

SALE FOR THE PURPOSE OF FREEDOM:
SLAVE-PROSTITUTES AND MANUMISSION IN ANCIENT GREECE*

Abstract: In this article, I argue that a secular form of manumission existed in classical Greece that was in many ways akin to the (better-attested) institution of sacral fictive sale. In the latter form of manumission, slaves were freed by being “sold” to a god, who made no use of his right of ownership; in the former, the third-party “buyer” was not divine but human. I then demonstrate that secular fictive sale was of particular use to slave-prostitutes, especially hetairai, due to their access to a number of potential “buyers”—namely, their past and present clients.

Although slaves in ancient Greece could *de facto* acquire and dispense with money, *de jure* they lacked the capacity to do so, since anything they possessed technically belonged to their masters.¹ Therefore, any slaves who wanted to buy their freedom had to find a way to circumvent this prohibition. One means of doing so involved a legal fiction² sometimes called fictive sale, in which a third party nominally “purchased” a slave from his or her master, but in doing so actually paid for the slave’s freedom, whether with his own money or with the slave’s.³ The sale was *fictive* in that the third party did not

* I am grateful to Bruce Frier, Allison Glazebrook, Ariela Gross, Susan Lape, Sarah Levin-Richardson and the two anonymous *CJ* readers for their suggestions at various stages of this project. I also received useful feedback on this material when I presented it at the Feminism and Classics VI Conference at Brock University; at the University of Southern California Center for Law, History and Culture; and in the University of Washington Classics Department. All errors are of course my own.

¹ On the *de jure* restriction (particularly as it is relevant to the cost of manumission), see P. Foucart (1880) 95–6; Bloch (1914) 8; Koschaker (1931) 39–40. On the *de facto* situation: Todd (1995) 187–8; Zelnick-Abramovitz (2005) 213–22; Rihll (2011) 56–7. Cf. Rädle (1969) 65–6, who suggests that the only real restriction placed on slaves was on conducting financial transactions with their own masters.

² On legal fictions, see Fuller (1967). For a critique of Fuller (in the context of a reinterpretation of Jeremy Bentham’s theory of fictions), see Stolzenberg (1999).

³ I use the term “fictive sale” quite broadly in this article to encompass all transactions in which a third party pays a master in exchange for his slave’s freedom. Only in some cases, however, are these manumissions *explicitly* described using the language of “sale” or “purchase” (see further below).

actually exercise his right of ownership over the slave, as he would in a genuine purchase, but instead paid money for the slave to become free.

Thus far, scholarly interest has been devoted primarily to *sacral* fictive sale, in which the slave's "buyer" was a god. In this article, I illuminate a *secular* form of fictive sale, less well attested in our sources but apparently sharing a number of characteristics with sacral fictive sale. These similarities, I argue, are not superficial: in fact, the two institutions are best understood as manifestations of a single type of manumission procedure, namely "sale for the purpose of freedom." After exploring the mechanics of secular fictive sale, I next demonstrate that it was of particular use to slave-prostitutes, especially the high-status *hetaira* (as opposed to the common *pornè*).⁴ Ultimately, I suggest that because of their access to a number of interested "buyers"—namely, their past and present clients—*hetairai* were in a unique position to make use of this form of manumission.

Slavery and Manumission in Ancient Greece

To understand the process of manumission, it is important to recognize that classical Greece (especially classical Athens) was a genuine slave society, one of very few in world history.⁵ Predominant in most parts of Greece was chattel slavery, where the slave—generally purchased for his or her labor—was conceptualized as a piece of property.⁶ While the most common terms for chattel

⁴ On purchasing the freedom of slave-prostitutes, see Davidson (1997) 98–107. The abundance of stories in Greek literature about *hetairai* (on the ideological value of which see Kurke (1996)) might also account for the relative frequency of stories about these slaves being freed. It has been argued that the distinction between *hetaira* and *pornè* was primarily a discursive one: whereas the *pornè* represented the base realm of commercial transaction, the *hetaira* embodied the aristocratic realm of gift exchange (see e.g. Davidson (1997) 73–210; Kurke (1997)). For a challenge to the polarization of these terms, see Cohen (2006); Glazebrook and Henry (2011). See also Lape (2010b) 69, who glosses both terms as "sex worker," reflecting the fact that democratic ideology masks the distinction between the two.

⁵ For definitions of "slave society," see e.g. Fisher (2001 [1993]) 3–4; Bradley (1994) 12–30; Garnsey (1999 [1996]) 2; Andraeu and Descat (2011 [2006]) 13–16. On classical Athens as a slave society, see e.g. Finley (1968) 308; Fisher (2001 [1993]) 34–57; Rihll (2011).

⁶ Finley (1968) defines the chattel slave in two (coexistent) ways: as property, from a legal point of view, and as an outsider, from a sociological point of view. See also Fisher (2001 [1993]) 5–6; Garnsey (1999 [1996]) 1; Andraeu and Descat (2011 [2006]) 10–12. For overviews of chattel slavery in Greece, see Garland (1988 [1982]) 24–84; Fisher (2001 [1993]). Cf. on communal slavery: Garland (1988 [1982]) 85–118; Fisher (2001 [1993]) 22–33.

slave are δούλος/δούλη (male/female slave), οικήτης (household slave) and θεράπων/θεράπεινα (unfree servant), other terms emphasize the nature of chattel slaves as property and/or objects of violence, including ἀνδράποδον (lit. “man-footed creature”),⁷ σῶμα (“body”) and παῖς (“boy”), among more vivid appellations (e.g. μαστιγίας, “whipping post”).⁸

At least in classical Athens, and likely elsewhere, slaves, unlike free citizens, had little or no legal or social standing.⁹ They had no claims to property, and, with a few exceptions, no independent procedural capacity: they could not bring a suit or serve as a defendant (except in specific commercial suits in the fourth century BCE), and could not offer testimony except under torture. They had no legally recognized family relationships, lacked the public rights and duties of citizens (e.g. serving in the Assembly or on juries), were restricted from many (but not all) religious festivals and played a small, but sometimes pivotal, role in the military.¹⁰ Moreover, a master could treat his slave as he wished. Evidence from Greek comedy, especially Aristophanes, illuminates the degree to which slaves were whipped, fettered, tattooed and otherwise corporally violated.¹¹

The Greeks never emancipated slaves widely, but individual slaves were manumitted for a variety of reasons, from altruistic to political to mercenary. However, even though freed slaves were granted a set of rights that made them more legally privileged than slaves, their new status was precarious.¹² They faced the constant threat of re-enslavement and often owed continued service (sometimes referred as a *paramonê*;¹³ see below) to their former masters, who

⁷ On the “andrapodizing” of war captives (especially women and children), see Gaca 2010.

⁸ On the Greek terminology for slavery, see Benveniste (1969) 355–61; Finley (1981 [1960]); Gschnitzer (1963) and (1971); Klees (1975) 14–36; Garlan (1988 [1982]) 19–22; and Zelnick-Abramovitz (2005) 27–39, with bibliography.

⁹ For overviews of the status of the chattel slave in classical Athens, see Morrow (1939) esp. 73–89 (with a focus on Plato’s *Laws*); Harrison (1968) 163–80; MacDowell (1978) 79–83; Hansen (1991) 120–23; Todd (1995) 184–94; Hunter (2000) 5–15; Rihll (2011); Kamen (2013) 8–31.

¹⁰ On Greek historians’ ideologically motivated silence on the role of slaves in the military, see Hunt (1998).

¹¹ See e.g. Klees (1998) 175–217; duBois (2003); Kamen (2010).

¹² On the status of the freed slave in Greece, see Zelnick-Abramovitz (2005) esp. 307–34 and (2009); Kamen (2013) 32–54.

