

Servile Invective in Classical Athens

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Accusations or insinuations of slave history or ancestry — what I call ‘servile invective’¹ — were pervasive in classical Athenian oratory.² In this article, I examine this particular type of invective: more specifically, how it was used in law-court speeches, what effect it had on its audience,³ and perhaps most importantly, what it reveals about Athenian attitudes toward slavery and manumission.

Most remarkable in cases of servile invective are those instances where someone who is not remotely servile is called a slave or is accused of having slave parents. A striking example can be found in the speeches of Aiskhines and Demosthenes,⁴ in which the two politicians hurl accusations of servility at each other — despite the fact that both men are known to be Athenian citizens. In 347 and again in 346 BCE, an Athenian embassy, including both Demosthenes and Aiskhines, was sent to Philip II of Macedon to discuss and ratify the terms of the Peace of Philokrates. Upon the second embassy’s return, Demosthenes prosecuted Aiskhines for his actions on the two embassies, and in addition to the formal charges he leveled against Aiskhines, he also made a number of personal attacks. Thus, in his speech *On the False Embassy*, Demosthenes alludes twice to Aiskhines’ father’s lowly occupation as a schoolteacher (Dem. 19.249, 281) and three times to his mother’s (bizarre) religious practices (Dem. 19.199, 259-60, 281). Although he makes no full-fledged accusations of Aiskhines’ servility, he does say that his

¹ By ‘servile invective’, I refer only to character assassination, not to formal challenges to someone’s legal claim to freedom or citizenship (as we find, e.g., in Lys. 23).

² Very little work has been done on accusations of servility in the Athenian courtroom. The exceptions are few and brief: W. Süss, *Ethos: Studien zur älteren griechischen Rhetorik* (Leipzig, 1910) 247-8; D. Whitehead, *The Ideology of the Athenian Metic* (Cambridge, 1977) 116; J. Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton, 1989) 270-2; H. Yunis, *Demosthenes On the Crown* (Cambridge, 2001) 185.

³ The audience for law-court speeches was made up of a large body of jurors: usually 501 male citizens for public lawsuits (though sometimes it was 1001 or 1501 or even more), and 201 or 401 for private lawsuits. See S.C. Todd, *The Shape of Athenian Law* (Oxford, 1995) 83.

⁴ On characterization in the paired speeches of Aiskhines and Demosthenes, see I. Bruns, *Das literarische Porträt der Griechen* (Berlin, 1896) 570-85; G.D. Rowe, ‘The Portrait of Aeschines in the Oration on the Crown’, *TAPA* 97 (1966) 397-406; E.M. Burke, *Character Denigration in the Attic Orators, with Particular Reference to Demosthenes and Aeschines* (Diss. Tufts University, 1974) ch. 4-7; A.R. Dyck, ‘The Function and Persuasive Power of Demosthenes’ Portrait of Aeschines in the Speech On the Crown’, *G&R* 32 (1985) 42-8; P. Easterling, ‘Actors and Voices: Reading Between the Lines in Aeschines and Demosthenes’, in: S. Goldhill and R. Osborne (eds.), *Performance Culture and Athenian Democracy* (Cambridge, 1999) 154-66; N. Worman, ‘Insult and Oral Excess in the Disputes between Aeschines and Demosthenes,’ *AJP* 125 (2004) 1-25 (= N. Worman, *Abusive Mouths in Classical Athens* [Cambridge, 2008] ch. 5).

opponent shrank from uttering a few accusatory words that ‘even a slave (ἄνθρωπος) bought yesterday’ would be able to utter (Dem. 19.209), and indeed that he was a *doulos*, a slave, in the face of such words (δοῦλος ἦν τῶν ῥημάτων τούτων. Dem. 19.210). This is what I might call fairly mild servile invective: Demosthenes only hints at Aiskhines’ parents’ base status, and his allegations about Aiskhines’ servility are more metaphorical than literal.

Aiskhines, in turn, replies to Demosthenes’ speech with more direct insinuations of servility. Significantly, he harps on Demosthenes’ alleged Scythian ancestry, saying in one instance, ‘you, Demosthenes, being by race of the nomad Scythians on your mother’s side’ (Aiskh. 2.78), and in another, addressing the jury, ‘I beg you to save me, and not hand me over to the logographer and the Scythian’ — that is, Demosthenes (Aiskh. 2.180). The allegation of being Scythian has two main implications, each of which Aiskhines elaborates in further accusations. One is that as a Scythian, Demosthenes is a barbarian *par excellence*,⁵ and he is referred to as a barbarian elsewhere in the speech as well: for instance, Aiskhines says that fortune ‘has cast my lot with a person who is a sycophant and a barbarian (βάρβαρος)’ (Aiskh. 2.183). Through these sorts of accusations of ‘foreignness’, Aiskhines suggests that Demosthenes does not have a genuine claim to Athenian citizenship. In fact, he sometimes makes this particular charge directly, as for example when he says that Demosthenes ‘is not of this land (ἐπιχώριος) — for it must be said! — nor our kin (ἐγγενής)’ (Aiskh. 2.22).⁶ A second implication of the Scythian charge has to do with the particular connotations of Scythians at Athens. At least in the fifth century BCE, the city’s police force consisted of 300 Scythian slave-archers, who were always recognizable as such, especially with their distinctive Scythian clothing.⁷ ‘Scythian’, then, likely had the coloring not only of ‘barbarian’ but also of ‘slave’.⁸ This reading is substantiated by the fact that Aiskhines calls Demosthenes a slave outright, ‘servile and nearly a branded runaway!’ (ἀνδραποδῶδης καὶ μόνον οὐκ ἐστιγμένος αὐτόμολος. Aiskh. 2.79).⁹ Aiskhines’ use of

⁵ According to F. Hartog, *The Mirror of Herodotus: The Representation of the Other in the Writing of History*, tr. J. Lloyd (Berkeley, 1988), the Scythians are the ultimate Other in Herodotos’ *Histories*, against whom the Greeks defined themselves.

