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Atimoi and agogimoi. Reflections on debt slavery in archaic Athens

Abstract

Debt enslavement of Athenians before Solon's *Seisachtheia* is well documented. The main sources are Solon (fr. 4 and 36 W), Aristotle ([Arist.] *Ath. Pol.* 2.2.) and Plutarch (*Sol.* 13.2-3), among others. However, there are discrepancies between the sources and many doubts about this topic. Solon's law of amnesty (Plut. *Sol.* 19.4) was probably part of the measures aimed at eliminating debt slavery. The intention here is to shed further light on this issue by analysing the meaning of *atimos* and *agogimos* in relation to the situation of debtors at the time.

La riduzione in schiavitù per debiti di Ateniesi prima della *seisachtheia* di Solone è ben documentata. Le principali fonti sono Solone (fr. 4 e 36 W), Aristotele ([Arist.] *Ath. Pol.* 2.2.) e Plutarco (*Sol.* 13.2-3). Tuttavia vi sono discordanze tra le fonti e, di conseguenza, molti dubbi riguardo a questo tema. La legge di Solone sull'amnistia (Plut. *Sol.* 19.4) faceva probabilmente parte delle misure miranti a eliminare la schiavitù per debiti. Lo scopo che qui si persegue è di fare più luce sulla questione analizzando il significato di *atimos* e di *agogimos* in relazione alla situazione dei debitori del tempo.

“Debt bondage or debt slavery [...] is the most common form of modern slavery. Despite this, it is the least known. Debt bondage occurs when a person is forced to work to pay off a debt. They are tricked into working for little or no pay, with no control over their debt. Today the International Labour Organisation estimates that around 50% of victims of forced labour in the private economy are affected by debt bondage – around 8 million people worldwide”.¹

1. -Introduction

In Antiquity, debt was one of the main ways of being reduced to slavery in many places, including ancient Greece.² In Athens, this situation occurred on a massive scale during

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¹ According to Anti-slavery (<https://www.antislavery.org/>), the oldest international human rights organisation in the world, founded in 1939, in the article, “What is bonded labour?” (<https://www.antislavery.org/slavery-today/bonded-labour/#:~:text=Also%20known%20as%20debt%20bondage,no%20control%20over%20their%20debt>; consulted 12 Nov. 2020). See also the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) (<https://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx>; consulted 16 Nov. 2021). For the contemporary debate on practices analogous to slavery: Forsdyke 2021, 18-21, 41-47.

² Finley 1981, 150-166. Ste. Croix 1981, 136-137, 162 ff. More recently: Zurbach 2017; Blok & Krul 2017.

the crisis preceding Solon's reforms, at the end of the 7th and at the beginning of the 6th century. Solon himself broaches this subject in his poems,³ mentioning how he freed the people from their slavery, while pointing out that some were sold abroad, other indebted citizens fled and yet others "suffered shameful servitude (δουλίην) at home" (in Attica):

ἐγὼ δὲ τῶν μὲν οὖνεκα ζυνήγαγον
 δῆμον, τί τούτων πρὶν τυχεῖν ἐπαυσάμην;
 συμμαρτυροίη ταῦτ' ἂν ἐν δίκῃ Χρόνου
 μήτηρ μεγίστη δαιμόνων Ὀλυμπίων
 ἄριστα, Γῆ μέλαινα, τῆς ἐγὼ ποτε
 ὄρους ἀνεῖλον πολλαχῆι πεπηγότας,
 πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη.
 πολλοὺς δ' Ἀθήνας πατρίδ' ἐς θεόκτιτον
 ἀνήγαγον πραθέντας, ἄλλον ἐκδίκως,
 ἄλλον δικαίως, τοὺς δ' ἀναγκαίης ὑπὸ
 χρειοῦς φυγόντας, γλῶσσαν οὐκέτ' Ἀττικὴν
 ἰέντας, ὡς δὴ πολλαχῆι πλανωμένους·
 τοὺς δ' ἐνθάδ' αὐτοῦ δουλίην ἀεικέα
 ἔχοντας, ἦθη δεσποτέων τρομεομένους,
 ἐλευθέρους ἔθηκα. ταῦτα μὲν κράτει
 ὁμοῦ βίην τε καὶ δίκην ζυναρμόσας
 ἔρεξα, καὶ διήλθον ὡς ὑπεσχόμην·
 θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κάγαθῶι
 εὐθεῖαν εἰς ἕκαστον ἀρμόσας δίκην
 ἔγραψα. [...]

But as for me, why did I stay me ere I had won that for which I gathered the commons? Right good witness shall I have in the court of Time, to wit the Great Mother of the Olympian Gods, dark Earth, whose so many fixed landmarks I once removed, and have made her free that was once a slave. Aye, many brought I back to their God-built birthplace, many that had been sold, some justly, some unjustly, and others that had been exiled through urgent penury, men that no longer spake the Attic speech because they had wandered so far and wide; and those that suffered shameful servitude at home, trembling before the whims of their owners, these made I free men. By fitting close together right and might I made these things prevail, and accomplished them even as I said I would. And ordinances I wrote, that made straight justice for each man, good and bad alike. [...]⁴

In addition to Solon himself,⁵ the main sources describing the situation at the time are Aristotle's *Athenaion Politeia* and Solon's life in Plutarch:

[2] ἦν γὰρ αὐτῶν ἡ πολιτεία τοῖς τε ἄλλοις ὀλιγαρχικὴ πᾶσι, καὶ δὴ καὶ ἐδούλευον οἱ πένητες τοῖς πλουσίοις καὶ αὐτοὶ καὶ τὰ τέκνα καὶ αἱ γυναῖκες; καὶ ἐκαλοῦντο πελάται καὶ ἐκτίμοροι: κατὰ ταύτην γὰρ τὴν μίσθωσιν ἠργάζοντο τῶν πλουσίων τοὺς ἀγρούς (ἡ δὲ πᾶσα γῆ δι' ὀλίγων ἦν), καὶ εἰ μὴ τὰς μισθώσεις ἀποδιδόειν, ἀγώγιμοι καὶ αὐτοὶ καὶ οἱ παῖδες ἐγίγνοντο: καὶ οἱ δανεισμοὶ πᾶσιν ἐπὶ τοῖς σώμασιν ἦσαν μέχρι Σόλωνος: οὗτος δὲ

³ Sol. Fr. 4 W.

⁴ Sol. Fr. 36 W. Trans. J. M. Edmonds.

⁵ For Solon's poems, see Noussia-Fantuzzi 2010, with a discussion on their authenticity.

πρῶτος ἐγένετο τοῦ δήμου προστάτης.

[2] For the Athenian constitution was in all respects oligarchical, and in fact the poor themselves and also their wives and children were actually in slavery to the rich; and they were called Clients, and Sixth-part-tenants (for that was the rent they paid for the rich men's land which they farmed, and the whole of the country was in few hands), and if they ever failed to pay their rents, they themselves and their children were liable to arrest; and all borrowing was on the security of the debtors' persons down to the time of Solon: it was he who first became head of the People.⁶

[2] τότε δὲ τῆς τῶν πενήτων πρὸς τοὺς πλουσίους ἀνωμαλίας ὥσπερ ἀκμὴν λαβούσης παντά πασιν ἐπισημασθῆναι ἢ πόλις διέκειτο, καὶ μόνως ἂν ἐδόκει καταστῆναι καὶ παύσασθαι ταραττομένη τυραννίδος γενομένης. ἅπας μὲν γὰρ ὁ δῆμος ἦν ὑπόχρεως τῶν πλουσίων. ἢ γὰρ ἐγεώργουν ἐκείνοις ἕκτα τῶν γινομένων τελούντες, ἐκτημόριοι προσαγορευόμενοι καὶ θῆτες, ἢ χρέα λαμβάνοντες ἐπὶ τοῖς σώμασιν ἀγώγιμοι τοῖς δανείζουσιν ἦσαν, οἱ μὲν αὐτοῦ δουλεύοντες, οἱ δ' ἐπὶ τὴν ξένην πιπρασκόμενοι. [3] πολλοὶ δὲ καὶ παῖδας ἰδίους ἠναγκάζοντο πωλεῖν (οὐδεὶς γὰρ νόμος ἐκόλυε) καὶ τὴν πόλιν φεύγειν διὰ τὴν χαλεπότητα τῶν δανειστῶν. οἱ δὲ πλεῖστοι καὶ ῥωμαλεώτατοι συνίσταντο καὶ παρεκάλουν ἀλλήλους μὴ περιορᾶν, ἀλλ' ἐλομένους ἓνα προστάτην ἄνδρα πιστὸν ἀφελέσθαι τοὺς ὑπερημέρους καὶ τὴν γῆν ἀναδάσασθαι καὶ ὅλως μεταστῆσαι τὴν πολιτείαν.