¹³ The noun *paramonê* is not attested prior to the third century BCE, leading some to suggest that *paramonê* was not a legal obligation before this time (see e.g. Gernet (1955) 172 n. 4). However, even if the formal term *paramonê* did not exist, obligations similar to *paramonê* certainly did (see further below).

were now their “patrons” (*prostatai*) or legal representatives.¹⁴ Finally, freed slaves were also disadvantaged socially and politically: they were stigmatized for their servile origins, and it was only in exceptional cases that they attained citizenship.¹⁵

Manumission practices can be classified as either secular or sacral in nature, depending on whether gods were thought to be involved in the process.¹⁶ Secular manumission could be as simple as a verbal utterance by a master, but it could also be arranged through a will, through proclamation by a herald, or through “sale for the purpose of freedom” (*πρᾶσις ἐπ’ ἐλευθερίᾳ*),¹⁷ which I am calling fictive sale. Slaves could also be freed by the state, as an incentive or reward for military service or for offering up information in lawsuits of particular significance to the city.¹⁸ Sacral manumission, on the other hand, is much better attested (especially through inscriptions) and dates primarily to the Hellenistic period. Offering extra protection to the newly freed slave, it seems to have arisen after, but never entirely supplanted, secular manumission.¹⁹ This type of manumission can be divided into three subcategories: manumission under the supervision of a god; fictive consecration or dedication of a slave to a god, with the implication that the slave is then, in effect, freed; and fictive sale to a god, again with the aim of freeing the slave.²⁰ In order to flesh out the procedure of *secular* fictive sale, I will

¹⁴ On the *prostatês*, see Whitehead (1977) 89–92; Zelnick-Abramovitz (2005) 248–52.

¹⁵ The most famous examples of naturalized freedmen are the bankers Pasion and Phormio, who lived in classical Athens. See Cohen (1992) 61–110 and (2003 [2000]) 130–54; Trevett (1992).

¹⁶ I use these categories for heuristic reasons, even though there are many areas of overlap between the two; see also Rädle (1969) 6 (in the context of Greek manumission). On the lack of “radical separation of sacred and secular” in ancient Greece, see Connor (1988); Samons (2000) 325–9 and (2004) 170. For a categorization of Greek manumission types, see Zelnick-Abramovitz (2005) 69–99.

¹⁷ On *πρᾶσις ἐπ’ ἐλευθερίᾳ*, see G. Foucart (1896) 14–23; Rädle (1969) 64–5; Klees (1998) 311–4; Weiler (2001); Zelnick-Abramovitz (2005) 81–2, 96, 218 (she calls it *πρᾶσις ἐπὶ λύσει*, “sale for the purpose of release,” but since this phrase is not found in any securely identified manumissions, I prefer to use the better-attested phrase *πρᾶσις ἐπ’ ἐλευθερίᾳ*). Cf. Mouritsen (2011) 172–4 on *suīs nummis emptio*, “purchase with [the slave’s] own money,” by a third party; this Roman manumission practice (which Mouritsen calls a “contrived sale” and a “fictive... procedure,” 173) is similar in some respects to *πρᾶσις ἐπ’ ἐλευθερίᾳ*.

¹⁸ For military service, see e.g. Hunt (2001); for offering up information, see e.g. Osborne (2000).

¹⁹ For the argument that secular manumission preceded sacral, see e.g. Bömer (1960) 10–11; Rädle (1969). Cf. Rensch (1908) 90; Sokolowski (1954); Lauffer (1979) 205–6.

²⁰ For the earliest categorization along these lines, see Calderini (1908) 94–5.

start by outlining the defining features of the better-explored mechanism of *sacral* fictive sale. After doing so, I will turn to secular fictive sale, which, as we shall see, shares a number of structural similarities with its sacral counterpart.²¹

Sacral Fictive Sale

Sacral fictive sale is found predominantly in central Greece, especially in Delphi, where the practice is thought to have originated.²² In fact, over a thousand recorded acts of manumission survive from Delphi (the vast majority of which are fictive sales²³), entailing the manumission of over 1350 slaves, and dated between 201 BCE and *ca.* 100 CE.²⁴ The majority of these inscriptions are carved on the polygonal blocks making up the terrace wall of the temple of Apollo, with others scattered throughout the site: in the theater, on the temple itself and on various monuments.

In this mode of manumission, masters freed their slaves by “selling” them to a god, generally Apollo, for a specified price. However, it was not actually the god who paid but the slaves themselves, under the guise of “entrusting the sale” to the god. These slaves then became the nominal property of the god,²⁵ with the understanding that Apollo would make no use of his right of ownership. As a

²¹ G. Foucart (1896) 14–23 noted the similarity between these two forms of manumission early on (calling them both *πῶσις ἐπ’ ἐλευθερίᾳ*), but his observation has generally gone unnoticed (except by e.g. Rädle (1969) 64 n. 4; Klees (1998) 312 n. 88). Zelnick-Abramovitz 2005: 208–20 discusses these two forms together under the heading “The Purchase of Freedom,” but she does not explicitly describe them as sacral and secular versions of fictive sale, as I do.

²² Delphic manumission inscriptions are collected in *Sammlung der griechischen Dialekt-Inschriften* (GDI 1684–2342) and *Fouilles de Delphes* (vol. 3), and now in Mulliez’ forthcoming corpus of Delphic *affranchissements*. For an overview of these inscriptions, see e.g. Curtius (1843); Bloch (1914); Hopkins (1978) 133–71; Kränzlein (1980); Mulliez (1992). For the argument that fictive sale to a god originated in Delphi, see Bömer (1960) 27–9.

²³ For a general discussion (and explanation) of manumissions at Delphi that do not involve fictive sale, see Bömer (1960) 49–51.

²⁴ For the chronological list of Delphic priesthoods on which these dates are based, see Daux (1943). Hopkins (1978) 138 n. 9 points out that Daux’ dates are secure for the second century BCE, less so for later periods.

²⁵ On the fictive nature of the sale, see G. Foucart (1896) 31; Dareste, Haussoullier and Reinach (1898) 251; Calderini (1908) 102–4; Samuel (1965) 268; Pringsheim (1950) 184–7; cf. Rädle (1969) 65. Cf. also Bömer (1960) 32, who argues that the slave became the formal property of the god.

result, the right of ownership was transferred, by default, to the slaves themselves, who were then in possession of themselves—that is, free.²⁶

The inscriptions fall into two main categories: those granting full freedom, and those offering only conditional release. Close to three-quarters (72%) of slaves freed at Delphi in the second century BCE were given full freedom. In such cases, the entire price for manumission was paid immediately, and the freed slaves were granted mastery over themselves, protection from re-enslavement and the right to do whatever and go wherever they pleased.²⁷ Inscriptions granting conditional freedom, on the other hand, place limits on freed slaves' new status by mandating that they “remain by” (παραιμένειν) their former masters, generally until the latter's death.²⁸ Since many conditionally freed slaves were granted freedom of movement, it has been thought that the obligation of “remaining” (*paramonè*) does not necessarily mean staying in the ex-master's home, but living close enough by to carry out further service.

These inscriptions are very formulaic in nature and include a number of common features.²⁹ They begin with a dating formula (the name of the archon or magistrate in office, the month, etc.), followed by a statement of the “sale” to the god, including the buyer (Apollo), the price of freedom and whether the master received payment in full.³⁰ Then follows the aim of the transaction, namely for the slave to be free, followed by the name of the guarantor or guarantors of the “sale.”³¹ Following this is the optional *paramonè* clause (see above). Next, at least in cases of conditional manumission, a release clause often follows, granting the freedman the opportunity to make an extra payment in exchange for release

²⁶ See e.g. Bömer (1960) 32; Pringsheim (1950) 185.

