

Elizabeth A. Meyer

Metics and the Athenian *Phialai*-Inscriptions

A Study in Athenian Epigraphy and Law

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Elizabeth Meyer

September, 2008

INTRODUCTION

“You, tell me, are you a metic?”

“Yes.”

“And are you a metic to obey the laws of the city, or to do as you please?”

“To obey!”¹

So Lysias’s speaker, pursuing a point, makes his imaginary metic interlocutor put himself into his proper place: a subordinate place, defined and enforced by law. Metics, resident foreigners, had to obey the laws of Athens, and if they did not – and specifically if they did not take a *prostates* (a legal protector) and pay their *metoikion* (the metic-tax) – they were subject to enslavement, a punishment no Athenian citizen had feared since the time of Solon. This world of the metic, shadowed and patrolled by such dire legal jeopardy, is the one in which, this study will argue, a series of celebrated inscriptions from the late fourth century BC properly belongs. These inscriptions have been named “Attic Manumissions” because of the general scholarly belief, firmly in place since the nineteenth century, that the inscriptions and the silver *phialai* – silver bowls – they list were generated in the process of freeing slaves, or of liberating already freed slaves from residual obligations to their former masters through a lawsuit known as the *dikē apostasiou*. But the specific contentions made here are (1) that it is certain that these inscriptions do not attest the manumission of slaves or their freeing from residual obligations; (2) that it is certain that the inscriptions record, instead, the dedications of *phialai* that themselves were the residue of some kind of legal victory by metics, not (only) by freedmen (who in Athens carried metic nomenclature); (3) that it is plausible that these dedications were a tithe of a fine imposed upon the prosecutor as a result of the metic’s victory in a lawsuit, the *graphē apostasiou*, in which the metic was accused of failing to have a *prostates* or to pay the metic tax, the *metoikion*; and (4) that it is very likely that the inscriptions we have reflect not the legal procedures themselves – whatever their nature – or an attempt to record their results, but merely the inventorying, at a later date, of the silver bowls (*phialai*) that this legal procedure generated. Part I is an extended historical essay in which these points are argued; Part II is an epigraphical study, a re-publication of the texts and an examination of their physical attributes, their relationship to each other, and the likely order of their inscribing.

Because so little is known for certain about so many aspects of the process of prosecuting, punishing, and protecting metics, the argument that follows, in Part I, is complicated and, necessarily, speculative – but less speculative than the easy assumptions about the relations of masters and freedmen, made over a hundred years

1 Lys. 22.5: εἰπὲ σὺ ἐμοί, μέτοικος εἶ; ναί. μετοικεῖς δὲ πότερον ὥς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὥς ποιήσων ὃ τι ἂν βούλῃ; ὥς πεισόμενος, trans. Whitehead 1977, p. 46; and see his pp. 57–58 on metics’ presumed attitude of submission and quiet orderliness.

ago, that have underpinned the equally complicated interpretation of the *phialai*-inscriptions ever since. Part I starts with an overview of what survives, the so-called “Attic manumission” inscriptions, describing their salient characteristics (§ I). It then surveys the history of the existing interpretations of these inscriptions, highlighting the unlikely or even impossible aspects of these interpretations (§ II). Thereupon metics, finally, become the object of direct concern: what happened – what kind of case, heard where, by whom – when a metic was charged with not paying the *metoikion* or not having a *prostates*? The final unpleasant result of conviction is well known, but the legal steps to this doom have never been laid out (§ III). And surely all who were prosecuted, or even many, were not convicted: what happened to them and their over-zealous prosecutors? Grateful relief washed over the metics, no doubt, but penalties, I argue, were imposed on the failed prosecutors, leading to the dedication of *phialai*, these later to be collected up in Lycurgus’s grand sweep of dedications designated to contribute their metal to the greater *kosmos* of Athena and Athens (§ IV). Melting, not dedication, was the reason for inscription, and many characteristics of the inscriptions, when re-examined, have clear parallels in other Lycurgan financial records, where treasurers had to account for what they had done (§ V). A final examination of the identities of the protagonists – defendants and prosecutors – in these *phialai*-inscriptions then strengthens the argument that the *graphē apostasiou* (for not having a *prostates* or failing to pay the *metoikion*), not the *dikē apostasiou* (for not fulfilling residual obligations after manumission) generated the dedications later inventoried here (§ VI).

For more than a hundred years, the *phialai*-inscriptions have been thought to constitute one of the better sources, one of the more secure foundations, for an understanding of slavery and manumission in Athens. They were a record on stone, not subject to the bias of a contemporary author or the unintentional distortions of a later one; they could be dated; the participants could be counted. But if these inscriptions are re-assigned (so to speak), taken out of the Athenian history of slavery and freedom and situated within the Athenian history of metics and taxation instead, it is remarkable how much more erratic, sporadic, and problematic the evidence for manumission at Athens becomes, and especially how downright thin the evidence in Athens for full Roman-style manumission of slaves with lasting and serious obligations towards the former master – which has long been deduced from these inscriptions – can be seen to be. One loss is another gain, however, for anything that improves our exiguous knowledge of the realities of metic status and, particularly, of taxation in Athens, can only be very welcome. Since metics were widely believed to be crucially important to Athens’s economic vitality, and since that economic vitality made so many of Athens’s political and cultural achievements possible, a new interpretation of the *phialai*-inscriptions that focusses on the methods by which the collection of the metics’ tax was enforced and policed has a broader importance. The *phialai*-inscriptions are fundamental, not for our understanding of masters and slaves, but for our understanding of metics and citizens, taxation and tax-farming, foreigners and the city, punishments and rewards, and the economic, legal, and religious policies of the city of Athens in the fourth century BC.