[2] At that time, too, the disparity between the rich and the poor had culminated, as it were, and the city was in an altogether perilous condition; it seemed as if the only way to settle its disorders and stop its turmoils was to establish a tyranny. All the common people were in debt to the rich. For they either tilled their lands for them, paying them a sixth of the increase (whence they were called Hectemioi and Thetes), or else they pledged their persons for debts and could be seized by their creditors, some becoming slaves at home, and others being sold into foreign countries. [3] Many, too, were forced to sell their own children (for there was no law against it), or go into exile, because of the cruelty of the money-lenders. But the most and sturdiest of them began to band together and exhort one another not to submit to their wrongs, but to choose a trusty man as their leader, set free the condemned debtors, divide the land anew, and make an entire change in the form of government.⁷

This subject has been dealt with elsewhere, distinguishing, as Plutarch and other contemporary authors do,⁸ between indebted landowners and *thetes/hektemoroi*,⁹ generally ἀκλήροι/ἄοικοι – or whose landholdings were insufficient for subsistence –¹⁰

⁶ [Arist.] *Ath. Pol.* 2.2. Trans. H. Rackham.

⁷ Plut. *Sol.* 13.2-3. Trans. Bernadotte Perrin (for all translations of this work).

⁸ E.g., Welwei 1992, 150-163; Gallo 1999 (this author also recognises these two situations in [Arist.] *Ath. Pol.* 2.2; cf. Faraguna 2012, 175); Valdés 2006; 2007b; 2014; Paiaro 2013; Zurbach 2013, 971.

⁹ *Hektemoroi* as sharecroppers who, therefore, did not own the land that they worked: Andrewes 1982, 378; Kirk 1977; Zurbach 2013, 971. *Hektemoroi* as *thetes*: Sakellariou 1979; Valdés 2006; 2014. For *thetes* in general: Bravo 1991/92-1992/93; Valdés 2019b.

¹⁰ A *thes* defined as a man without *kleros* (ἀνδρὶ παρ' ἀκλήρω: Hom. *Od.* 11.489-90) or a home/property (ἄοικον): Hes. *Op.* 600-603. See Rougier-Blanc 2014, 108-110. For van Wees, *hektemoroi* were similar to *thetes*, or hired labourers, while recognising that both were possibly minor landowners, although this would not have been enough to allow them to live independently: van Wees 1999: 24. Thus, the only data we have on the *thetes before Solon* (in Homer and Hesiod) point to a population below subsistence level, without property or with very little property, who have to hire themselves out as wage labourers. From Solon onwards, a new meaning of the term "*thetes*" as a member of census class (without losing the original meaning

and more often than not employed as sharecroppers in precarious working conditions¹¹. So, there were two initial situations: *thetes/hektemoroi* or sharecroppers “without land” and indebted landowners who had failed to repay their debts. Many small and medium landowners at the time ran up debts and ended up becoming “debt slaves”.¹² The focus will be placed here on the latter, although the situation of *thetes/hektemoroi* will also be covered.

Before continuing, however, it is necessary to distinguish, following Harris,¹³ between being reduced to “slavery by debts”, in the literal and legal sense (being sold, generally abroad, as a slave) and “debt bondage”. At that time (the 7th and early 6th century), however, barriers and citizenship would have been in the process of being defined.¹⁴ According to Harris, debt slavery in Athens ceased with Solon’s reforms, but not “debt bondage” which was not regulated by Athenian law. Be that as it may, in the laws of Gortyn the figure of the “debt bondsman” did indeed exist, viz. the *katakeimenos*.¹⁵ In ancient Greece there was no word for “serf”, legally free but subjugated to a certain type of servitude (o bondage), but the Greeks themselves defined this type of slavery,

of wage-earner or labourer) begins. From then on, the *thetes* as a census class would also include those with small landholdings that allowed self-sufficiency (probably under 3.6 hectares or 40 *plethra* approx., and therefore do not produce up to 200 measures ascribed to them by [Arist.] *Ath. Pol.* 7.4, but considerably less): see arguments in Gallego-Valdés 2010; Valdés 2022; *contra*: van Wees 2006; 2013. For *thetes* see also Valdés 2014; 2019.

¹¹ See Kirk 1977; Valdés 2006, nn. 75 and 76 (with more bibliography). They probably received only one sixth of the harvest as *hektemoroi*. In Hesychius (s.v. *hektemoroi*), Photius (s.v. *pelatai*), Pollux, 7.151, and Eustatius, *Comm. Od.* XIX 28, p. 1854, 31, *hektemoroi* apparently received only one sixth of the production. According to Plutarch (13.4) and Hesychius (s.v. *epimortos*), however, as they only paid one sixth, they received five sixths. See bibliography in Valdés 2006, 157; 2014.

¹² Some authors have confused the situation of *hektemoroi* (or *thetes*) with that of indebted owner farmers (Lêveque 1979; Ste. Croix 2004, 119-127, but differently in 109-118, and recently Roubineau 2007; see Faraguna 2012, 180). At the other extreme, some authors believe that all ploughmen in Attica were only considered to be landless labourers, sharecroppers, tenants or, at best, with some land of their own, but not enough to survive independently: Foxhall 1997, 128-129; van Wees 1999, esp. 18-24; 2006, 360-367. For the importance of indebtedness in the pre-Solonian crisis: Roubineau 2007, 205-207; Welwei 2005 (this author has postulated numerous causes for such indebtedness not necessarily linked to the small property crisis); Zurbach 2013, 969 ff. Valdés 2019.

¹³ Harris 2002. Followed, with nuances, by Zurbach 2014.

¹⁴ Regarding laws on slaves with Solon: Mactoux 1986. On citizenship: Manville 1990. For Solon: Blok-Lardinois 2006.

In the Gortyn Code, a *katakeimenos* could be a free person or a slave (given in debt bondage to a temporary master). See *IC IV*, 41 v.4-vi.16; *IC IV* 72, esp. I-56-ii.2 (Gortyn Code). Harris 2002, 418-419; Kristensen 2004; Zurbach 2017, 469. Lewis 2018, 74-75, 154-156. For the Gortyn Code: Maffi 2003.

as “between slavery and freedom”.¹⁶ In any case, as Finley pointed out, “debt bondage” was a way of creating a massive, cheap labour force for mainly working the land.¹⁷

The intention here is to show how this system worked in Athens before Solon. I will also examine the situation of the “slaves and/or debt bondsmen” in relation to that of the *thetes/hektemoroi* appearing in the sources.¹⁸ This makes it necessary to examine Solon's Amnesty Law which, in my opinion, has an important bearing on this issue and on the Solonian *Seisachtheia*.

A few years ago, I argued that, in archaic Athens before Solon, debtors who did not pay up found themselves in that legal situation, *atimia*,¹⁹ which consequently led to their “loss of citizenship rights”. *Atimia* was also the penalty for public debtors in classical times.²⁰ Thus, it is interesting to explore the possibility, suggested by Humphreys, that pre-Solonian debtors, both public *and private*, who did not repay their debts in the prescribed time were declared *atimoi*, as with their families and also their properties. *Atimia* would have entailed the confiscation of land (as occurred with public debtors in classical Athens). In the archaic law on bribery mentioned by Demosthenes, property

¹⁶ Poll. 3.83; Lotze 1959; Papazoglu 1993; Harris 2002; Zurbach 2014. Against the use of the term “serf” in ancient Greece: Finley 1981, 176. In favour: Ste. Croix 1981, 135-139; see also Hunt 2017. For pre-Solonian *thetes*, such as those “between freedom and slavery”: Harris 2002. This type of slavery is what Garlan calls “communal internal dependencies” (communal slaves or serfs), as opposed to “chattel slavery” (Garlan 1995[1982], 93ff.; also in Finley 1981, 116 ff.; Lotze 1959; Vidal-Naquet 1992[1990], 46-56), although the Greeks themselves could call both *douloi* (Vlassopoulos 2011, 120). For a critique of Finley’s claim that it was not until the 6th century that a distinction was drawn between free people and slaves in ancient Greece, whereas before that a “hierarchy of statuses” (also with criticism of this concept) would have been in force, as in the Near East: Lewis 2018, esp. 72-76, 82 ff. This author follows Harris’ criticism of Finley’s postulates: Harris 2012 (concerning Homeric and Hesiodic slavery).

¹⁷ Debt created widespread dependency among workers, who became “like slaves”: Finley 1981, 120; Zurbach 2009; 2013, 970 (the idea of transforming one’s status: 972). But see Lewis in the previous note.

