
INTRODUCTION

Spectrum of Statuses

MOSES FINLEY FAMOUSLY ARGUED THAT WE OUGHT TO RECOGNIZE A SPECTRUM of statuses in ancient Greece, with the chattel slave at one extreme, the full-fledged citizen at the other, and a range of statuses in between.¹ Taking up his challenge, this book maps the range of social and legal statuses in classical Athens (451/0–323 BCE). My aim is to provide a thick description of Athenian status, ultimately broaching larger questions about the relationship between Athenian citizenship and civic ideology. By “civic ideology” I refer to the conception that all Athenian citizens—and only Athenian citizens—were autochthonous (that is, descended from ancestors “born from the earth” of Attica) and engaged in the political and military life of the city.² This survey of statuses will demonstrate, among other things, that Athenian democracy was both more closed and more open than civic ideology might lead us to think: on the one hand, only some citizen males exercised full citizen rights;³ on the other, even non-citizens and naturalized citizens were, to varying degrees, partial shareholders in the Athenian polis.⁴

But first, my choice of “status” as a heuristic term requires some explanation, since a debate on the definitional terms “class,” “status,” and “order” dates back to Marx and Weber.⁵ Within the field of ancient history, the Marxist pole is best represented by G.E.M. de Ste. Croix, who holds that *class*—“the collective social expression of the fact of exploitation, the way in which exploitation is embodied in a social structure”⁶—underlies the

¹ See Finley 1981 [1959], 1981 [1960], 1981 [1964], 1973. For a recent reiteration of the need to recognize intermediate categories, see Bearzot 2005, 91–92.

² On Athenian civic ideology, see, e.g., Loraux 1993; Boegehold and Scafuro 1994; Lape 2010.

³ See, e.g., Mossé 1979 on “active” vs. “passive” citizens.

⁴ See, e.g., Ober 2005 [2000], who argues that the ideology of Athenian democratic inclusiveness led to the development of “quasi rights” (granted to rich and poor citizens alike), one unintended result of which was the extension of negative liberties even to noncitizens.

⁵ For a concise analysis of this debate, see Ober 1991, 113–16. Hunter and Edmundson’s edited volume *Law and Social Status in Classical Athens* explicitly avoids entering into this debate: see Hunter 2000a, 1. As we shall see, de Ste. Croix explicitly aligns himself with Marx, whereas Finley’s analysis is heavily indebted to Weber. For Weber’s influence on Finley, see, e.g., Finley 1981 [1977], ch. 1; Finley 1985, ch. 6; Shaw and Saller 1981, xvii–xviii, discussing Weberian influences on Finley in the spheres of social analysis (“order” and “status”) and methodology (“ideal type”); and Tompkins 2006, on Finley’s personal and intellectual influences in general, focusing on his early days.

⁶ de Ste. Croix 1981, 43. A particular class, on the other hand, is “a group of persons in a community identified by their position in the whole system of social production, defined above all according to their

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differentiation of ancient Greek society.⁷ Finley exemplifies the Weberian pole, arguing that class is less salient than *status*, which he terms “an admirably vague word with a considerable psychological element.”⁸ Finley’s main objections to class are, first, that there is no consensus on how to define it; and, second, that a Marxist definition does not actually hold for ancient society—if it did, the slave and free wage laborer, because neither owns the means of production, would belong to the same class, which they clearly do not.⁹ De Ste. Croix in turn contends that Finley misunderstands and misrepresents Marx,¹⁰ and that while status can indeed *describe* ancient society, it cannot be used to *analyze* it.¹¹

While de Ste. Croix and Finley each argue for a preferred definitional term, both acknowledge the usefulness of the term “order,” referring, in Finley’s words, to “a juridically defined group within a population, possessing formalized privileges and disabilities in one or more fields of activity, governmental, military, legal, economic, religious, marital, and *standing in a hierarchical relation to other orders*.”¹² The orders in classical Athens were, in Mogens Hansen’s words, “three clearly differentiated groups”: the privileged (citizens), the underprivileged (metics), and the unprivileged (slaves).¹³ Most scholars accept this division of Athens into three juridically based categories, even if not all of them refer to these categories as “orders.”¹⁴

relationship (primarily in terms of the degree of ownership or control) to the conditions of production (that is to say, the means and labour of production) and to other classes” (43).