²⁷ Westermann (1946) 92; Hopkins (1978) 142, 150.

²⁸ On *paramonè*, see Samuel (1965), and more recently, Zelnick-Abramovitz (2005) 222–48, with bibliography. *Parmonè* is superficially similar to, but in many ways different from, the *operae* (“work days”) required of freed slaves in Rome (on this point, see e.g. Gardner (1986) 208; Mouritsen (2011) 146 n. 115, 168–9). On Roman manumission practice, see Duff (1928); Treggiari (1969); Bradley (1984) 81–112 and (1994) 154–65; Mouritsen (2011).

²⁹ On the formulae found in the Delphic fictive-sale inscriptions, see Hopkins (1978) 141–2.

³⁰ For the sources of the money paid to the god, see the discussion in Hopkins (1978) 147, 168; Zelnick-Abramovitz (2005) 208–22. On variation in prices, see Hopkins (1978) 158–63 (but cf. Duncan-Jones (1984)). For more on the receipt of money in fictive sale, see Rädle (1969) 81–2.

³¹ On guarantors in fictive sales, see P. Foucart (1880) 95 n. 2; Calderini (1908) 222–34; Bloch (1914) 18–20; Daux (1936) 53–60; Pringsheim (1950) 291 (specifically on Delphic “sale”). See Pringsheim (1950) 429–33 on the importance of guarantors in sales in general.

(ἀπόλυσις) from *paramonē*.³² A safeguard clause follows, providing the freed slave with security of status.³³ Included here are potential threats to the freed slave's status, the names of his or her defenders and (sometimes) the penalties to be paid by offenders against the freed slave. Finally, the inscription always ends with a list of witnesses who were present at the "sale."³⁴

The following inscription, dated to *ca.* 170–157/6 BCE is fairly typical and can serve as a model of this practice (*GDI* 1826):³⁵

ἄρχοντος Ἀνδρονίκου τοῦ Φρικίδα μηνὸς Ἰλαίου, ἐπὶ τοῖσδε ἀπέδοτο
 Εὐκράτης Ἐπικράτους, συνευδοκούντος καὶ τοῦ υἱοῦ Κλέωνος, τῷ
 Ἀπόλλωνι τῷ Πυθίῳ σῶμα γυναικίον αἰ ὄνομα Εὐφροσύνα τὸ γένος
 Θραϊσαν, τιμᾶς ἀργυρίου μᾶν | τριῶν, καὶ τὰν τιμᾶν ἔχει πάσαν,
 καθὼς ἐπίστευσε Εὐφροσύνα τῷ θεῷ τὰν ὠνάν, ἐφ' ὧτε ἐλευθέρα
 εἶμεν καὶ ἀνεφάπτος | ἀπὸ πάντων τὸν πάντα βίον. βεβαιωτῆρ κατὰ τὸν
 νόμον τᾶς πόλιος-λιουσίων Κλέωνος. παραμεινάτω δὲ Εὐφροσύνα παρὰ
 | Εὐκρά[τ]η ἄχρι οὗ καὶ ζῶη Εὐκράτης ποιέουσα τὸ ποτιτασσόμενον
 πᾶν τὸ δυνατὸν ἀνεγκλήτως. εἰ δὲ τί καὶ πάθη Εὐκράτης, | ἐλευθέρα
 ἔστω Εὐφροσύνα κυριεύουσα αὐτοσαυτᾶς καὶ ἀποτρέχουσα οἷς καὶ
 θέλη, καθὼς ἐπίστευσε τῷ [θ]εῷ τὰν | ὠνάν. εἰ δὲ τίς καὶ ἀπτηται ἐπὶ
 καταδουλισμῷ Εὐφροσύνας τελευτάσαντος Εὐκράτους, βέβαιον
 παρεχέτω | ὁ βεβαιωτῆρ τῷ θεῷ τὰν ὠνάν κατὰ τὸν νόμον. ὁμοίως δὲ
 καὶ οἱ παρατυγχάνον[τ]ες κύριοι ἐόντων συλέοντες ὡς ἐλευθέραν
 εἶδον ἀζάμιοι ἐόντες καὶ ἀνυπόδικοι πάσας δίκας καὶ ζαμίας.
 μάρτυροι τοὶ ἱερεῖς τοῦ Ἀπόλλωνος | τοῦ Πυθίου Ἀμύντας,
 Ταραντίνος καὶ οἱ ἄρχοντες Νικόμαχος, Ἄρχων καὶ ἰδιῶται
 Ἀνδρόνικος Φρικίδα, Μένης, Τιμόκριτος.

With Andronikos son of Phrikis as archon, in the month of Ilaios, Eukrates son of Epikrates, with his son Kleon also consenting, sold to Pythian Apollo a female slave named Euphrosuna, a Thracian by race, on these terms, at a price of three *mnas* of silver, and [Eukrates]

³² The payment was not always monetary. At Delphi, women were often required to hand over one of their offspring to the manumittor, sometimes with money as well: see Tucker (1982) 233–5.

³³ On the clause of "security of status," see Hopkins (1978) 145; Darmezin (1999) 187–91; Zelnick-Abramovitz (2005) 263–72.

³⁴ On the importance of witnesses in this context, see Calderini (1908) 235–41; Bloch (1914) 20 (specifically at Delphi); and Darmezin (1999) 191–2. On witnesses and guarantors, see Zelnick-Abramovitz (2005) 196–7.

³⁵ On this inscription, see also Kamen (2012) 181–2.

holds the whole payment, since Euphrosuna entrusted the sale³⁶ to the god, in order that she be free and unseizable by everyone for all her life. Guarantor in accordance with the law of the city: Pasion son of Kleon. And may Euphrosuna remain by Eukrates as long as Eukrates lives, doing everything ordered as blamelessly as possible. And if Eukrates suffers anything (i.e., dies³⁷), let Euphrosuna be free, master of herself, and going wherever she wants, since she entrusted the payment to the god. And if anyone seizes Euphrosuna for re-enslavement after Eukrates has died, let the guarantor present the sale to the god as secure, in accordance with the law. Likewise also let passersby be responsible for taking her back, on the grounds that she is free, being neither punished nor liable to any judgment or penalty. Witnesses: the priests of Pythian Apollo, Amyntas and Tarantinos; and the magistrates Nikomakhos and Archon; and the private citizens Andronikos son of Phrikis, Menes, Timokritos.

We know that the sale here is a legal fiction rather than a genuine sale because of the stated aim of the transaction: namely, “that Euphrosuna be free and unseizable by everyone for all her life.” This is, however, only conditional freedom, since she is required to perform *paramonê* service until her master’s death. It is at that point, and only at that point, that she will attain full freedom and mastery of herself (ἐλευθέρᾳ... κυριεύουσα αὐτοσταντᾶς).

One remarkable characteristic of sacral fictive sale is the various modes of protection it offers freed slaves—a fact which also reveals that threats to their status were common. In this inscription, the manumittor’s son grants consent, a useful guarantee that he will not contest his father’s wishes later (as heir, he is the one who stands to lose the most from diminution of his patrimony). Also offering Euphrosuna protection is a guarantor, who guarantees that the “sale” remain valid, thereby also protecting the freed slave from unlawful claims on her person. Moreover, because the guarantor acts in accordance with “the law(s) of the city,”³⁸ Euphrosuna gains added security (albeit indirectly) from the polis itself.³⁹ This inscription does not spell out the consequences for the defaulting guarantor,

³⁶ Cf. Pringsheim (1950) 179–90, who would translate ὠνά here as “ownership.”

³⁷ For other euphemisms for death in manumission inscriptions, see Parker (2002).

³⁸ For the expression κατὰ τὸν νόμον/τοὺς νόμους (“in accordance with the law/laws”), sometimes paired with τᾶς πόλιος (“of the city”), in fictive sales from Delphi, see e.g. *GDI* 1685–90, 1692.