¹⁸ Aristotle alludes to *thetes* (see *supra* in text), identifying them with *pelatai*, while Plutarch (see *supra* in text) mentions *thetes* identifying them as *hektemoroi*. *Pelatai* resembling *thetes* in other sources: Poll. 3.82: πελάται δὲ καὶ θῆτες ἐλευθέρων ἐστὶν ὀνόματα διὰ πενίαν ἐπ’ ἀργυρίῳ δουλεύοντων (*pelatai* and *thetes*: “freemen who serve for money because of their poverty”). See also Poll. 3.110-111. The Photius lexicon (Phot. s.v. πελάται) identifies *pelatai* with *thetes* and *hektemoroi*, while also pointing out that *pelatai*, due to their poverty, had to serve as slaves (δουλεύοντες) in exchange for a salary. Dion. Hal. *Ant. Rom.* 2.9.2-3 (see *infra* in text).

¹⁹ Valdés 2007, taking up a thesis proposed by Humphreys 1991, 33-34. Humphreys suggests “that attic magistrates had been using *atimia* too freely as a penalty in arbitrary judgements that did not have the support of public opinion” and “indebted small farmers may have been declared *atimoi* by their creditors [...], as may debtors who had fled into exile” (p. 34).

²⁰ For state debtors whose property was confiscated in classical times: And. 1. 73 ff.; Pl. *Gorg.* 486b-d and 508c-d; Krateros *FGrHist* 342 F 5; Dem. 23.62; Dem. 21.113. Dem. 9.44. Hansen 1976, 55 ff.; Kamen 2013, 75-81. Youni 2019. In any case, the “loss of citizenship rights” was different in both periods (the 7th century BC and classical times): see *infra* in text.

was referred to precisely as an object of *atimia*, in addition to people (convicts and their descendants).²¹

There has been much debate on Solon's Amnesty Law, which several authors believe formed part of the *Seisachtheia*, literally the “shaking-off of burdens”.²² In these pages, I try to reinforce this view. Let us begin by examining the law.

2. -Solon’s Amnesty Law and the *atimia* penalty

In Plutarch, the law states the following:

“ἀτίμων ὅσοι ἄτιμοι ἦσαν πρὶν ἢ Σόλωνα ἄρξαι, ἐπιτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου πάγου ἢ ὅσοι ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνοῦ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφευγον ὅτε ὁ θεσμὸς ἐφάνη ὅδε.”

‘As many of the disfranchised as were made such before the archonship of Solon, shall be restored to their rights and franchises, except such as were condemned by the Areiopagus, or by the ephetai, or in the prytaneium by the kings, on charges of murder or homicide, or of seeking to establish a tyranny, and were in exile when this law was published.’²³

There is also an important ongoing debate on the meaning of *atimos* at the time. This law is one of the few examples, along with that of tyranny ([Arist.] *Ath. Pol.* 16.10) and other possible archaic regulations (Dem. 23.62; 21.113),²⁴ of the application of *atimia* as a legal penalty in Athens during that period. There has been much controversy over the meaning of *atimia* and *atimos*. Swoboda postulated a change in the meaning from “outlaw” to “deprived of citizen rights” between archaic and classical times.²⁵ Several authors have subsequently endorsed this theory, although they do not concur on the dates of that change.²⁶ Other authors have questioned this change in, or attenuation of,

²¹ ἐάν τις Αθηναίων λαμβάνη παρά τινος, ἢ αὐτὸς διδῶ ἑτέρῳ, ἢ διαφθείρη τινὰς ἐπαγγελλόμενος, ἐπὶ βλάβῃ τοῦ δήμου ἢ ἰδίᾳ τινὸς τῶν πολιτῶν, τρόπῳ ἢ μηχανῇ ἥτινιοῦν, **ἄτιμος ἔστω καὶ παῖδες καὶ τὰ ἐκείνου**: Dem. 21.113 (also in Draco’s homicide law in Dem. 23.62: **εἶναι καὶ παῖδας ἀτίμους καὶ τὰ ἐκείνου**). See MacDowell 1983, 74-75; Canevaro 2013,

233 (law of bribery), 91-93 (the entrenchment clause); (ἄτιμα) τὰ ἐκείνου must be the opposite of τὰ χρήματα ἐπίτιμα (Dem. 23.44), as Hansen observed (1976, 77-78). Cf. Valdés 2007.

²² Possibly the situation of debtors was regulated by Solon. For the *Seisachtheia*: Ruschenbusch 2010, fr. 67, 69a-c. For the Amnesty Law in relation to Solon’s *Seisachtheia* and Draco’s legislation on debtors, see: Rhodes 1981: 111; Rihl 1991 (relating to public lands, according to this author); Ruschenbusch 2010, 136-137, on fr. 70. *Contra*: Leão-Rhodes 2015, 44 on fr. 22: “this fragment is better not linked with the *seisachtheia*”. Against the existence of Draco’s legislation on *atimoi*: Humphreys 1991.

²³ *Sol.* 19.4. Ruschenbusch 2010, fr. 70. Leão-Rhodes 2015, fr. 22/1.

²⁴ Hansen 1976, 76-78. See note 21. To which should be added the neutrality law ([Arist.] *Ath. Pol.* 8.5; *Plut. Sol.* 20.1), which Hansen dismisses; in this respect, see: Valdés 2021. *Atimia* in the neutrality law: Maffi 2018, 157-158.

²⁵ Swoboda (1893) points out that *atimos* as a legal term in archaic times originally meant “with impunity” or “without any compensatory fine”, “he is one for the murder of whom no fine shall be paid”. See Hansen 1976, 75.

²⁶ Hansen 1976, 80; this author contends that the change was introduced at the end of the 6th

the meaning of *atimia*, including Dmitriev who considers that it continued to signify “outlaw” in classical times, although without questioning the slighter or attenuated meaning of “deprived of citizenship rights”, also valid at the time.²⁷ For her part, Maria Youni, following A. Maffi, has vindicated the double moral and legal meaning of *atimos*.²⁸ Youni points out that, legally speaking, there was no change in its meaning between archaism and classicism, always being that of “deprived of citizenship rights”²⁹, although she has recognised, in a previous work, the probable difference between the expressions “ἄτιμος ἔστω (εἶναι)” and “ἄτιμος τεθνάτω”, as Swoboda and Hansen had already shown³⁰. The second case would be equal to “outlaw” and, therefore, liable to be killed by anyone with impunity.³¹ According to Youni, in order to refer to such a case (outlawry), the prescription that an outlaw could be killed by anyone with impunity, must have been added to “*atimos*”.³² In these cases, flight was generally the only alternative to death.³³ According to Youni, therefore, in both archaic and classical times the expression “ἄτιμος ἔστω (εἶναι)” alone would not have only been employed to designate an outlaw, but also exile or flight (ἄτιμος εἶναι + φεύγειν), plus the hereditary character of both penalties or the prescription that he could be killed with impunity.³⁴ The meaning of *atimos* as an outlaw can be found outside classical Athens. In the case of the *oikistai* in Corcyra Melaina (Ditt. Syll³ 141), for example, it was

century BC (around 500 BC), while for Swoboda (1893) it was in the time of Solon. Ruschenbusch 1968, 20-23 (change around 460 BC). For this debate, see Maffi 1983, 252-255 (with an alternative proposal and further bibliography); Youni 2001; Youni 2018, 138.

²⁷ This was already proposed by Paoli (1930, 304 ff.; accepted by Harrison 1971, 169-171) who suggested that in classical times *atimia* sometimes signified outlawry. See also Rhodes 1978, 90; Rhodes 1981, 222; Parker 1983, 204 (“It is in connection with subversive offences that the inherited punishment is specifically attested”); Forsdyke 2005, 10 (“Ἀτιμία in the stronger sense ‘outlawry’ continued to exist as a penalty for certain serious crimes such as establishing a tyranny or overthrowing the democracy”); Dmitriev 2015. Some reflections in this vein also in Maffi 2018.

²⁸ Maffi 1983; also Poddighe 2001. Youni 2001; 2018; 2019.

²⁹ Youni 2018; 2019. Opinion previously expressed by Vleminck 1981 and Rainer 1986. Also Joyce 2018. See, however, the commentaries on Youni 2018 in Maffi 2018.

³⁰ See note 25. Youni 2001.

³¹ ἄτιμος τεθνάτω in Dem. 9.44 (homicide law), which would mean the same as νηπιονεὶ τεθνάτω (And. 1.96: in Demophantos’ law). A similar expression in the reconstruction of a 3rd-century law of Kyme ([ἄτιμος θνασ]κέτω): IK Kyme 11, lin. 10-12. See Hansen 1976: 75-76; Youni 2001: 128 ff. Maffi 2017, 159, who mentions a treaty of Stymphalos-Demetris where, according to 1.113 (*IPArk* 17 – end of the 4th century BC), in the case of theft by night the thief would have died *atimos* ([ἄ]ποθανέτο ἄτιμος).