⁶ See also Aiskh. 2.87, 93, 150, 171.

⁷ For a discussion of the Scythian archers, see O. Jacob, *Les esclaves publics à Athènes*. Bibliothèque de la faculté de philosophie et lettres de l’université de Liège, 35 (Liège, 1928); V. Hunter, *Policing Athens: Social Control in the Attic Lawsuits, 420-320 B.C.* (Princeton, 1994) 145-8. For the costume of Scythians, see Jacob, *Les esclaves publics* 55-66; as seen in vase paintings, see M.F. Vos, *Scythian Archers in Archaic Vase-Painting*. Archaeologica Traiectina, 6 (Groningen, 1963) 40-8.

⁸ See also Harpocration, who describes δημόσιοι (public slaves) as ‘Thracians or other barbarian slaves (δοῦλοι)’.

⁹ For other insinuations of servility, see Aiskh. 2.23, 127.

the word *andrapodôdês*, ‘being like an *andrapodon* (chattel slave)’,¹⁰ and his addition of colorful details like *estigmenos* make the description quite vivid.¹¹

We next see Aiskhines and Demosthenes ramping up their invective seven years later in their paired speeches on the crown. In 336 BCE, the Athenian orator Ktesiphon proposed that a crown be awarded to Demosthenes for his services to the city; and six years later, Aiskhines prosecuted Ktesiphon, alleging that he had made an illegal proposal. In his speech *Against Ktesiphon*, Aiskhines speaks at length about Demosthenes’ ancestry, tracing his family tree through his maternal grandfather, who, Aiskhines alleges, married a Scythian woman (Aiskh. 3.171-2). From this lineage, Aiskhines concludes that ‘from his mother, he is a Scythian, a Greek-speaking barbarian; thus his baseness, too, is not of this land’ (ἀπὸ τῆς μητρὸς Σκύθης βάρβαρος ἐλληνίζων τῇ φωνῇ· ὅθεν καὶ τὴν ποινηρίαν οὐκ ἐπιχώριός ἐστι. Aiskh. 3.172). Because Demosthenes is a “barbarian”, Aiskhines suggests that he is not a citizen (as he also implied in *On the Embassy*), and as such, that he does not have the citizens’ interests at heart: indeed, he says that ‘a man who does not love the persons (σώματα) nearest and dearest to him will never consider you important, since you are outsiders (ἀλλοτρίους)’ (Aiskh. 3.78). Of interest here is not only the allegation of foreignness (the Athenians are *allotrioi* to him), but also the use of the word *sômata*, which can mean both ‘bodies’ or ‘persons’, and ‘slaves’.¹² Aiskhines’ reference to Demosthenes’ nearest and dearest as *sômata* may indirectly suggest Demosthenes’ ‘servile’ family connections. Finally, Aiskhines insinuates once again that Demosthenes is somehow servile when he asserts, ‘I think you would all agree that these traits must belong to a democrat: first, he must be free (ἐλεύθερον) both on his father’s side and on his mother’s ...’ (Aiskh. 3.169). The implication, of course, is that Demosthenes is not *eleutheros*, not free.

Demosthenes, in his speech *On the Crown*, strikes back with personal attacks considerably more brutal than the invective he used in his speech *On the False Embassy*. In one particularly vivid passage he asks, rhetorically, if he should begin with

how your father Tromes was a slave (ἐδούλευε) to Elpias, who taught elementary school near the Temple of Theseus, wearing thick fetters and a wooden collar? Or how your mother, practicing midday “marriages” in the shed next to the shrine of the bone-setter *hêrôs*,¹³ raised you, her pretty doll and excellent bit-part actor? ... For recently — recently, I say? Yesterday or the day before he became both an Athenian and an orator, and adding two syllables made his father Atrometos instead of Tromes, and made his mother, quite loftily, into Glaukothea, who everyone knows is called Empousa, obviously

¹⁰ On *andrapodon*, see, e.g., F. Gschnitzer, *Studien zur griechischen Terminologie der Sklaverei*, vol. I: *Grundzüge des vorhellenistischen Sprachgebrauchs* (Wiesbaden, 1963) 12-16.

¹¹ On *stigmata*, see C.P. Jones, ‘Stigma: Tattooing and Branding in Graeco-Roman Antiquity’, *JRS* 77 (1987) 139-55. For the inscription of slave bodies, see especially the work of P. duBois: ‘Inscription, the Law, and the Comic Body’, *Métis* 3 (1988) 69-84; *Sowing the Body: Psychoanalysis and Ancient Representations of Women* (Chicago, 1991 [1988]) 158-60; *Torture and Truth* (New York - London, 1991) 69-74; *Slaves and Other Objects* (Chicago, 2003) 101-13.

¹² See Steph. Byz. s.v. σώμα.

¹³ Dils (OCT) prints τῷ καλαμίτῳ ἥρω, hence my translation. This phrase has alternatively been read as ‘the hero Kalamites’ or ‘Heros the bone-setter’.

getting this nickname because she did everything and let everything be done to her. Where else could it have come from? But you are so ungrateful and base by nature that, having become free from slave and rich from beggar (ἐλεύθερος ἐκ δούλου καὶ πλούσιος ἐκ πτωχοῦ) through these men, not only do you show them no gratitude, but hiring yourself out (μισθώσας) you conduct politics against them. (Dem. 18.129-31)

Here Demosthenes claims, quite explicitly, that Aiskhines' father was a slave, and that his mother was a low-class, by implication servile, prostitute. The allegation that Aiskhines has hired himself out, *misthōsas*, while referring on the most superficial level to Aiskhines' service to Philip, also calls to mind hired-out slaves (the *andrapoda misthophorounta*)¹⁴ and (slave) prostitutes, who lease out their bodies. Aiskhines is also, significantly, alleged to have crossed a number of status boundaries — 'free from slave and rich from beggar' — a trope we will soon see is fairly common.

