 1: If the slave is a victim, the penalty is 1/40th of that exacted were the victim a free person

Reference (IC IV 72)	Offence & offender	Victim	Fine (drachmas)	ratio
II 2-4	Rape by an <i>eleutheros</i>	<i>eleutheros</i>	200	Slave victim: 1/40 penalty
II 8-9	Rape by an <i>eleutheros</i>	<i>woikeus</i>	5	
II 5-7	Rape by a <i>dolos</i>	<i>eleutheros</i>	400	Slave victim: 1/40 penalty
II 9-10	Rape by a <i>woikeus</i>	<i>woikeus</i>	10	
II 25-6	Seduction by a <i>dolos</i>	<i>eleutheros</i>	400	Slave victim: 1/40 penalty
II 27-8	Seduction by a <i>dolos</i>	<i>dolos</i>	10	

In a separate law (IC IV 43Ab) we find rules against unjustly seizing slaves as security or taking their clothes or ornaments as a pledge. In this rule, the penalty imposed was a fine of half the amount that would be exacted were a free man unjustly seized; and if it were the slave's clothes or ornaments taken forcibly, the penalty was a third of that exacted were the victim a free man.

The aspect of duration, comprising *absence of term* and *transmissibility*, can be seen in IC IV 72 V 39, where the property inherited by the children or heirs of the deceased is called *tnaton* or mortal property, i.e. livestock and slaves (Lévy 1997: 32; Brixhe-Bile 1999: 92).

As we noted above, the owner's liability for his slave's actions is evident in the rules relating to debt bondage, where the owner is held liable for the misdeeds of his slave apart from when they were perpetrated at the behest of the *katathemenos*: if so, the latter was held liable. The same principle is evident in the provisions on rape and seduction in column II of the Code, setting fines for sexual offences perpetrated by slaves which were, as we have seen, the responsibility of their owners. This table (adapted from Gagarin 2010: 17) shows how slave offenders incurred twice the penalty incurred by free offenders for the same offence; the message this sent out to slaveholders – to keep their slaves in line or face hefty fines – was unmistakable.

Table 2: If the slave is the offender, twice the penalty is exacted than if the offender were a free person

Reference (IC IV 72)	Offence & victim	Offender	Fine (drachmas)	Ratio
II 2-4	Rape of an <i>eleutheros</i>	<i>eleutheros</i>	200	Slave offender: incurs x 2 penalty
II 5-7	Rape of an <i>eleutheros</i>	<i>dolos</i>	400	
II 20-23	Seduction of an <i>eleutheros</i>	<i>eleutheros</i>	200	Slave offender: incurs x 2 penalty
II 25-6	Seduction of an <i>eleutheros</i>	<i>dolos</i>	400	
II 8-9	Rape of a <i>woikeus</i>	<i>eleutheros</i>	5	Slave offender: incurs x 2 penalty
II 9-10	Rape of a <i>woikeus</i>	<i>woikeus</i>	10	

In the law on selling a *dolos*, the buyer had a sixty-day grace period within which he could return the slave to the vendor; after that, he became liable for the misdeeds of the slave, whether committed before or after the sale (IC IV 72 VII 10-15).

Some scholars have argued that Gortynian slaves had special rights to marry and own property that did not exist in other *poleis*. However, a close look at the texts shows that this view is mistaken: Gortynian slaves - like their 'Homeric' predecessors - certainly could form 'marriage' relationships, possess property, and have children; but the law was concerned with clarifying the property rights of slaveholders, particularly in complex scenarios where two slaves belonging to different owners might 'marry,' entangling the property interests of the individual owners (Lewis 2013). That is not to say that the position of slaves was in every respect as bad as in Athens (cf. below): one key difference lies in the sphere of litigation, for the Code envisages a situation in which a slave can make an oath in court that might trump the oath of a free person (IC IV 72 II 15-16). But we know very few details of the procedural rules for slave witnesses in Gortynian trials.

Gortyn's laws show a deep concern with regulating and protecting the property of its citizens, and addressing the complexities of slave law that were engendered by a slave system in which natural reproduction played a key role in replenishing the servile population (cf. Lewis 2013: 410-11).

4. Classical Athens

Classical Athens presents us with a very different vista in terms of evidence: although some information on slave law does derive from inscriptions, it is above all the wealth of forensic speeches that enable us to study the rules regarding slave ownership imposed by the Athenian *polis*, though these sources – unlike the Gortynian material – rarely preserve the text of laws verbatim.

The interest of the state in recognising and protecting the title of slaveholders is evident in the hefty fines handed out to individuals who sought to deprive owners of their slaves. In one case, the father of a man named Theocrines was fined 500dr – (as much as year's wages for a craftsman) – for falsely asserting that a private citizen's slave was a free woman ([Dem.] 58.19). Conversely, harsh penalties applied to those who sought to enslave free persons ([Arist.] *Ath.Pol.* 52.1; Din. 1.23). It is no surprise then that when one individual tried to carry off his opponent's son believing him to be a slave, all it took was a word from a neighbour regarding the boy's status to effect his release ([Dem.] 47.61). A procedure called *aphairesis eis eleutherian* ('removal to freedom') allowed individuals claimed as slaves to be rescued from detention by their friends – with comparable effects to *habeas corpus* in British law; but these friends would then have to face the man claiming to be the rescued individual's owner in court. If the court decided that the slave had been falsely asserted to be free, half the penalty assessed was paid into the public treasury ([Dem.] 58.21). This shows a clear public interest in enforcing payment of fines for this crime, for if the guilty party did not pay, they became public debtors. It is perhaps telling that suits concerning claims over the ownership of slaves were treated in the same category as those concerning animals ([Arist.] *Ath.Pol.* 52.2).