³⁹ On the interest taken by the polis in manumissions, see Zelnick-Abramovitz (2009).

but other manumission inscriptions threaten litigation or monetary penalty in the case of failing to guarantee a “sale.” The city might also play a role in the event that freed slaves not perform their *paramonê* obligations: some inscriptions declare that in such instances their “sale” to the god, in effect their freedom, could be declared incomplete (ἀτελής) and voidable (ἄκυρος) by court action.⁴⁰

Offering security to Euphrosuna *after* her master has died are defenders in the form of unnamed passersby, who must vindicate her freedom in the event that she is unjustly claimed as a slave.⁴¹ Because of the risk inherent in intervening on behalf of an alleged slave—one could be accused of stealing someone else’s property—many of these inscriptions include a phrase granting potential defenders impunity. Thus the defenders in this inscription are to perform their duty “being neither punished nor liable to any judgment or penalty.” Finally, further protection is granted by the presence of witnesses at the fictive sale, who can later attest to the freed slave’s new status. This inscription includes a particularly long and wide-ranging list of witnesses, encompassing sacral and secular officials, as well as private Delphic citizens.⁴² In sum, sacral fictive sale allowed slaves to pay for their freedom through a divine third party, who notionally “purchased” them. Although freed slaves often owed continued services to their former masters, they also received added protection for their new status in the form of consenters, guarantors, defenders and witnesses.

Secular Fictive Sale: Vocabulary

I will now demonstrate a *secular* mode of Greek manumission which shared many of the traits of sacral fictive sale, the main difference being that the “buyer” was not divine but human. This institution, too, is framed as a *fictive sale* (albeit less formally than in the later inscriptions) in that a third party is generally said to “buy” the slave “for the purpose of freedom.” The evidence for this practice dates to the fifth and fourth centuries BCE —much earlier than the manumission

⁴⁰ See e.g. *GDI* 1819 (ἄκυρος ἔστω ... ὡνὰ καὶ ἀτελής, “let the sale be incomplete and voidable”), 1944 (ἄκυρος); *FD* 3.3.6 (ἄκυρος). Moreover, some inscriptions expressly permit sale back into slavery: e.g. *FD* 3.3.175 (πωλέων, “selling”), 3.3.337 (ἐξουσίαν... πωλεῖν, “license to sell” and [πωλείουσα], “selling”), 3.3.329 (ἐξουσίαν ... πωλεῖν); cf. *GDI* 2156 (ἐγμισθοῦντες, “leasing out”).

⁴¹ Darmezine (1999) 187–91 provides a useful catalogue of anticipated infractions on freedman status, sanctions for defending freedmen and punishing offenders and assurances of protection for “defenders.”

⁴² On the strangeness of Andronikos appearing as both archon and private citizen, see Collitz *ad GDI* 1826.

inscriptions just discussed⁴³—and comes primarily from scattered literary references.

Compared to sacral fictive sale, which always uses the same vocabulary (ἀποδίδωμι, “sell”), what I am calling secular fictive sale employs a larger range of vocabulary, reflecting either the nature of our sources (formulaic inscriptions versus literary texts), or the greater regularization of the sacral institution, or both. The clearest examples of secular fictive sale employ a verb of payment like κατατίθημι or καταβάλλω (“to pay down”). In other contexts, these verbs refer to genuine purchase (see *LSJ* s.vv.), including the genuine purchase of slaves (e.g. [Dem.] 59.29; *Lys.* 4.12, 16), but when paired with a phrase indicating that the aim is a given slave’s freedom (e.g. ἐπ’ ἐλευθερίᾳ or εἰς ἐλευθερίαν, “for the purpose of freedom”), it becomes clear that we are dealing not with a genuine purchase but a fictive one. That is, the freedom language reveals that this purchase, like Apollo’s “purchase” of slaves at Delphi, is simply a fiction allowing the slave to be released from the ownership of his previous master.

Perhaps less transparently about purchase (fictive or otherwise) are words like λύομαι (“to have [someone] released”) or λυτροῦμαι (“to ransom [someone]”). However, since ransom entails paying money in exchange for something—namely, someone’s release into freedom—the verbs λύομαι and λυτροῦμαι do convey a sense akin to (if not identical to) expressions like κατατίθημι ἐπ’ ἐλευθερίᾳ (“pay down for the purpose of freedom”). Least clear are instances where we find verbs meaning “to purchase” (e.g. ὠνόμομαι and πρίαμαι) or “to acquire” (κτάομαι) which are *not* directly paired with a phrase like ἐπ’ ἐλευθερίᾳ or εἰς ἐλευθερίαν. In most cases, we have no reason to think that these verbs refer to anything but genuine purchase, but a question arises when the unambiguous verb ἐλευθερώω (“to free”) shows up in close proximity. As we shall see, it is unclear in these cases whether these verbs refer to a fictive purchase *directly resulting in a slave’s freedom*, or to a genuine purchase *followed by* a separate act of manumission (both of which were legitimate ways to free a slave: see further on *Hyp.* 3.5–6, below). Since there is no way for us to know in most cases, I include such examples here as (at the very least) possible instances of secular fictive sale.

The Case of Neaira

⁴³ This does not mean that sacral fictive sale is necessarily a later practice than secular fictive sale, simply that our evidence is later.

Our single best source for information about this institution comes from the mid-fourth-century BCE Athenian lawsuit *Against Neaira*. In this suit, the speaker, Apollodoros, charges a freed slave named Neaira with posing unlawfully as an Athenian citizen in order to secure citizenship status for her children. (After the Periclean citizenship law of 451/0 BCE, children had to be born from two citizens to qualify as citizens.⁴⁴) In order to emphasize Neaira's servile roots, Apollodoros tells the jurors that she was one of seven slave-girls purchased by a freedwoman-madam named Nikarete, who raised them all to be prostitutes. Apollodoros then rattles off a list of clients who paid for Neaira's sexual services, devoting particular attention to two young men named Timanoridas and Eukrates. One day, they decided that Nikarete was charging them too much for Neaira's services (apparently it was enough to cover all of Nikarete's daily household expenses), and so they decided to buy Neaira outright: they "paid down (κατατιθέασιν) 30 *mnas* to Nikarete as the price of [Neaira's] body (τοῦ σώματος), and bought (ᾠνοῦνται) Neaira outright from Nikarete in accordance with the law of the city to be their slave (δούλην)" ([Dem.] 59.29). This, then, was a real sale, not a fictive one: through this transaction, Neaira became their shared property.

For a while, the two young men kept Neaira as their slave and made use of her sexually as they pleased. When they eventually tired of her and each wanted to get married, they said that if she could find the means to supply them with 20 *mnas*, they would remit 10 *mnas* toward the price of her freedom (εἰς ἐλευθερίαν) (59.30). The implication is that they were willing to do this—rather than selling her to a pimp or another owner for more money—because they felt warmly toward her and wanted her to leave behind her life of prostitution. They might also have wanted to get rid of her as quickly as possible, even at a financial loss.⁴⁵ Neaira, upon hearing this offer, immediately hatched a plan: she summoned to Corinth, where she was living, a number of her former lovers (ἐραστῶν) (59.30), from whom she solicited monetary contributions.⁴⁶ As Hamel rightly points out,

⁴⁴ On Pericles' citizenship law, see C. Patterson (1981); on the purpose of this legislation, see e.g. Boegehold (1994); Ogden (1996) 64–9; Blok (2009); Lape (2010a) 19–25 (and *passim*).

⁴⁵ That they felt warmly toward her: see Kapparis (1999) *ad loc.*; cf. Hamel (2003) 33–5, who suggests that the offer was not entirely generous: Neaira probably could not have been sold for 20 *mnas* (let alone 30 *mnas*) on the open market (since she was relatively old by that point), and trying to find a buyer would have been a hassle.

