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Silver Coins and Public Slaves in the Athenian Law of 375/4 B.C.

(PLATE 9)

THOMAS R. MARTIN

When I was a student in the Graduate Seminar of the American Numismatic Society in the summer of 1976, Nancy Waggoner encouraged me to pursue my interest in the intersection of the evidence of coins and of literary and documentary sources for ancient Greek history. In this contribution to honor her memory, I have followed the same approach in investigating the implications of the provisions of an Athenian law of 375/4 B.C. concerning a special problem in the allocation of power that silver coinage created for one of the principal ideals of Athenian democracy. In Athenian public service, ideally no one was supposed to exercise a power over others that was not subject to regular and effective review by the citizen body, but the official scrutiny of coinage necessarily represented an anomaly in the system. This anomalous power was all the more striking in that it resided in the hands of public slaves.

The text from 375/4 B.C. that sheds light on this remarkable situation is an inscription of 56 lines, discovered in the American excavations of the Athenian agora in 1970 and published with extensive commentary by Ronald S. Stroud.¹ For the arguments of this paper, it will fortunately suffice to summarize the text.² After a brief opening that records the

¹ R.S. Stroud, "An Athenian Law on Silver Coinage," *Hesperia* 43 (1974), pp. 157-88. For periodical abbreviations see *Numismatic Literature* 123 (March 1990), pp. xiii-lxiii. All dates are B.C.

² To give a full translation would require extensive discussion of epigraphical uncertainties and gaps in the Greek text caused by damage to the stone, for which this is not the

year in which this law was passed and naming Nicophon as its proposer, the body of the text begins in l. 3 with the programmatic statement that Athenian coinage that has been shown to be of silver and to carry the public coin type must be accepted in financial transactions. (See Plate 9, 1 and 2 for Athenian tetradrachms of the fifth and fourth centuries respectively). The *dokimastes* (that is, the public slave who works as the official certifier of the coinage) is to take his seat among the “tables” (presumably those of the bankers and money changers of the agora) and is to be available there every day to certify coinage according to the specifications listed above, except on the days when financial payments are being made to the city-state, when he is to be in the council house. If someone presents a foreign silver coin to the certifier that has the same type as Athenian coinage (that is, the category of coins that modern scholars call imitations, to which we will return), the certifier is to return it to the person who presented it. (Whether the text specified that the imitation had to be “good” remains controversial; see below.) The certifier is to cut through all counterfeits such as plated subaerate coins and deposit them with the council under the guardianship of the Mother of the Gods (see Plate 9, 3 for an example of a plated tetradrachm without such a cut, and Plate 9, 4 for a subaerate with a cut.) If the certifier does not appear at his designated post or certify coinage according to the provisions of the law, the appropriate magistrates are to punish him with 50 lashes of the whip. Anyone who refuses genuine silver coins that have been certified is to have confiscated all the merchandise that he had on sale for that day.

appropriate place. Stroud provides a complete English translation with his publication of the *editio princeps*. For an English translation that takes into account different suggestions for restoration published during the period from the appearance of Stroud's article until 1983, see *Translated Documents of Greece and Rome*, vol. 2: *From the End of the Peloponnesian War to the Battle of Ipsus*, P. Harding, ed. and trans. (Cambridge, 1985), no. 45, pp. 61-64. The following items propose restorations that differ from Stroud's: M.H. Hansen, *Eisangelia* (Odense, 1975 = Odense University Classical Studies 6), p. 28; R. Bogaert, *Epigraphica III* (Leiden, 1976), no. 21, p. 25; J. and L. Robert, *Bulletin Épigraphique* 1976, no. 190; F. Sokolowski, “The Athenian Law Concerning Silver Currency (375/4 B.C.),” *BCH* 100 (1976), pp. 511-15; P. Gauthier, “Sur une clause pénale de la loi athénienne relative à la monnaie d'argent,” *Revue de Philologie* 52 (1978), pp. 32-35; T. Fischer, “Das Athener Münzgesetz von 375/74 v. Chr.,” *Hellenika: Jahrbuch für die Freunde Griechenlands* (1981), pp. 38-41; F. Bourriot, “Note sur le texte de la loi athénienne de 375/4 concernant la circulation monétaire (loi de Nicophon),” *ZPE* 50 (1983), pp. 275-82; T.R. Martin, reported in *Supplementum Epigraphicum Graecum* 33 (1983), no. 77, p. 22; H. Wankel, “Bemerkungen zu dem athenischen Münzgesetz von 375/4,” *ZPE* 52 (1983), pp. 69-74; H. Engelmann, “Wege griechischer Geldpolitik,” *ZPE* 60 (1985), pp. 165-76; G. Stumpf, “Ein athenisches Münzgesetz des 4. Jh. v. Chr.,” *JNG* 36 (1986), pp. 23-40.