³² Hansen 1978: 76; Youni 2001: 136. Other examples include the Eretrian law against tyranny: Knoeffler 2001, 225, 228. The law of Ilion (III, l. 12-21) prescribed a double penalty of *atimia* and exile, which for Youni (2001, 132, 136) was identical to being outlawed. See the following note.

³³ For flight, see *infra* in text and Loddo 2019.

³⁴ Youni 2001, 132, 136.

decreed that if any magistrate or member of the community supported proposals contrary to what had been decreed in the colony, he would be *atimos*, his assets would be transferred to the state and whoever killed him would go unpunished. Moreover, the prescription that the *atimos* could be killed with impunity is recorded in the agreement between Chairephanes and the city of Eretria concerning the reclamation of swampland at the end of 4th century (*IG XII 9 191*, lin. 32-33),³⁵ as well as in the Eretrian law against tyranny.³⁶ The law of Ilion (III, l. 12-21) prescribed a double penalty of *atimia* and exile which, for Youni,³⁷ was identical to outlawry. She arrived at this conclusion by juxtaposing *atimos esto*, *pheugein* and the hereditary character of both penalties and/or the fact that he could be killed by anyone with impunity.

Nevertheless, according to Hansen and more recently to Maffi, the expression “*atimos esto/einai*” on its own could mean the same as *atimos tethnato* (outlaw) in the law of tyranny ([Arist.] *Ath. Pol.* 16.10), as well as in other possible archaic legislation,³⁸ including the neutrality law.³⁹ Additionally, “*atimos esto*” could have also meant “outlaw” in classical Athens, as, for example, in the law of Eucrates,⁴⁰ as suggested by Maffi in his response to Youni.⁴¹ Maffi discusses some other interesting epigraphic evidence from outside Athens, dated to the 4th and 3rd centuries BC, in which “*atimos esto*” on its own could have been interpreted as “outlaw”.⁴²

Be that as it may, the cases involving flight (*atimos einai* + *pheugein*) would have been more serious, such as those singled out as being excluded from the Solonian amnesty law. In these cases, those convicted – of murder, slaughter or homicide (*sphagais*) or

³⁵ ἄτι[μος] ἔστω καὶ τὰ χρήματα αὐτοῦ ἔστω ἱερὰ [τῆς Ἀρτέμιδος, καὶ αὐτὸς καὶ γένος τὸ ἐξ αὐτοῦ] ὃ ἂν πάθει, [v]ηπ[οι]νεὶ πασχέει: lin. 32-33.

³⁶ See Knoepfler 2001, 222 ff.

³⁷ Youni 2001, 132.

³⁸ Hansen 1976, 75-76; [Arist.] *Ath. Pol.* 16.10 (law of tyranny); also in the law of bribery (Dem. 21.113: hereditary *atimia* and the confiscation of property) and in Dem. 23.62. See note 21. This sense also for the law of tyranny in Rhodes 1993, 222; Maffi 2018, 157-8.

³⁹ For the neutrality law see note 24 *supra*.

⁴⁰ *IG II³ 1 320*, lin. 20-21 (ἄτιμος ἔστω καὶ αὐτὸς καὶ γένος τὸ ἐξ ἐκείνου καὶ ἡ οὐσία δημοσία ἔστω αὐτοῦ).

⁴¹ Maffi 2018, 158-159. For Youni, the apparent dual penalty stipulated in this law – to be killed with impunity (lin. 10-11) and hereditary *atimia* including the confiscation of property (for the members of the Areopagus who sat in session or deliberated about anything when democracy had been overthrown: lin. 20-22) – highlights the distinction between both (outlawry and *atimia*), but Maffi casts doubt on the reliability of the terminology-based criterion for distinguishing between the two.

⁴² Maffi 2018. Apart from the law of Eucrates (158-159), he discusses the law of Naupactos (*Nomima* I 43), the Lygdamis inscription from Halicarnassus (*Nomima* 1 19), an inscription from Kyrne (*Inschriften von Kyme* 11 – 3rd century BC), the treaty of Stymphalos and Demetrias (*IPark* 17 of the end of the 4th century BC) and, finally, a 4th-century inscription from *Dikaia*, a Eretrian colony in the Chalkidike (*SEG* 57. 576) (159-160).

attempting to establish a tyranny – would have fled from Attica. Even so, in these cases the situation would not have been the same for all, as L. Loddo has recently shown. All of them could be killed with impunity if they returned to Attica or if they entered some specific public or sacred places. A distinction ought to be drawn, however, between the “unlawful” flight of those who had been sentenced to death as outlaws (in *eisangelia* or cases of attempted tyranny), the “lawful” flight allowed in cases of intentional homicide (“to leave the country after making the first of their two defence speeches” in the Classical Age)⁴³ and exile as a penalty imposed for some types of homicide (as, for instance, unintentional homicide).⁴⁴ In the last two cases, the convicted person could not be killed with impunity *if he respected the conditions of exile or banishment* (as demonstrated by Draco’s law of unintentional homicide).⁴⁵ But if he did not respect them (by returning to Attica, for example, and/or by entering the agora or some or other sacred place), he could be killed with impunity.⁴⁶ Furthermore, in the case of unintentional homicide, the property of the convict was not confiscated⁴⁷ but had to be respected, while in that of intentional homicide it was indeed.⁴⁸ Finally, in the case of unintentional homicide, the convict could not be captured or imprisoned (ἢ φέρη ἢ ἄγη), interpreted by some as “sold as a slave”,⁴⁹ as observed in Demosthenes’ *Against Aristocrates*.⁵⁰ As will be seen below, being sold into slavery was indeed the fate reserved for those condemned to *atimia* for debts who had lost their properties. So, being sold as a slave would seem to have been related to whether or not the convict retained his property.

The intention here is not to resolve this legal issue of *atimia*, but, from a socio-economic perspective, to inquire into who the *atimoi* eligible to be granted *epitimia* (namely, the rehabilitation of rights), *most of whom seem to have remained in Attica*, were in the time of Solon and why they were *atimoi*.

⁴³ Loddo 2019, 135-136; Antiph. 5.13.

⁴⁴ *IG I³* 104, lin. 11: φεύγ]ε[v].

⁴⁵ *IG I³* 104, lin. 26-29: ἐὰν δέ [τ]ις τὸ [ν ἀν]δρ[οφόνον κτένει ἢ αἴτιος εἴ φόνου, ἀπεχόμενον ἀγορᾶ]ς ἐφο-ρί[α]ς κ[α]ὶ [ἄθλον καὶ ἡερῶν Ἀμφικτυονικῶν, ἡόσπερ τὸν Ἀθην]αῖον κ-[τένα]ν[τα, ἐν τοῖς αὐτοῖς ἐνέχεσθαι.: “If someone kills the slayer or is responsible for his being killed while he is avoiding the *agora* by the *horoi*, games, and Amphiktyonic rites, he shall be treated on the same basis as one who kills an Athenian. The Ephetai shall bring in the verdict” (Trans. R. Stroud).

⁴⁶ Loddo 2019, 134-135. For the interpretation of the “*agora ephorias*” as the agora “by the *horoi*” (or “within the *horoi*”), the *archaia agora* of Athens: see also Canevaro 2017, 57-58.

⁴⁷ τὰ χρήματα ἐπίτιμα: Dem. 23.44-45.

⁴⁸ Dem. 23.45; Loddo 2019, 146.

⁴⁹ Harris 2018, 43-44 n.72; Loddo 2019, 144-145.

⁵⁰ Dem. 23.44.

The distinction established by Solon himself in the Amnesty law between those *atimoi* to whom he granted *epitimia*, the majority of whom would have remained in Attica, and others – who were exiled from Attica: ἔφευγον – to whom he did not, is certainly significant. It would in effect point to the fact that *atimos*, in a technical or legal sense, might have referred, from the start, to two situations (albeit with some nuances): those who had to flee (lawfully or unlawfully), because they could be killed by anyone with impunity if they remained in the community (ἄτιμος plus “τεθνάτω” and/or φεύγειν) and those who “lost their citizenship rights” (ἄτιμος ἔστω /εἶναι) but who generally remained (with exceptions) in Attica and *they could not be killed by anyone with impunity*.