The rights of owners to use and abuse their slaves in Athens were extensive. Masters could corporally punish their slaves in whatever manner they deemed fit, and Athenian comedy is replete with references to whippings and abuse (e.g. *Ar. Pax.* 746-7; *Vesp.* 1294-9; *Men. Samia* 323; cf. Pollux 3.78-9). Of course, not all masters chose to exercise their full rights of punishment over their slaves (Pl. *Leg.* 6.777a), but the degree to which violence towards slaves was socially acceptable is easily seen in *Lysias* 1. 18-22, where a litigant actually relates to the court how he had threatened to torture information out of one of his slaves and throw her into a mill. Such an admission would have been a disastrous rhetorical strategy had there existed any real popular sentiment against the mistreatment of slaves (cf. *Xen. Mem.* 2.1.16). Owners could also abuse their slaves sexually: the same litigant in *Lysias* I describes how he had assaulted one of his slave girls on an occasion when he was drunk (*Lys.* 1.12). Perhaps the most blatant statement of this principle can be found in Xenophon's *Oeconomicus* (10.12), where Ischomachus tells Socrates that a wife is inherently more attractive than a slave because wives give their consent to sexual intercourse whereas slaves have no choice but to submit.

Athenian slaveholders might even get away with killing their slaves. The speaker in *Ant.* 5.47 is adamant that the execution of a slave by his or her owner was illegal and required official permission; but another passage (*Ant.* 6.4) suggests that men who killed their own slaves had only to perform purificatory rituals to assuage *miasma* and faced no other sanctions (cf. *Isoc.* 12.181, Pl. *Leg.* 9.868a)

Some scholars have interpreted the law on *hybris* mentioned in Demosthenes' speech *Against Meidias* and Aeschines' speech *Against Timarchus* as a humanitarian measure designed to prevent anyone – even masters – from inflicting violence on slaves (e.g. Cohen 2000: 160-7). It is difficult to accept this interpretation. The inserted texts of the law itself are forgeries (Drerup 1898: 305-8; Harris in Canevaro 2013: 224-31), though the surrounding discussion does make it clear that the law forbade hybriistic acts against slaves (*Aeschin.* 1.15; *Dem.* 21.46; 48). However, Aeschines (1.17) emphasises that the law was not designed to protect slaves but to punish a specific antisocial kind of behaviour (on *hybris*, see Cairns 1996); to suppose that the law applied to a master's treatment of his own slave jars with the plentiful evidence for routine and socially acceptable violence towards slaves by their owners, and is difficult to reconcile with the statement of Plato that a slave had no way of helping himself when he or his loved ones were trampled upon (*Gorg.* 483a-b).

There was one feature of Athenian law that told in the slave's favour: he or she might run away and take sanctuary in the Theseion, and demand to be sold to another owner (*Ar. Fr.* 567 [Kock]; schol. on *Aeschin.* 3.13). However, we have no notion of whether this was a common occurrence or what would happen if a potential buyer did not come forward. There is in fact evidence that slaves were often expelled from temples (on runaway slaves and supplication see Naiden 2006:149-51 and 373-5).

Owners could establish their slaves in whatever occupations they deemed fit, and slaves could be found in many areas of the Athenian economy (Rihll 2011). They might also hire out their slaves to third parties, i.e. *misthosis* (*Xen. Vect.* 4.14; [*Xen.*] *Ath.Pol.* 1.17; *Dem.* 27.20; 28.12; 53.20-1; *Is.* 8.35; *Theophr. Char.* 30.17;

Cratinus fr. 171 K-A ll. 73-4). If an owner were to apprentice one of his slaves to a craftsman, he would draw up a contract stipulating what the slave should have learned in a given period (Xen. *Eq.* 2.2). Owners enjoyed full rights to the income of their slaves. In some circumstances, a slave might be allowed to live separately and earn his own wages, handing over a fixed sum (*apophora*) to his owner and keeping the remainder (Aeschin. 1.97; Theophr. *Char.* 30.15; Men. *Epitr.* 378-80; Andoc. 1.38; [Xen.] *Ath.Pol.* 1.11); but it is to be emphasised that this was a *de facto* arrangement at the indulgence of the owner, and did not grant the slave any right to the remainder. This principle is clear from the Attic Stelai, the inscribed confiscation records relating to the affair of the herms and the profanation of the Eleusinian Mysteries (see Thuc. 6.27-8 for the context). Among these documents is a record of the goods of a slave leather worker named Aristarchus, listed along with Aristarchus himself among the property confiscated from his owner, Adeimantus (*IG I³* 426.14; 24-39). Aristarchus had obviously been working on his own and paying an *apophora* to Adeimantus, but when the latter was convicted and his property seized, Aristarchus and all of his possessions were seized as well. Clearly, as in Gortyn, the owner enjoyed full legal title over anything the slave earned, even if he might *de facto* allow the slave keep a portion of his or her wages or accumulate some savings (cf. Theophr. *Char.* 30.9; Kamen 2014).

Slaves were fully alienable under Athenian law, and could be given away (e.g. Hyp. 3.23-8; Men. *Sam.* 380-2), or sold (Xen. *Mem.* 2.5.2). Slave sales were warranted to protect the buyer against any hidden 'latent defects' that the vendor had failed to declare, allowing the dissatisfied customer to return the slave and get his money back (Hyp. 3.15; cf. *SEG* 47.1026; Pl. *Leg.* 11.916a). Slaves could also be privately manumitted, a theme that we will take up again later in this chapter.