⁷ On “class” as his category of choice: de Ste. Croix 1981, 42–69. De Ste. Croix admits that “class” is not the only category we need for analyzing the ancient world, but he asserts that it is nonetheless the “fundamental one” (1981, 45).

⁸ Finley 1973, 51. “Class” is also rejected by Austin and Vidal-Naquet (1977 [1972]); for a focus on slaves in particular not being a “class,” see Vidal-Naquet 1986 [1981], ch. 7.

⁹ On his objections to the use of the term “class,” see Finley 1973, 48–51. Hansen 1991, 86–87 has a similar criticism of “class.” For a critical analysis of Finley’s rejection of class in favor of status, see Nafissi 2004. Although Finley retained his Weberian orientation throughout his career, he later used the term “class” “in the sense intended in ordinary discourse, not in a technical sense, Marxist or other” to analyze ancient politics (Finley 1983, 1029). Ober 1991 uses the term “class” in the same way in his discussion of Aristotle’s *Politics*.

¹⁰ See de Ste. Croix 1981, 58–59 for a critique of Finley’s understanding and representation of Marx.

¹¹ De Ste. Croix 1981, 92–93; on the problems with “status” more generally, see 81–98.

¹² Finley 1973, 45 (emphasis in original); on orders more broadly, see 45–48. See also de Ste. Croix 1981, 42 for a definition of “orders” as “status-groups (*Stände*) which are *legally recognised* as such and have different sets of juridical characteristics (privileges and disadvantages)” (emphasis in original); and 94–95 on the Greek orders. See further Ober 1991 (esp. 128), who argues that Aristotle was using something like “orders” (i.e., juridically defined groups with legal privileges and disabilities) as his organizing principle.

¹³ Hansen 1991, 86. Hansen argues that the difference between citizens, metics, and slaves does not correspond to a division “according to social status (with all its psychological implications),” since, e.g., metics, citizens, and slaves work side by side. The differentiation, he says, is found primarily in the political sphere (87).

¹⁴ Todd 1995, ch. 10, and Hunter 2000a refer to these three groups as “status groups.” (Hunter 2000a does acknowledge, however, that more groups than three existed, including *nothoi* and *atimoi*, but says that such groups “have not been included here because the collection as a whole concentrates on the three major status groups” [2n4].) Austin and Vidal-Naquet use the term “legal category,” as in “three legal categories,” to refer to slave, metic, and citizen (Austin and Vidal-Naquet 1977 [1972], *passim*); they make a point, however,

In determining the usefulness of any of these terms—status, class, and order—we should remember that none of them has an equivalent in Greek. This is not to say that these *concepts* were unimportant to the Greeks, simply that there is a certain arbitrariness, and inevitable imprecision, in ancient historians' use of such terms. In fact, we sometimes see a blurring of these terms in the scholarship. For instance, de Ste. Croix says that the term "status" is useful when it "partakes of some legal recognition and can therefore be considered as constituting an 'order' in the technical sense."¹⁵ Virginia Hunter, in turn, explains that the term "status groups" is used in her coedited volume *Law and Social Status in Classical Athens* to refer to the three "juridically defined orders" of society, "status" to the "standing of each group within the resultant social hierarchy, together with its attendant privileges and disabilities, honour or lack thereof."¹⁶ By Hunter's definition, the term "status" seems to encompass legal status *along with* honor (*timē*).¹⁷

Indeed, to the extent that there is any consensus among scholars, it is that a category encompassing both social standing and legal rights is a useful one. The question then becomes what to call this category. "Order," to my mind, is too redolent of Rome (with its Struggle of the Orders), and "class" inevitably carries with it the baggage of exploitation.¹⁸ "Status" too has its flaws—potentially connoting social estimation of honor and prestige in a strict Weberian sense—but I think it is also the least loaded of the three terms, perhaps because of its "vagueness." In this book, then, I take "status" to refer to *both* legal rights *and* social standing, in keeping with the double way in which modern sociologists use the term.¹⁹ Wherever I want to emphasize one aspect of status, I will specify "legal status" or "social status,"²⁰ but I see both as subsets of a larger overarching category, "status."²¹

of saying that the legal categories do not correspond to "social categories" (see esp. 103–6), since within each legal category there is a lot of social variation.