Notwithstanding this, it is essential to consider that, as Hansen observed, from a legal point of view the “loss of citizenship rights” could not have had the same consequences in the 7th century as in classical times.⁵¹ In this first case, *atimoi*, although they cannot be considered literally as “outlaws” – at least in the sense of running the risk of being killed by anyone with impunity – were in a more helpless and vulnerable situation than in classical times and they were *agogimoi* (to be sold into slavery) under certain conditions, as will be seen below.

3. -Being “deprived of rights” in 7th-century Athens and the status of pre-Solonian *thetes*

The “loss of citizenship rights” was different in both periods (the 7th century BC and classical times), insofar as citizenship was in the process of being defined in the 7th century.⁵² Furthermore, being without “rights” in 7th century BC meant not only being vulnerable and legally unprotected,⁵³ but even liable, as will be seen, to being reduced to slavery and mutilated. “Deprived of rights” in the 7th century would not, in reality, have derived so much from the status of “outlaw”, even though, as a rule, *it would not have entailed death*, reserved for those described in Solon’s law as in exile and not covered by the amnesty. So as to understand what rights were forfeited, it is first necessary to determine the rights of the *demos* (understood here as the “lower classes”),⁵⁴ that is, of those who did not form part of the *aristoi* who held public offices,

⁵¹ Hansen 1976, 76.

⁵² See note 14.

⁵³ Something that also happened to some extent in classical times: Hansen 1976, 56-60.

⁵⁴ For the different meanings of *demos*, see Finley 1973: 12; Hansen 2010, 502-515.

delivered justice and belonged to the Areopagus ([Arist.] *Ath. Pol.* 3). The prerogatives of the *demos* were thin on the ground: the possibility of being registered in the phratries, attending the assembly (*agorai*)⁵⁵ – which would have been convened infrequently – having access to justice and being allowed to appeal against the sentence of a magistrate before the council/supreme court, the Areopagus, which had the capacity to impose penalties and fines without appeal in the 7th century ([Arist.] *Ath. Pol.* 3.6; 4.4). They could also undoubtedly enter the agora, also understood as the assembly at the time,⁵⁶ and sacred places. These prerogatives were possibly enjoyed by a large number of Athenians living in Attica (*Attikoi* in Solon's terms).⁵⁷ However, these minimum rights might have also been limited (at some point or at different times) to those who possessed a certain economic capacity (in the spurious Draconian constitution, those who *ta hopla parechomenoi*),⁵⁸ even if a minimum of legality or access to justice (in cases of homicide, inheritance, marriage, etc.) was accessible to a wider group (such as in the laws of Gortyn). So, the penalty of *atimia* might have consisted in being excluded from the assembly and possibly the phratries (which would have regulated the right to attend the assembly)⁵⁹ and probably in being deprived of access to justice or at least to the right to lodge an appeal against the sentence of a magistrate before the Areopagus (and with the probable involvement of the *ephetai*).⁶⁰ In all likelihood, this also entailed the loss of property (*ta ekeinou*),⁶¹ the fate of public debtors in classical times.⁶² In the

⁵⁵ Valdés 2012. Hesiod could participate in the Assembly: *Op.* 29-34; Barry 2016, 324. For the *demos* in Homer: Scheid 2002, esp. 25. The *demos* had certain prerogatives even in Homer and some degree of “sovereignty” (the people could send someone into exile: Hom. *Od.* 16.424; *Od.* 16.375-382; Scheid-Tissinier 2002, 20), played a role in the distribution of booty (Scheid-Tissinier 2002, 13-17) and “granted” kings a royal *temenos* (*Il.* 6.194; *Il.* 20.184; *Il.* 9.575-580). For the role of the Assembly in the birth of the *polis*: Raaflaub 1997.

⁵⁶ Apollod. of Athens (*FGrHist* 244 F 113 *ap.* Harp. s.v. *pandemos Aphrodite*). Also in Homer: *Il.* 7.345; *Od.* 9.112, and Alcaeus Fr. 130b.1-4.

⁵⁷ Sol. Fr. 1-3W, lin. 6. Attica was unified in the 7th century (*pace* Anderson 2003 and recently Canevaro 2017), which does not imply that there were no political or territorial conflicts between members of the elite (see Valdés 2019c with bibliography).

⁵⁸ [Arist.] *Ath. Pol.* 4. For this possible reduction in rights with Draco: Valdés 2019, n. 56 (with bibliography about the problems with this constitution).

⁵⁹ For the role of phratries in the *Synoikia* festival in which the *demos* probably congregated by them: Valdés 2019c (with bibliography). For registration in archaic Athens: Faraguna 2015.

⁶⁰ [Arist.] *Ath. Pol.* 3.6; 4.4. Also before the *ephetai* which, at the time, might have been a reduced commission within the Areopagus: Valdés 2002, 38 ff (with bibliography). Since Solon (not before) the *epheisis* was to the popular *dikasterion*/Heliaia. For the meaning of *epheisis*, broader than “appeal”, as an automatic transfer or reference to another body: Ruschenbusch 1961; 1965; Harrison 1971, 72-74; Sealey 1987, 62-66; Noussia Fantuzzi 2010, 27. For a new meaning of *epheisis* which entails a “veto” on a decision pronounced by a magistrate and a new legal procedure before the people as a court of first instance: Pellosso 2016.

⁶¹ Valdés 2007.

⁶² See note 20.

7th century, being in such a situation was almost like being an “outlaw”, although generally without entailing death. His situation was very similar to that which Homer referred to as “ἀφρήτωρ ἀθέμιστος ἀνέστιός”⁶³: without phratry membership (and, as a result, without access to the assembly), without access to justice (i.e., to a trial), without a home/*oikos* (and, consequently, landless) and, therefore, without a *polis* (it should be recalled that Hestia was located in the heart of the city, in the Prytaneum, in the old agora). In light of the foregoing, the status of an *atimos*, was very similar and can be compared with that of the Homeric and Hesiodic *thes*. The *thes* was an “ἄουκος” and “ἄκληρος” (generally landless)⁶⁴, liable not only to being beaten (like Thersites),⁶⁵ but also threatened with mutilation (Hom. *Od.* 17.470-480; *Od.* 18.83-87; *Il.* 21.455) and even sold forthwith as a slave, without a trial (Hom. *Il.* 21.441-455; *Od.* 20.376-383)⁶⁶. It is highly likely that *thetes* not only had no individual voice in the assembly (like the *demou andres* as Thersites),⁶⁷ but also *would not have attended it on a regular basis*.⁶⁸ Their lot in life was the worst imaginable:⁶⁹ not well integrated in the community, they were landless,⁷⁰ salaried workers who toiled in precarious conditions, subject to the seasonal nature of agriculture or other employment, and were cast aside when they were no longer needed.⁷¹ *Thetes* had no legal means of ensuring that their wages were paid – as is the case of Apollo and Poseidon on the command of Laomedon,

⁶³ Hom. *Il.* 9.63.

⁶⁴ See note 10.

⁶⁵ Hom. *Il.* 2.265; Valdés 2012. Thersites seems to have been, however, a member of the *demoi* (Hom. *Il.* 2.198 ff.) and, therefore, not a *thes*, but also, like the *atimoi* in classical times, susceptible to being beaten: Pl. *Grg.* 486C and 508D; Isoc. 12.10.

⁶⁶ Plato relates in the fourth century how a *pelates* (the term used by Dionysius of Halicarnassus to describe the *thes/hektemoros* of pre-Solonian Athens: see note 18) who works as a *thes*, i.e. for wages, on Naxos, is left to starve and freeze to death for having killed a slave; the *thes/pelates* is bound hand and foot and thrown into a pit (*Euthphr.* 4c), similar treatment (starvation, crickets, binding and beatings) to that proposed by Socrates in Xenophon (*Mem.* 2.1.15-17) for lazy slaves (Hunter 1992, 280). Dionysius of Halicarnassus himself speaks of this mistreatment of the *thetes/pelatai* of pre-Solon times, as if they were slaves: Dion. Hal. *Ant. Rom.* 2.9.2: “For the former treated their clients with haughtiness, imposing on them duties unbecoming to free men; and whenever they disobeyed any of their commands, they beat them and misused them in all other respects as if they had been slaves they had purchased” (Tr. E. Carey). See Valdés 2019d and *infra* in text.

⁶⁷ See note 65.

⁶⁸ *Thetes* outside the assembly, only for *demou andres*: Valdés 2012; Scheid-Tissinier 2002.

⁶⁹ At least in the ranking of free men: Hom. *Od.* 11.489-491. For *thetes* see: Bravo 1991/1992-1992/1993. Scheid-Tissinier 2002, 7-8. Finley 1964 [1954], 59-61.