The law protected the property rights of Athenian slave owners. Generally speaking, the principle that only a slave's owner might beat a slave was widely observed ([Xen.] *Ath.Pol.* 1.11). However, there were several exceptions. If a slave trespassed onto a citizen's land in order to steal or damage his property (see the rationale stated in Men. *Dysc.* 141-3), the wronged party was entitled to punish the slave ([Dem.] 53.16; Ar. *Ach.* 271-6). A lead letter from the Athenian agora describes how a slave given over to work in a foundry was beaten by the foundry owner, and this may show that slaves hired-out in such a fashion could be corporally punished by the hirer (Harris 2004). Certain offences by slaves could be punished by state officials: a Solonian law set fifty stripes as the punishment for slaves who took free boys as lovers (Aeschin. 1.139), and the same penalty appears in classical inscriptions for slaves offering false coinage (Stroud 1974 lines 30-32), fly-tipping (*IG II²* 380), and stealing wood from a sanctuary (*IG II²* 1362). (See Hunter 1994: 155-62.)

One matter in which the owner exercised discretion over any violence done to his slave was in requests to have the slave tortured (*basanos*), for he chose whether or not to accede to the request. Since slaves lived in close proximity to their owners, they were potentially privy to various secrets and had extensive knowledge about their owner's family and dealings (Hunter 1994: 70-91). Their testimony might therefore be useful or even decisive in litigation. However, a general principle in Attic law forbade the admission of slave testimony unless it had been exacted under torture. Demands that slaves be tortured to provide evidence of alleged facts are frequent in Attic oratory, but we know of no case where such torture actually took place. Some scholars have claimed that the Athenians did not torture their slaves, but it is difficult to understand the rhetorical value in demanding the torture of an opponent's slave if the litigant and judges knew that such an interrogation would never take place (Mirhady 2000); and it is surely a mistake to think that the Athenians held qualms about torturing slaves for humanitarian reasons. Permitting the torture of one's slave was a high-risk strategy; even if the owner were sure of his innocence, it would be impossible to tell what the slave might blurt out to end the ordeal; and it is perhaps this factor that explains why demands to have slaves tortured so rarely were acted upon. (For the debate on the torture of slaves see Thür 1977; 1996; Gagarin 1996; Mirhady 1996; 2000; Hunter 1994: 91-5). An exception to the principle that slaves should be tortured for evidence was in cases of *menusis* (denunciation) in which slaves might denounce their owners in cases of treason, theft of public property or impiety (see Osborne 2000 for a different view). This was a high-risk strategy for the slave: were his testimony believed, we would be freed; if not, he might be executed (Harrison 1968: 171 with n. 1).

We have little information on the theft of slaves in Athens, although theft in general was treated as a serious crime and thieves were counted as *kakourgoi* and subject to the death penalty ([Arist.] *Ath.Pol.* 52.1). Trials concerning the murder of slaves took place at the Palladion ([Arist.] *Ath.Pol.* 57.3). In [Dem.] 47.70 we learn of a case where a freedwoman was murdered; the son of her ex-owner consulted the *exegetai* on how to proceed against them, since she was neither his kin nor his slave, implying that murderers of slaves would normally be prosecuted by the slave's owner. Isocrates (18.52-4) describes such a case: two men, Cratinus and Callimachus, were engaged in a dispute over a farm. Callimachus hid one of his slave women, claimed that Cratinus had killed her, and brought an indictment against him at the Palladion. However, Cratinus succeeded in capturing the slave and presenting her to the court. Callimachus failed to get a single vote (cf. [Dem.] 59.9). It is

likely that the penalty for those convicted of killing slaves was a fine (Lyc. *Leocr.* 65). Apart from in the special circumstances of malicious trespass noted above, it was an offence to rape a person's slave. In Gortyn the fine for raping a slave was a mere 1/40th of that incurred for raping a free person; in Athens, it was half the fine incurred for raping a free person (Lys. 1.32).

Slave owners in Athens (as elsewhere) held an interest in their slaves with no time limitation, one that transferred to their heirs after they died: several wills attest slaves being bequeathed to heirs in this manner (Aeschin. 1.97; Dem. 29.11; [Dem.] 48.12; Diogenes Laertius 5.11-16; 51-7; 61-4; 69-74). They could of course sell, give away or manumit the slave at any time; and manumission was sometimes cited as a useful incentive to motivate slaves ([Arist.] *Oec.* 1344b; Arist. *Pol.* 1330a); but the choice of whether to keep a promise of manumission or to renege on it was at the discretion of the owner.

Athenian slaveholders were liable for the actions of their slaves. One of the best examples of this principle is the case *Against Athenogenes* (Hyp. 3). Athenogenes, according to the litigant, sold him a slave named Midas and his two sons. He later discovered that he had unwittingly acquired responsibility for Midas' debts of five talents – a crippling sum (Hyp. 3.9). The litigant mentions a law that made the expenses and misdeeds (*tas zêmias ... kai ta adikêmata*) of a slave the responsibility of the man who owned the slave when the misdeed occurred (Hyp. 3.22). This principle seems to have applied to debts incurred by slaves: since the debts had been accumulated when Midas was owned by Athenogenes, the latter inserted a specific clause in the 'small print' of the sale contract that made the buyer assume any debts Midas had incurred (Hyp. 3.11). This shows a different approach than that of Gortynian law, where a buyer took on responsibility for all a slave's actions, committed before or after the sale, having only a sixty-day grace period within which to return the slave to the vendor (for recent debates on this issue, see Maffi 2008; Talamanca 2008; Cohen 2012; Dimopoulou-Piliouni 2012). At any rate, whilst slaves such as Midas could enjoy a good deal of de facto independence, it is a mistake to view their economic privileges in terms of 'rights', for a right *sensu stricto* must be legally vindicable which, in our case, would mean that the slave's privilege were enforceable against his master (on the nature of rights, see Honoré 1987). There is simply no good evidence for this in Athens (*pace* Cohen 2000: 130-54).