There follow provisions for lodging accusations about offenses under this law with the appropriate magistrates according to the location at which the alleged refusal to accept certified coinage took place. Cases concerning less than 10 drachmas are to be handled by magistrates; cases of more than that amount are to be taken before a court of citizens. Those who make successful accusations are to receive half of the confiscated goods. Slave merchants, both male and female, who are convicted under the provisions of the law are to receive 50 lashes. Magistrates who fail to act in accordance with the provisions of the law are to be brought before the council, which is to remove a convicted magistrate from his post and fine him up to 500 drachmas.

Then, in ll. 36ff., the council is instructed to acquire another certifier of the coinage who is to work at a set location in the Piraeus, the harbor district, for the benefit of shipowners, merchants, and "all the others." If a certifier cannot be found among the city's current stock of public slaves, one is to be purchased. The overseers of the market are to see to it that the certifier for the Piraeus takes his position at the location specified and that the law is followed. Inscribed copies of the law are to be set up at the separate locations where the two certifiers will regularly work. The new certifier for the Piraeus will receive the same payment as the certifier in the agora, whose payment will henceforth be taken from the same source as those to the mint workers. The law then closes with the standard provision for eliminating any earlier law that is in conflict with this new one.

This fascinating document has aroused scholarly comment and disagreement on a wide range of issues, such as the treatment of imitations of Athenian coins, the nature of the work of the *dokimastes*, interpretation of the law as a legal tender act, the identification of tralatitious material from earlier legislation reiterated in ll. 3-36 of this text of 375/4, and the economic and political circumstances surrounding its passage and the passage of earlier legislation on the same topic.³ Controversy has

³ In addition to the items listed above (n. 2), see A. Giovannini, "Athenian Currency in the Late Fifth and Early Fourth Century B.C.," *GRBS* 16 (1975), pp. 185-95; R. Bogaert, "L'essai des monnaies dans l'antiquité," *RBN* 122 (1976), pp. 5-34; T. Fischer, *SM* 26 (1976), pp. 20-21 (commenting on Giovannini, *GRBS* 16 [1975]); H. Wankel, "Zur Formulierung von Strafbestimmungen in dem neuen attischen Münzgesetz," *ZPE* 21 (1976), pp. 149-51; J. Diebolt and H. Nicolet-Pierre, "Recherches sur le métal de tétradrachms à types athéniens," *SNR* 56 (1977), pp. 79-91; L. Migeotte, "Sur une clause des contrats d'emprunt d'Amorgos," *AC* 46 (1977), pp. 128-39; J. and L. Robert, *Bulletin Épigraphique* 1977, nos. 146 and 147; A. Giovannini, *Rome et la circulation monétaire en Grèce au IIe siècle*

even arisen over the appropriate English translation of the Greek term *dokimastes*. I have employed “certifier of the coinage,” which seems to convey the sense of the Greek term with the least awkwardness in English.⁴

Other significant issues arising from this text have not yet, to my knowledge, been raised in the scholarly debate: the anomaly of the power exercised by the certifiers of the coinage at Athens and the question of why they were public slaves. The significance of these issues will emerge from a discussion of the appearance of imitations of Athenian coins in circulation at Athens, the disruption of the established pattern of monetary circulation at Athens at the end of the Peloponnesian War, and the characteristics of the Athenian institution of public slavery.