PART I. HISTORY

I. Characteristics of the *Phialai*-Inscriptions

This group of inscriptions recording *phialai* is thirty-three in number, many of them only small pieces. Beginning in the nineteenth century, these fragments were found for the most part on the Acropolis (three specifically east of the Parthenon, and several on or near the south slope);² the six pieces discovered in the twentieth century have all been unearthed in the Agora or to the north of the Areopagus.³ They have been grouped together since the nineteenth century because of the relentless similarity – despite varying colors of stone – of their physical format, phrasing, and content. In format, they are freestanding *stelai*, often inscribed on both sides (opisthographic),⁴ with lists of individual entries written in columnar form,⁵ the

- 2 “On the Acropolis”: *IG* II² 1557, 1559, 1566, 1570–1572, 1574–1575 (1561, 1566, and 1571–1572 were published by Lolling 1890 with no specific find-spots on the Acropolis; 1574 was published by Koumanoudes [1889] 1890, p. 60 no. 6 as having been “found in Athens”); “in the excavations in front of the Erechtheion,” 1553 (Pittakis 1838–1839, 159–160 no. 124); “in front of the eastern entrance of the Parthenon, beneath the substructure of what is considered to be the temple of Roma and Augustus,” 1554 and 1569 (Lolling in Kirchhoff 1888, pp. 239 and 251–252); “on the southern section of the Acropolis under the Cimonian wall,” 1556 (Pittakis 1854, 1134–1136 nos. 2190–2191); “on the north side of the Acropolis near the Erechtheion,” 1558 (Lolling in Kirchhoff 1887, pp. 1185, 1199–1200); “in the eastern part of the Acropolis,” 1560; “to the west of the Parthenon,” 1561 (Pittakis 1853, 1044–1045 no. 1960); “in the cleared southwesterly area of the Parthenon,” 1562 ([no author] 1888, 174–175 no. 5 but reported by Lolling); “on the south slope of the Acropolis,” 1563; “at foot (*radices*) of south slope,” 1573; “in the tholos northeast of the Erechtheion,” 1576 (Lolling in Kirchhoff 1887, pp. 1066 and 1070); no information: 1555, 1564, 1565, 1567, 1568, 1577, 1578.
- 3 Agora inv. I.3183 (found 1935, Agora N10; Lewis 1959, p. 208; incorporated into *SEG* XVIII.36); Agora inv. I.5774 (found 1939, Agora U26; Meritt 1961, p. 247 = *SEG* XXI.561); Agora inv. I.4763 (found 1937, Agora U22; Lewis 1968, p. 368 = *SEG* XXV.178); Agora inv. I.5656 (found 1939, among marbles from demolition of houses at north foot of Areopagus; Lewis 1968, p. 369 = *SEG* XXV.180); Agora inv. I.1580 (found 1934, Agora G11; Walbank 1994, pp. 179–180 = *SEG* XLIV.68); Agora inv. I.4665 (found 1937, Agora V23; Walbank 1996, pp. 452–453 = *SEG* XLVI.180).
- 4 The opisthographic fragments are *IG* II² 1554, 1556–1560, 1565–1566, 1568–1570, 1575, and Agora inv. I.3183; 1576 is only if frags. a and b actually belong together.
- 5 The number of columns may vary: **at least one**, *IG* II² 1560 (I suggest three, see **Part II** [Epigraphical Appendix] **no. 10**), 1562 and 1563 (and if these two are correctly associated with 1561, 1564, and 1565, the resulting stele would have at least three columns, see **Part II nos. 11–15**), 1567 (at least two columns if correctly associated with 1568, **Part II nos. 17–18**), 1571–1572, 1574, 1576 fr. a; **at least two**, *IG* II² 1553 (Lewis 1959, p. 233 said at least three), 1561, 1564 (Lewis 1959, p. 234), 1565, 1566A, 1568A–B, 1573, 1575 (Lewis 1968, p. 377 argued for five), *SEG* XXV.180 and *SEG* XLVI.180 (Agora inv. I.5656 and 4665, if correctly associated, see **Part II nos. 30–31**; by itself *SEG* XLVI.180 has only one column), and *SEG* XXI.561 (Agora inv. I.5774); **three**, *IG* II² 1578 (Lewis 1959, p. 235); **at least three**, “Great Stele” face B (*IG* II² 1554B–1559B + Agora inv. I.3183B, Lewis 1959, p. 208), 1570, 1576 fr.

entries distinguished from each other in various ways.⁶ In phrasing they are highly formulaic, and resort to abbreviation to a varying degree. And in content they are remarkably similar. An example of phrasing and content (*IG* II² 1553, column one) is Σωσίας [... Ἀλωπεκῆς] οἰκῶν ἀποφ(υγῶν) [Σώστρατον Ἑρμε]ιον, Τιμαρχίδην Εὐωνυμέα, φιάλη] σταθμόν H; or, in bulk:

[–]ON *phial*[ē] [by weight:100. – i]n Kolly[τος] [living – having escaped (conviction by)] Eteocle[s – *phialē* by weigh]t:100. Sosias [– in Alopeke] living, having esc(aped conviction by) [Sostratos of Hermos (and) Timarchides of E[uonymon, *phialē* by weight:100. Pers[–]ON living (f.) having escaped (conviction by) [–]A, of Rhamnous and the *koino*[n of the *eranistai*, *phialē* by weight:100. Her(kl)e[ides? li]ving in Pirae(us), having escaped (conviction by) M[– li]ving in Pirae(us), *phialē* by weigh]t:100.] Soteris, living in Alopeke [a pedd]ler(?), having escaped (conviction by) Sostratos of Hermos (and) Timarchides of Euonymon, *phialē* by w[eigh]t:100. Eutychis, a peddler, having escaped (conviction by) Sostratos (and?) Mnesistratos of Alopeke, *phialē* by weight:[100]. P(hi)linna, living in Pirae(us), having escaped (conviction by) Astynomos from Oia, *phialē* by weight:100. Synete, living in Keiriadai, having escaped (conviction by) Niko(d)emos of Leukonion and the *koinon* of the *eranistai*, *phialē* by weight:100. Manes, living in Phaleron, a farmer, [having es]caped (conviction by) Nikias of Olynthos, *phialē* [by weigh]t:100. Pyrrhias, [l]iving in Melite, a peddler, having escaped (conviction by) Agath[–] living [in M(elite?)], *phialē* by w[eigh]t:100. –]OS [living] in [Ska]mbonidae [– having escaped (conviction by)] S[– li]vi[ng –].

The formula here – “x, living in [deme], having escaped (= escaped conviction by) y, *phialē* by weight 100” is the most common in these inscriptions,⁷ while the fullest version of the formula runs, “x, living in [deme], [profession], escaped y, son of yy,

b; **at least four**, *IG* II² 1569A–B (Lewis 1959, p. 234); **five**, “Great Stele” face A (*IG* II² 1554A–1559A + Agora inv. I.3183A + *SEG* XXV.178 = Agora inv. I.4763A, Lewis 1959, p. 208).