There were advantages, however, to this principle of liability from the owner's perspective. Greek law in general had no concept of agency, viz. the notion that a free agent might make a legally binding agreement between his employer and another person. Slaves largely filled this gap, and could be used as commercial agents of their owners. In Dem. 34 we hear of a slave whose Athenian master had him spend the winter at the Cimmerian Bosphorus looking after his commercial affairs (Dem. 34.8; on agency, see Harris 2013). (The man named Lampis mentioned in this speech was most probably a freedman, even though he is called the *oiketês* of Dion: Attic orators sometimes referred to manumitted slaves as if they were still slaves, to ram home the point of their lowly origins: see Kamen 2009: 48. This practice has caused a good deal of confusion among scholars, some of whom use this language as positive evidence that the named individuals were part of a class of 'privileged' slaves, e.g. Cohen 2000: 130-54.)

In several situations the confiscation of slaves from an owner was permissible. One of the most common was distraint on slaves pledged as security for loans in the event of the borrower's default. There are several examples of slaves pledged as security in the *horos* inscriptions (IG II² 2747; 2748; 2749; 2751; SEG 51.162; 54.256), but these inscriptions likely underrepresent the frequency of pledging slaves in everyday life (the examples all involve the pledge of slaves in combination with land or buildings; obviously a *horos* could not be placed on a slave alone). Forensic oratory provides a few further examples: Demosthenes' father held a *klinê* (couch) workshop and its twenty slave artisans as security for a loan of 40 mnai; it would appear that this was a kind of antichretic loan since Demosthenes' father received an annual income of twelve mnai from the security (Dem. 27.9). If an Athenian had won a suit but his opponent had failed to pay the damages in time, he was permitted to seize items of property from his opponent, including slaves (Dem. 30.27). In Dem. 33.8-9 we hear about a ship and some slaves pledged as security for a loan, which the creditors aimed to seize. Alternatively, a debtor, if unable to repay his loan in cash, might offer a slave in lieu of cash to his creditor ([Dem.] 53.20). Real security in Athenian law was collateral, not substitutive, in nature; this meant that when the creditor seized and sold the security, he had to return any excess beyond what was owned to the debtor (Harris 2008).

Athenian laws on slavery form the basis of Plato's corresponding slave legislation in the *Laws*, although Plato adapts Athenian laws to fit his constitutional aims and 'improve' their effectiveness. (Morrow 1939 remains the fundamental study on Plato's law of slavery in comparison to real practices.)

5. Sparta

Sparta's slave system, known among modern scholars as helotage, was structured in a very different manner to that of Athens (see Hodkinson 2008). It was numerically replenished through natural reproduction rather than imports from abroad, and the helots worked predominantly in the countryside, contributing the agricultural products that guaranteed the continued citizen status of their masters (Arist. *Pol.* 1271a26-37; Hodkinson 2000: 125-31). The legal status of the helots has long been a bone of contention among Greek historians (cf. Toynbee 1969: 195-203): some have characterised their condition as 'communal servitude' (Garlan 1988: 85-118), others as 'Kollektivsklaverei' (Lotze 1959); and G.E.M de Ste. Croix famously labelled them 'state serfs' (de Ste. Croix 1981; cf. Cartledge 1988; Hunt 1998: 13-14). The basic problem that has hindered consensus on this issue is a conflict in the sources on the question of whether the helots belonged privately to individual Spartiates, or collectively to the state. Two late sources describe the helots as property of the state: Strabo (8.5.4) describes them as 'in a certain manner public slaves' (*tropon ... tina demosioi douloi*) and Pausanias (3.20.6) as 'slaves of the community' (*douloi tou koinou*). However, in the past thirty years a great deal of work has demonstrated the problems with utilising late sources such as these for classical Spartan history, particularly when they conflict with earlier accounts. Sparta underwent revolutionary change in the third century BCE, and much of the later writings on classical Sparta and its institutions contain anachronistic details that owe to this third century context (Hodkinson 2000 *passim*; Flower 2002).

Our contemporary sources, by contrast, present the helots as privately owned slaves whose use was subject to various forms of unusually intrusive interference by the state and other citizens. Aristotle (Arist. *Pol.* 1263a35-7) cites the slaves of the Spartans as an example of privately owned property that is subject to certain types of communal use. More telling in the favour of private ownership is a passage of the fourth century historian Ephorus (*FGrH* 70 F117), who claims that the helots were slaves held under special conditions: their master could neither manumit them, nor sell them 'beyond the boundaries' (*exô tôn horôn*). These boundaries, it is generally agreed, must be those of Spartan territory (Ducat 1990: 22 n.13; Luraghi 2002: 228-9). The fact that Spartiates were able to sell their helots, albeit in a restricted fashion, shows that the latter were indeed private property.

A growing number of Spartan specialists now see the helots as privately owned slaves, whose ownership was subject to various intrusive rules imposed by the state (Ducat 1990: 19-29; Hodkinson 2000: 113-17; Luraghi 2002; Nafissi 2009; Kennell 2010: 76-88). Unlike Athens, where private citizens could only strike the slave of another person in a handful of ring-fenced circumstances (cf. above), in Sparta any citizen could strike any helot ([Xen.] *Ath.Pol.* 1.10-12). Spartiates could also borrow each other's helots in times of need, as well as horses, dogs and provisions – all, however, items of private property (Xen. *Lac. Pol.* 6.3; Arist. *Pol.* 1263a35-7). Furthermore, a curious institution known as the *krypteia* – in which young men were sent out from time to time by the magistrates to infiltrate the countryside – was used to murder any helots found on the roads at night or whose appearance was large and rebellious. The Ephors annually declared war on the helots, meaning that these 'hits' were ritually sanctioned and did not incur *miasma* (Arist. *Fr.* 538 Rose *ap.* Plu. *Lyc.* 28). In a similar vein, the Hellenistic historian Myron (*FGrHist* 106 F 2) claims that Spartan magistrates held the right to execute overly large and powerful helots, fining their owners for allowing them to become so brawny. These punitive measures demonstrate the degree to which the Spartan state feared helot revolt and took remarkably proactive steps to prevent it from breaking out (cf. Cartledge 1985). In one notable episode, a proclamation was made promising freedom to those helots who thought they had served the state well in war: according to Thucydides, two thousand answered the summons; they promptly disappeared, executed by the Spartans (Thuc. 4.80; Harvey 2004).