¹⁵ De Ste. Croix 1981, 94.

¹⁶ Hunter 2000a, 1–2. This definition is adopted by C. Patterson 2009, 354.

¹⁷ This is more or less the definition of status I will be using. However, although I will touch briefly on the level of honor (*timē*) possessed by each status group, I will not be engaging in the scholarly debates about whether Athens was an agonistic society in which the courts provided a setting for competing over honor (a view espoused by, e.g., D. Cohen 1995, esp. chs. 4 and 5, and challenged by Herman 2006, esp. ch. 6).

¹⁸ Cf., however, Wright 2005, for a brief summary of the different ways in which sociologists use the term "class."

¹⁹ In fact, sociologists use both "status" and "social status" in this double way: "In a narrow sense, the term refers to one's legal or professional standing within a group; in a broader sense, it means one's value and importance in the eyes of the world" (Middleton 2008, 621); see also Kantzara 2007. In this book, I reserve the term "social status" for standing or esteem in the eyes of the community (cf. Weberian "status").

²⁰ See also Todd 1995, who says that "social status is different from (and often more complex than) legal status" (173).

²¹ In so doing, I subscribe to the following words of Finley: "It may be objected that I am now confusing political and social categories with proper juristic ones. To that I would reply that such 'confusion' is inherent in Greek thinking and in Greek institutions. To separate them might be more elegant, more Roman, but it

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What, then, were the status groups of classical Athens? As mentioned above, the majority of scholars adopt the tripartite classification found in most of Greek literature: slave, metic, and citizen. These are in fact the three *major* status groups, but, as I argue in this book, they are not the *only* status categories: instead, they are three nodes on a much broader spectrum. One of the earliest discussions of a range of statuses in antiquity can be found in a 1945 article (“Between Slavery and Freedom”) by Finley’s teacher Westermann, who takes as his starting point the second-century CE lexicographer Pollux’s discussion of those “between free and slave” (*metaxu . . . eleutherōn kai doulōn*; 3.83), including indigenous enslaved populations (like the Spartan Helots) and manumitted slaves. From this, Finley developed the idea of a spectrum of statuses in ancient Greece: “If we think of ancient society as made up of a spectrum of statuses, with the free citizen at one end and the slave at the other, and with a considerable number of shades of dependence in between, we shall quickly discover different ‘lines’ on the spectrum.”²² He elaborated on this idea in “The Servile Statuses of Ancient Greece” (1960)²³ as well as in “Between Slavery and Freedom” (1964). In *The Ancient Economy* (1973), among other works,²⁴ Finley further clarified the *nature* of his spectrum, stating that it “is not meant to be understood as a mathematical continuum, but as a more metaphorical, discontinuous spectrum, with gaps here, heavier concentrations there.”²⁵

But Finley’s concept of a spectrum of statuses—even his nuanced version thereof—has not won universal acceptance. Just as de Ste. Croix objects to “status” as an insufficiently analytical category (since, he says, there is “no organic relationship” between statuses), so too does he find the idea of a *spectrum* of statuses problematic (since a spectrum has no explanatory force).²⁶ Yvon Garlan, in turn, takes issue specifically with Finley’s (implicit) notion of one spectrum encapsulating all of the intermediate statuses in all periods and areas of ancient Greece.²⁷ Yet another objection to Finley’s spectrum has been voiced by Charles Hedrick. He argues that because the various noncitizens in Athens were defined (all together) in relation to the citizen, rather than against one another, viewing Athenian society as a spectrum—giving equal weight, in a sense, to the various noncitizen groups as separate identities—does

would no longer be Greek” (1981 [1960], 147). Cf. Mennen 2011 for a recent exploration of “status” in the Roman Empire in the sense of “social status” (6; emphasis in original).