- 6 In *IG* II² 1553, there is a *vacat* within each column before each new entry; in 1554–1556B col. II, 1557A and B col. II, 1558A and B col. II, 1559A and B col. II, 1566, 1576 fr. b, Agora inv. I.3183A–B, and *SEG* XLIV.68 (Agora inv. I.1580) each new entry starts a new line, and is marked off from the preceding with a *paragraphos*, a horizontal line (same in 1567, except that each entry is in a wider column and therefore only two lines long; once also on 1568B, after two three-line entries); in 1556B col. I, 1557B col. I, 1558B col. I, 1568A–B, 1569B, 1570, 1576 fr. a, 1578, *SEG* XXI.561 (Agora inv. I.5774), and *SEG* XXV.178 (Agora inv. I.4763) each entry begins a new line within the column; the same is true in 1569A, which also has a gouged-out square between φιάλη and σταθμόν; in 1560B, 1561–1565 each new entry begins a new line and the phrase φιάλην σταθμόν: H is indented on its own line; in 1573–1574 (and restored in 1571–1572), 1575A, and Agora inv. I.5656 the first line of an entry extends one letter to the left (“hanging paragraph” style).
- 7 In *IG* II² 1553; “Great Stele” face A (*IG* II² 1554–1559 + Agora inv. I.3183 + *SEG* XXV.178 = Agora inv. I.4763 + 1580); *IG* II² 1560B (1560B 20 has φιάλην), 1561 (in col. II.21, 25, 30, 34 has φιάλην), 1562 (restored), 1563 (has φιάλην), 1564 (has φιάλην), 1565, 1566A I.1–17, 1567–1568, 1569 (on A, φιάλην corrected in antiquity to φιάλη), 1570–1571, 1572 (but 1572.7 has [φιά]λην once), 1573–1574; 1575A (has φιάλην); *SEG* XXI.561 = Agora inv. I.5774.

of [deme], *phialē* by weight 100.” The *phialai* are always 100 *drachmai* in weight. Yet variations of formula also appear: “y (nominative case), x (accusative case) living in [deme], *phialē* by weight 100;”⁸ both of these formulae on the same stone, changing from the first to the second in the middle (*IG* II² 1566 at line 18); and one formula that is very similar but does not list *phialai*, “x, living in [deme], escaped (conviction by) y” (*IG* II² 1576A–B, both fragments, and possibly also 1577). Although the precise relationship of the last two inscriptions to the rest has been questioned,⁹ there has been no accepted challenge to the judgment, in place since the nineteenth century, that all belong together.

This perception that the group is a set has led scholars, especially David Lewis, to look for joins and connections between the inscriptions, all of them most likely from a number of *stelai*.¹⁰ In 1959 he reconstructed seven fragments (*IG* II² 1554–1559 + Agora inv. I.3183) into one large, opisthographic stele with five columns on side A and three (plus vacant space) on side B, adding another fragment (*SEG* XXV.178 = Agora inv. I.4763) to the whole in 1968; Walbank attributed *SEG* XLIV.68 (= Agora inv. I.1580) to this “Great Stele” in 1994.¹¹ Lewis also suggested that a number of other fragments (*IG* II² 1564 and 1565; 1571 and 1573–1575; 1567 and 1568) could be reconstructed into three other *stelai*.¹² The criteria used, although unexpressed, are consistency of letter shape and of columnar and entry format; thickness of stele; type of stone (although in this regard the *IG* descriptions can be misleading); and, on each face, similarity of content and abbreviation: are the same words abbreviated on each face, are the same components of names given, and are the details of the entries the same? For some of the inscriptions give not only the wording “x, living in [deme], escaped,” but regularly add to that phrase a profession, while some abbreviate and some do not. Another look at the surviving fragments shows – to my mind – that Lewis was indeed right, but might have been able to go a little further: *IG* II² 1561–1565 come from the same stele, as do *IG* II² 1571–1574.¹³ With *IG* II² 1567–1568 also linked, twenty fragments (of thirty-three) combine into just five *stelai*.¹⁴ The other thirteen do not, at this point in time, match

8 On face B of *IG* II² 1554–1559 + Agora inv. I.3183 + *SEG* XXV.178 = Agora inv. I.4763; 1566A 18–42; possibly 1578 col. II (if $\phi\iota\acute{\alpha}\lambda\eta$ can be restored, see **Part II no. 29**); and in *SEG* XXV.180 (Agora inv. I.5656), where $\phi\iota\acute{\alpha}\lambda\eta$ was corrected in antiquity to $\phi\iota\acute{\alpha}\lambda\eta\nu$.

9 Kränzlein (1975, pp. 263–264) suggested that *IG* II² 1576 (and also 1578, but see my restoration **Part II no. 29**) did not belong with the others, but has not been followed; 1577 may not have *phialai*, but is so fragmentary that nothing is certain.

10 Koehler (*lemma* on *IG* II.773 = 1556 and II.5.772b = 1558) had associated *IG* II² 1556 and 1557 as early as 1883; Kirchner in *IG* II² endorsed this, and himself also associated *IG* II² 1554 and 1555.

11 Lewis 1959, pp. 208–226; Lewis 1968, pp. 368–369; Walbank 1994, p. 180. I think Walbank’s attribution is unlikely (see **Part II nos. 2–9**). In the notes that follow, the lines of the “Great Stele” are given both as lines of *IG* II² inscriptions and as lines in Lewis’s stele, the latter appearing in parentheses after the former.

12 Lewis (1959, pp. 234–235) on the others; all = *SEG* XVIII.36–50.

13 See arguments and epigraphic notes in Part II.

14 Walbank 1996, p. 453 also linked *SEG* XXV.180 and XLVI.180 (Agora inv. I.5656 and I.4665); I have doubts, see **Part II no. 31**.

up in any obvious way, which gives us a maximum of eighteen *stelai* (Lewis hypothesized seventeen);¹⁵ in the end there were probably fewer.