The intrusive restrictions imposed by the state also extended to manumission: private manumission was banned in Sparta (Ephorus *FGrHist* 70 F117); and the privilege of granting freedom lay exclusively with the state. This rule, along with the ban on external sale, has been explained in terms of regulating Sparta's slave supply: since the helot population was unlike that of Athens insofar as it was not 'topped up' by foreign trade but relied wholly on natural reproduction, the state took extreme measures to plug any potential leaks in the numerical integrity of its workforce, the labour of which formed the bedrock of the Spartiate citizen lifestyle (Ducat 1990: 23; Luraghi 2002: 229; van Wees 2003: 70). These unusual rules were expedient, but some have questioned whether they attest an institution so heavily state-controlled as to be incompatible with the concept of private ownership (Cartledge 2003: 17-18). However, one should note that states such as Athens were quite capable of unilaterally freeing slaves without the consent of their owners (Ducat 1990: 26); and blanket bans on

private manumission are known from other historical slave systems, including several states of the 19th century US south (Fede 2011).

Although some scholars have characterised the helots as ‘serfs’ and (as is the case with Gortynian slaves) claimed that they possessed rights of marriage and property, these ‘rights’ prove elusive given a close scrutiny of the sources; such rights have been posited mainly on the fact that most helots lived as family groups and enjoyed some level of *de facto* use of possessions, as well as retaining a portion of the crops they grew for their own consumption (Luraghi 2002: 228-33). There is no evidence that the helots were ‘bound to the soil’ in the same way as serfs, only that the region in which they could be sold was restricted. Helotage was certainly a highly unusual form of slavery, one in which the liberties of the owner were heavily restricted by the state for reasons of security and labour supply, contrasting sharply with the more liberal attitude to slave ownership prevalent in Athens. But it was a form of slavery nonetheless.

In the fourth century BCE, Plato, followed by Aristotle and Theopompus, compared Sparta’s helots to other slave systems elsewhere in the Greek world: the slave populations of Crete, the Thessalian Penestai, and the Mariandynoi of Heraclea Pontica (Pl. *Leg.* 776c-d; Arist. *Pol.* 1264a32-6, 1269a37-b5, 1271b40-72a2; Arist. fr. 586 Rose; Theopompus *FGrHist* 115 F122). The original criterion of comparison was language, not status: in these systems, slaves all spoke the same tongue, which Plato and Aristotle thought to contribute to the risk of insurrection (Pl. *Leg.* 777b-d; Arist. *Pol.* 1330a25-33). The slave laws of most of these systems are obscure to us, though Gortyn on Crete is something of an exception (Lewis 2013). Bans on the external sale of slaves similar to Sparta’s are attested for the Mariandynoi of Heraclea Pontica and the Thessalian Penestai (Poseidonios *FGrH* 87 F8; Archemachos *FGrH* 424 F1). There also may have been a rule banning the murder of Penestai by their owners, and (unlike Sparta), private manumission in Thessaly seems to have been possible (Ducat 1994: 71-3). However, it is prudent to suppose that beyond the shared characteristic of linguistic uniformity, most of these ‘helotic’ systems of slavery were structured rather differently than Spartan helotage, and that it is misleading to see them as a homogeneous caste of dependent labour.

6. Ptolemaic Egypt

Alexander’s conquest of the Persian Empire brought Egypt under Macedonian control in 332 BCE; upon his death, the region was ruled by Ptolemy and his descendants until it was wrested out of their hands by Augustus at the battle of Actium in 31 BCE. These three centuries of Greek rule have left an extensive legacy in terms of legal papyri (cf. Yiftach, this volume), including slave law (documents collected in Scholl 1990, abbreviated to *C.Ptol.Sklav.* For slavery in Ptolemaic Egypt, see Biežuńska-Małowist 1974; Thompson 2011).

One genre that is prominent within the papyri is the runaway notice, which demonstrates both the recognised title of slaveholders and the connivance of the authorities in assisting them to recapture their ‘lost property.’ These documents generally provide descriptions of the fugitive to assist apprehension as well as rewards to those who return the slave to his or her owner (*C.Ptol.Sklav.* 61-85); they might also call on the help of officials to aid recapture (e.g. *BGU X* 1993 = *C.Ptol.Sklav.* 72; *PSI IV* 570 = *C.Ptol.Sklav.* 69).

The papyri shed somewhat less light on some aspects of slave law, such as the owner’s powers of use, management and his right to income. But there is no reason to suppose that a slave’s lot was much better than at Athens in these regards. Indeed, state-imposed corporal punishment was harsher in Ptolemaic Egypt (see below). There is some evidence for slaves paying an *apophora* to their owners as at Athens (Biežuńska-Małowist 1966); and slaves can be found in a variety of occupations (*C.Ptol.Sklav.* Band II *passim*).