⁴⁶ In this article, I use the term "lover" in an attempt to stay faithful to the Greek terminology, which itself masks the commercial nature of the relationship. These men were of course paying clients, rather than what we might call lovers.

in order for Neaira to have contacted these individuals—and for them to have been willing to hand over money to help her out—they must have been men with whom she had engaged in long-term relationships (i.e., as a *hetaira*), rather than anonymous one-night stands (as a *pornè*).⁴⁷

Next, because (as mentioned above) slaves lacked the legal standing to pay for their own freedom, even with money they themselves collected, Neaira had to use a third-party “buyer” to make the actual “purchase.”⁴⁸ For this purpose, she turned not to a god (as in sacral fictive sale), but to yet another former lover, the Athenian citizen Phrynion.⁴⁹ We are told (S9.31–2):

she gave [Phrynion] the money that she had collected from her other lovers, having gathered it as an “*eranos-loan*” for her freedom (εις την ελευθερίαν), and any money she had acquired herself (αὐτῇ περιποιήσατο), and she begged him to add the balance needed to make up the 20 *mnas*, and to pay down (καταθεῖναι) her price to Eukrates and Timanoridas, so that she would be free (ὥστε ελευθέραν εἶναι). Hearing her words gladly, he took the money which had been given to her by her other lovers and put in the balance himself, paying down (κατατίθησιν) as her price 20 *mnas* to Eukrates and Timanoridas for the purpose of [her] freedom (ἐπ’ ελευθερίᾳ) and on the condition that she not work as a prostitute in Corinth.

Apollodoros then says that he will prove that this statement is true by calling as witness a man who was present at these proceedings (S9.32). Whether or not a witness for this type of fictive sale was legally required, it did provide extra security for Neaira’s new status, akin to the witnesses listed in the Delphic manumission inscriptions.⁵⁰

Although the language of this passage is not identical to that in the Delphic inscriptions, the basic institution—namely, fictive sale as a means of

⁴⁷ Hamel (2003) 37.

⁴⁸ I agree here with Finley (1951) 105: “Neaira obviously did her own collecting but for the completion of the legal act of purchasing her freedom a free man, Phrynion, must intervene.” One implication is that if, hypothetically, Neaira had been able to collect 20 *mnas* herself, she still would not have been able to purchase her freedom directly from Eukrates and Timanoidas.

⁴⁹ Hamel (2003) 38 believes that Phymion paid “the lion’s share” of the 2,000 drachmas.

⁵⁰ On this witness, see Pateson (1978) *ad loc.*

manumission—appears to be the same, or at least very similar.⁵¹ In both cases, we find the language of *real* sale or purchase (ἀποδίδωμι in the Delphic inscriptions, κατατιθημι in *Against Neaira*), and in both there is a clarification that this is in fact a fictive sale, that is, a sale for the purpose of freedom: ἐφ’ ὥστε ἐλευθέρα εἶμεν (“in order that she be free”) in the Delphic inscriptions, and in this speech, εἰς τὴν ἐλευθερίαν (“for her freedom”), ὥστε ἐλευθερίαν εἶναι (“so that she would be free”) and ἐπ’ ἐλευθερίᾳ (“for the purpose of freedom”). Clearly, then, the transaction described in *Against Neaira* is a type of fictive sale: Phrynion handed over the money not to acquire Neaira as his slave, but to secure her freedom.

Further details about secular fictive sale can also be gleaned from this passage. Of particular interest is the mention of an *eranos*, a word that has multiple meanings in Greek and is therefore difficult to render into English.⁵² In this context, the most likely sense is a loan made to an individual (either slave or free) by an ad-hoc group. *Eranoi* like Neaira’s, used as a way of financing one’s manumission, are attested in seven of the Delphic manumission inscriptions,⁵³ as well as in eighteen of the so-called “freedman bowl” inscriptions from late-fourth-century BCE Athens.⁵⁴ These latter inscriptions are generally thought to record freed slaves’ dedications of silver bowls to the goddess Athena after being acquitted in (possibly fictive) δίκαι ἀποστασίου (private lawsuits for “desertion”). The charge was “deserting” their former masters—that is, not performing their

⁵¹ Cf. Zelnick-Abramovitz (2005) 96, who points to the differences between Neaira’s manumission and fictive sale to the gods.

⁵² On the various meanings of *eranos* (a common dinner or picnic; a loan made by an ad-hoc group, or the group itself; and an established club), see Finley (1951) 100; cf. Parker (1996) 337. On *eranos* in this context, see Finley (1951) 105; Patteson (1978) *ad loc.*; Kapparis (1999) *ad loc.*; Zelnick-Abramovitz (2005) 220–2.

⁵³ The most common formula is “let [the freed slave] ... repay the *eranos*” (κατενεγκάτω ... τὸν ἔρανον): *GDI* 1754, 1772, 1791, 1804, 1878, 1909; cf. *GDI* 2317 (=FD 3.6.95; εἰ ... καταφέρει τὸν ἔρανον, “if...repays the *eranos*”). Cf. a fictive-consecration inscription from Khaironeia: *IG VII* 3376 (=Darnezin (1999) #78; ἐξενεγκάτω, “let...pay out”). On *eranoi* in the Delphic manumissions, see Rädle 1969: 74–8.

⁵⁴ Two formulae occur most frequently in these inscriptions: the most common takes the form “X {freed slave’s name}, living in {deme name}, ‘having escaped’ (ἀποφυγῶν/ἀποφυγοῦσα Y {former master}, [dedicated] a *phialē* 100 [drachmas] in weight”; the second formula takes the form “Y, X, living in {deme name}, [who dedicated] a *phialē* 100 [drachmas in weight].” A new edition of all of these inscriptions, with commentary, can be found in Meyer (2010). On inscriptions where a κοινὸν ἐρανιστῶν (“group of *eranos*-lenders”) is mentioned, see Meyer (2010) 16 n. 23.

required post-manumission obligations—and the result of acquittal was the acquisition of complete freedom.⁵⁵ In the inscriptions where *eranoi* are mentioned, reference is made to the collective of people who paid for these slaves' freedom in the first place.⁵⁶

Although most scholars describe *eranoi* as “friendly” loans—not necessarily friendly in the sense of interest-free, but between friends as opposed to between a banker and an individual⁵⁷—this interpretation has recently been questioned, partly on the grounds that slaves cannot be said to have networks of friends (φίλοι) in the way that free people did.⁵⁸ Zelnick-Abramovitz, however, has argued, on the basis of Aristotle's discussion of friendship (φιλία) (*NE* 1161a32–b8), that slaves—qua humans, if not qua chattel—were in fact thought to be able to enter into relationships of *philia* with free people.⁵⁹ In fact, anecdotal evidence demonstrates that at least some slave-*hetairai* considered their clients “friends,”⁶⁰ as we see, for example, in the story of the *hetaira* Theodote.⁶¹ According to this story, the philosopher Socrates visits Theodote's house and notices that she is wearing expensive clothing and jewelry, as is her mother, who is also present; that she has many attractive maidservants who lack for nothing; and that her house is lavishly appointed (*Xen. Mem.* 3.11.4). When the philosopher asks how she manages to maintain this lifestyle, she says more than once that it is based on the generosity of “friends” (φίλοι) (3.11.4 and *passim*). Even though the word φίλοι in this context masks the sexual and especially the commercial nature of their relationship, its repeated use by Theodote indicates that at least conceptually, one's clients could be one's “friends,” in the sense of those to whom one gives favors and expects favors in turn. Likewise, I would argue, when Neaira receives her *eranos* from a network for former lovers (ἐρασταί), she is clearly tapping into previously existing relationships akin to φιλία.