Numismatists have long recognized that silver coins imitating the types of Athenian silver coinage were minted outside Attica, especially in the

avant Jésus-Christ (Basel, 1978), pp. 39, 68; T. V. Buttrey, “The Athenian Currency Law of 375/4 B.C.,” in *Greek Numismatics and Archaeology. Essays in Honor of Margaret Thompson*, O. Mørkholm and N. Waggoner, eds. (Wetteren, 1979), pp. 33-45; D. Placido, “La ley atica de 375/4 a. C. y la política ateniense,” *Memorias de Historia Antigua* 4 (1980), pp. 27-41; J. and L. Robert, *Bulletin Épigraphique* 1980, nos. 195 and 196; T. V. Buttrey, “More on the Athenian Coinage Law of 375/4 B.C.,” *NumAntClas* 10 (1981), pp. 71-94; J. Cargill, *The Second Athenian League* (Berkeley and Los Angeles, 1981), pp. 140-41; M. H. Hansen, “Initiative and Decision: The Separation of Powers in Fourth-Century Athens,” *GRBS* 22 (1981), p. 356; T. V. Buttrey, “Pharaonic Imitations of Athenian Tetradrachms,” *Proceedings of the Ninth International Congress of Numismatics. Berne, September, 1979*, T. Hackens and R. Weiller, eds. (Louvain-la-Neuve/Luxembourg, 1982), pp. 137-40; E. Ercolani Cocchi, “Il controllo statale sulla circolazione di moneta straniera nelle città greche,” *Rivista storica dell'antichità* 12 (1982), pp. 53-59; O. Mørkholm, “Some Reflections on the Production and Use of Coinage in Ancient Greece,” *Historia* 31 (1982), pp. 290-96; S. Alessandri, “Il significato storico della legge di Nicofonte sul dokimastes monetario,” *AnnaliSNSPisa* 14 (1984), pp. 369-93; T. V. Buttrey, “Seldom What They Seem—The Case of the Athenian Tetradrachm,” *Ancient Coins of the Greco-Roman World. The Nickle Numismatic Papers* (Waterloo, Canada, 1984), pp. 292-94; J. K. Davies, in *The Cambridge Ancient History*, 2nd ed., vol. 7, pt. 1 (Cambridge, 1984), p. 281; T. Eide, “*Merisai* and *Dounai* in Athenian Fourth-Century Decrees,” *Symbolae Osloenses* 59 (1984), pp. 21-28; O. Picard, “Sur deux termes des inscriptions de la trésorerie d’Ai Khanoum,” *Hommages à Lucien Lerat* 2 (Besançon, 1984), pp. 679-690; D. Bellinger, “Währungsordnung im griechischen Altertum: das Münzgesetz Athens,” *Die Bank* 12 (1986), pp. 644-50; M. R. Cataudella, “Aspetti della politica monetaria ateniese fra V e IV secolo,” *Sileno* 12 (1986), pp. 111-35; G. Le Rider, “A propos d’un passage des Poroi de Xénophon: la question du change et les monnaies incuses d’Italie du Sud,” in *Kraay-Mørkholm Essays. Numismatic Studies in Memory of C. M. Kraay and O. Mørkholm*, G. Le Rider et al, eds. (Louvain-la-Neuve/Luxembourg, 1989), pp. 159-72.

⁴ Correspondingly, I will use “certification” as the translation for the work done by the *dokimastes*, that is, the *dokimasia* of coinage. On the question of the translation of *dokimastes*, see Buttrey in *Greek Numismatics and Archaeology* (above, n. 3), p. 38. I am grateful to Dr. Buttrey for his illuminating correspondence on Athenian imitations and the law of 375/4.

Near East and above all in Egypt. The style and the legends of these imitations, to say nothing of their proveniences, clearly revealed their non-Athenian origins to the eyes of trained observers.⁵ T.V. Buttrey has now suggested, however, that huge numbers of imitations were also minted in Egypt whose style so closely resembled that of official products of the Athenian mint that modern scholars and collectors have long mistaken them for authentic Athenian coins (see Plate 9, 5 for an example of one such coin identified by Buttrey). These nearly indistinguishable imitations apparently began to be minted in the late fifth century, and their production continued well into the fourth century. Buttrey has referred to these coins as being so numerous as to constitute an Egyptian national coinage in this period. Since they have been found as far west as Sicily, they presumably made their way into monetary circulation throughout the Greek world, including Athens.⁶

It is important in this context to emphasize that imitations, whether easily distinguishable by their style and legends from authentic specimens produced by the Athenian mint or not, are not counterfeits in the sense that subaerate specimens are. As the text of the inscription shows, Athenian law recognized a difference by according imitations different legal treatment at the hands of the certifier from that mandated for counterfeits. Imitations differ from counterfeits because they are made of silver and are not meant to cheat or deceive by disguising a core of base metal to