Slaves were alienable and could be sold by their owners (See *C.Ptol.Sklav.* 37-52) or gifted, for instance, in dowries (*P. Giss.* 2 = *C.Ptol.Sklav.* 55; *P.Mert.* II. 59 = *C.Ptol.Sklav.* 59). They could be manumitted (*C.Ptol.Sklav.* 28-36) as well as transferred in wills, which illustrates the permanent and transmissible interest of slaveholders in Ptolemaic Egypt. For example, the will of Dryton (*P. Grenf.* I. 21 = *Sel.Pap.* 83 = *C.Ptol.Sklav.* 57) bequeaths four slaves to his son and two to his daughters (cf. *C.Ptol.Sklav.* 53, 54, 56, 57, 58; Biežuńska-Małowist 1974: 118).

We find an interesting feature regarding the liability of owners for the actions of their slaves, one that resembles the Roman principle of noxal surrender, in a third-century document (*P.Lille* I 29, col. 2, lines 25-36 = *C.Ptol.Sklav.* 1: either a *politikos nomos* limited to specific city or perhaps a royal ordinance). This rule makes a distinction between an act carried out on the instructions of the owner and one carried out unilaterally by the slave. In the former instance, the owner was considered fully liable; in the latter, the owner could choose to surrender the slave to the victim of the offence rather than assume liability, in which case the slave was whipped a hundred times, tattooed, and sold. The owner’s liability is evident in other laws. *P.Hal.* 1, col. 8, lines 186-93 (=

C.Ptol.Sklav. 2, an Alexandrian *politikos nomos*, 3rd century BCE) mirrors the principle in Athenian law famously stated by Demosthenes (24.167) that the difference between a slave and a free man was that the former answered for his misdeeds with his body whereas the latter did not. This Alexandrian law penalised with a fine of 100dr the free person found guilty of threatening another free person with a weapon; if a slave threatened a free person, however, he or she was either to be whipped at least one hundred times, or alternatively the slave's owner was required to pay double damages, i.e. 200dr, to the victim. In the same document (*P.Hal.* 1, col. 9, 196-203) we find a similar law that orders the same two alternatives in the event that a slave strikes a free person. We see elements of similarity and dissimilarity to Athenian law in these rules. The standard Egyptian figure of a hundred stripes of the whip is twice the prescribed number found in Athenian law; and whilst the owner's liability for the slave's actions existed in both Athens and Egypt, in the latter legal culture we see the beginnings of limitations being placed on this liability, and alternative options presented to the owner, allowing punishment to fall more heavily on the slave.

There are similarities and dissimilarities between Athenian and Ptolemaic law with regard to the use of a slave's evidence in court. In *P.Lille* 29, col. 1 lines 19-26 (*C.Ptol.Sklav.* 1), the use of a slave's sworn statement in court was permitted; but if this documentation did not facilitate a clear verdict, the judges were able to torture the slave in the presence of the litigants. Thus torture was retained in Egypt as a method of extracting the truth from slaves, but unlike Athens, it was a last, rather than first, resort (Biežuńska-Małowist 1974: 124).

The principle of *liability to execution* is evident in a second-century royal ruling that mentions the sale of slaves in consequence of debts owed to the crown (*P. Col.* I = *Sel.Pap.* 2.205). Another example of state confiscation is the royal ordinance *C.Ord.Ptol.*² 22 (= *C.Ptol.Sklav.* 3) issued by Ptolemy II in 260 BCE, which obligates individuals to declare the slaves whom they own to a magistrate, failure to do so meriting confiscation of the undeclared slave. We also find the pledging of slaves as security for loans (*P.Cair.Zen.* 59077; *PSI* 529).

7. Conclusions

As the above survey shows, there are broad similarities in the way slaves were treated in the laws of the Greek *poleis*. The ten aspects of ownership noted in the introduction are present across a wide geographical area and continue from the Homeric period down to the era of Roman rule. At the same time, these general areas of slave law are treated with subtle differences from one place to the next, and state-imposed restrictions on the liberties of private owners reflect the specific imperatives of individual societies at a local level. No example captures this as dramatically as Sparta: of all the societies we have examined, the hand of the state lay the heaviest on the liberties of the slaveholder in Sparta. The outright bans on private manumission and external sale, combined with the ability of the state and non-owners to borrow, damage and even kill privately owned slaves represents something quite distinctive, and attests the unusual degree of risk posed by the helots and the lengths to which the Spartan state would go in order to manage this threat. Most other Greek societies did not face the same level of risk, and slave law elsewhere displays a greater degree of liberality towards the rights and powers of slaveholders.

8. Manumission

The act of manumission spelled the end of the master's property rights over his slave. Manumission might be offered to a slave for various reasons, but fundamentally it served as an incentive to motivate the slave to work hard, and was probably utilised most heavily in those occupations that involved high levels of skill, intelligence, trust, and motivation (Scheidel 2008). However, *paramone* conditions might be attached to the grant of freedom; these legally obligated the slave to remain with his or her ex-owner and perform various duties, often until the ex-owner had died. And unlike in Rome, where the formally manumitted slave automatically became a Roman citizen, in the Greek world manumitted slaves did not. Some manumitted slaves in Athens were voted citizen rights – Pasion is the classic example – but this did not follow manumission as a matter of course, and Pasion's case is most sensibly seen as highly unusual. In Athens, manumitted slaves occupied a status with many similarities to metic status, albeit with several formal differences (See Kamen 2011: 47; Dimopoulou-Piliouni 2008). In this section we will review the evidence for manumission in the Greek world, then proceed to examine the different methods of manumission and the institution of *paramone*. (For general studies of Greek manumission see Calderini 1908; Rädle 1969; Klees 2000; Kamen 2005; Zelnick-Abramovitz 2005).