⁷⁰ *Thetes* served (θητευέμεν) even those without land (ἀνδρὶ παρ’ ἀκλήρω: Hom. *Od.* 11.489-90), for which reason they were also landless, although sometimes they would have possessed small plots that were not enough for subsistence (see note 10).

⁷¹ Seasonality: Hom. *Il.* 21.444; Hes. *Op.* 600-603. Homer is probably alluding to the status of *thetes* when mentioning the poor (χέρηες) who worked for the *agathoi* performing small menial tasks: Hom. *Od.* 15.305-324. Those *thetes* who did not work were considered to be beggars: Hom. *Od.* 18.357-361. For beggars in Homer: Valdés 2018, n. 23.

in Homer – and were even sold into slavery or mutilated,⁷² like the *ptochoi* who were potential *thetes* (in the sense that they could be hired for a salary)⁷³ and who could also be threatened, attacked (Hom. *Od.* 19.69) or mutilated (*Od.* 17.478-480; *Od.* 18.83-87), as well as being sold as slaves without a trial (*Od.* 20.376-383). The status of *thetes* and *ptochoi* was very similar to that of the *dmoes*, or sometimes even worse due to the uncertainty of their fate.⁷⁴ Although they had the status of “free men”, their situation in the archaic period was not to be envied. Their poverty⁷⁵ made them dependent on those for whom they worked. Sometimes, they were even incapable of maintaining their freedom and were therefore prone to being reduced to slavery. The dividing line between free (poor) men and slaves was not as clear in those times as it was afterwards, in the sense that the poor who served as *thetes* were “like slaves” and were sometimes even sold as such with no apparent justification, as is the aforementioned case of Poseidon and Apollo, in Homer, when they were working as *thetes* (θητεύσαμεν) for Laomedon in the construction of Troy’s city walls.⁷⁶ There were no institutional, judicial or civic mechanisms to protect the landless poor from servitude, permanent dependency or slavery. In this sense, *thetes* were “like slaves”, as defined in later lexicons,⁷⁷ or like those “between freedom and slavery”.⁷⁸

⁷² Poseidon and Apollo under the command of Laomedon were building the walls of Ilion. After completing their work, not only were they not paid their dues, but were also threatened with being disabled and sold into slavery: Hom. *Il.* 21. 441-455. In another passage from Homer (*Od.* 18.358), the fact that the salary (*misthos*) was said to be guaranteed (*arkios*) indicates that it may not have been so in all cases. *Thetes* normally received food, clothing and footwear, apart from the *misthos*: Hom. *Il.* 18.357-464 (day labourers who received food, clothing and footwear); Hom. *Il.* 18.560 (day labourers or *erithoi* who received food). Hdt. 8.137.2-5: *thetes* in Macedon who did not receive their dues either. Descat 1986, 297-302. Plácido, 1989, 78.

⁷³ Hom., *Od.*, 18.357-361.

⁷⁴ As to the situation of *thetes* being similar to that of *dmoai*, see: Carlier 1999, 271. *Thetes* similar to *dmoai*: Hom. *Od.* 4.644; also mentioned together in Hesiod: *Op.* 600-603; the status of *thetes*, because of their insecurity, may have been even more precarious at times than that of *dmoai* or domestic slaves, like the swineherd Eumeus, who enjoyed a relatively privileged situation.

⁷⁵ Poverty: Hom. *Od.*, 15.324.

⁷⁶ See note 72 and Pherecydes, *FGrHist* 3 F 35.

⁷⁷ Hesch. s.v. θής· δοῦλος, μισθωτός παράσιτος, ἢ ὁ τὴν μισθαρνικὴν. Hesch. s.v. θητεύει· μισθώσεις, [ἐπὶ] μισθῶ δουλείαι. Hesch. s.v. θητεύει· δουλεύει μισθῶ. See also the *Suda*, s.v. θῆτες; s.v. θητεία; s.v. θητικὸν πλῆθος. More sources in Plácido 1989, 65-66.

⁷⁸ See note 16. Servitude in Euripide, *Ciclops*, 23-24: τούτων ἐνὸς ληφθέντες ἐσμὲν ἐν δόμοις δοῦλοι· καλοῦσι δ’ αὐτὸν ὃ λατρεύομεν Πολύφημον: “We are slaves of one of them, who captured us; Polyphemus is the name of the one we serve.” The verbs *theteuo* and *latreuo* might signify “to serve as a *doulos*”: Plácido 1989, 66. Aristotle considered that *banausoi* (craftsmen normally included in the class of *thetes*) undertook similar tasks to those of slaves (*douloi*): Arist. *Pol.* 3.1277a-b excludes manual workers from the citizenry, who “in ancient times and in some places were slaves or foreigners”: Arist. *Pol.* 3.1277b-1278a. Therefore, according to Aristotle, citizens could not undertake manual or menial tasks (which were performed by *banausoi*, who could have been slaves or *thetes*: Arist. *Pol.* 3.1278a, lin. 12-13), especially in aristocratic and oligarchic regimes (Arist. *Pol.* 3.1278a, lin., 21-22); see Bravo 1991/1992-

Thus, in the 7th century *thetes* and *atimoi* who lived in Attica and had not fled must have lived in similar conditions: excluded from assemblies, without legal protection against possible attacks and/or mutilation, or being sold into slavery.

The *atimoi* of Attica – undoubtedly a significant number and without land (which had been confiscated)⁷⁹ – had therefore fallen into a situation similar to that of *thetes/hektemoroi* (without *oikos* or *kleros*). As Diogenes Laertius notes, the Athenians were falling into a “*theteia*”.⁸⁰ In that situation, although free without rights, *atimoi* could be susceptible, like *thetes*, to being beaten, mutilated or injured and sold immediately, without a trial, as chattel slaves.⁸¹ They were, as will now be seen, “*agogimoi*”, in addition to not participating, of course, in the assembly and not being able to lodge appeals before the Areopagus. This comes close to the meaning of *agogimos* in Aristotle and Plutarch, which refers to both *thetes/hektemoroi* and debtors (and, therefore, in my interpretation, to this first type of *atimoi* of Solon’s law, viz. those who generally remained in Attica). But what does *agogimos* mean?

4. - The meaning of *agogimos* in the pre-Solonian Athens and the Solonian restoration of *atimoi*

In this section I review the meaning of the term “*agogimos*”, which in classical times generally means “liable to being arrested” but seems to have a harsher meaning in pre-Solonian Athens. I consider that *agogimos* has a double meaning at the time: that of being taken and carried away to work as debt bondsmen and that of being literally sold abroad into slavery. According to the sources, this second meaning can apply to debt bondsmen (*atimoi*) as well as to *thetes/hektemoroi*. I consider, also, the impact of

1992/1993, 89. Regarding the situation in the 4th century: Plácido 1989, 55-79, in particular 66-69, with more passages from Aristotle; see Kyrtatas, 2002. For the Classical Age, see also Mactoux 1980, esp. 200 ff. The judgement of a poor citizen which casts doubt not only on his citizenship, but also on his status as a free person: Dem. 57.32-45. Revival of practices or procedures for condemning people to “servitude” in the 4th century (in Menandrus for example, *Heros*, 18-40): Ste. Croix 1981, 163. For servitude, see Harris 2002 and Zurbach 2014; Valdés 2015.

⁷⁹ See note 21. Although debt was not the only cause of *atimia* (see Welwei in note 12 and 87), it was probably the main one.

⁸⁰ This author (1.45) points out that Solon “rescued people and properties”, alluding to the fact that “loans were made on people and many, due to poverty, had to serve as *thetes* (ἐθήτευον)”. In another passage (1.66), he writes that Solon complained to the demos saying, “It was in vain that I tried to free the poor from their *theteia*”: ἡ μάτην ἔσπευδον ἀπαλλάξαι τοὺς πένητας αὐτῶν τῆς θητείας.

⁸¹ This situation is reported by Dionysius of Halicarnassus: Dion. Hal. *Ant. Rom.* 2.9.2-3. See *infra* in text.

Solon's Amnesty Law on the indebted Athenians (declared *atimoi*) as part of the *Seisactheia*.

