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SLAVES TELLING TALES AT ATHENS: RESPONSE TO SARA FORSDYKE

Abstract: Paying attention to slaves' communications — “tales” indirect and sometimes merely implied — produces a thicker view of Athenian society that controverts the prevailing juridical model of sharply-delineated hierarchical differences among the residents of Athens. This approach is preferable to the alternative, pervasive use of “corrective interpretation.”

Keywords: Citizens, Corrective Interpretation, Non-Citizens, Slaves, Status

In her paper on “Slave Agency, Citizenship and the Law,” Sara Forsdyke — successfully in my opinion — seeks to “build upon” recent challenges to “the long-standing consensus (on the) sharp differences between citizens and non-citizens in classical Athens.”¹ Despite a recent cascade of objections to the old paradigm,² she notes that most scholars still see the chasm between citizen and non-citizen as “an ideal upheld in theory,” although “the reality on the ground” may have been “much messier.” Avoiding untidiness, academic sanitation squads have too often, in my opinion, achieved neatness by dogmatically denying, or purposefully obliterating, ancient evidence that controverts the prevailing model of sharply-delineated hierarchical differences among the residents of Athens. In contrast, Forsdyke does not ignore, but rather explores slaves' “fascinating” stories and individual items of

¹ Paragraphs 1 and 2. This “long-standing consensus” reflects the modern conceptualization of Ancient Greece as essentially a mosaic of *poleis*, a focus unknown to the ancients and, in fact, introduced only in 1893 with Burckhardt's *Griechische Kulturgeschichte* (see Gawantka 1985; Hansen 1994 [*pace* Cartledge 1996: 182, n. 12]). “The conceptualization of the polis as a community of male citizens was one of the greatest contributions of post-World War II scholarship to the study of Greek social, economic and cultural history” (Taylor and Vlassopoulos 2015: 1). By emphasizing the importance of the political organization (*polis*) of the male citizens, this formulation necessarily denigrates and segregates the remainder of the population. In fact, the *polis* as a political community was only one, albeit for Aristotle in the *Politics* the preeminent, subdivision of the overall society: ἡ πασῶν κυριωτάτη καὶ πάσας περιέχουσα τὰς ἄλλας. αὕτη δ' ἐστὶν ἡ καλουμένη πόλις καὶ ἡ κοινωνία ἡ πολιτική. *Pol.* 1252a4-6. Cf. 1325b26-27: πολλὰ γὰρ κοινωνίαι πρὸς ἄλληλα τοῖς μέρεσι τῆς πόλεώς εἰσιν.

² In addition to the studies noted by Forsdyke (n. 1 of her paper), see Gabrielsen 2016; Kamen 2013: *passim*, esp. 113; Ismard 2010; Wijma 2010; Adak 2003; Deene 2014; Deene 2013, esp. 221-52; Deene 2011, esp. 174-75; Bäbler 1998.

evidence — especially Paragraph 42 of the *Constitution of the Athenians* attributed to Aristotle — that undercut the prevailing thesis (“Example One”). Her methodology generates a thicker view of Athenian society, a portrayal that does not obfuscate discontinuities and contradictions.³ Paying attention to slaves' communications — “tales” indirect and sometimes merely implied — produces a picture “much messier” but, in my opinion, more realistic than the alternative, pervasive use of “corrective interpretation.”

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The orthodox model insists that

“The population of Athens, like that of every city-state, was divided into three clearly differentiated groups . . . ordered hierarchically. The citizens were the privileged order . . . the metics were the underprivileged order of free people. . . the slaves were the unprivileged order.”⁴

This tripartite division has not been seen as merely theoretical: “the three status groups . . . were sharply distinguished not simply as concepts but in actuality.”⁵ This is a neat and “unmessy” thesis, but one not unchallenged by surviving evidence. Canevaro and Lewis, for example, have pointed out that some slaves in Athens “lived independently of their owners and enjoyed a relatively congenial lifestyle” (2014: 95). After all, they insist, “slaves who worked as bankers were probably in a much better *de facto* position than slaves who toiled in the Laureion mines” (*ibid.* 96).

For advocates of “corrective interpretation” of the ancient sources, however, “all our evidence relating to slaves is ‘overdetermined’ in one way or another and, as such, demands a ‘diagnostic’ or ‘symptomatic’ reading ” (Garlan 1988: 19).⁶

³ For the social and economic dissonance to be expected in vital, multiplex societies like that of Athens, see Keiser 1986; Rueschemeyer 1984: 134; Bourdieu 1977: 98. Dougherty properly urges us “to read the multiplicity of narratives that represent Athenians as Athenians in such a way that we preserve their contradictions” (1996: 251). Similarly: Fisher 2001: 34.