In other passages, Demosthenes suggests that Aiskhines behaved in a servile manner as a child: 'Serving along with your father at the elementary school, grinding the ink, wiping the benches, and sweeping the schoolroom, holding the position of a domestic servant (οἰκέτου), not of a freeborn (ἐλευθέρου) boy' (Dem. 18.258). *Oiketês*, while not as colorful as the term *andrapodôdês* used by Aiskhines, is, like *andrapodôdês*, a term used to refer only to slaves (at least in the classical period).¹⁵ More specifically, it calls to mind the particular kind of slave — the domestic servant — that many of the jurors had at home. Furthermore, Demosthenes argues that because of Aiskhines' parentage, his own claim on citizenship is questionable: 'After you were enrolled among the demesmen in some way or other — I will let that pass — in any case, after you were enrolled, you immediately chose the most "noble" of professions: clerk and servant (ὑπηρετεῖν) to minor officials' (Dem. 18.261). Even Demosthenes' choice of the verb *hupêretein*, which can be used of both free servants and slaves,¹⁶ may represent a subtle instance of servile invective in this context.

Despite these accusations and insinuations of servility, however, we know, and the Athenian jury likely knew, that both Demosthenes and Aiskhines were full-fledged Athenian citizens. (After all, only citizens were allowed to deliver speeches in most types of court cases.¹⁷) It is conceivable, though far from certain, that Demosthenes had Scythian blood on his mother's side, but even if he did, it did not necessarily affect his entitlement to Athenian citizenship.¹⁸ Moreover, no scholars take seriously

¹⁴ On this class of slaves, see E. Perotti, 'Contribution à l'étude d'une autre catégorie d'esclaves attiques: les ἀνδράποδα μισθοφοροῦντα', in: *Actes du colloque 1973 sur l'esclavage* (Paris, 1976) 181-94; E.G. Kazakévich, 'Were the χωρὶς οἰκοῦντες Slaves?' (ed. D. Kamen) *GRBS* 48 (2008) 343-80.

¹⁵ On *oiketês*, see, e.g., Gschnitzer, *Studien zur griechischen Terminologie* (n. 10 above) 16-23.

¹⁶ See, e.g., Gschnitzer, *Studien zur griechischen Terminologie* (n. 10 above) 5.

¹⁷ Starting in the fourth century, non-citizens could deliver speeches in certain kinds of commercial lawsuits, e.g. *dikai emporikai*. On these *dikai*, see, e.g., E.E. Cohen, *Ancient Athenian Maritime Courts* (Princeton, 1973) and, more recently, A. Lanni, *Law and Justice in the Courts of Classical Athens* (Cambridge, 2006) ch. 6.

¹⁸ See, e.g., C. Carey, *Aeschines. The Oratory of Classical Greece*, vol. 3 (Austin, TX, 2000) 102 n. 40, 223 n. 194.

Demosthenes' accusations of Aiskhines' servile roots.¹⁹ Indeed, if we are to take Aiskhines at his word, his father was freeborn, even an exemplary Athenian citizen (Aiskh. 2.147, 191), and his mother came from citizen stock (Aiskh. 2.148). This is a very different portrait than Demosthenes paints.

II

The question then arises: how could such completely groundless attacks have been made? It is true that the Greeks had a different standard of proof than we do; they did not consider things like character evidence irrelevant.²⁰ But even so: it is one thing to imply that your opponent is, say, greedy or effeminate, another to insinuate or state outright that he is a slave when everyone knows that he is not. So how did Aiskhines and Demosthenes get away with it? And, given that they apparently did, what kind of effect did this rhetoric have on the jurors?

To answer these questions, we have to look at the origins of servile attacks in the courtroom. Phillip Harding has convincingly argued that one source for unfounded name-calling and personal attack in the Athenian courtroom was the comic stage. One example he gives is the case of Hyperbolos, son of Antiphanes, from the deme Perithoides,²¹ who was the last Athenian to be ostracized.²² Despite the fact that Hyperbolos was clearly a citizen, born and bred, a handful of comic poets accuse him of being a foreigner, and, by implication, of being of servile stock: The comic poet Plato says that Hyperbolos is Lydian; the comic poet Polyzelos, Phrygian; still others, Syrian.²³ The comic Plato insinuates more directly that Hyperbolos is a slave when he says that ostracism 'was unworthy of him and his brands' (αὐτοῦ δὲ καὶ τῶν στιγμάτων ἀνάξια. Plu. *Nik.* 6.6),²⁴ with reference made (again) to the *stigmata* that often marked the bodies of slaves. This invective against Hyperbolos, obviously popular on the comic stage, seems to have been picked up by speakers in the Athenian courtroom. Andokides says, in a speech of which only one fragment remains: 'I am ashamed to speak of Hyperbolos, whose father, a branded slave (ἐστιγμένος), is still, even now, a slave (δουλεύει) at the public mint, and he himself, a foreigner and barbarian (ξένος ὦν καὶ

¹⁹ See, e.g., J.K. Davies, *Athenian Propertied Families, 600-300 B.C.* (Oxford, 1971) no. 14625 II.

²⁰ On relevance, see P.J. Rhodes, 'Keeping to the Point', in: E.M. Harris and L. Rubinstein (eds.), *The Law and the Courts in Ancient Greece* (London, 2004) 137-58; Lanni, *Law and Justice* (n. 17 above) ch. 3. On topoi used for characterization, see Süß, *Ethos* (n. 2 above) 247-54; C. Carey, 'Rhetorical Means of Persuasion', in: I. Worthington (ed.), *Persuasion: Greek Rhetoric in Action* (London - New York, 1994) 26-45; P. Harding, 'Comedy and Rhetoric', in: Worthington (ed.), *Persuasion* 196-221.

²¹ On Hyperbolos, see Davies, *Athenian Propertied Families* (n. 19 above) no. 13910; P. Brun, 'Hyperbolos, la création d'une "légende noire"', *DHA* 13 (1987) 183-98.

²² See Plut. *Nik.* 6, *Alk.* 13.