⁵⁵ Meyer (2010), however, argues that the *phialai* inscriptions record not manumissions of slaves but prosecutions of metics in γραφαί ἀπροστασίου (public suits for the lack of a patron).

⁵⁶ That the organizers of these loans were likely the owners themselves, see Millett (1991) 296 n. 39; Zelnick-Abramovitz (2005) 222.

⁵⁷ See Millett (1991) 153–9. See also Ziebarth *RE* s.v. *eranos*; MacDowell (1990) 322–4.

⁵⁸ For this type of argument (*pace* e.g. Millett (1991) 153–9), see Cohen (1992) 209–10, 215; Meyer (2010) 17 n. 23.

⁵⁹ Zelnick-Abramovitz (2005) 39–60. On friendship (broadly construed) and reciprocity in ancient Greece, see further Herman (1987); Millett (1991) esp. 116–23; Konstan (1998).

⁶⁰ On *hetairai* and their “friends,” see Davidson (1997) 120–30.

⁶¹ I thank Chris Faraone for suggesting the parallel of Theodote to me.

Interestingly, Neaira never seems to have paid back her *eranos*, or at least Apollodoros never mentions this happening (of course, it was of no use to him, rhetorically, to paint his opponent as a reliable borrower). An *eranos*, however, like any loan, was meant to be paid back. In fact, in the case of slaves borrowing money for their manumission, the lenders of an *eranos* could threaten to revoke the manumitted slaves' newfound freedom if they did not repay the money.⁶² Given that we never hear that Neaira was called upon to return the money, it is possible that in her case there was a tacit understanding that the "loan" was essentially a gift, with no expectation that it be repaid.⁶³ However, as with other "gifts" given to *hetairai*, there may have been the expectation that she pay it back in some fashion—perhaps sexually, if not monetarily.⁶⁴ In addition to this "loan," we should note that Neaira also contributed money she had acquired herself (αὐτὴ περιποιήσατο), presumably money she had earned as a relatively independent *hetaira* over the years. While she was likely never permitted to keep all of her earnings, she, like other "privileged" slaves (i.e., those with a degree of autonomy, often working outside their masters' houses), would have been entitled to keep a portion of her earnings after handing over the majority of it to her owners.⁶⁵ Even if she did not legally "own" this money, it was *de facto* hers.

A final point worth noticing in this passage is the condition attached to Neaira's fictive sale: namely, that she *not* work in Corinth anymore. This might be thought of as comparable to—if in a sense the opposite of—the *paramonē* obligations imposed in many Delphic inscriptions:⁶⁶ *paramonē* mandates that one remain close by, whereas Neaira, if she wanted to keep working as a

⁶² Westermann (1955) 25 says that Neaira "must have been subject to possible revocation." That a freed slave might be re-enslaved if he or she did not pay back an *eranos*, see also *GDI* 1791 lines 11–12; *GDI* 1804 lines 3–4; *GDI* 1878 lines 12–13; *GDI* 2317 (=FD 3.6.95) lines 8–11.

⁶³ See Patteson (1978) on 59.32 and Kapparis (1999) *ad loc.*, the latter of whom adds that strictly speaking, since the money was not returned, it was not an *eranos* but an *eisphora* (the latter of which, a "contribution," does not necessarily need to be paid back). For money (called an *eranos*) given explicitly as a gift (δωρεά), see [Dem.] 53.9.

⁶⁴ Hamel (2003) 38 says about Phrynion: "Certainly he acted afterward as if Neaira owed him something." See Davidson (1997) 123 on gifts given to *hetairai* in general: "Of course, these gifts were not free gifts. The women were obliged to give something in return—at their own discretion of course."

⁶⁵ On Neaira's own earnings, see e.g. Patteson (1978) *ad loc.* On the relative autonomy (and wealth) of *hetairai*, see e.g. Cohen (2003) and (2006); Faraone (2006a) and (2006b). On privileged slaves more generally, see Kamen (2013) 19–31, with bibliography.

⁶⁶ Kapparis (1999) *ad loc.* makes a similar point.

prostitute, had to move away. Whether in Neaira's case this was a formal legal condition or an informal agreement is unclear.⁶⁷

Once free, Neaira followed Phrynion to Athens, apparently of her own accord, although perhaps there was some stipulation in the fictive sale that she provide further services to him as her "buyer." But after being physically abused by him, she packed up and moved to the city of Megara, taking with her some of Phrynion's possessions (59.35). In Megara, she resumed working as a prostitute (59.36–37), presumably because this was the only trade she knew. Not making enough money, however, and fearing the wrath of Phrynion, she became involved with the Athenian citizen Stephanos (who happened to be in town) and put herself under his protection (προϊσταται) (59.37), perhaps appointing him as her formal *prostatês* or patron.⁶⁸ They then moved together to Athens (59.38). When Phrynion learned of this, he went to Athens and tried to reclaim Neaira as his slave by removing her (ἤγγεν) by force (59.40). It is unclear whether he had any legal right to do so, or whether he simply wanted Neaira back; if he did have a legal claim, it might have been because she never reimbursed the money he put up for her fictive sale.⁶⁹ But it also happened that legitimately freed slaves were often enslaved or re-enslaved, as shown by (among other things) the fact that manumission inscriptions must provide for protection against illegal seizure. It is quite possible, then, that Phrynion lacked a legal claim to Neaira and simply hoped he could take advantage of her precarious status.

In any event, Stephanos immediately responded to Phrynion's actions by removing Neaira "into freedom" (ἀφαιρουμένου ... εἰς ἐλευθερίαν) "in accordance with the law" (κατὰ τὸν νόμον) (59.40). He did so through a legal procedure called an ἀφαίρεσις εἰς ἐλευθερίαν that was brought before the polemarch, the civic magistrate in Athens in charge of foreigners' legal affairs. By this procedure, any Athenian citizen who wished (ὁ βουλόμενος) could assert the freedom of

⁶⁷ That this may have been a formal legal condition of her manumission, see Carey (1992) *ad loc.* and Hamel (2003) 35–7. We also have no way to know precisely *why* this particular condition was imposed: maybe the guardians of these men's fiancées did not want Neaira around, or Eukrates and Timanoridas simply tired of her (Patteson (1978) *ad loc.*); alternatively, maybe Eukrates and Timanoridas "wished to cut ties with the frivolous days of their youth" (Kapparis (1999) *ad loc.*) or did not want to feel obligated to support Neaira in her old age (Hamel (2003) 36–7).

⁶⁸ See e.g. Patteson (1978) *ad loc.*; Carey (1992) *ad loc.*

⁶⁹ Westermann (1955) 25 argues that Phrynion may have had a legal claim to Neaira; Patteson (1978) on 59.32; Zelnick-Abramovitz (2005) 221. Kapparis (1999) *ad loc.* and Meyer (2010) 25–6 n. 61 argue that Phrynion did not have a claim.

someone improperly held as a slave.⁷⁰ We might think of this as akin to Euphrosuna's defenders in the Delphic inscription discussed above.

In Neaira's case, instead of taking the matter to the courts, the parties resolved the issue through private arbitration, after being persuaded to do so by their friends. In the meantime (as well as after arbitration), Neaira continued working as a prostitute (59.41). The result of the arbitration was that Neaira was confirmed to be "free and her own master (ἐλευθέραν εἶναι καὶ αὐτὴν αὐτῆς κυρίαν)" (59.46). This language is very similar to the description of Euphrosuna's fate after her former master dies (ἐλευθέρα ... κυριεύουσα αὐτοσαυτᾶς)—that is, when Euphrosuna is completely free.