⁵ On the general phenomenon of imitations of Athenian coins, see C. M. Kraay, *Archaic and Classical Greek Coins* (Berkeley and Los Angeles, 1976), pp. 73-74, 76-77; cf. G. K. Jenkins, "Greek Coins Recently Acquired by the British Museum," *NC* 1955, pp. 144-50; M. Price, "New Owls for the Pharaoh," *Minerva* 1 (1990), pp. 39-40. G. Stumpf, *JNG* 36 (above, n. 2), p. 30, refers to a forthcoming publication in the series *Xenia* by Peter Franke on Persian satrapal imitations of Athenian owls in 415-405 B.C. (non vidi). The phenomenon of imitations of course extended well beyond classical Athens. See, for example, J.-B. Giard, "Les jeux de l'imitation: fraude ou nécessité?," *NumAntClas* 14 (1985), pp. 231-38, for the suggestion that Rome tolerated the production of imitations (mainly in bronze) in the western provinces during times of "genuine necessity," notably wartime, and specifically during the reign of Claudius. Goldsmiths in fourteenth-century Venice apparently minted imitations of the coins of foreign states on a large scale until the practice was forbidden in 1354. See F. C. Lane and R. C. Mueller, *Money and Banking in Medieval and Renaissance Venice*, vol. 1, *Coins and Moneys of Account* (Baltimore, 1985), p. 158. (I owe this reference to Alan Stahl.)

⁶ Buttrey, *Proceedings* (above, n. 3), pp. 137-40 and *Ancient Coins of the Greco-Roman World* (above, n. 3), pp. 292-94. John H. Kroll has kindly informed me that, among the small number of silver coins that have been found in the excavations of the Athenian Agora, there are a few possible imitations, which may or may not be genuine Athenian coins. I am grateful to Professor Kroll for sharing with me information from his forthcoming work on the coin finds of the Agora Excavations and for his helpful advice on the subject of imitations and counterfeits.

appear as precious metal. The provision that imitations are to be returned to their owners recognizes the value such coins represented, if only as bullion. Even if minted in good faith by a non-Athenian mint, however, imitations could represent less value than authentic Athenian coins of the same denomination since their silver might not be as pure as that of products of the Athenian mint.⁷ Moreover, even imitations of good style, once successfully identified as non-Athenian coins, presumably could not command the same value in commercial exchange as the internationally recognized coinage of Athens.⁸ In any case, from our Athenocentric perspective, such silver coins are called imitations to differentiate them from base-metal frauds meant to deceive, that is, to distinguish them from genuine counterfeits, to coin an oxymoron.⁹

In his publication of the law, Stroud restored a damaged portion of the text (l. 9) to say that the certifier was to return a foreign imitation to its owner "if it is good," that is, if it was minted from silver. He further concluded that "good" imitations were thereby certified for mandatory acceptance in circulation, just as authentic Athenian silver coins certainly were. Some scholars have agreed with Stroud that the text means that the certifiers of coinage certified imitations in the same way as authentic Athenian coins and that such coins after certification had to be accepted as legally valid payment under penalty of law; others have rejected this conclusion on historical and on epigraphical grounds.¹⁰ Personal in-

⁷ Buttrey, *Proceedings* (above, n. 3), p. 139, reported that the weight of the Egyptian imitations was good and that specific gravity analysis of a few selected examples revealed a fineness of 95 to 99%. The regular fineness of authentic Athenian silver coins apparently registered toward the upper end of this range and above. See Diebolt and Nicolet-Pierre, *SNR* 56 (above, n. 3), pp. 79-91, Buttrey, *NumAnt Clas* 10 (above, n. 3), p. 82, and Le Rider, *Kraay-Mørkholm Essays* (above, n. 3), p. 162. The analysis by Diebolt and Nicolet-Pierre of a small sample of imitations and authentic Athenian coins suggests that even imitations whose style very closely copied that of authentic Athenian coins had a fineness somewhat less than that of authentic Athenian coins and that imitations of rougher style tended to exhibit a lower level of fineness still, but the results of their scientific tests were less clear for fifth-century than for later fourth-century specimens. The Greeks perhaps usually worried little about the fineness of coinages that were familiar. See Le Rider in *Kraay-Mørkholm Essays* (above, n. 3), p. 162. Coinages of uncertain pedigree, like imitations, probably created considerably more disquiet on this topic for those who were asked to accept them as payment.