Direct references to the purpose of these stones are few. There are only three surviving headings, and these are fragmentary. One has only one letter, and then a fragment of a name in the next line of the two-line heading ([–]JOYPTOY, *IG* II² 1575); one has the very righthand edge of what appears to be a summary of a law (*IG* II² 1560); and one, discussed below, has about half of a heading (*IG* II² 1578). On the other hand, one of the stones more recently published, *SEG* XXV.180 (Agora inv. I.5656), contributes (halfway through its first surviving column) information not found on any other of these stones: “on the tenth-and-[–] dayl of Maimakterion,| in the middle court of the new (courts),| Menekles of Euonymon was supervising the water-clock,| Hierophon of Oa was supervising| the ballots, P[...]|PHES of Halai, Aristoleon| of Halimous, Hieronymos from Koi(le)” – and then one version of the formula resumes.¹⁶ A third clue is provided by the people involved in the formulaic lists. The “x” in the formula who “escaped (conviction)” is always identified as “living in [deme],” i.e. as an Athenian metic,¹⁷ while “y” is (almost always) given Athenian-citizen nomenclature. Because the texts are fragmentary there are many unknowns, but there is (as I count) a minimum total of 413 entries, in which 156 metic-defendants have male names, 116 have female names, and 141 are entries in which the sex of the defendant could not be determined.¹⁸ Fifty live in the Piraeus (plus four more in nearby Xypete, Thumatiadai, and Phaleron) and 111 in the city of Athens (with twenty-three more if nearby Alopeke, Kerameis, Ankyle, Agryle, and Diomeia are included), while thirty-nine are scattered around Attica (five on Salamis, one in Oropos), and 186 hail from locations that cannot be determined. More than forty percent (94/227) of the known metic deme-designations come from just two demes, Piraeus (50) and Melite (44). The professions named are, for the men, predominantly those of craftsmen and small businessfolk, while the women,

15 Lewis 1959, pp. 234–235.

16 Lewis 1968, p. 370 (*SEG* XXV.180.12–19 = Agora inv. I.5656.12–19): [Μαιμ]ακτηριῶνο(ς) | [–]τηι ἐπὶ δέκα· δικαστῆ[ρ]ιον μέσον τῶν καινῶν. | [ἐ]πὶ τὸ ὕδωρ Μενεκλῆς Εὐωνυμεύς· ἐπὶ τὰς ψήφους Ἱεροφῶν Ὠαθεν [:]Π[–] | φης Ἀλατεύς : Ἀριστολέων Ἀλιμουσί : Ἱερώνυμος [ἐκ] Κόι. It is followed by the “y; x, living in [deme]; (profession); *phialēn*” formula.

17 Wilamowitz-Möllendorff 1887, pp. 107–115; Whitehead 1977, p. 32; Todd 1997, p. 118. Slaves were listed as “x, (slave) of y,” as in the Erechtheion accounts (*IG* I³ 474–476), where metics, citizens, and slaves are all listed side-by-side, each in almost every case with his characteristic nomenclature. Freedmen had no nomenclature that set them apart from metics, which emphasizes that they inhabited no juridical category of their own (see, e.g., [Ar.] *AP* 58.3; Whitehead 1977, pp. 115 and 116; Cohen 1992, pp. 109–110), despite the fact that they are said to have paid a small additional tax (Harpokration, s.v. *metoikion*: see **below pp. 29–30**), did not have free choice of *prostates*, and are (only) twice referred to, off-handedly, as separate from metics ([Xen.] *AP* 1.10 and Arist. *Pol.* 1278a1–2). They may, of course, have been subject to social prejudice as ex-slaves, but this is a different matter.

18 Todd (1997, p. 121) counts a total of 375, of which 110 are male or possibly male, eighty-six are female or possibly female, and 179 could not be certainly identified; Rosivach (1989, p. 366) counts sixty-three women whose occupations can be read (at 369–370, twenty-six listed without association with a male, twenty-one on stones in more fragmentary condition).

when given a profession, are predominantly listed as woolworkers, *talasiourgoi*.¹⁹ There are also sixteen children listed, twelve seemingly appearing as members of family groups.²⁰ On the prosecuting side of the formula, there are not just citizens, but also twenty-six men with metic nomenclature; five men identified as *isoteleis*, or metics who have been granted the privilege of paying taxes equal to those paid by Athenian citizens; two men identified as *proxenoi*; and a number of apparent foreigners (two Olynthians, a Theban, and a Troezenian) – apparent, because citizens of all three cities were voted special legal standing, and probably *ateleia* from the metic-tax, by the Athenians in the second half of the fourth century.²¹ On the

- 19 With my re-readings I count 160 total designations of profession preserved (I do not count sixteen cases of being a “child” as “having a profession,” and add five not previously read, two of them new professions: 1557A I.19 [A IV.392], γεωρ; 1566A I.15, ἄσκο[πώλης]; 1567.5, σιγ[δονοπώλης]; *SEG* XXV.180 II.43 = Agora inv. I.5656 II.43, [τα]λ[ασ]τουργός and II.46, [φορτ]ήγον); all but the woolworker are male. I count fifty-three *talasiourgoi*. Todd (1997, p. 121) read 185 total designations of profession: forty-one were *talasiourgoi*, of whom twenty-two were certainly women and another twelve might have been; according to him, of eighty-six certain and probable women, twenty-four have no occupation recorded and another ten may have had an occupation recorded. Again, Rosivach (1989, pp. 365–366) counted differently: 158 professions that can be read, of which fifty-one are *talasiourgoi* (a number endorsed by Labarre 1998, p. 795) and these are all women (= 81 % of the professions listed for women). Tod (1950, pp. 10–11) had counted forty-three *talasiourgoi*, of which he thought thirty-one were certainly women, and argued that all *talasiourgoi* were female. The professions are discussed in Tod 1901–1902, pp. 203–211, Calderini 1908, pp. 350–356, Tod 1950, pp. 3–14, Labarre 1998, pp. 798–799, and Faraguna 1999, pp. 69–70 (the last two discuss only the occupations of women).
- 20 For their identification as children in families and not (e.g.) slaves, Rosivach 1989, pp. 368–369 (the identification of family is based on sequential treatment, on the stone, of people (including a man and a woman) living in the same place, prosecuted by the same people). Most are from the “Great Stele” (*IG* II² 1554–1559 + Agora inv. I.3183 and *SEG* XXV.178 = Agora inv. I.4763); numeration in parentheses in the following (and throughout this work) is from the combination and re-edition of Lewis (1959). *IG* II² 1556A I.22 (A V.472), female in a family group; 1557A II.72 (A V.514), male παιδί(ον) of Herakles, not in a family group; 1558A 24–25 (A V.550), female (probably in a family group); note that 1559A III.63 (A III.259) is not a child but an abbreviated “little children’s nurse” (παιδί(ων) τίτθ(η), rather than Lolling’s restoration (noted in *IG* II²) of παιδί(ον) τίτθ(ης), “child of the nurse,” since otherwise – except for 1557A II.72 (A V.514) above – relationships are never indicated); 1554B II.67 (B III.341), female (probably in a family group); 1556B I.44 (B I.19), (sex uncertain, [...]ίαν παιδ<ίον>), and possibly part of a family grouping); 1557B I.89 (B I.37), male; 1558B I.50 (B I.96), male, 1558B I.72 (B I.118), female, 74 (B I.120), male, and 76 (B I.122), female (all part of the same family unit); 1558B II.82 (B II.235), male, and 85 (B II.238), female, both part of the same unit; 1559B 85 (B III.259), male. There are only three on other stones: 1576 fr. b II.60–63 (male; only here, and in the entry directly above it, does the stone explicitly say that all “escaped” together, ἀπέφυ(γον) οὔτοι πάντες); 1578 I.3 (female); *SEG* XXV.180.37 = Agora inv. I.5656.37 (female, in a family group). 1553 II.41 was restored as [παιδ]ίον, but ίον could simply also be the end of a name. Tod (1950, p. 9) claimed that most of these are girls, not boys, but there are eight girls, seven boys, and one child of uncertain sex. Six boys are in family groupings; of the seven girls who are, three are also simultaneously with two of the boys, and for one girl (1578 I.3) we cannot tell whether she was with a family. The one child of uncertain sex may be in a family grouping.
- 21 Metics, *IG* II² 1553 I.12, 27, 31; 1554A II.42 (A II.223), a metic with a patronymic; 1555A I.9 (A I.77, a metic with a patronymic, restored) and II.12 (A II.185); 1557A II.49, 53 (A V.491,