²³ Plato *Poeti Comici Graeci*, eds. R. Kassel and C. Austin, Berlin - New York 1983- (= *PCG*) vii fr. 185 (Lydian); Polyzelos *PCG* vii fr. 5: (Phrygian); Schol. Aristoph. *Peace* 692: 'some say he is a Syrian'.

²⁴ = Plut. *Alk.* 13.5 (Plato Comicus). Cf. Kratinos *PCG* iv fr. 81: Kallias, not literally a slave, is called a στιγματίας.

βάρβαρος), is a lamp-maker.²⁵ Thus, despite the fact that Hyperbolos was widely known to be of freeborn citizen stock, Andokides — and likewise other orators, in other cases — could get away with these sorts of unfounded allegations ‘in the name of humour’.²⁶

So, comedy was clearly one source for servile invective. Yet another source, I would like to argue, was the practice of attacking, in court and elsewhere, people whose status — unlike that of Aiskhines or Demosthenes or even Hyperbolos — was in fact tainted with servility: that is to say, people who had once been slaves themselves or were at least descended from slaves.

The simplest form of this sort of invective, pure name-calling or *aischrologia*, involved calling a freedman a slave, with the implication being “still a slave”.²⁷ We find the remarkable statement in Athenaeus that ‘Khrysispos says that a slave (δοῦλον) differs from a domestic servant (οἰκέτου) in that freedmen (ἀπελευθέρους) are still slaves (δοῦλους ἔτι), whereas those who have not been released from ownership are domestic servants’ (Athen. 6.267b). We probably should not take Khrysispos’ statement entirely literally, but it does seem to indicate that freed slaves were sometimes called slaves.²⁸ Indeed, this use of slave terminology to refer to freedmen is particularly prevalent in the Attic orators.²⁹ Thus, for instance, in a speech of Isaios, the speaker calls an associate of his opponents, the *hetaira* Alkê, a *doulê*, although it is suggested elsewhere in the speech that she is a freedwoman (Is. 6.49).³⁰ In another case, Demosthenes twice refers to the freedman Lykidas, the former slave of Khabrias, as a *doulos* (Dem. 20.131-3), even though Lykidas is not only freed but also a *proxenos*, a fairly lofty position.³¹

But servile invective was not limited to passing references to freedmen as slaves. More extended attacks are found, for instance, against Phormion in the speeches of Apollodoros.³² Pasion, Apollodoros’ father, was a famous slave banker who was freed and made a citizen. Apollodoros was a minor at the time of his father’s naturalization, but because grants of citizenship were generally extended to one’s descendants, he was

²⁵ Schol. Aristoph. *Wasps* 1007 = Andok. F 5 Blass.

²⁶ Harding, ‘Comedy and Rhetoric’ (n. 20 above) 201.

²⁷ See S.C. Todd, ‘Status and Contract in Fourth-Century Athens’, in: G. Thür (ed.), *Symposium 1993: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*. Granz-Andritz, September 12-16, 1993 (Cologne, 1994) 125-40, who calls the ‘coincidence of terminology used to describe slave and ex-slave’ at Athens ‘striking’.

²⁸ On Khrysispos’ statement, see also R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*. Mnemosyne Suppl. 266 (Leiden, 2005) 37-8; Kazakévich, ‘Were the χωρὶς οἰκοῦντες Slaves?’ (n. 14 above) 364-5.

²⁹ As Todd, *Shape of Athenian Law* (n. 3 above) 193 puts it: ‘Slave distinctions in the orators are notoriously casual, and persons who have been slaves, or who have operated in spheres with which slaves are normally associated, are regularly described as if they are (still) slaves themselves.’

³⁰ W. Wyse, *The Speeches of Isaeus* (New York, 1904) 537 *ad* Is. 6.49 asserts that ‘to call a freedwoman ... a “slave” is a pardonable license’, but he does not explore why such language was used.

³¹ Lykidas may even have been naturalized as well as granted *proxenia*: Schol. Dem. 20.133.

³² The most complete discussion of Apollodoros is J. Trevett, *Apollodoros, the Son of Pasion* (Oxford, 1992).

already a citizen by the time he came of age.³³ And Phormion was a freed slave of Pasion's, who, upon Pasion's death, married Apollodoros' mother Arkhippê. For a number of reasons, Apollodoros resented his stepfather and ultimately prosecuted him (unsuccessfully) for embezzling money from Pasion's bank.

Often Apollodoros declares that the freedman Phormion is (in some sense) still a slave. In ca. 351 BCE, in his first speech delivered *Against Stephanos* ([Dem.] 45) for false testimony (Stephanos had testified on behalf of Phormion in a previous suit), Apollodoros explicitly calls Phormion a *doulos* on at least five occasions.³⁴ Another tack of Apollodoros' is to refer repeatedly to Phormion's purchase day. In so doing, he reminds the jurors precisely what a freed slave once was and perhaps in a sense still is:³⁵ a mere *sôma*, an object for sale on the slave block. Sometimes Apollodoros' allusions to Phormion's purchase are brief — e.g. 'You were a barbarian when you were purchased' (βάρβαρος γὰρ ἐωνήθης. [Dem.] 45.81) — but at other times the description is more elaborate. For instance, when Apollodoros points out that Phormion is married to his own mistress (δέσποιναν), 'who scattered fruits and nuts over him when he was bought (ἐωνήθη)' ([Dem.] 45.74), he compels the jurors to visualize the integration of Phormion, as a slave, into the *oikos*.³⁶ Later on, he calls to mind Phormion's purchase day yet again, when he says that Phormion is 'base, men of Athens, base and unjust, and has been from the beginning, ever since [he left] the Anakeion' ([Dem.] 45.80), the place where slaves were often sold.