⁸ On the difference between the intrinsic, the nominal, and the commercial value of coinages and the high valuation of Athenian coinage in the last category, see Le Rider in *Kraay-Mørkholm Essays* (above, n. 3), pp. 161-67.

⁹ On the phenomenon of ancient counterfeiting in general, see J. Graf, "Münzverfälschungen im Altertum," *NZ* 35 (1903), pp. 1-130; P. Grierson, *Numismatics* (Oxford, 1975), pp. 158-61.

¹⁰ For those agreeing with Stroud on this issue, see the references above, notes 2 and 3, to J. and L. Robert (1977) and (1980), Cargill (1981), and Engelmann (1985). For those

spection of the stone some years ago in Athens convinced me that the restoration “if it is good” is epigraphically unsound.¹¹ My own conclusion is that the law simply instructed the certifier to return to their owners all imitations minted from silver, without specifying anything about their being “good”. Imitations not of silver, that is, plated coins or coins made from detectably fraudulent alloys, would of course count as counterfeits and be confiscated. In this way, the financial interests of the owners of imitations minted from silver were protected, as they would not be if such imitations were confiscated as equivalent to counterfeits. Imitations were neither certified for mandatory acceptance nor barred from circulation. The decision whether to accept them or not in financial and commercial transactions and what value to place upon them was left to the judgment of the individuals concerned, as with other foreign coinages or bullion. “Genuine counterfeits” would be confiscated regardless of their place of origin, which of course would be indeterminable anyway.

It is impossible to speculate with confidence about the relative importance of imitations in creating the historical and monetary circumstances at Athens that led to the laying down of the instructions to the certifier of the coinage as preserved in the opening section of this text. Difficulties arise not only because the text, in the fashion of much Athenian legislation outside honorary decrees, offers no direct statement of the reasons for its existence. The Athenian lawmakers knew why they had passed these provisions and therefore felt no need to pad the text with what they all already knew. Equally troubling is uncertainty about the date at which the instructions for the certifier, including the provision for returning imitations, were originally laid down. This uncertainty stems from the recent argument identifying as *tralatitious* all the provisions of the law of

in disagreement, see Giovannini (1975), Bogaert (1976), Diebolt and Nicolet-Pierre (1977), Migeotte (1977), Buttrey (1979) and (1981), Bourriot (1983), Wankel (1983), Alessandri (1984), Davies (1984), Bellinger (1986), Cautadello (1986), Stumpf (1986), and Le Rider (1989). Sokolowski (1976) suggests certain imitations were made legal tender at Athens by international agreements, while Fischer (1981) says imitations had the same status *de facto* as Athenian coins.

For alternate restorations of the end of l. 9 that yield quite different senses having nothing to do with the “goodness” of imitations, see the references above, note 2, to Sokolowski (1976), Bourriot (1983), Martin (1983), Wankel (1983), and Engelmann (1985). Robert Kallet-Marx has kindly informed me per litteras of his unpublished suggestion of *ε[πικοπ-σας]* (aorist participle of *epikopto*).

¹¹ The paper that I delivered at the International Epigraphic Congress in Athens in 1981 in which I argued for this restoration has unfortunately been stalled indefinitely in the press.

Nicophon in ll. 3-36, which precede the provisions for purchasing a second certifier to work in the Piraeus.¹² The purchase of this new certifier for the harbor district and the attendant financial arrangements would then be the only new provisions passed in 375/4. If this identification is correct, the instructions to the certifier on certifying coinage occur in the part of the text that was passed down from an earlier law, and their date must lie at some unspecified time in the period before the passage of Nicophon's law in 375/4. The resultant uncertainty about the date of the instructions on certification complements the uncertainty that prevails over the date at which Egyptian imitations of good style began to be minted in large numbers and presumably to make their way to Athens.¹³

Whatever the larger historical circumstances may have been, the formulation of instructions for the certifier of the coinage was at the immediate level a response to the refusal of merchants at Athens to accept genuine Athenian coinage, or to the fear that they would do so. The text does not reveal whether anyone had so far actually refused coins that had been certified by the certifier as authentic Athenian issues, as opposed simply to refusing coins that had not been certified, but the provision for punishment for anyone who does refuse duly certified coins shows that such a situation was envisioned as a possibility. Since the refusal of merchants to accept Athenian coins would obviously have had an adverse affect on commerce and other financial transactions at Athens, the provisions of the law were certainly designed to facilitate the smooth operation of these sorts of activities, a necessary condition for the well-being of the city in general. Unfortunately we lack any means to measure just how significant the presence of imitations in the monetary circulation at Athens, or the suspicion that they were present, may have been in making merchants reluctant to accept Athenian coins.