citizen side of the formula we also find, at times, more than one man;²² and eighteen times, a man together with a κοινὸν ἐραμιστῶν – “a commonality of associated friendly lenders” or even “venture capitalists,” if one may be a little, but not overly, anachronistic in translation.²³ Despite the formulaic quality of these thirty-two

- 495: same man); 1559A IV.73 (A IV.371); 1556B II.39 (B I.14), a metic with a patronymic; 1557B 84 (B I.32), a metic with a patronymic (restored); 1558B I.51 (B I.97); 1561 II.18 (with a patronymic, restored); 1569A II.6 and III.18 (with a *koinon*), B II.66–67 (with a patronymic, restored); 1570 III.86; 1575A II.19–20; 1576 (fr. a) A 4 and 7, B 23–24 (but only if Lewis’s restoration is correct, 1959, p. 235; I restore differently, see **Part II no. 26**), 1576 fr. b I.34, 38, 42, II.55–56 (with a patronymic, restored); *SEG* XXV.178.5–6 = Agora inv. I.4763.5–6 (A I.8–9, with a *koinon*), *SEG* XXV.180 I.29, 32, 35 = Agora inv. I.5656 I.29, 32, and 35 (same man); same stone, II.53. *Isoteleis* metics, *IG* II² 1554A I.12, 16 (A I.102, 106: same man); 1558B I.53 (B I.99); 1565A I.5, B I.20, ?22 (also with the ἐν...οἰκοῦντα formula, probably a peculiarity of this inscriber – not, as Todd (1993, p. 199 n. 47) wondered, a signifier of a different type of *isoteleia*). *Proxenois* (meaning here foreigners who have been granted special, but unspecified, privileges, MacDowell 1978, p. 79), *IG* II² 1556B I.42, 46 (B I.17, 21: same man); 1570A II.22. Foreigners: Olynthians (*IG* II² 1553 I.25, 1559A III.45–46 [A III.241–242]), a Theban (1569A II.5), and a Troezenian (1569B II.63); note that Lewis (1959, p. 234) re-read *IG* II² 1569B I.1, Πλα(ταιέα), as Παλ(ληνέα). The Athenians had voted *ateleia* (from the *metoikion*?) to Olynthians (after 338) and Thebans (after 335), see Harpokr. s. v. ἰσοτελής and *IG* II² 211; it is possible that Troezenians were voted this too (Hyp. 5 *Ath.* 33 [Jensen]), see Whitehead 1977, p. 15.
- 22 Fifteen sets of (two-to-four) men with different demotics, *IG* II² 1553.6–7, 14–15 (same set of two); 1557A I.25–28 (A IV.398–400: two); 1557A I.31–36 (A IV.404–409: four, but fragmentary); Agora inv. I.3183A II.3–6 (A IV.429–431, two unrelated men from the same deme); 1557A II.40–42 (A V.482–484: two); 1558A II.26–28 (A V.552–554: two); 1559A I.12–15 (A I.36–40: possibly four); 1556B I.42–43 (B I.17–18: a *proxenos* and a citizen); 1554B 71–72 (B III.346–347: two); 1558B I.58–61 (B I.104–107: three, two from the same deme); 1559B 79–80, 83–84, 86–87, 90–91 (B III.253–254, 257–258, 260–261, 264–265: the same set of two men, four times); 1569A II.5–7 (a Theban and a metic); 1575A II.4–6, 9–11 (same set of two; the second is without his demotic, but no man of his name is known from Sphettos, the demotic of the first: see *LGPNI* II), 14–17 (two); 1576 fr. b I.42–44 (a metic and a citizen with different deme/demotic); this phenomenon was first noted by Buck 1888, p. 157. Seven sets appear to be brothers: *IG* II² 1553.17–18 (two, no patronymic given, but from same deme); 1555A II.16–20 (A II.189–193; three brothers); 1557A II.65–67 (A V.506–509: two); Agora inv. I.3183B II.3–5 (B III.328–330: two); Agora inv. I.3183B II.10–11 and 1554B II.65–66 (B III.335–336, 339–340: same two men, twice); 1563.1–2 (both sons of Lysis of Erchia); 1569A III.30–33 (three men from the same deme, but no patronymics given); or two possible family groups, 1574.5–7, 10–12 (two sons and a father? – no demotic preserved); 1576 (fr. a) A 9–12 (father and son?).
- 23 Men working with a *koinon* of the *eranistai*: *IG* II² 1553.9–10, 22–23; *SEG* XXV.178.6–9 = Agora inv. I.4763A 6–9 (A I.9–11); 1559A II.28–31 (A II.140–143: “Chairippos son of Chairedemos of Halai and the *koinon* of the *eranistai*, those with Chairippos of Halai”); 1558A 39–43 (A V.565–569: “Philokrates son of Epikrates of Eleusis and the *koinon* of the *eranistai*, those with Theophrastos son of Bathyllos of Cholargos”); 1556B I.27 (B I.2); 1557B II.105–106 (B II.152–153); 1566A I.27–28; 1568B II.19–20, 22–23; 1569A III.18–20; 1570A I.25–26, I.57–59, I.60–62, II.83–84; 1571.10–11, 13; 1572.10–11. An *eranos* is a group that pools its resources for a common financial purpose, like a loan, Harrison 1968, p. 183 and Cohen 1992, pp. 207–210 (older views at pp. 207–208); their “friendliness” has commonly been misunderstood as friendliness to borrowers in the form of interest-free “friendly” loans, when, as Cohen has shown, the quality of “friendliness” actually arises from the fact that members of an *eranos*

inscriptions, then, there is thus much of interest here; and perhaps because of their formulaic quality, and the fragmentary remains of only three headings out of a possible seventeen or eighteen *stelai*, there is also much here that is mysterious.