On other occasions, Apollodoros essentially treats Phormion as if he were still a slave. For instance, he says that Phormion 'ought to be in the mill rather than become master of the rest of the property' ([Dem.] 45.33) that was being disputed; and in saying this, he threatens Phormion with a punishment (namely, performing hard labor, often in chains, in the mill) that was not only marked as 'servile', but that was also one of the worst punishments possible for a slave.³⁷ In fact, throughout the speech, Apollodoros strategically elides the temporal distinction between current and former slaves. In one of the clearest examples, he says:

If only each of you might consider what domestic servant (οἰκέτην) he left at home and imagine that you have suffered from him the same things that we have suffered from this man [i.e. Phormion]. Do not consider that each of them is Syros or Manes or something else, while this man is Phormion. The matter is the same: they are slaves (δοῦλοι), and he was a slave (δοῦλος); you are masters, and I was master. ([Dem.] 45.86)

³³ See, e.g., M.J. Osborne, *Naturalization in Athens*, vol. III-IV: *Testimonia: The Law and Practice* (Brussels, 1983) 150-4.

³⁴ Phormion called a *doulos*: see [Dem.] 45.75, 76, 83, 84, 85; cf. [Dem.] 45.27, 35.

³⁵ On the impossibility of ever fully escaping servility in ancient Greece, see Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above).

³⁶ On the scattering of sweetmeats over newly purchased slaves, see, e.g., Aristoph. *Wealth* 768 with scholia; Poll. 3.77; Harp. and Suid. s.v. καταχύσματα. On the emphasis placed on a free woman marrying a slave, see also [Dem.] 45.39.

³⁷ On servile punishments, see, e.g., V. Hunter, 'Constructing the Body of the Citizen: Corporal Punishment in Classical Athens', *Échos du monde classique/Classical Views* 36 (1992) 271-91.

Phormion is, in this way, presented as being as servile as (or nearly as servile as) the jurors' slaves — that is, slaves who have not yet been freed. At the same time, however, when Apollodoros argues that Phormion is harming the very people who helped him attain his current status (namely, Apollodoros' family), he is compelled to admit that Phormion is now a citizen:³⁸

It is terrible (δεινόν), then, oh Earth and the gods, and beyond terrible, that he should allow those men — who made him Greek instead of barbarian and notable instead of chattel (τοὺς Ἑλληνα μὲν ἀντὶ βαρβάρου ποιήσαντας, γνώριμον δ' ἀντ' ἀνδραπόδου), who led him to such great wealth — to be in the direst straits while he has means and is rich. ([Dem.] 45.73)

We should notice here the emphasis placed on the transitions, themselves also in a sense 'terrible', that Phormion is said to have made: Greek from barbarian, notable from servile, wealthy from poor.

Apollodoros' use of this sort of invective may, as some scholars have argued, stem in part from insecurities about his own status,³⁹ since he was himself the son of a freed slave turned naturalized citizen. We do know that Apollodoros' crossing of status boundaries attracted negative attention, primarily because of his tremendous financial success and political activity.⁴⁰ Thus in one instance, the citizen Polykles — who declined to relieve Apollodoros of his duties as trierarch — merely laughed off Apollodoros' extra expenses and said, using what was apparently a current aphorism,⁴¹ 'The mouse has just tasted the pitch: for he wanted to be an Athenian' ([Dem.] 50.26). That is, Apollodoros, like the over-ambitious mouse, had gotten himself stuck in a pitch-pot — in his case, the liturgical services required of wealthy Athenians. Moreover, Apollodoros' hypocrisy did not go unnoticed. An anonymous pleader for Phormion points out that by attacking others for their servile past, Apollodoros was only harming himself:

You have come to such a pitch of insanity (what else might one say?) as not to perceive that even now we — in thinking it right that, since Phormion has been freed, it should not be remembered against him that he once belonged to your father — are speaking in your interest; while you — in thinking it right that he should never be equal to you — are speaking against yourself. For whatever you establish as just for yourself against Phormion will be used against you by those who were, at the beginning, the possessors of your father. ([Dem.] 36.48)

We might summarize this somewhat elaborate argument with an aphorism of our own: People in glass houses should not throw stones. However, while a psychological explanation may in part account for Apollodoros' use of servile invective — that is, that

³⁸ For further acknowledgment that Phormion is now a citizen, see [Dem.] 45.64-5, 46.13.

³⁹ For such psychological readings of Apollodoros, see Osborne, *Naturalization in Athens* (n. 33 above), vol. III-IV 48 n. 126, 196; Trevett, *Apollodoros* (n. 32 above) 160 (on [Dem.] 45.71-86); P. Cartledge, *The Greeks: A Portrait of Self and Others* (Oxford, 2002 [1993]) 170.

⁴⁰ See also Trevett, *Apollodoros* (n. 32 above) 177-8.

⁴¹ This proverbial expression is seen also in Theokr. 14.51 and Herod. 2.62-3; it is explained by various later sources, including Diogenian. 1.72.

he wanted to distance himself from his servile roots — it cannot be the only explanation, especially since Apollodoros was far from being the only person to use this sort of rhetoric.

Indeed, the kind of invective used by Apollodoros seems to have been relatively commonplace in the Athenian courtroom. So, for example, in Lysias' speech *Against Nikomakhos* (399 BCE), the speaker accuses a certain Nikomakhos of abuse of power. (Nikomakhos was an under-secretary involved in the revision of the law code at the turn of the fourth century.) Before any of the formal charges against Nikomakhos, we find a remarkable bit of *praeteritio*: 'Now, to say how Nikomakhos' father was a public slave (δημόσιος), and what this man's [i.e. Nikomakhos'] practices were when he was a young man,⁴² and how old he was when he was admitted to his clan, would be a lot of work' (Lys. 30.2). In fact, throughout the speech, we hear about the servile status of Nikomakhos' father, and about how this ancestry reflects on Nikomakhos himself, for example: 'It is necessary for you, therefore, gentlemen of the jury, to remember the ancestors of Nikomakhos, whoever they were' (Lys. 30.6); 'if it is fitting for this man to be put to death on his own account, it is fitting for him to be sold on account of his ancestors' (Lys. 30.27); and 'on his father's side he has no relationship with the city' (Lys. 30.29). Not only that, but Nikomakhos himself is explicitly called a slave: 'You've come to such a pitch of insolence that you consider the things of the city to be yours, being yourself its slave (δημόσιος)' (Lys. 30.5). Whatever the depth of Nikomakhos' slave roots — either because of his father's servile history, or because he was himself once a slave — he is accused of making a number of troubling transitions: 'from a slave he has become a citizen, from a beggar rich, and from an under-clerk a lawgiver' (ἀντὶ μὲν δούλου πολίτης γεγένηται, ἀντὶ δὲ πτωχοῦ πλούσιος, ἀντὶ δὲ ὑπογραμματέως νομοθέτης. Lys. 30.27). This language of problematic boundary crossing is significant, and it should remind us of the similar language used by Demosthenes against Aiskhines — 'free from slave, rich from beggar' — and also by Apollodoros against Phormion — 'Greek instead of a barbarian, notable instead of chattel'.