That reluctance can hardly have been unrelated to the unprecedented and unsettling changes in the character of monetary circulation at Athens that transpired between the closing years of the Peloponnesian War and the passage of the law of Nicophon in 375/4. Athenians in the fifth cen-

¹² See Alessandri, *AnnaliSNSPisa* 14 (above, n. 3) who dates the earlier legislation to 402-399, regarding it as a response to the confused monetary situation at Athens following the Peloponnesian War. Stumpf, *JNG* 36 (above, n. 2), pp. 23-40, dates the original law to 378/7 B.C. in connection with the foundation of the Second Athenian League.

¹³ On this latter uncertainty, see the brief Addendum to Buttrey's paper in *Ancient Coins of the Greco-Roman World* (above, n. 3), p. 294.

ture had been accustomed to a comforting and reliable sameness in their silver coinage. The exigencies of fighting a prolonged war against Sparta and its allies, however, eventually disrupted the stable conditions of monetary circulation at Athens. So strapped for money to pay war expenses did Athens become in the last decade of the fifth century that in 406/5 the city took the drastic step of recalling its pure silver coinage from internal circulation and replacing it with bronze coins thinly plated with silver (Plate 9, 6).¹⁴ A gold coinage (Plate 9, 7) had been initiated in the previous year to help meet the financial emergency in making external payments.¹⁵ When the Athenian treasury was once again sound enough to reintroduce genuine silver coins into domestic circulation, the official subaerate issues were demonetized and recalled. The date was sometime before the production of the *Assemblywomen* of Aristophanes in ca. 393-391, in which ll. 815-822 allude to this event.

The reintroduction of Athenian silver coinage into domestic circulation probably depended, initially at least, largely on the reuse of older coins. Even after the mint had resumed the actual minting of new coins once again, the volume of its production of silver coins appears to have been significantly reduced during the early decades of the fourth century, as compared to its robust output in the fifth century.¹⁶ A relative scarcity of Athenian silver coinage in the early fourth century may have helped to create a demand for silver coins to which an influx into Athenian circulation of Egyptian imitations minted from good silver could have been a response. Foreign imitations thus probably contributed to the uncertainty about Athenian coinage that arose from the emergency coinages minted as a result of the pressures of war.

A period of low mint production would also have represented an opportunity for counterfeiters, who could hope that difficulties in acquiring coinage to use would make the public more willing to take whatever

¹⁴ J.H. Kroll, "Aristophanes' *ponera chalkia*: A Reply," *GRBS* 17 (1976), pp. 329-41. Athens did not begin to mint a regular bronze coinage until the mid-fourth century. See Kroll, "A Chronology of Early Athenian Bronze Coinage, ca. 350-250 B.C.," in *Greek Numismatics and Archaeology. Essays in Honor of Margaret Thompson*, O. Mørkholm and N. Waggoner, eds. (Wetteren, 1979), pp. 139-54. The bronze coin dated to before 393 B.C. by E. Paszthory, "Zu den frühen Bronzemünzen in Athen," *SM* 30 (1980), pp. 1-3, is a fake. See J.H. Kroll, "A Spurious Athenian Bronze Coin," *SM* 32 (1982), pp. 59-60.

¹⁵ E.S.G. Robinson, "Some Problems in the Later Fifth Century Coinage of Athens," *ANSMN* 9 (1960), pp. 1-15; W.E. Thompson, "The Functions of the Emergency Coinages of the Peloponnesian War," *Mnemosyne* 19 (1966), pp. 337-43.