II. Interpretations

The five fundamental elements that have been combined to create the existing understanding of these *phialai*-inscriptions – the understanding that they were related to slave-manumission or freedman status – were all identified in the nineteenth century. Alexandros Rangabé and Ernst Curtius observed that these inscriptions appeared to be (a) lists of dedications, and Rangabé first observed that the ἀποφεύγω language pointed to an origin for these dedications in (b) court-cases.²⁴ Wilhelm Koehler in 1878 made a connection between the *phialai* listed here and the φιάλαι ἐξελευθερικαί listed in two (at that time unpublished) Acropolis inventory lists, translated as (c) “freedmen’s phialai,” which were melted down to make silver *hydriai* in 320/19 BC and 313/12 BC.²⁵ “It cannot be doubted that the achievement of freedom was the reason for dedication,” he wrote, in that superbly confident nineteenth-century way; the slaves freed were those who lived apart (οἱ χωρὶς οἰκοῦντες) from their masters and paid them ἀποφορά, “tribute.”²⁶ Three years later, Heinrich Schenkl re-emphasized the courtroom derivation of ἀποφεύγω language, and suggested (d) the δίκη ἀποστασίου (“the charge of rejection”) as the type of charge lying behind it.²⁷ Six years after that, Ulrich von Wilamowitz-Möllendorff

are friends to each other – a group of friends embarking on a common financial venture that could well intend to make money, despite the noble metaphorical uses investigated by Millett 1991, 153–159 (whose characterization of *eranoi* as *philoí* obligated at one level to help fellow-citizens and city also does not mesh well with men giving financial assistance to slaves or freedmen, who are not citizens).

- 24 See Rangabé 1855, pp. 572–577 nos. 881–2 and p. 1000 no. 2340, for whom the prosecuted “won their case” (*gagné leurs procès*, p. 574); Curtius (1843, p. 19 no. VII = *IG* II² 1553) ventured that those “escaping” were slaves who had sought asylum and were now dedicating thank-offerings to the “Schutzgottheit” of asylum (but all that slaves who took asylum received was the privilege of being sold to a new master, Harrison 1968, p. 172). For ἀποφεύγω as legal language, see also Lipsius [1905–1915] 1966, pp. 624 n. 12.
- 25 Koehler 1878; the inventory inscriptions are *IG* II² 1469A 5–6, 15 and 1480A 9 (restored). Nothing is known of these *phialai* beyond these references, and Koehler’s assumptions have become standard; a different interpretation of *exeleutherikai* will be proposed **below**, pp. 53–55.
- 26 Koehler 1878, p. 175; at p. 176 he cites in support [Xen.] *AP* I.11, ὅπου γὰρ ναυτική δύναμις ἐστίν, ἀπὸ χρημάτων ἀνάγκη τοῖς ἀνδραπόδοις δουλεῦειν, ἵνα ᾤλαμβάνομεν ὧν πράττει τὰς ἀποφοράς, καὶ ἐλευθέρους ἀφιέναι (text of Gray 2007). Whether the *choris oikountes* were slave or freed is a long-standing debate in the scholarship (see Harrison 1968, p. 167 n. 5 and the summary of Cohen 1998, pp. 119–120), arising from a mistake of Harpokration’s (he wrongly assumed that slaves needed to live with the master, so that those who did not were necessarily freedpeople).
- 27 Schenkl 1881, improving on his 1880, p. 217, where he had thought the *phialai* merely thank-offerings for victory in an (unspecified) court-case.

identified each *phialē* as (e) a tax for the “judicial establishment of freedom.”²⁸ In a footnote, he restored the fragmentary, non-stoichedon heading of *IG II² 1578* (published only a few years before, in 1879)²⁹ as follows, since “it really cannot be restored any other way.”³⁰

[Πολεμαρχοῦν]τος Δημοτέλους τοῦ Ἀντ[ι]μάχου Ἀλ[α]-
[ιέως δίκαι ἀπο]στασίου Ἑκατονβαιῶνος π[έμπτ]ει ἐπὶ [δ]έ[κα].

“Demoteles, son of Antimachos, of Halai, [was polemarch; the
dikai apo]stasiou on the fifteenth of Hekatombaion.”

Wilamowitz restored this heading only in passing, for he was pursuing another argument; it was for others, specifically for Carl Buck in 1888, to work out the details of what it might mean for the lists of *phialai*.

Buck did so by examining the second-century AD lexicographer Harpokration’s definition of the *dikē apostasiou* more closely than Schenkl had:³¹

δίκη τις ἐστὶ κατὰ τῶν ἀπελευθερωθέντων δεδομένη τοῖς ἀπελευθερώσασιν, ἐὰν ἀφιστῶνταί τε ἀπ’ αὐτῶν ἢ ἕτερον ἐπιγράφονται προστάτην, καὶ ἃ κελεύουσιν οἱ νόμοι μὴ ποιῶσιν· καὶ τοὺς μὲν ἀλόντας δεῖ δούλους εἶναι, τοὺς δὲ νικήσαντας τελῶς ἤδη ἐλευθέρους.