In classical times, *agogimos* meant “liable to seizure”; in other words, someone who could be arrested. In this period, an *agogimos* debtor was described as a free person liable to being arrested and/or detained in order to secure the repayment of his debts.⁸² In the 4th century BC, the term was employed above all for exiles who were extradited from all the allied cities.⁸³ In the archaic sense, an *agogimos* could be akin to “one without recourse to law”, so, with a meaning very similar or close to “outlaw”.⁸⁴ According to Bailly’s dictionary, the term “*agogimos*” in pre-Solonian times meant someone “who can be apprehended in the body, speaking of an insolvent debtor that his creditor was ‘taking’ away to employ him as a slave or sell him”.⁸⁵ This meaning (someone who can be arrested and reduced to slavery) is also recorded in the *DGE* dictionary, especially for debtors, not only in pre-Solonian Athens, but also in other places at later dates.⁸⁶

In the words of Aristotle ([Arist.] *Ath. Pol.* 2.2), for whom the term *agogimos* seems to refer to the *hektemoroi* or *pelatai* (which Plutarch calls *thetes*), “[...] if they ever failed to pay their rents (μισθώσεις), they themselves and their children were liable to arrest” (καὶ εἰ μὴ τὰς μισθώσεις ἀποδίδοιεν, ἀγώγιμοι καὶ αὐτοὶ καὶ οἱ παῖδες ἐγίγνοντο).

Plutarch (*Sol.* 13.2), however, points out that those who were *agogimoi* were debtors: “[...] they pledged their persons for debts and could be seized by their creditors”

⁸² *LSJ* s.v. ἀγώγιμος II: “of person, liable to seizure”. In *DGE*: “*que puede ser llevado ante un tribunal*” (Xen. *Hell.* 7.3.11, Dem. 23.11), ἔστωσαν ἐντὸς] τῆς Εὐβοίας ἀγώγιμοι: *IG* 12(9).207.44 (Eretria III BC). In Nicostratos’ case, he was liable to being seized as a slave: Dem. 53.11. See Sosin 2017, 6, n. 29. Property could also be *agogima* (liable to confiscation): Dion. Hal. *Ant. Rom.* 5.69 (seizing the assets of debtors, but not their bodies); εἶν[αι τὰ χρήματα αὐτοῦ] ἀγώγιμα in *IG* II² 125.14 (4th century BC).

⁸³ Xen. *Hell.* 7.3.11; Dem. 23.16; Diod. 14.6.1; see Youni 2001, 134-135 (liable to arrest); Harris 2019, 17: in Demosthenes’ *Against Aristocrates* 23, Euthycles interprets the word *agogimos* as whoever catches the person who kills Charidemus can do anything to him he wishes: “He passes over the legally designated court and hands him over without trial to his accusers for them to do whatever they want to him, even if his guilt is not obvious. Those who catch him have the right to torture, maim, and collect money”: Dem. 23.27-28. Just as ἀγώγιμος could be used in internal state matters, so too could it be used externally in international relations, in treaties or alliances between multiple states: Wallace 2016: 249. S.v. ἀγώγιμος, in *RE* 1 (1894), col. 835 (Thalheim); Usteri 1903, 17-19, 59.

⁸⁴ Hansen 1976, 76. With important nuances: Youni 2001: 133-137 (see previous note).

⁸⁵ My translation: “à Athenes, avant les réformes de Solon, qui peut être appréhendé au corps, en parlant d’un débiteur insolvable que son créancier ‘emmenait’ pour l’employer comme esclave ou le vendre”.

⁸⁶ Plut. *Sol.* 13. In Egypt: ἐὰν παραβαίνω(σιν) εἶναι αὐτο(ύς) παραχρη(μα) ἀγωγίμο(υς): *SB* 14375.24 (1st century BC), cf. *BGU* 1159.8 (1st century BC); Dion. Hal. *Ant. Rom.* 5.64.2 (see note 82).

(ἀγώγιμοι τοῖς δανείζουσιν ἦσαν), before adding, “some becoming slaves at home, and others being sold into foreign countries”. Thus, it seems that *agogimos* applies here to debtors. In my opinion, nevertheless, there is no contradiction between these two passages, considering, as seen above, that the situation of *atimoi* was similar to that of *thetes* and that those who did not repay their debts became *atimoi*. According to Aristotle, those who did not pay the “*misthoseis*” were *agogimoi*, while for Plutarch debtors were also apparently *agogimoi*. Assuming that those with public or private debts who failed to repay them on time became *atimoi*⁸⁷ automatically or by sentence,⁸⁸ and since in Athens there would have been many *atimoi* who were granted the *epitimia* with Solon, it would not be too farfetched to conjecture that these numerous *atimoi*, who had lost their properties, remained by and large in Attica tilling the land (sometimes their own confiscated properties or that of others). They were “*agogimoi*” in two senses: 1. Seized to work their former land or that of others as debt bondsmen; and 2. Seized to be sold abroad if they did not pay the rents due (*misthoseis*). They remained in Attica as *aoikoi* and *akleroi*, that is, similar to *thetes*, but even worse off owing to their status of convicts with the dishonour that this entailed.⁸⁹ In this situation, those who did not pay the rents due or imposed (*misthoseis*) could be physically detained and literally sold abroad as slaves (*agogimoi* in the second sense), both *thetes/hektemoroi* (landless sharecroppers) and *atimoi*, namely, in most cases debtors who had been declared *atimoi* for non-payment, whose property had been confiscated and who were working to “redeem their debt” (debt bondsmen).⁹⁰ Therefore, it seems that being “liable to seizure” (*agogimos*), in the sense of being sold abroad as a slave,

⁸⁷ Without excluding other causes of *atimia* (such as fines or minor offences, etc.: cf. Welwei 2005). However, the most pressing problem in Attica during that period, according to the sources, were fundamentally debts, for which reason *atimia* for debts must have been very widespread as a reason for being sold into slavery (servitude, both in the literal and figurative sense).

⁸⁸ The procedure of becoming *atimos* is not known: perhaps public debtors became *atimoi* automatically (after a fine – Aristotle talks about the Areopagus punishing and imposing fines without the right of appeal: [Arist.] *Ath. Pol.* 3.6; 4.4 – or for not paying the rents of public lands leased or devoted to sharecropping, etc.) while private debtors did so, after a trial. Perhaps the lawsuit for private debts entailed a cost or fine to be paid – in kind: Davis 2012 – not only to the plaintiff, but also to the state (for this possibility in the Classical Age: Hansen 1982). In this case, if the fine was not paid, the debtor incurred *atimia* (in classical times, if a *dike exoules* was brought against a private debtor, he also had to pay the state). For automatic *atimia* and *atimia* by sentence: Hansen 1976, 55-98; Kamen 2013, 75, n. 5; Humphreys believes that debtors were declared “*atimoi*” by their creditors, but it seems more likely that debts and *atimia* were regulated in the Draconian legislation (see note 22). Many situations would have been abusive, which is why Solon refers to unjust and just enslavement (fr. 36 W, lin. 9-10).

⁸⁹ Hansen 1976, 61.

⁹⁰ Possibly through the slave market at Aigina: Valdés 2002b.

would have occurred in a second phase, after *atimia*,⁹¹ and would have resulted from the non-payment of the rents due to repay the debt as a debt-serf or the rents due as a *thes/hektemoros* working as a sharecropper on someone else's land or on public land. In the normal course of events, these men, whose situation could be regarded as being “between freedom and slavery” or, in Diogenes Laertius' words, “*theteia*”, were not sold into slavery, but were exploited as manpower in Attica.

There were two initial situations: on the one hand, *thetes/hektemoroi* or sharecroppers “without land” and, on the other, indebted landowners who had failed to repay their debts and, accordingly, were condemned to legal *atimia* which entailed the confiscation of their property (which then went to the state in the case of public debts or to the creditor in that of private ones). As indicated by Solon himself and also Plutarch, these groups had three options: 1-working in Attica in “humiliating slavery” (debt bondage and/or *theteia*);⁹² 2-being – both *thetes/hektemoroi* and people who were already *atimoi*, generally after non-payment (perhaps repeatedly) of the rents owed to their “masters” – sold into slavery, without a trial (*agogimoi* in the sense of being seized to be sold abroad); 3- flight from Attica, especially in the case of debtors who were already *atimoi*, in order to avoid debt bondage and/or debt slavery.⁹³ In my view, the most frequent situation was that *atimoi* continued to farm their former lands (or others) in Attica in “humiliating slavery”, forming a broad dependent Attic population base “between freedom and slavery”, together with *thetes* and *hektemoroi*. Those who fled and those who were sold abroad would have been less numerous.⁹⁴ If the debtors (*atimoi*) were liable to work as debt bondsmen and, moreover, to seizure to be sold abroad (*agogimoi*) in case of non-payment of the stipulated rents (like *thetes/hektemoroi*), it can be assumed that, although the penalty of *atimia* for debts did not necessarily entail death or flight, it was a harsher penalty than the “loss of citizenship rights” in the classical era. Being disfranchised at that time implied being an outcast, without access to the full protection of justice, without bodily protection against mutilation (or physical assault)

⁹¹ Plutarch notes that “some becoming slaves at home, and others being sold into foreign countries”, while Solon adds that “many had been sold” and other suffered “shameful servitude at home”.