Also decided in arbitration was that Neaira be required to give back to Phrynion everything she had taken from his house when she left, except the things that had been purchased especially for her use, including her clothing, jewelry and maidservants. A somewhat peculiar living arrangement was then agreed upon: Neaira was to split her time between the two men's houses, with whichever man she was with on a given day taking care of her daily needs. Finally, the men were to be friends from that point on and bear each other no ill will (59.46). Although each party clearly made concessions, the arbitration, on the whole, favored Stephanos' position, perhaps suggesting that Phrynion had not in fact been entitled to make the claim on Neaira,⁷¹ and that Stephanos was in fact her *prostatēs*. Since Phrynion is never mentioned again in Apollodoros' narrative, it is possible that he never (or only briefly) exercised his new rights over her.⁷²

To summarize what we have seen thus far: a *hetaira* turns to her former lovers, in addition to drawing on her own savings, in order to purchase her freedom. After she is freed, however, her new status remains insecure, as seen when one of the lovers who put up money for her freedom tries to claim her as a slave. Although another lover serves as her "protector" and successfully defends her freedom, it is worth noting that Neaira remains in many ways servile, owing services to both of these men and continuing to prostitute herself.⁷³ The reason I have devoted so much attention to this speech is that it provides the most complete account from antiquity of a slave manumitted through what I am

⁷⁰ For more on ἀφαίρεσις εἰς ἐλευθερίαν, see Harrison (1968) 178–80, 221; MacDowell (1978) 80; Todd (1995) 187, 192; Maffi (1997) (on Athens and Gortyn); Zelnick-Abramovitz (2005) 292–300. See also Harp. s.v. ἔξαιρέσεως δίκη.

⁷¹ For a similar point, see Carey (1992) *ad loc.*

⁷² For this argument, see also Kapparis (1999) *ad loc.*

⁷³ For this point, see Zelnick-Abramovitz (2005) *passim*.

calling secular fictive sale. I will turn now to bits and pieces of other evidence that appear to represent the same—or at least a very similar—institution.

Other Evidence for Fictive Sale?

In such instances, we generally find men buying the freedom of slaves whom they love, or at least lust after. An attempted fictive purchase may be recorded in the fourth-century BCE speech *Against Athenogenes* (Hyp. 3), in which we learn that the plaintiff Epikrates, an Athenian citizen, fell in love with the slave boy of a man named Athenogenes.⁷⁴ Wanting to engage in sexual relations with the boy, Epikrates asked Athenogenes if he could purchase the boy's freedom. Athenogenes, seizing the opportunity to make a profit, devised a way to swindle the lovesick Epikrates. He sent the boy to Epikrates, instructing him to say that his master would sell him only if Epikrates bought the boy's father and brother as well. Athenogenes also employed the *hetaira* Antigone to convince Epikrates to go along with the plan. Persuaded by her, Epikrates collected 40 *mnas* from his friends (perhaps another *eranos*-loan⁷⁵) and told Antigone he was ready to pay.

However, while on the one hand (μέν) Epikrates intended to “pay down” money “for the purpose of their freedom” (ἐπ’ ἐλευθερίᾳ καταβαλε[ί]ς, Hyp. 3.5; ἐπ’ ἐλευθερίᾳ καταβάλλ[λ]οιμι, Hyp. 3.7), Athenogenes on the other (δέ) said that he would sell the slaves to Epikrates outright (ἀποδώ[σ]ομαι ... ὦνῃ καὶ πράσει[τ]), that is, through a genuine sale (Hyp. 3.5). Urging Epikrates to buy them outright (πριάμενος ... ὦνῃ καὶ πράσει) and free them later (ὑστερον ... ἀφῆς ... ἐλευθέρους), Athenogenes claimed that the slaves would in this way be more grateful to Epikrates than to himself (Hyp. 3.6). Athenogenes' real motivation—and one he had not disclosed to Epikrates—was that the slaves were saddled with substantive debts, accrued in the perfume factory where they were employed; if Athenogenes had manumitted them (either through a fictive sale or otherwise), the debts would have redounded to him, but if Epikrates became their new owner, however temporarily, the slaves' debts would become Epikrates'

⁷⁴ On the attempted “purchase” in this speech, see Zelnick-Abramovitz (2005) 217–8 and *passim*.

⁷⁵ The word *eranos* is not used, but Epikrates says that he collected money from every source (συναγαγών ... πανταχόθεν), and was a nuisance to his friends (Hyp. 3.4). Millett (1991) 156 and Zelnick-Abramovitz (2005) 220 call this a likely *eranos*-loan; cf. Cohen (1992) 119; Whitehead (2000) *ad loc.*

responsibility.⁷⁶ Ultimately, then, while Epikrates did not employ fictive purchase as a way of freeing his beloved slave-boy, it was an option open to him.

Apart from this example, in most instances the beloved slave in question is female, generally a *hetaira*, and often the “buyer’s” aim is to acquire her as his (free) concubine. Thus in one fourth-century lawcourt speech, a man named Kallistratos brings a suit against his brother-in-law Olympiodoros in order to recover some property. In his speech, Kallistratos attacks the defendant’s character by stating that Olympiodoros has redeemed the freedom of a slave-prostitute at the expense of cultivating proper familial relations: “This Olympiodoros, men of the jury, has never married an Athenian citizen woman in accordance with your laws, nor has he any children nor has he ever had any, but having had a *hetaira* released (λυσάμενος), he keeps her in his house” ([Dem.] 48.53). Although the details of the transaction are not spelled out, the use of the middle voice of the verb λύω (“release”) implies that Olympiodoros *had* her freed—that is, put up the money for her freedom—rather than manumitting his own slave.⁷⁷ In this way, it is comparable to the fictive purchases we have seen thus far.

A similar use of the verb λύω is found in Aristophanes’ *Wasps*, when the old man Philokleon says to a *aulos*-playing slave-girl: “If you are not a bad woman to me now, when my son dies, I’ll keep you as my concubine, my little piggy, having had you released (λυσάμενος)” (1351–3). Likewise, in Demosthenes’ speech *For Phormio*, the speaker attacks the plaintiff Apollodoros by charging: “You have had one *hetaira* released (λέλυσαι) ... and you do this having a wife of your own ...” (36.45). As was the case with Olympiodoros, the problem here is not so much that Apollodoros has redeemed a prostitute as that he has done this when he should have been devoting his attention to, and spending his money on, other things.

In fact, the substantial price at which men purchase the freedom of slave-prostitutes is frequently mentioned in our sources.⁷⁸ One of the earliest reports of

⁷⁶ These debts amounted to the enormous sum of five talents, a sum which Epikrates is explicitly said to have paid via *eranos*-loans, as well as *khrea* (conventional loans) (Hyp. 3.11). On these loans, see Cohen (1992) 214–5.

⁷⁷ For this point, see G. Foucart (1896) 22; see also Klees (1998) 312 with n. 90. For a similar use of λύω in the middle, see Ant. 1.20.

⁷⁸ Cf. Isocrates (15.288), who complains that the sykophants of his day not only do not reproach men who redeem (λυομένοις) women for 130 *mnas* (women who will consume the rest of their

this kind of criticism comes from Herodotus, who says that in the archaic period, the *hetaira* Rhodopis “was released (ἐλύθη) at great expense (χρημάτων μεγάλων) by Kharaxos of Mytilene In this way (οὕτως) she was freed (ἐλευθερώθη) But when, after having had Rhodopis released (λυσάμενος), Kharaxos returned to Mytilene, [his sister] Sappho railed against him vehemently in her lyric poetry” (Hdt. 2.135).⁷⁹ In a similar fashion, the orator Hypereides was apparently criticized for spending money on, and also purchasing the freedom of, a number of expensive slave-prostitutes. The rhetorician Athenaeus writes (13.590d):

The orator Hypereides, having thrown out his son Glaukippos from the ancestral home, took up with Myrrhine, the expensive *hetaira*, and kept her in the city [Athens], and in the Peiraieus he kept Aristagora, and in Eleusis he kept Phila, whom he freed (ἐλευθερώσας), having purchased her (ὠνησάμενος) for a very large sum of money (πολλῶν . . . χρημάτων), and later he even made her the mistress of his household, as Idomeneus tells us.