We find slightly different servile invective used in another speech of Lysias', *Against Agoratos* (ca. 399 BCE). In this speech, a certain Agoratos is held responsible for the killing of Dionysodoros, one of the victims of the Thirty Tyrants. He is also, as it happens, a former slave who claims to have been granted citizenship for his service to the *dêmos*.⁴³ The speaker twice refers to Agoratos as a 'slave and son of slaves', a popular refrain that was also used — at least later — to slander known citizens (see, e.g., Dem. 22.61, 68, delivered in the mid 350s BCE).⁴⁴ At any rate, the speaker says about Agoratos: 'not that he was their [i.e. the Thirty Tyrants'] accomplice, men of Athens, in

⁴² Todd, *Shape of Athenian Law* (n. 3 above) 112 suggests that the charge is a veiled reference to Nikomakhos' reckless youth, filled with revelry and sexual escapades, comparable to accusations made by Lysias against Alkibiades (Lys. 14.25-8) and by Aiskhines against Timarkhos (Aiskh. 1.39-69). I think it might also refer to his banausic means of earning a living.

⁴³ He was rewarded either for helping to assassinate the oligarch Phrynikhos in 411 or for joining the democrats at Phyle in 404/3.

⁴⁴ Whitehead, *The Ideology of the Athenian Metic* (n. 2 above) 115 calls *doulos kai ek doulôn* a 'courtroom cliché [which] seems almost to mean "irredeemably steeped in servile blood" '.

any way (for presumably they were not so foolish and friendless that concerning such important business they would have sent for Agoratos, slave and son of slaves [δοῦλον καὶ ἐκ δούλων], as trustworthy and well-disposed), but this man seemed to them to be a suitable informer' (Lys. 13.18). And later the speaker says, 'You must know that he is a slave and son of slaves (δοῦλον καὶ ἐκ δούλων) ... The father of this man was Eumares, and this Eumares belonged to Nikokles and Antikles' (Lys. 13.64). At the same time, however, despite the speaker's references to Agoratos as a slave, through and through, he nonetheless (indirectly) concedes the fact that Agoratos is no longer a slave. For instance, he cites a decree granting citizenship to the assassins of Phrynikhos, pointing out that nowhere in the inscription is it written 'Agoratos is to be a citizen' (Lys. 13.72). But this decree *does* name Agoratos, and it grants him, at the very least, privileged free status.⁴⁵ Similarly, we have seen that both Nikomakhos and Phormion are admitted by their opponents to be citizens, even while they are simultaneously called slaves.

III

Thus, in all of these cases, those who are accused of being "servile" are in fact no longer slaves: in all cases either they or their parents have been manumitted, and often they have been naturalized too. Servile invective, then, seems originally to have been a way of attacking not slaves *per se* but people who had once been slaves, or born of slaves, and who had recently made the transition — the troubling transition — to freedom. As such, I would like to argue, this rhetoric seems to indicate an underlying Athenian anxiety about slaves overstepping the bounds of their "natural" status.

After all, the notion of slaves transgressing status boundaries was not purely hypothetical at this time: in the late fifth century, and especially in the fourth century, manumission in Athens was on the rise.⁴⁶ Indeed, slaves could be freed in a number of different ways.⁴⁷ Sometimes a master freed his slaves, which he could do through a simple verbal declaration.⁴⁸ He could do so posthumously, through a will.⁴⁹ He could do so through the "sale" of his slave to a third party, with the understanding that the third party would then free the slave.⁵⁰ He could even free his slave through proclamation by a

⁴⁵ For this decree, see *IG* I³ 102, along with M.J. Osborne, *Naturalization in Athens*, vol. I (Brussels, 1981) 28-30; vol. II (Brussels, 1982) 16-21 (D2).

⁴⁶ Documentation for manumission in classical Athens is limited, but we do have inscriptional evidence from the late fourth century BCE recording hundreds of freed slaves' dedications of *phialai* to Athena; these freedmen and freedwomen seem to have made dedications after winning (possibly fictive) *dikai apostasiou* against their former masters, thus attaining full freedom. See D.M. Lewis, 'Attic Manumissions', *Hesperia* 28 (1959) 208-38; 'Dedications of Phialai at Athens', *Hesperia* 37 (1968) 368-80; but cf. E. Meyer, *Athenian Phialai-Inscriptions: A Study in Athenian Epigraphy and Law* (Stuttgart, forthcoming).

⁴⁷ The most recent comprehensive work on manumission in ancient Greece is Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above); I also treat Greek manumission in a forthcoming project. I am omitting here discussion of "sacral" manumission, of which we have very few traces in classical Athens.

⁴⁸ See H. Rädle, *Untersuchungen zum griechischen Freilassungswesen* (Diss. Munich, 1969) 10-12; Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above) 74.

⁴⁹ See Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above) 74-5.