²² Finley 1981 [1959], 98.

²³ Finley 1981 [1960], esp. 147–48.

²⁴ See especially Finley 1981 [1964].

²⁵ Finley 1973, 68. He also called the spectrum “metaphorical” and “too smooth” in 1981 [1964], 132.

²⁶ De Ste. Croix 1981, 92–93.

²⁷ Garlan 1988 [1982], 85–118, esp. 87.

not accurately represent the prevailing classical Athenian ideology.²⁸ In fact, even Finley admits that the metaphor of a spectrum “breaks down” in classical Athens. That is, while the full spectrum was “visible” before the rise of the polis, with a diversity of statuses recognized and spoken of, it became ideologically obscured in the classical period and only re-emerged as visible in the Hellenistic period.²⁹

However, even while classical Athenian society was thought of, and written about, as being defined by a tripartite division of slave/metic/citizen—or sometimes by a simple antimony of slave vs. free, or citizen vs. noncitizen—there simultaneously existed an (often unacknowledged) range of statuses between these nodes.³⁰ That is to say, Athenian ideology “masked” the reality of a spectrum.³¹ I do think, then, that it is productive to speak of a spectrum of statuses in classical Athens. First of all, the (relatively) limited temporal and geographic scope of my study (Athens of the period 451/0–323 BCE) avoids the potential difficulties pointed out by Garland: unlike Finley, I am speaking of status not in “ancient Greece” (broadly construed) but in a specific polis at a specific time. Secondly, there clearly was a level on which the Athenians *did* recognize a multiplicity of statuses between slave and citizen, each of which (as we shall see) had its own set of defined legal and political rights.³² Moreover, each of these intervening status categories served an ideological purpose of its own. As Stephen Todd puts it, since these categories “occur always on the rising side of the main status groups”—e.g., *privileged* slaves, *privileged* metics—their function may in part be “to highlight the depth of the gulf between the main statuses.”³³ Therefore, rather than *countering* Athenian ideology, a study of the intervening status categories gives us a richer sense for the full spectrum of Athenian status, while simultaneously illuminating the primary significance of the “big three” categories. In pursuing this study, I hope not only to describe but also to *analyze* Athenian society and ideology.³⁴

²⁸ Hedrick 1994, 307.

²⁹ Finley 1981 [1964], 132. Cf. Cartledge 2002, 144, who argues that the concept of a spectrum of statuses “could not have been entertained widely, let alone normatively” before the Hellenistic period.

³⁰ See also Vlassopoulos 2009, who argues that “while there was a categorical and simple division between slave and free in Athenian law, in social practice the situation was very complicated” (348).

³¹ For the notion of ideology as a mask, see Geertz 1973, 201–3. I am inspired, in part, by Hunt 1998, who demonstrates that the ideology of a rigid slave/free binary masks the reality of slave participation in the Greek military.

³² In the words of Finley 1981 [1964], 116, the ancients “could hardly have been unaware of certain gradations.”

³³ Todd 1995, 173–74.

³⁴ Cf. Ober 2005 [2000], 101: “Focusing exclusively on the binary opposition between ‘citizen’ and ‘other’ elides too much of the ideological complexity central to Athenian politics and society.” I would argue that this holds as well for focusing on the tripartite division of Athenian society.

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In mapping out this spectrum of statuses, I am again following the lead of Finley, who proposes an effective way of analyzing status in ancient Greece.³⁵ His methodology, rooted in contemporary (i.e., twentieth-century) jurisprudence,³⁶

involves first breaking up the traditional notion of rights into a number of concepts, including claims, privileges, immunities, powers, and their opposites (duties and so on). Second it involves envisaging status (or freedom) as a bundle of privileges, powers, and so on, and therefore the definition of any particular status, or of any individual's status, in terms of the possession and location of the individual's elements of the bundle.³⁷

Finley then provides a list of categories by which status may be analyzed:

(1) claims to property, or power over things—a complex of elements requiring further differentiation both in its range (from *peculium* to full ownership) and in its application to different categories of things (e.g. cattle or land or agricultural produce or money); (2) power over a man's labour and movements; (3) power to punish; (4) privileges and liabilities in legal action, such as immunity from arbitrary seizure or the capacity to sue and be sued; (5) privileges in the area of the family: marriage, succession, and so on; (6) privileges of social mobility, such as manumission or enfranchisement (and their inverse); and (7) privileges and duties in the sacral, political, and military spheres.³⁸

To my mind, the greatest advantage of this kind of approach is that it entails investigation into *all* areas of life, encompassing privileges and liabilities not only in the juridical sphere but also in the spheres of politics, religion, and the economy, among others. In this way, it allows for a unique and (I believe) unprecedented view of the complexity of status in classical Athens.

One goal of this book, then, is to fulfill for Athens the agenda proposed (but never accomplished) by Finley. Thus, adopting his suggested method of analysis, and following the order of his schema, I lay out in each of the following chapters a distinct status group (or set of status groups), although I show that the lines between groups were not entirely clear-cut. These groups include chattel slaves (chapter 1); privileged chattel slaves (chapter 2); conditionally freed slaves (chapter 3); metics (chapter 4); privileged metics (chapter 5); bastards (chapter 6); disenfranchised citizens (chapter 7); naturalized citizens (chapter 8);

³⁵ The approach I am taking is also suggested by Hunter 2000a, 3, according to whom “a thorough analysis of status and its concomitants” would entail adopting an approach like Finley's.

³⁶ See, e.g., Hohfeld 1919 for a systematic categorization of legal relations, mapping “jural opposites” like right/no-right and privilege/duty, and “jural correlatives” like right/duty and privilege/no-right. Finley 1981 [1976] does cite Hohfeld 1919.

³⁷ Finley 1981 [1960], 148. See also Finley 1981 [1976], 77.

³⁸ Finley 1981 [1960], 149. Essentially the same catalogue is found also in Finley 1981 [1964], 131.

female citizens (chapter 9); and male citizens (chapter 10). Ordering the chapters in this way—starting with the chattel slave and slowly building up to citizen status—has, to my mind, two heuristic advantages: 1) it brings (still-needed) attention to the least enfranchised status groups in Athens; and 2) it helps citizens be viewed, in the end, in a new light: namely, less as the default status group in Athens and more as possessors of an exceptional bundle of rights and privileges. In the conclusion, I summarize the book's findings and propose an explanation for why ancient Greek literature maintains the fiction of three status groups despite the reality of a full spectrum of legal and social statuses. Most important, it seems, was the fact that freeborn Athenian citizens defined themselves (ideologically) in opposition to noncitizens and slaves. As a result, the very fact of a spectrum of statuses, not to mention movement between status groups, was likely a source of anxiety for them.³⁹

A few points about my methodology should be made at the outset. First, in order to capture the most accurate picture of a particular group's status (both legal and social), I expand on Finley's model by looking *beyond* legal provisions: that is, I tease out what rights each group had *de facto*, in addition to the rights they were granted *de jure*. Second, the status groups I outline are not exactly parallel to each other—some are more precisely defined by law than others, some include large numbers of people whereas others are more exceptional—but each possesses a sufficiently unique “bundle” of privileges and liabilities to render it a distinct category. Finally, although I have chosen to divide Athenian society into ten status groups, there is, naturally, variation within each group, and so I could have parceled up the spectrum into even narrower categories. My taxonomy, therefore, is neither exhaustive nor the only possible one, but is meant to demonstrate the *complexity* of the spectrum, or at least to get closer to its complexity than a tripartite model of status does. Indeed, as Finley himself has said, “No classification or taxonomy, no matter how detailed, is a sufficient account of the nature of a given society and its transformations. It can only be deemed to be more or less useful than competing classifications as an analytical tool in a particular inquiry.”⁴⁰ I hope only that my classificatory scheme is more, rather than less, useful in fleshing out our picture of classical Athenian society. Ultimately, my aim is to reveal a social and legal reality otherwise masked by Athenian civic ideology.

³⁹ On anxieties about status boundary-crossing in Athens, see, e.g., Davies 1977/78; Jameson 2004 [1997].

⁴⁰ Finley 1998 [1980], 140.