9. The evidence for manumission

We possess a limited amount of literary evidence for manumission, most of it from Athens, and a great deal of epigraphic evidence deriving from many different regions of the Greek world. One of the chief reasons why manumission documents were inscribed on stone lay in providing hard proof of the freedperson's status, without which his or her freedom might remain precarious. The largest and most famous collection of inscriptions comes from Delphi, and amounts to more than 1,000 documents recording the manumission of over 1350 slaves between 201 BCE and c. 100 CE (Kamen 2014: 285; see also Bloch 1914; Hopkins 1978: 133-71; Mulliez 1992). Other notable sources of inscriptions connected with manumission include Boeotia (Darnezin 1999), Phocis and Locris (Albrecht 1978), Thessaly (Babacos 1962; Zelnick-Abramovitz 2013), central and northern Greece (Cabanes 1974; 1986; 1998; Petsas et.al. 2000; Epiros: Ugolini 1942; Meyer 2013), the Peloponnese (e.g. Olympia: *I/O* no. 12 = *GDI* 1161) and the island of Lemnos (Beschi 1996-1997; Rocca 2010). The geographical distribution of the documents is extremely broad, ranging from the Adriatic to Turkmenistan and from the Black Sea to Crete (Vlassopoulos 2014). It should be noted that the bulk of our epigraphic evidence for manumission comes from rather out-of-the-way sites, little of it deriving from major centres such as Athens, Corinth or the Ionian cities. This may seem unusual, since the need to provide widely publicised proof of manumission was surely more acute in larger communities – precisely those where few if any manumission documents are found inscribed on stone (as pointed out by Vlassopoulos 2014). This pattern of distribution remains poorly understood. To some degree it may reflect the epigraphic habits of different regions; another possibility is that manumission records were more frequently kept on papyrus and filed in archives in some of the larger and more advanced communities, and are thus no longer preserved, at least in the Aegean world; papyrus documents of this sort have survived in the sands of Egypt (*C.Ptol.Sklav.* 28-36). At any rate, the nature and distribution of our evidence defies any single simplistic explanation and requires further research.

10. Methods of manumission

Classical and early Hellenistic Athens provides a useful starting point for considering Greek manumission. Manumission could be effected through a mere verbal declaration (Dem. 29.26) or through a will (Diogenes Laertius 5.55; 5.72-4). It could also be declared in public, in venues such as shrines or the theatre (although the latter was eventually banned in Attica: Aeschin. 3.41-2; Suda II 395 [Bernhardy]). Individuals might also purchase slaves' freedom for a fee ([Dem.] 59.29-32; [Dem.] 48.53; Ar. *Vesp.* 1352-53; [Plu.] *Mor.* 849D; see Kamen 2014). In certain circumstances (either for military services or for providing testimony for certain crimes) privately owned slaves could be freed by the state without the permission of their masters (cf. above, section IV). (See Kamen 2005: 2-55 and Zelnick-Abramovitz 2005: 69-99 for further discussion of the methods of manumission.)

One body of epigraphic data that has traditionally been linked to manumission procedures at Athens is the so-called *phialai* inscriptions, which date to the later fourth century BCE. A common entry in these lists has metic X, resident in a certain deme (often with metic X's occupation), escape (i.e. be acquitted in a lawsuit) from citizen Y, of a certain deme. Then follows the dedication of a bowl (*phiale*) weighing 100dr. But not all entries follow this schema. In some entries, the person who is acquitted is of citizen status and the accuser of metic status; in others, both parties are metics. Some entries involve foreigners or a *koimon* (private association). Since the 'escape' must be related to trials, and various proposals have been made over the years to reconstruct the legal procedure that lies behind these records. The most popular interpretations have centred on manumission. One view holds that the trial was a fictive legal process whereby masters emancipated their slaves (Kahrstedt 1934: 306-7). Another theory holds that the trials were concerned with *apostasion* cases in which freedmen who failed to perform certain post-manumission duties for their ex-owners were brought to court by the latter to answer for their infractions; acquittal freed them from *paramone*-style obligations (Buck 1888; Tod 1901-2; Westermann 1946: 96-7). These theories have recently been criticised in a thorough revisionist study by Elizabeth Meyer, who contends that the inscriptions are not concerned with manumission but relate to metics who had been acquitted in cases of *aprostasion* (failure to perform the duties required of metics vis-à-vis the Athenian state) (Meyer 2010). The meaning of these documents is at present a fraught issue and remains subject to vigorous debate, but there are good reasons to disassociate them from manumission, even if one does not follow Meyer's reconstruction (Harris, forthcoming).

Beyond Athens we find other methods of manumission whose interpretation remains a matter of debate. Especially contentious are those manumissions that are linked to divine agents. These take several forms.

One of these is usually described by scholars as sale to a god for the purpose of freedom (Calderini 1908: 103; Westermann 1946; Zelnick-Abramovitz 2005: 86-7; Kamen 2014). The language of these documents does indeed deal with the terminology of sale (*prasis ónê*), and it describes a transaction where the master is vendor, the god purchaser, and the slave the object of the transaction. The slave entrusts the money for the sale to the god, which is then paid to the slave's owner to effect the transfer of ownership. Some scholars (e.g. Westermann 1946) have argued that the payment was made from the savings of the slave, but since the slave could not have legal title to this money and enter into a legitimate transaction with his or her owner, s/he involves Apollo in the transaction so that he can enter into a sale transaction as a legitimate party. In other words, this elaborate scheme is meant to circumvent the problem of the slave paying for his or her owner for freedom yet not having formal title to the money used for the transaction. In other words, this transaction was substantively similar in several respects to 'secular' purchase of a slave's freedom (Kamen 2014).