⁵⁰ See Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above) 81-2.

herald, a practice that seems to have involved a performative utterance delivering the slave into freedom.⁵¹ Often this was conducted in front of a large audience at the City Dionysia — at least until the middle of the fourth century, when public announcements in the theater apparently became so common (and so distracting) that ‘some legislator’ (we are not told who) forbade this practice (Aiskh. 3.41-2).

In addition to such instances of masters manumitting their own slaves — what is sometimes referred to as “private” manumission — we also find cases in which the Athenian *polis* itself freed both privately and publicly owned slaves. These instances of “public” manumission, although somewhat rare, could entail the manumission of large numbers of slaves and generally occurred in times of crisis. So, for example, slaves were sometimes freed for their service in wartime. The earliest attested example is the freeing of slaves who fought for Athens in the Battle of Marathon (490 BCE).⁵² However, perhaps the best-known case of military manumission took place during the Peloponnesian War, before the large naval battle between Athenian and Spartan fleets at Arginousai in 406 BCE. Because their fleet was numerically weaker in this endeavor, the Athenians not only drafted slaves but also freed them and granted them citizenship, along with other foreigners who took part.⁵³ (Similar measures were taken by Thrasyboulos after the battle of Mounikhia, and by Hypereides after the battle of Khaironeia, to which I will return shortly.⁵⁴) The *polis* also periodically freed slaves who offered up information in particular types of lawsuits. In Athens, these were cases primarily pertaining to religious offenses,⁵⁵ transgressions the *polis* took very seriously. For instance, after the mutilation of the Herms and the defamation of the Mysteries in 415 BCE, the *polis* rewarded anyone who came forward with information: money was offered to free people, and freedom was offered to slaves.⁵⁶ Thus we find “public” manumission taking place in extraordinary circumstances — namely, when the *polis*’ corporate interests were threatened, whether it was in wartime or in the case of some sort of religious transgression that might pollute the entire city.

⁵¹ See H. Rädle, ‘Freilassung von Sklaven im Theater (Inscriptliche Zeugnisse)’, *RIDA* 18 (1971) 361-4; Zelnick-Abramovitz, *Not Wholly Free* (n. 28 above) 71-2; M.-M. Mactoux, ‘Regards sur la proclamation de l’affranchissement au théâtre à Athènes’, in: A. Gonzales (ed.), *La fin du statut servile? (Affranchissement, libération, abolition...): Hommage à Jacques Annequin*, vol. II. XXX^e colloque du GIREA. Besançon, December 15-17, 2005 (Besançon, 2008) 437-51.

⁵² See P. Hunt, *Slaves, Warfare and Ideology in the Greek Historians* (Cambridge, 1998) 27 n. 5 for bibliography.

⁵³ See P. Hunt, ‘The Slaves and Generals of Arginusae’, *AJP* 122 (2001) 359-80; H.-M. Tamiolaki, ‘La libération et la citoyenneté des esclaves aux Arginusae: Platéens ou Athéniens? Un vers controversé d’Aristophane (*Gren.* 694) et l’idéologie de la société athénienne’, in: Gonzales (ed.), *La fin du statut servile?* (n. 51 above) 53-63.

⁵⁴ Manumission (and sometimes citizenship) could be offered either before or after a given battle: if before, it was an enticement to fight on behalf of the city; if after, it was a reward for services rendered.

⁵⁵ See R. Osborne, ‘Religion, Imperial Politics, and the Offering of Freedom to Slaves’, in: V. Hunter and J. Edmondson (eds.), *Law and Social Status in Classical Athens* (Oxford, 2000) 75-92.

⁵⁶ See Thuc. 6.27.2; Andok. 1.12-18, 27-8.

However, the fact that both individual masters and the *polis* occasionally manumitted slaves does not mean that these practices were either unproblematic or universally popular. Aristotle, for instance, implies that the slaves and foreigners who became citizens under the policies of Kleisthenes (508/7 BCE) received their citizenship unjustly (ἀδίκως) (Arist. *Pol.* 1275b34-9). In another instance, the Chorus Leader in Aristophanes' *Frogs* sings, regarding the transition — namely, manumission and enfranchisement — undergone by slaves at Arginousai, 'It is shameful (αἰσχρόν) for those who fought in one sea battle to become, straightaway, "Plataians" and masters instead of slaves (ἀντὶ δούλων δεσπότης)' (Aristoph. *Frogs* 693-4).⁵⁷ The Chorus Leader further laments the fact that red-blooded genuine citizens are now worse off than 'the latest arrivals' to the Athenian civic body: 'for all purposes we use the bronze "coins" [i.e. the basest citizens], the foreigners, redheads [i.e. Thracians, mainly slaves], base men and sons of base men (πονηροῖς καὶ πονηρῶν)...' (Aristoph. *Frogs* 730-1). The phrase *ponêrois kak ponêrôn* is neatly echoed by the refrain *doulos kai ek doulôn* used again and again in Attic oratory.⁵⁸

Moreover, on at least a couple of occasions, specific measures granting the manumission of slaves were later challenged. In 403 BCE, after the Athenian general Thrasyboulos marched his men to Peiraeus and defeated the troops of the Thirty at Mounikhia, he led his men back to Athens and restored the democracy (Xen. *Hell.* 2.4.2-42). At this point, Thrasyboulos proposed a bill admitting to citizenship all of his men who had come back from Peiraeus, including some who were slaves ([Arist.] *Ath. Pol.* 40.2).⁵⁹ The politician Arkhinos then brought a *graphê paranomôn* against Thrasyboulos, declaring the proposal illegal (Aiskh. 3.187). In another instance, the orator Hypereides, after the battle of Khaironeia (338 BCE) — in order to arm as many men as possible in defense of the city — proposed a decree recalling exiles, restoring civic rights to *atimoi*, granting metics citizenship, and ordering that all slaves who had participated in the battle of Khaironeia be freed ([Plut.] *Mor.* 849A).⁶⁰ But after the peace with Philip, the orator Aristogeiton declared Hypereides' decree illegal, a fact which Hypereides could not deny, although he was in the end acquitted. Desperate times, it seems, called for desperate measures.