⁹² Here the term is δουλίην (fr. 36, lin. 13) which doubtless refers to the situation of debt bondage and/or *theteia*. For this sense of *doulos*, see Vlassopoulos 2011: 120. See also δουλοσύνην in fr. 4 lin. 18 W and fr. 11 W, lin. 4.

⁹³ Sol. Fr. 36 W, lin. 11. Similar to the *χρέα τε προφυγεῖν* (Hes. *Op.* 647).

⁹⁴ For the sale of Athenians as slaves, see also Solon: fr. 4 W and 36 W.

or sale into slavery, and without participating in the civic community or politics, like the Homeric and Hesiodic *thetes* and *ptochoi*.

Solon cancelled private and public debts, alike,⁹⁵ and legally rehabilitated the *atimoi*, making them *epitimoi*. The Solonian Amnesty Law probably formed part of the *Seisachtheia*.⁹⁶ This is so because insolvent debtors, who would often be working on their former properties or others as *atimoi*, similar to slaves – in a “shameful servitude at home” (debt bondsmen) – and with the threat of being taken away to be sold abroad (*agogimoi* in the second sense formulated above) if they did not pay the stipulated rents, became full citizens and were rehabilitated (although they would not have always recuperated their land).⁹⁷ Many, according to Solon’s own testimony, were rescued abroad.⁹⁸ Thenceforth, Athenians could no longer be enslaved and were protected (also against physical assault).⁹⁹ Neither would private debtors have been *atimoi*, nor would they have immediately lost their properties,¹⁰⁰ and surely could not be forced to work someone else’s land to pay off their debt (although this could be stipulated in “private contracts”).¹⁰¹ Although private debtors could, of course, be brought to trial for debts, and public debt continued to carry *atimia*, perhaps the meaning of *atimos* gradually changed, not so much because of a new definition of the term, which would continue to signify being “deprived of rights” (and without the protection of the law as “ἄθήμειστος”), but because of a new definition of citizenship, or, rather, of being Athenian. They could not be enslaved even though they lost their political and legal rights. Athenians were thus physically protected and distance put between them and slaves.¹⁰² Conceivably, the new definition of citizenship in Solon’s time with an

⁹⁵ [Arist.] *Ath. Pol.* 6.1 (cancellation of both public and private debts); Plut. *Sol.* 15.7; Diog. Laert. 1.45 and 66. Cancellation of public and private debts: Philoch. *FGrHist* 328 F 114 (= Phot. Suid. s.v. σεισάχθεια). Cic. *De Re Publica* II, 59. Valdés 2019.

⁹⁶ See previous note and *supra* note 22.

⁹⁷ Some would recover it: Valdés 2019; Blok-Krul 2017 (for situations in the Near East). Solon did not distribute the land fairly (*isomoiria*: Sol. Fr. 34 W, lin. 9), but there was an “*Anadasmus*” performed by him: Plut. *Sol.* 13.6. Rosivach 1992; Isager & Skydsgaard 1992: 128 (also maybe with the privatisation of public land).

⁹⁸ According to his poems, Solon rescued them: Fr. 36 W, lin. 9. See previous note.

⁹⁹ Solon forbade the enslavement of Athenians and protected them from mistreatment by means of the *graphe hybreos* (also for slaves): Valdés 2019d. The body of the citizen was “sacrosanct”: Halperin 1990, 96; Hunter 1992. Athenian citizens could not be tortured, since the Archon Scamandrius (510-509): And. 1.43; Lys. 4.14; Lys. 13.27 and 59; Hunter 1992, 278; exceptions: Halm-Tisserant 2013, 117. The difference between being a slave and a free person in the protection of the body (*soma*): Dem. 22.55.

¹⁰⁰ Although they could lose them through trial and, in the case of *dike exoules*, could even end up being *atimoi* as public debtors if they failed to pay up: Harrison 1971, 206-227.

¹⁰¹ See *infra* note 107. In a sort of indentured servitude. In this respect: Forsdyke 2021, 41.

¹⁰² Similarly, see Manville 1980. See note 14. Valdés 2019d. *Atimoi* or adulterous women could

expansion in political participation and rights, as well as the very concept of being Athenian (with the ideology of autochthony that began to spread at the time),¹⁰³ and with the physical protection of the citizenry (against slavery), led to the abolishment of *atimia* as a penalty for private debt. At the same time, the term *agogimos* would have also evolved to signify “liable to be arrested”. In Solon’s time, the penalty of *atimia* might have been restricted to major offences, especially against the state.

5. -Conclusions

In short, *atimos* already had two senses in the pre-Solonian period, both of which appear in Solon’s law: *atimos tethnato* (or *atimos esto* + *pheugein*) and *atimos esto/einai*. The former could be killed summarily by anyone, which is why they always fled abroad. The latter probably could not be killed with impunity, but, in the case of debtors, their properties were confiscated and they fell into a situation of denial of due process, as they were left landless and beyond the pale, and automatically ran the risk of being sold into slavery (*agogimos*) if they did not pay the stipulated rents as debt bondsmen. They could be physically abused/mutilated, as was also the case with the Homeric and Hesiodic *thetes* and *ptochoi*, something that would have also been frequent for “debt serfs”.¹⁰⁴ Thus, according to Dionysius of Halicarnassus (*Ant. Rom.* 2.9.2) when addressing the pre-Solonian crisis:

ὄν αὐτὸς ἐβούλετο, νέμειν προστάτην, ἔθος Ἑλληνικὸν καὶ ἀρχαῖον, ᾧ Θετταλοὶ τε μέχρι πολλοῦ χρώμενοι διετέλεσαν καὶ Ἀθηναῖοι κατ’ ἀρχάς, ἐπὶ τὰ κρείττω λαβῶν. ἐκεῖνοι μὲν γὰρ ὑπεροπτικῶς ἐχρῶντο τοῖς πελάταις ἔργα τε ἐπιτάττοντες οὐ προσήκοντα ἐλευθέρους, καὶ ὅποτε μὴ πράξειάν τι τῶν κελευομένων, πληγὰς ἐντείνοντες καὶ τᾶλλα ὥσπερ ἀργυρωνήτοις παραχρῶμενοι. ἐκάλουν δὲ Ἀθηναῖοι μὲν θήτας τοὺς πελάτας ἐπὶ τῆς λατρείας Θετταλοὶ δὲ πενέστας ὀνειδίζοντες αὐτοῖς εὐθὺς ἐν (3) τῇ κλήσει τὴν τύχην.

In this he improved upon an ancient Greek custom that was in use among the Thessalians for a long time and among the Athenians in the beginning. *For the former treated their clients with haughtiness, imposing on them duties unbecoming to free men; and whenever they disobeyed any of their commands, they beat them and misused them in all other respects as if they had been slaves they had purchased.* The Athenians called their clients *thetes* or “hirelings,” because they served for hire, and the Thessalians called theirs *penestai* or “toilers,” by the very name reproaching them with their condition (italics mine).¹⁰⁵

only be attacked – maimed or even killed – if they refused to comply with the established rules. *Atimoi* who did not comply with the rules of *atimia* could be “prosecuted” by *endeixis* or *apagoge*.

¹⁰³ Valdés 2008.

¹⁰⁴ Debt slaves could suffer physical abuse of all kinds: beatings, mistreatment, violence, starvation and so forth: Finley 1983 [1953], 158. See Valdés 2019d.

¹⁰⁵ Loeb Classical Library edition, 1937.

After Solon, the first meaning of *atimos* prevailed (someone on the run who could be killed with impunity)¹⁰⁶, but the second one (without rights, but who could not be killed with impunity) began to change not through its redefinition, but by modifying the concept of Athenian/citizen. This was modified not only by the expansion of rights (*atimoi* would now be deprived of further rights), but, above all, by ensuring that indebted citizens could not be enslaved. As to this second meaning, during the 6th century *atimoi* would have ceased to be *agogimos* in the sense of being “taken and sold as a slave without a trial”, although they could still be imprisoned (the term *agogimos* also evolved to signify liable to be arrested) for failing to comply with the conditions imposed by *atimia*. In Athens, there was no more debt slavery, even if there might still have been clandestine debt bondage through a “voluntary contract”, but that is another story.¹⁰⁷

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¹⁰⁶ Although with important nuances, depending on whether it was an attempt to establish a tyranny (a capital crime with public projection), a voluntary homicide or an involuntary homicide (in this case, property was not forfeited and convicts were not outlawed, but condemned to exile). See *supra* in text and Loddo 2019.

¹⁰⁷ See Millet 1991, 78; Harris 2002; Zurbach 2014. See Valdés in preparation.

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