- 28 Wilamowitz-Möllerndorff 1887, p. 110 and n. 1; he also decided in n. 1 that the legal process was one in which an Athenian citizen “vindicated into freedom” a non-Athenian falsely treated as a slave (as the Roman *in libertatem vindicavit*), which to his mind explained the metic (not slave) nomenclature of the inscriptions. This interpretation was soon refuted by others, e. g., Kahrstedt 1934, p. 309, who noted that although this sort of intervention was purely the right of Athenian citizens, metics were found “prosecuting” in these inscriptions (**above n. 21**). Moreover, in Athens the legal action most closely resembling “vindication into freedom” was the *dikē aphaireseos*, a *dikē* of the (former) master against the (would-be) vindicator, not of or against the slave/freedman whose status was at issue: Lys. 23.9–10 and Is. fr. 18 (Loeb; fr. 16 Thalheim), with Harrison 1968, pp. 178–179; Rädle 1969, pp. 12–13; Scafuro 1994, p. 184 n. 16.
- 29 Koumanoudes 1879, pp. 528–530 no. 2, who had restored ἀπο]στασίου in the second line.
- 30 Wilamowitz-Möllerndorff 1887, p. 110 n. 1 (“...welche nicht wohl anders ergänzt werden kann”); Calderini 1908, p. 430 questioned this, but only by suggesting that [-]στασίου could have been part of a patronymic. [Ἄρ]χον]τος in line 1 is certainly unlikely, since the formula in the fourth century was ἐπὶ [name] ἄρχοντος, and here the name follows [-]τος.
- 31 Schenkl (1881, p. 169) had merely quoted this entry (s. v. ἀποστασίου) of Harpokration, to show that the freed were not entirely free, but could become so through this *dikē*. The Greek of Harpokration, here as elsewhere, is quoted from the 1853 text of Dindorf, reprinted in 1969. Harrison (1968, p. 185 n. 3 – but *not* when he quotes the same passage at p. 165 n. 1!) intimated that Harpokration’s text had read ἐπιστάτην, not προστάτην, and that προστάτην was a correction from Suidas (see **below n. 38**); I, however, see no sign in the textual tradition of Harpokration that the text ever read ἐπιστάτην. Pollux 8.35 (and 3.83) has a short definition similar to Harpokration’s; Suidas (s. v. ἀποστασίου δίκη) and *Synagoge Lexeōn Chresimōn* (1.434 Bekker) too give a very similar definition, and Suidas also adjusts the confusing final phrase to τοὺς δὲ νικήσαντας τελῶς λοιπὸν ἐλευθέρους (“they are completely free hereafter”), and then incorrectly adds that *apostasiou* was a *dikē* instituted by owners against slaves claiming freedom. The *Lexicon Rhetoricum* (1.201 Bekker) gives much the same wording but inserts “if they did not do what the laws require manumitted slaves to do for their manumitters” (ἃ κελεύουσιν οἱ νόμοι ποιεῖν τοὺς ἀπελευθέρους τοῖς ἀπελευθερώσασιν, μὴ ποιῶσι).

“...it is a kind of *dikē* against freedmen permitted to those who have freed them if they abandon them (their former owners) or register another person as overseer (*prostates*) and do not do the things that the laws command. And those who are condemned are necessarily slaves, but those who win are now completely free.”

And as Harpokration goes on to say, this *dikē* is found frequently (πολλάκις) “among the orators, in Lysias in his *For Aristodemus* and in Hypereides in his *Against Demetria for apostasis*. Aristotle’s *Constitution of the Athenians* writes about the polemarch as follows: ‘he introduces the *dikai apostasiou, aprostasiou*, inheritances, and heiresses.’”³² Buck zeroed in on the phrase about abandonment, and linked this to requirements in manumission inscriptions elsewhere for freed slaves to serve their former masters in various ways after manumission.³³ By explicating Harpokration’s definition from a perspective informed by manumission practices of the wider Greek world, especially Delphi in the Hellenistic period, Buck thought to justify and explain the role of the *dikē apostasiou* in these inscriptions, a role that Koehler had in passing rejected.³⁴

In 1901–1902, Marcus Tod published more of these inscriptions, endorsed Buck’s conclusions, noted that freedmen took on the legal status of metics, and summarized: “[w]e see, then, that the metics [i. e., metic-freedmen] who dedicated, whether in deference to law or to custom, the *φιάλαι ἐξελευθερικαί* had been accused by their patrons of failing to perform their duty to them. They had been acquitted, and were now metics pure and simple, having the privilege of free-born metics, that of choosing their own patrons.”³⁵ For him, those who had been freed are now truly free; the *phialē* is not a tax but a registration fee “paid to secure the inscription in a public place of the result of the trial;” and the trial might well have taken place by collusion, that is, by prior agreement between master and (former) slave – a form of reward for a faithful freedman, as manumission was a reward for a faithful slave.³⁶ In 1934, Ulrich Kahrstedt looked at *IG II² 1578* more closely. Deducing that the inscription, although only a fragment and with a heading already plausibly restored by Wilamowitz, had numerous entries in its list, he assumed that all these *phialai*-entries must have been the result of one day’s courtroom work –

32 The association of the polemarch with *apostasiou* (and *aprostasiou*) in [Ar.] *AP* 58.3, treated **below pp. 33–35**, is also repeated in Pollux 8.91.

33 Buck 1888.

34 In particular, Buck (1888, pp. 156–158) also sought to refute Koehler’s objection (in his *lemma* on *IG II.768*) that because metics prosecuted in these inscriptions (*inter homines enim, qui patronum fuisse dicendi essent, saepius, inquilini referuntur*) but could not be *prostatai* (because they were metics), and because *prostatai* had to prosecute in the *apostasiou*, the charge here could not be *apostasiou*. Koehler’s and Buck’s views are re-examined **below n. 59**.

35 Tod 1901–1902, p. 200; the basics of the argument – that these were dedications by those freed from obligation through the *dikē apostasiou* – were also endorsed by Clerc [1893] 1979, pp. 288–294 and Foucart, 1896, pp. 61–77.

36 Tod 1901–1902, pp. 201 and 202; Kränzlein (1975, p. 264) revives the notion of a fee (*Gebühr*) – for making use of the court in manumission. Todd (1993, p. 191) will later also cautiously endorse collusion.

the fifteenth of Hekatombaion, the day that appears in the heading of the inscription – and concluded that the legal actions that generated them could therefore not have been “real” court cases: “it is quite clearly,” he concluded, “a matter of an empty form that has developed out of the *dikē apostasiou* and dragged the name of *dikē* along with it, but is nothing more than the manumission itself.”³⁷ The master has freed the slave, then prosecutes him (or her) *apostasiou* but lets the case be dismissed at the trial, presumably by remaining silent; consequently the slave is declared free even of the requirement of having a *prostates*. Thus, “the whole business is the formal completion and registration...of the manumission.”³⁸ In this way, Kahrstedt combined a number of the preceding observations: the lists were of dedications that resulted from court-cases involving slaves who were freed – but these were not *real* court-cases; rather, what lay behind the lists was a denatured *dikē* that had become an administrative procedure by the last third of the fourth century. In short, not just a collusive but a fictive legal action, adapted from an existing *dikē* to give a former slave the security of public registration for his or her new status, and freedom from having any *prostates*.