From this account, it is not immediately clear how Phila was freed. Did Hypereides *first* purchase and *then* free her, or did he have her freed through a fictive purchase? Of course, both of these options were viable ways of freeing a slave, as we saw in Hypereides 3.5–6 (discussed above). In the case of Phila’s manumission, the fictiveness of the purchase may be supported by Plutarch’s report that Hypereides ransomed Phila for 20 *mnas* (λυτρώσάμενος) (Plut. *Mor.* 849D). In fact, λυτροῦμαι (“ransom”) is the same verb that the ninth-century CE scholar Photios uses to describe Kharaxos’ fictive purchase of Rhodopis (ἐλυτρώσατο) (s.v. Ῥοδώπιδος ἀνάθημα). All of this implies that Phila, like Rhodopis, was likely “sold” for the purpose of freedom.⁸⁰

The sort of ambiguity found in Athenaeus’ report is common (unfortunately for us), making it difficult on occasion to figure out what means of manumission is being used. Unclear, for example, is way in which the six other slave-prostitutes belonging to the madam Nikarete, about whom we hear only in passing in *Against Neaira*, were manumitted. After naming all seven of these girls (including

property!), but rejoice in their profligacy. On the judicial portrait of *hetairai* as extravagant, see Glazebrook (2005) 170–1, 179–80 and (2006) 126–8.

⁷⁹ On this passage, see also Kurke (1999) 176–8, 220–7.

⁸⁰ Cf. Kapparis (1999) 210, who states that Phila “was liberated by her master Hypereides after he had bought her from Nikarete.”

Neaira), Apollodoros says that if he has enough time (he doesn't), he will tell the jurors "who bought (ἐκτήσατο) each of them and how they were freed (ἠλευθέρωθησαν) by those who purchased (πριαμένων) them from Nikarete" ([Dem.] 59.20). Here too we cannot tell precisely *how* the other six girls were freed: was this purchase actually a *fictive* purchase designed to deliver them into freedom? Or were they first *genuinely* purchased from Nikarete, and then at some later point set free by their new owners?⁸¹ Either way, in the case of these girls, as with the other slaves described above, it is their sexual allure to particular men—and these men's willingness to expend money on their behalf—that facilitated their manumission.⁸²

Finally, in a handful of instances, freed-slave *hetairai* are mentioned but we are given no information about how they were freed: so, for example, Nikarete, Neaira's madam, is briefly described as the freedwoman (ἀπελευθέρα) of an Elian man named Charisios ([Dem.] 59.18); a nameless freedwoman (ἀπελευθέρα) runs a brothel (Is. 6.19); and a brothel prostitute named Alke is implied (but not overtly stated) to be a freed slave (Is. 6.49). Moreover, some of the freedman bowls (discussed above) may be dedications by *hetairai*, if that is how we are to interpret the large numbers of "woolworkers" (a possible euphemism) in these inscriptions.⁸³ All of these women might have been able to attain their freedom by means of a combination of their earnings as *hetairai* and the generosity of their clients, but we can only speculate.

Conclusions

This article has demonstrated that during the classical period (and perhaps earlier) the Greeks practiced a secular form of manumission similar in many respects to the better-known institution of sacral fictive sale: so similar, in fact, that they appear to represent two versions of a single mode of manumission. Most significantly, both institutions employed a legal fiction—sale to a third

⁸¹ Klees (1998) 312 n. 89 likewise says that this passage could refer either to πρᾶσις ἐπ' ἐλευθερίᾳ or to manumission following (genuine) purchase.

⁸² The precise mechanism of manumission is also unclear in Menander's fourth-century BCE comedy *Misoumenos*, in which a mercenary soldier named Thrasonides says about a captive girl: "I bought (πριάμενος) [her], granted her her freedom (περιθείς ἐλευθερίαν), made her my house[keeper], gave her servants, jewelry [and clothes], considered her my wife" (37–40 Arnott).

⁸³ Over 80% of the female dedicators of *phialai* are "woolworkers" (*talasiourgoi*), who may have been prostitutes who worked wool on the side: see e.g. Cohen (2003 [2000]) 226 and (2006) 105–8; Wrenhaven (2009); cf. Glazebrook (2011) on loom-weights found in brothels, suggesting an association between prostitution and wool working.

party—in order to circumvent the slave’s inability to purchase his or her own freedom. I have also shown, based on a survey of secular fictive sales in our literary sources, that the vast majority of slaves freed in this way were *hetairai*, and that the freedom most of them received was not absolute. Many became concubines (formally or otherwise) of the men who put up the money from their freedom, implicitly or explicitly owing them services in exchange for their “purchase.” This situation is akin in some respects to the requirement of *paramonê* found in many of the Delphic inscriptions discussed above, with the main difference being that in sacral fictive sale, services are generally owed to the former master (the “seller”), whereas in secular fictive sale they are owed (formally or otherwise) to the “purchaser.”⁸⁴ In both cases, the freed slave, despite her newfound legal status, remained in many respects servile.⁸⁵

This exploration also sheds light on the relationship between gender (and sex) on the one hand, and manumission on the other. In nearly all slave-holding societies, including ancient Greece, female slaves are freed more often than male slaves.⁸⁶ Scholars have speculated that the primary reason for this gender imbalance is that female slaves often engage in sexual relationships with free men, whether their own masters or other individuals.⁸⁷ These intimate relationships make men more eager to help their slave-consorts become free, whether out of

⁸⁴ Hopkins (1978) 169 points out that in eleven of the Delphic inscriptions, freed slaves are required to perform *paramonê* service for someone who is not their former master; presumably in these cases it is the person who put up the money for their freedom.

⁸⁵ On the incompleteness of freed slaves’ freedom, see Zelnick-Abramovitz (2005).

⁸⁶ See O. Patterson (1982) 263. In antiquity: see Weiler (2001). In the Delphic manumission inscriptions: Tucker (1982); for numbers, see Hopkins (1978) 140 (reprinted in O. Patterson (1982) 265). In Rome: Gardner (1986) 225–6; Mouritsen (2011) 190–2, with reservations.

⁸⁷ On the connection between sexual/affective relationships and manumission in general, see O. Patterson (1982) 228–32; in Greece, see Klees (1998) 310–14; in Rome, see Duff (1928) 20, Treggiari (1969) 15–16, Gardner (1986) 226; in both Greece and Rome, see Weiler (2001). In Greece (and Rome), unlike in many other slave societies, slave boys were also involved in sexual relationships with free men (see e.g. discussion of Hyp. 3 above), but this less often led to manumission. One reason may be the (obvious) fact that slave women could become pregnant, furnishing them with more compelling grounds for manumission by their masters. So e.g. in Menander’s *Epitrepontes*, the slave Onesimos says to the *hetaira* Habrotonon that if their master Kharisios is fooled into thinking that she is the mother of his child, she will become free, since Kharisios will release her at once (Men. *Epit.* 539–40 Arnott). As Lape (2010b) 73 rightly observes, “women like Habrotonon might be able to exploit the sexual significance of their body to find a way out of slavery, whereas male slaves had no corresponding exit strategy.”

some kind of generosity rooted in affection, or, perhaps more often, because they want to keep these women in their households as concubines. If this explanation is valid, then of all female slaves in Greece, prostitutes (especially *hetairai*) should have been among the most likely to be manumitted, given that they cultivated sexual relationships with the greatest number of men, not to mention men willing to spend money on them.

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