⁴ Hansen 1991: 86. Similarly: Hunter 2000: 1-26; Todd 1993: 170-200; Austin and Vidal-Naquet 1977: *passim*. Even Finley, who envisioned a “spectrum of statuses” for Greece as a whole, felt his scheme inapplicable to Athens (1964 [1981]: 132). Cf. Cartledge 2002: 144. More nuanced views of Athenian society are proffered by Kamen 2013: 2, 113-115 (who nonetheless concedes “the primacy of the ‘big three’ status categories”); Bearzot 2005: 91-92.

⁵ Todd 1993: 173. Cf. Raaflaub 1980: 44-46; Meier 1984: 20-22; Pomeroy 1975: 78; Jameson 1997: 95.

⁶ In French terms, “documentation ‘surdéterminée’” requires “une lecture ‘symptomale’” (Garlan 1982: 31). “Diagnostic reading” is viewed as merely a defensive response to the

Such pursuit of a “lecture symptomale” valorizes efforts to interpret the ancient sources in conformity with modern presuppositions — denying place to a text’s “plain meaning” if that natural reading is contrary to the prevailing model. Indeed, some scholars actually deprecate “an overly literal approach to the ancient sources” (Harris 2002: 919). For these scholars, conforming to accepted dogma sometimes means extirpating, even without persuasive paleographical basis, testimonia inconsistent with a clearly-delineated separation between citizens and non-citizens. For example, as Forsdyke points out, Paragraph 42 of the *Constitution of the Athenians* provides a “citizenship procedure” that requires evaluation “as to whether the applicant for citizenship ‘is free’ (*eleutheros*).” Such an examination would undermine the prevailing thesis of sharp differentiation of slave and citizen, since it “suggest(s) that a significant number of slaves did actually try to pass themselves off as citizens, some of them presumably successfully.”⁷ The “plain meaning” of this text — “free as opposed to slave” — accepted by Forsdyke and others,⁸ is linguistically unobjectionable, but presents an existential challenge to the view of Athens as a hermetically-sealed tripartite society. But not to worry. For generations, most commentators have substituted for the “plain meaning” of the text a “corrective” interpretation: free (*eleutheros*) does not here carry its usual meaning of “not a slave” but rather should be taken as meaning “whether he is of citizen birth,”⁹ thus preserving the tripartite hierarchical preconception.

Respect for the “plain meaning” of a text, however, does not establish the veracity of a statement, nor mandate that we should accept “at face value” the

inevitable subjectivity of those espousing objective pretensions: “very few of the apparently purely scholarly debates on [Greek slavery] avoid, in one way or another, consciously or unconsciously, adopting a particular ideological perspective” (Garlan 1988: 23).

⁷ “Example One.” Forsdyke “imagine(s) a scenario in which a slave applicant for citizenship is able to stand up in court and make a claim to citizenship using all the rhetorical skills and legal arguments that we see in such cases as Demosthenes 57 and Isaeus 12,” and concludes that slaves seeking “to pass themselves off as citizens” must have acquired “a great deal of legal knowledge and sophistication.” But Athenians (and perhaps slaves trying to pass as Athenians) routinely relied on *logographoi* for rhetorical skills and legal arguments: see Lavency 1964 (*passim*); Rubinstein 2000: 14-15, *pace* Harris 2010: 2). In fact, the Athenian conceptualization of “manliness” (*andreaia*) valorized agricultural affectations and condoned male citizens’ ignorance of the law. See Cohen 2003. Cf., for example, Hyp. 3.13, where the Athenian citizen Epikratēs presents himself as a typical farmer totally unfamiliar with legal matters prior to being forced into litigation: οὕτω με διατέθηκας καὶ περίφοβον πεποιήκας μὴ ἀπόλωμαι . . . ὥστε τοὺς τε νόμους ἐξετάζειν καὶ μελετᾶν νύκτα καὶ ἡμέραν, πάρεργα τᾶλλα πάντα ποιησάμενον.

⁸ The natural sense of the passage has been defended by Rhodes 1981: 499; Scafuro 1994: 160, 187 (n. 43); Cohen 2000: 61 (n. 82), 107.

⁹ Thus Moore 1986: 275; Newman 1887-92: 1.248, n. 1; Wyse [1904] 1967: 281; Sandys [1912] 1966; Fritz and Kapp 1961; Harrison 1968-71, I: 188.