Buck’s, Tod’s, and Kahrstedt’s formulations have been the basis of all of the subsequent interpretations of these inscriptions. Most, like Kahrstedt, see the “trials” as fictitious.³⁹ William Westermann reinforced Buck’s arguments by extending the parallel with the Delphic manumissions and emphasizing that the *apophugontes* were freedpeople now finally being “freed” from *paramonē*, the “obligation to stay and serve” the former master by agreement made at time of manumission and found often in the Delphic manumissions.⁴⁰ David Lewis suggested that *IG II*² 1560

37 Kahrstedt 1934, pp. 306–307 (“...es ist ganz deutlich, daß es sich gar nicht um wirkliche Prozesse handelt...Es handelt sich ganz offenbar um eine leere aus dem Prozeß ἀποστασίῳ entwickelte Form, die den Namen dieser δίκη fortschleppt, aber nichts mehr ist als die Freilassung selbst”). Strack (1914, pp. 24–25 n. 2) had thought these were not “wirkliche Prozesse” because the gift was always in the same amount, and too high for poor people.

38 Kahrstedt 1934, 307 (“[d]as ganze Verfahren ist die formale Vollziehung und Buchung...der Freilassung”). No freedman could, however, be entirely free of the requirement of having a *prostates*, since the freed were, juridically, metics (Harrison 1968, 185; *contra*, Zelnick-Abramovitz 2005, pp. 309–310); so Tod’s suggestion, above, that they are now free to choose their own *prostates* rather than necessarily having their former master as *prostates*, is better, Klees 1998, p. 346. Even if Harpokration had used *epistates* rather than *prostates* in describing the *dikē apostasiou* (see **above n. 31**), the use of this word sheds no light on this issue, and Zelnick-Abramovitz (2005, pp. 248–254), who believes that Harpokration did use *epistates*, concluded that *prostatai* and *epistatai* were metaphorical synonyms.

39 Calderini 1908, pp. 430–431; Diller 1937, pp. 146 n. 31, 148; Westermann 1955, p. 25; Lewis 1959, p. 237; Rädle 1969, pp. 16–21; Albrecht 1978, pp. 328–329. J. and L. Robert (1946–1947, p. 318 no. 87a) questioned fictitiousness.

40 Westermann 1946, pp. 96–97; the listing of the *phiale* was, for the freed, “sufficient public testimonial both of the original grant of freedom with *paramonē* and of the elimination of the *paramonē* residua [*sic*] of their former enslavement” (p. 97), and 100 dr. would cover tax, charges for court procedure, and a publication fee. He therefore follows Kahrstedt in thinking that the process made the freed entirely free (which is perhaps what he means in Westermann 1955, p. 18 when he discusses “those manumitted by the single procedure of *dikē apostasiou*” – or had he changed his mind?), while Harrison (1968, p. 183) believed, with Tod, that the successful completion of the

preserved in part a law that made the dedication of a *phialē* (as a registration fee) compulsory.⁴¹ Arnold Kränzlein argued that *IG* II² 1576 – which had a version of the formula lacking notation of *phialai* – gave a list of dedications resulting from the *dikē apostasiou*; all the others conveyed the results of simple manumissions performed “in the court” (ἐν τῷ δικαστηρίῳ), as mentioned in Isaeus fr. 18 (Loeb; fr. 16 Thalheim).⁴² According to Kränzlein, the two types of legal action were different, and only for the latter were fees of 100 dr. in the form of a silver *phialē* required.⁴³ Edward Cohen, arguing that these were first-time manumissions “in formalistic actions (*dikai apostasiou*),” has revived the suggestion of Koehler’s and Buck’s that the slaves involved were, in particular, the ones who “lived apart” (οἱ χωρὶς οἰκοῦντες) and would therefore have been able to pay for the silver *phialē* 100 dr. by weight – and, indeed, for the price of their own freedom.⁴⁴ In 1998 Hans Klees revived an idea of Adolf Wilhelm’s⁴⁵ and associated the *phialai* inscriptions with a Lycurgan law ([Plut.] *Mor.* 841f–842a), usually thought to refer to prisoners-of-war, which Klees read as forbidding any Athenian citizen or metic from buying freedmen convicted in the *dikē apostasiou* without the permission of their masters; the lists are to assist, in a way not entirely clear, with the enforcement of this law.⁴⁶ The most recent scholar to treat the subject, Rachel Zelnick-Abramovitz, sees the trials as genuine *dikai apostasiou* trials, the winners becoming “thoroughly free” (her definition of *exeleutherikos*) and paying a publication fee. She is the first to explore the consequences of the phrasing of *SEG* XXV.180 (Agora inv. I.5656), which makes clear that the trials took place with the assistance of five men; she posits that these cases were themselves heard among the “monthly trials,” since according to ‘Aristotle’ (*AP* 52.2) “the five” introduced these.⁴⁷ For over one hundred years, however, no one has doubted that these inscriptions are lists of dedications; that the dedications are those of slaves or ex-slaves, or possibly of their former masters; that the legal action, fictitious or otherwise, must be one specifically geared toward adjusting the slaves’ status in some way; that the legal action used was the *dikē apostasiou*; and that the lists are the result of a new, late fourth-century *polis* intervention – tax or publication fee – into what had been a private and unregulated arrangement between master and slave.

process freed the former slave “from any restrictions laid upon him at his original manumission,” and possibly granted him the right to choose his own *prostates*.

41 Lewis 1959, p. 237, and 1968, p. 376; Kahrstedt (1934, p. 309) had thought it implausible (“weniger wahrscheinlich”) that the dedication of a *phialē* was required by law.

42 Kränzlein (1975, 264) also thought *IG* II² 1578 did not include *phialai* in its formula, but see **Part II no. 29**. Is. fr. 18: although this oration was delivered in “a trial associated with” the *aphairesis eis eleutherian*, not manumission, as Zelnick-Abramovitz (2005, p. 284) points out, and the phrase may therefore refer, in a non-technical way, to the freedom indirectly granted by the successful defense of an *aphairesis* case.

43 Kränzlein 1975, p. 264.

44 Cohen 1998, quotation at p. 122; Koehler 1878, pp. 175–176; Buck 1888, pp. 155–156; also Diller 1937, p. 148. The legal action is, for Cohen, first-time but entirely complete manumission.

45 Wilhelm 1911, p. 9 (made in passing).

46 Klees 1998, pp. 334–354.

47 Zelnick-Abramovitz 2005, pp. 285–289.