This form of manumission makes up the majority of the Delphic manumission texts. A less common form of document found in Delphi involves consecration to the god, which some scholars have argued was an alternative form of manumission to the sale process just discussed. (Consecration documents have been found in many parts of the Greek world besides Delphi: see Kamen 2005: 58-83.) In the Delphic consecration documents the owner of the slave consecrates the slave as sacred (*hieros*) to a certain god or goddess, the consecration stipulating that the slave is to be free. What exactly this means has been a matter of debate. It is clear that the owner alienated the slave, i.e. surrendered his rights of ownership, through the consecration. Questions arise, however, regarding the status of the consecrated person: was he or she now property of the god or goddess? (Koschaker 1931: 46; Sokolowski 1954: 175.) Or was this simply a fictive method of freeing the slave *tout court*, with no ongoing obligations to the divinity or shrine? What substantive difference in status was there between slaves freed in this manner and those freed through sales involving divinities? (Bömer 1960: 51) (Untangling this problem is further complicated by the fact that some documents stipulate *paramone* services to the ex-owner for the remainder of his life.) Recent work on the ancient Near East has studied a similar institution in Babylonia during the first millennium BCE (Wunsch-Magdalene 2014); comparative study may shed more light on this knotty problem.

11. *Paramone*

It is in Athens that we find the earliest evidence of a feature of Greek manumission that can be found in a number of manumission inscriptions from the Hellenistic and Roman periods: the institution of *paramone* (see Samuel 1965 for a detailed general overview). Several literary sources, most notably the wills of the philosophers preserved by Diogenes Laertius, describe formal obligations that could be attached to manumission. In pragmatic terms, this meant that whilst the manumitted slave was no longer the property of his or her ex-owner, he/she had to perform certain services for the ex-master and had to 'remain by' (*paramenein*) them, in many cases until the ex-master died. Failure to perform these duties might in some cases result in re-enslavement, in others different punitive measures. Several scholars have denied the existence of *paramone* in Classical Athens (Cohen 1998: 114; Meyer 2010: 27) on the grounds that the wills preserved by Diogenes Laertius are late forgeries, but there are strong philological and historical grounds to suppose that the wills are genuine (Gottschalk 1972; Canevaro-Lewis 2014). Manumitted slaves in Athens who were not bound to their ex-owners by *paramone* conditions still had to register their ex-owners as *prostatai*; furthermore, if they died childless, their ex-owners inherited their property when they died (Is. 4.9; Kamen 2011: 48). It is this latter category of freedmen who should most probably be identified with the *keboris oikountes*, a group liable to the navy draft mentioned by Demosthenes in his *First Philippic* (Dem. 4.36-7). (For this interpretation, see Canevaro-Lewis 2014; for other interpretations, see Cohen 2000: 130-54; Kazakévich 2008; Kamen 2011).

Paramone clauses can be found in about a quarter of the manumission inscriptions from Delphi. Scholars have long debated the status of the freedman bound by *paramone* obligations. One recent study argues that we should categorise these documents as 'delayed manumissions' since the person in question is 'not wholly free' (Zelnick-Abramovitz 2005: 222-3); the idea of 'freedom' that Zelnick-Abramovitz employs is based on the loose idea of not living under the compulsion of another, a view found in Aristotle (*Rhet.* 1367a27-8). However, *pace* Zelnick-Abramovitz, the Greeks did also have a legal concept of freedom based on the criterion of property: a free person was someone who was not legally owned. This distinction can be seen clearly in *apohysis* formulas of some *paramone* documents whereby the freedman is able to pay money to end his *paramone* obligations early. This possibility clearly denotes that the freedman enjoyed legal title to his money and also that he could be a legal party to the transaction, a striking contrast with the situation of slaves wishing to pay for their freedom which, as

we noted above, involved elaborate and circuitous procedures including divine assistance with the transaction due to the fact that the slave could not be a legal party to his own manumission and had no legal title over the money paid for his freedom. We should therefore not view *paramone* as a form of delayed manumission or ‘half-freedom.’ The freedman held under *paramone* was legally free insofar as he was not the property of his ex-master or anyone else. A further sign of the freedman’s legal freedom lies in the fact that in the event of him failing to fulfill his *paramone* duties, arbitration procedures were used to determine which party’s claim was correct; his ex-owner could not simply seize him and re-enslave him since he no longer enjoyed property rights and powers over the freedman. In the documents that stipulate this procedure, the decision of the arbitrators is equally binding on both the ex-master and the ex-slave.

12. Further research directions

Slavery and manumission remains a rich topic for further study. One area that has seen a sea change in the last two decades is that of helotage and analogous slave systems in the Greek world. Although much key work has revised our understanding of the juridical status of these groups (e.g. Ducat 1990; Luraghi 2002), work remains to be done. Slavery in Athens, though more intensively studied than anywhere else in Greece, is still vigorously debated. On the one hand, the issue of whether Athenian slaves held rights or not is the subject of numerous recent studies (Cohen 2000; 2012; cf. Dimopoulou-Piliouni 2012; Ismard 2011; Kamen 2013: 19-31). This question requires further study (in particular, Dimopoulou-Piliouni’s compelling arguments might be elaborated in greater detail). On the other hand, Meyer’s work on the *phialai* inscriptions has generated much controversy and requires further study. The issue of manumission – involving a huge corpus of documents – has long been the subject of debate, but much work remains to be done and new interpretations continue to appear (e.g. Sosin, forthcoming); cross-cultural study and collaboration with scholars of Near Eastern manumission represents one valuable avenue of enquiry. Manumission in ancient Greece is set to be a staple topic of debate for the near future.

Acknowledgements

I would like to express my thanks to Eleni Daitsegkou and the editors for their comments and advice in writing this chapter. Special thanks are due to Sara Zanovello in relation to our discussions on manumission law.

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