“truth” of an ancient assertion.¹⁰ Consider material preserved from law court presentations. Although Athenian forensic addresses are rhetorical contrivances that virtually always present evidence tendentiously (and often dishonestly), the presuppositions underlying litigants' claims are generally reliable: since forensic presentations were made to panels composed of hundreds of jurors — with persuasion the speaker's dominant motive¹¹ — the presence of a general phenomenon may be confirmed by a claim that presupposes such a phenomenon, even if we cannot establish (or strongly doubt) the truth of a speaker's specific factual assertion.¹² A statement dependent on premises blatantly inconceivable would be inherently unpersuasive. For example, Aiskhinês asserts that the rich public slave (*dêmosios*) Pittalakos had maintained the male citizen Timarkhos in the slave's own home — along with the slave's treasured fowl and other valued personal possessions — for a prolonged period of sexual exploitation and that, after their separation, the slave had brought a law suit against Timarkhos and his new paymaster, the citizen Hêgêsandros (1.54-64). This assertion, of course, is antithetical to the prevailing scholarly model of servile nullity: how could an unfree person at Athens be so wealthy and powerful as to maintain an Athenian *politês* in the slave's own house, amidst the slave's sumptuous possessions, and then to bring a lawsuit in the Athenian courts to vindicate his servile rights? Scholars have accordingly sought to negate the “plain meaning” of this text. Fisher invents for Pittalakos a “special status,” arguing tautologically that “slaves . . . were unable to bring legal actions themselves” (1993: 57).¹³ Lewis (2016: 2), following Todd (1993: 193), asserts that Pittalakos must have been merely a “former slave.”¹⁴ Canevaro and Lewis further note that “hostile orators often refer to manumitted slaves as if they were still slaves” (2014: 95), ignoring the fact that in this case

¹⁰ On the proper heuristic response to the manichean options of automatically rejecting evidence that does not comport with modern theory and of automatically accepting ancient testimonia, see Cohen (forthcoming)(b).

¹¹ Although some scholars view Athenian private litigation as largely “theatre” (Humphreys 2007; Oulhen 2004: 254) or as a venue for the venting of elite social animosities (D. Cohen 1995: 70, 82), with litigants sometimes seeking actually to lose their cases (Todd 2011: 138, 1994: 131, n. 180), I view Athenian litigation as essentially the effort of real people to prevail in real conflicts by persuading a majority of jurors to vote in their favor (thus Harris 2013: 12-13; E. Cohen 2018: 59). In my opinion, therefore, the proffering of absurd or transparently untrue underlying factual assumptions would have been devastatingly negative to a proponent's case — and would likely be avoided in a forensic presentation.

¹² Cf. Millett 2000: 25-26, 1991: 2; Cohen 1990: 178, 186-90; Todd 1990.

¹³ Considerable evidence confirms, however, that “les *dêmosioi* étaient des esclaves comme les autres” (Ismard 2015: 100). Public slaves, for example, were punished by lashings, and subject to interrogation by torture: see SEG 26.72 (=GHI 25 [Rhodes/Osborne]), ll. 30-32; Dem. 18.22-24; IG II² 1013, ll. 45-49 (2nd cent. BCE). Cf. Mactoux 2009; Jacob [1928] 1979: 156-57.

¹⁴ In agreement: Hunter 1994: 231; Jacob [1928] 1979: 147-89.

Aiskhinês is not hostile to Pittalakos. Indeed, if Aiskhinês had claimed that Pittalakos was free, Aiskhinês's accusations against Timarkhos (such as the assertion that Timarkhos had beaten Pittalakos in public) would have been yet more damaging to Aiskhinês's adversary, Timarkhos. In fact, the manuscript readings — containing multiple separate and explicit references to Pittalakos as a slave¹⁵ — are paleographically strong. Yet the text also confirms Forsdyke's arguments concerning the difficulty of definitively identifying many individuals resident at Athens: in addition to his own assertion that Pittalakos was a public slave, Aiskhinês also reports that Hêgêsandros claimed that Pittalakos was a private slave (*his!*), and that a certain Glaukôn antithetically insisted that Pittalakos was free!¹⁶ Even Forsdyke is properly agnostic: for her, Pittalakos “was a wealthy public slave, or former slave.”¹⁷ She adduces another possibility, viz. that Pittalkaos might have been “a partially freed person (*apeleutheros*)” (*Example Two*). And — highlighting the complexity and confusion of scholarly argumentation on the identification of individuals in Attika — Fisher notes that even Ed Cohen has stated that Pittalakos's actual status is “unclear and disputed.”¹⁸

Precisely. For modern scholars, Pittalakos' true standing is factually indeterminable, but for heuristic purposes largely irrelevant. What *is* significant is the plausibility, for fourth-century *dikastai*, of the premise(s) underlying Aiskhinês' argument and assertions — that a slave could be wealthy, could maintain a *politês* in the slave's home for sexual purposes and under certain circumstances could bring a law suit against citizens. If we disregard the manuscript evidence for the existence of such slaves — regardless of whether Pittalakos himself actually was a slave at the time of the activities narrated — we may be trying merely to buttress conventional dogma, but through such *lecture symptomale* we distort the nature of Athenian society.¹⁹