⁵⁷ On the significance of these naturalized slaves being called Plataians rather than citizens, see Tamiolaki, 'La libération et la citoyenneté' (n. 53 above).

⁵⁸ For a different (yet complementary) ideological reading of the Parabasis, in the context of a larger discussion of citizens as coinage, see L. Kurke, *Coins, Bodies, Games, and Gold: The Politics of Meaning in Archaic Greece* (Princeton, 1999) 324-7.

⁵⁹ The slave status of at least some of Thrasyboulos' men may be supported by epigraphic evidence, in particular the stele represented by *IG II² 10*, supplemented by four additional fragments. On *IG II² 10*, see Osborne, *Naturalization in Athens* (n. 45 above) vol. I 37-41, vol. II 26-43 (D6). On the additional fragments, see D. Hereward, 'New Fragments of *IG II² 10*', *ABSA* 47 [1952] 102-17; M.B. Walbank, 'Greek Inscriptions from the Athenian Agora: Lists of Names', *Hesperia* 63 (1994) 169-209, at 169-71, no. 2; P.J. Rhodes and R. Osborne (eds.), *Greek Historical Inscriptions 404-323 BC* (Oxford, 2003) 20-7, no. 4.

⁶⁰ Cf. Hyp. fr. 29 Jensen; Lykourg. *Leokr.* 41; Dio Chrys. 15.21.

IV

Thus, at least on the part of some Athenians, there was clearly anxiety about manumission, particularly mass manumission. But why, exactly? I believe we can account for this opposition in at least two (complementary) ways. First of all, the process of manumission, and particularly of naturalization, entailed the threatening insertion of slaves, the ultimate outsiders, into the exclusive *polis*.⁶¹ As Aiskhines says, between the Persian and Peloponnesian Wars, ‘men who were neither free by birth nor measured in character intruded (παρεμπεσόντων) into our body politic’ (Aiskh. 2.173). It was precisely in this period that Athens tried to define Athenian citizenship. Perikles’ citizenship law of 451/0 BCE legislated that in order to be a citizen one had to be born of two citizen parents, and deme rolls were periodically checked to ensure that no one was sneaking into the civic body.⁶² During the Peloponnesian War, however, the law became so relaxed (λυθηῖναι. Plut. *Per.* 37.5) that even slaves and foreigners were naturalized. Thus in 403 BCE, presumably sparked by a renewed desire to restrict citizenship to “insiders”, Perikles’ legislation was reenacted.

A second reason for citizens’ discomfort about manumission is the very fact of the slave’s transition, of his crossing of status boundaries. As I have shown, a number of speakers in the courtroom called particular attention to these problematic transitions: ‘from slave to free’, ‘from poor to rich’, etc. The problem with these transitions was ideological: they revealed that status was in fact fluid. Freeborn Athenians defined themselves in strict opposition to slaves,⁶³ and blurring the boundary between slave and free challenged this ideological fiction. Therefore, one way of masking the fluidity of status was to re-draw the (ideological) line between slave and free, categorizing anyone remotely servile — e.g. freedmen and free descendants of slaves — as “slaves”.⁶⁴ Doing so put freed slaves and their descendants back in their “place” and in this way quelled the jurors’ fears about status slippage.

Originally used in this sort of context, servile invective was then adapted for use in contexts where the target had no connection whatsoever to slavery. This rhetoric continued to be effective because even when accusations or insinuations of servility were not, strictly speaking, credible: they still had the power to stir up underlying anxieties and cast a negative light on one’s opponent. As such, when we look back at the speeches of Demosthenes and Aiskhines with which we began, we see that the servile invective they used “worked” in at least a couple of ways. One of these ways was undoubtedly its comic effect; the accusations may not have been believable, but they were amusing or at

⁶¹ Cf. Ober, *Mass and Elite* (n. 2 above) 271: ‘It was ... self-evident to the Athenians that if slaves were ordinarily allowed to become citizens the state would suffer.’ See also M. Gärtner, ‘L’affranchissement dans le corpus lysiaque: une pratique contestée. Le regard d’un mètre sur l’affranchissement’, in: Gonzales (ed.), *La fin du statut servile?* (n. 51 above) 453-66, who argues, through a reading of Lysias’ speeches, that manumission was considered a sign that the city was in disorder and also caused the city further distress.

⁶² On Perikles’ citizenship law, see *Ath. Pol.* 26.4; Plut. *Per.* 37.2-5; and C. Patterson, *Pericles’ Citizenship Law of 451-50 B.C.* (New York, 1981).

⁶³ See, e.g., Cartledge, (n. 39 above) *The Greeks* ch. 6.

⁶⁴ Cf. Todd, ‘Status and Contract’ (n. 27 above) 130-5 on the regulation of the boundary between free and slave through Athenian legal procedure.

any rate called to mind the comic stage. Another way this invective worked was by stirring up fear: by employing the language normally used to target freedmen and others who had escaped slavery, a speaker could (almost subliminally) play on the jurors' fear of status-boundary transgression. In this way, they could characterize even full-fledged citizens, like Demosthenes and Aiskhines, as slaves who transcended their natural or proper place.⁶⁵

Both of these effects, then, humor and fear, worked together to align the audience with the speaker against his opponent. It would be ridiculous to argue that Aiskhines won his case *On the Embassy*, and Demosthenes his case *On the Crown*, because each man showed himself the master of servile invective in these speeches. But it probably did not hurt them, either.⁶⁶

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⁶⁵ Rumors circulated before the trial may also have contributed to the effectiveness (and even credibility) of servile invective; on the importance of gossip, see, e.g., Hunter, *Policing Athens* (n. 7 above) ch. 4. (I thank an anonymous reviewer for this point.)

⁶⁶ I thank Leslie Kurke and Ron Stroud for offering helpful comments on an earlier incarnation of this project; Susanna Braund and an audience at the University of British Columbia, where I delivered a version of this paper; and *SCJ*'s two anonymous reviewers. All errors are, of course, my own.