

INTRODUCTION

“You, tell me, are you a metic?”

“Yes.”

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

“To obey!”¹

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

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

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

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

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