Similar examples are legion. When the citizen Simôn claims that he has entered into a formal commercial contract with Theodotos, a Plataian and hence apparently an Athenian citizen,²⁰ providing for the exchange of sex for money (Lysias 3.22), we may be unable to confirm the truth or falsity of Simôn's particular assertion, but we *can* be sure that a citizen's prostitution pursuant to contract was not inherently

¹⁵ Aiskin. 1.54: ἄνθρωπος δημόσιος οἰκέτης τῆς πόλεως . . . ἄνθρωπον δημόσιον οἰκέτην τῆς πόλεως. 1.62: δημόσιον οἰκέτην τῆς πόλεως. Pittalakos' prosperity is explicitly noted: οὗτος εὐπορῶν ἀργυρίου (1.54).

¹⁶ δημόσιον οἰκέτην τῆς πόλεως, ἦγεν εἰς δουλείαν φάσκων ἑαυτοῦ εἶναι δοῦλον. . . τις Γλαύκων Χολαργεύς· οὗτος αὐτὸν ἀφαιρεῖται εἰς ἐλευθερίαν (§62).

¹⁷ Example Two. Similarly: Carey 2000: 43, n. 62 (“plausibly . . . a freedman [i.e. ex-slave].”)

¹⁸ Fisher 2008: 134, citing Cohen 2000: 111, n. 45. Cf. Fisher 2004.

¹⁹ Vlassopoulos neatly summarizes the heuristic problem: “Modern scholars usually simply try to play the role of the judge, instead of being interested in the phenomenon itself” (2007: 34). Cf. Jones 1999: 83-86.

²⁰ For Plataians' receipt of Athenian citizenship, see Cohen 2000: 168-71.

implausible in fourth-century Athens — despite the prevailing modern model of Athenian citizens as “the privileged order.”²¹ When Apollodōros claims that the freedwoman Nikaretê presented as her own offspring the child prostitutes whom she owned, because the “highest prices” might be obtained from customers desiring to have sex with young girls whom they believed to be the free offspring of the woman providing the children's services,²² we may be unable to evaluate the true personal status of these prostitutes, or to confirm Nikaretê's actual business practices, but we can safely conclude that pricing of sexual services did in fact vary in accordance with a prostitute's perceived status and a customer's psychological predispositions, and furthermore that sex trafficking did not necessarily victimize only the “unprivileged” population of slaves. When a number of Athenian political leaders are accused, in a number of individual speeches, of having prostituted themselves in their youth, again we cannot determine the likely truth of any individual accusation or even exclude the possibility that all such surviving charges are false (or true). But we may reasonably infer that Athenian audiences would not categorically rule out such charges as inherently implausible (just as modern Western political audiences might not find inherently implausible the recurrent charges of sexual misconduct leveled against European and American political leaders). When Athenian public figures, in court presentations, challenge the civic status of opponents by attributing to them foreign or even slave origin, we need not accept as literal truth the specific charge (especially in the absence of corroborative evidence), but we *can* infer the likelihood that Athenian genealogy was porous enough for some politicians to be of misty antecedents.²³

Forsdyke properly avoids the temptation to sanitize murky reality: again and again she appropriately equivocates: “if these details are accurate,” “if the scenario presented in this speech is accurate,” “we do not know the actual status of the speakers in these cases,” “even if the speaker is fabricating his account,” “according to the speaker,” etc. Yet, even though our sources are in places tendentious and in places even mendacious, she is still able to demonstrate, for example, how scholars can properly infer that some persons of servile origin did successfully penetrate citizens' ranks. Forsdyke's non-dogmatic, carefully insightful approach is, I believe, far preferable to a wanton rewriting of our sources in order to produce a portrayal

²¹ On Athenian citizens functioning as prostitutes, see Cohen 2015: 70-81.

²² Dem. 59.18-22: Ἐπὶ γὰρ ταύτας παιδίσκακ ἐκ μικρῶν παιδίων ἐκτήσατο Νικαρέτη . . . προεπιούσα δ' αὐτὰς ὀνόματι θυγατέρας, ἵν' ὡς μεγίστους μισθοὺς πράττειτο τοὺς βουλομένους πλησιάζειν αὐταῖς ὡς ἐλευθέραις οὔσαις . . .

²³ Because of the partisan nature of Athenian private forensic presentations and the Athenian political orators' penchant for slandering opponents, some scholars (as Forsdyke notes, n. 16) simply dismiss such charges as mere vituperative slander endemic in Athenian agonistic presentations (see, for example, Worman 2008: 213-74; Wrenhaven 2012: 158, n. 101; Canevaro and Lewis 2014: 95, n. 13). Such conclusions, in my opinion, are overly simplistic: see Cohen (forthcoming).

of Athenian society nowhere reported in Athenian sources but conforming to modern preconception.

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