¹⁶ See Stroud (above, n. 1), p. 171 with n. 45.

coins they could get than they would have been in less pressured circumstances. In any case, counterfeit coins were always something to worry about in antiquity, like the plated tetradrachms from a hoard of 350-325 that was buried in the Athenian agora (Plate 9, 8).¹⁷

All these conditions made the certifiers of the coinage invaluable, especially in the disturbed conditions of monetary circulation at Athens that had begun in the last years of the Peloponnesian War. The city-state's certifiers provided both a public and a private service: for the state, they certified the coinage that was being used to make payments to it, such as taxes and fines; for private individuals, they certified coins for use in commercial and financial transactions with other individuals. Private bankers and money-changers at Athens, as elsewhere, presumably had always exercised a kind of de facto certification of coinage as part of their normal business practice, either examining coins themselves or hiring their own certifier.¹⁸ But the law of 375/4 is, as Stroud points out, the earliest direct attestation for the certifier of the coinage as a public functionary, whose decisions carried the force of law.¹⁹ The provisions of the inscription of course show that the post had been established at some earlier, unspecified date.²⁰ Stroud suggests that a public certifier was already in place by 398/7, when the first reference occurs in the Hekatompedon accounts to "the counterfeit staters sealed in a box from Lakon."²¹

The certification of the city's coinage had presumably always been a necessary and important function at Athens, as in any ancient state, because the value of ancient currency was directly related to its intrinsic value as precious metal. Recognized coinages of course earned a premium

¹⁷ A.S. Walker, "Some Plated Coins from the Agora at Athens," in *Proceedings of the Ninth International Congress of Numismatics. Berne, September, 1979*, T. Hackens and R. Weiller, eds. (Louvain-la-Neuve/Luxembourg, 1982), pp. 131-36. He has kindly informed me that he no longer regards these coins as official issues but rather as the products of a counterfeiter. J.H. Kroll in his forthcoming publication on the coins found in the Athenian Agora remarks on the high percentage of counterfeits among the relatively scarce finds of silver coins there.

¹⁸ For Athens, see Menander, frag. 581 (Körte). For *dokimastai* in private transactions elsewhere, see J. Hangard, *Monétaire en Daarmee Verwante Metaforen* (Groningen, 1963), pp. 26-27; R. Bogaert, *Banques et banquiers dans les cités grecques* (Leiden, 1968), pp. 44-47, 238, 318.

¹⁹ Stroud (above, n. 1), p. 165. U. Köhler, "Attische Schatzurkunde aus dem Ende des vierten Jahrhunderts," *AM* 5 (1880), p. 279, had suggested on indirect evidence that Athens had a *dokimastes* who was a public slave.

²⁰ Stroud (above, n. 1), p. 166.

²¹ Stroud, pp. 176-77. See also S. Alessandri, "Gli stateri falsi para Lakonos," *AnaliSNSPisa* 12 (1982), pp. 1239-1254.

in exchange over bullion, but the value of coins as units of exchange still arose primarily from their intrinsic value.²² When a citizen paid his taxes or a fine to the city, the city needed to be certain that he was paying with valuable currency, that is, in silver coins minted by the Athenian mint, and not with counterfeit coins. The same need applied to commercial transactions. My guess is that Athens had had a need for certification of coinage from practically the moment that the city began to accept payments in coin, and I would be surprised if no arrangements for certification had been made earlier in the fifth century, when enormous quantities of coinage were flowing into and out of the state treasury during the height of the Athenian Empire.²³

The importance of the task performed by the public certifiers of the coinage is given further emphasis by the care with which the law specifies their duties: they must certify Athenian coinage according to the provisions of the law; they must be present at specified locations, they must return all imitations to their owners, and they must mark and confiscate all counterfeits.²⁴ These provisions are clearly intended to serve and protect the financial interests of the state and of the public. The instruction that the certifier is to return all imitations is especially relevant with regard to the interests of individuals. Imagine, for example, the situation that the certifier would have faced when someone presented him with an imitation Athenian coin, if Athenian law had only taken into account two categories of Athenian coinage, authentic and counterfeit. Since the imitation was not an official issue of the Athenian mint, it could not have been certified as authentic for mandatory acceptance in financial payments. But if the coin did not belong to this category, the only category left for it would have been that of counterfeits. To do his job according to instructions and therefore protect himself from punishment, the certifier would have been compelled to confiscate the imitation, thereby of course depriving its owner of the value of the confiscated property. Under

²² The premium was usually 5% or more. See Mørkholm, *Historia* 31 (above, n. 3), pp. 290-96, and Le Rider in *Kraay-Mørkholm Essays* (above, n. 3), pp. 164-65.

²³ Those arrangements, I suppose, could have been ad hoc rather than permanent. That is, to envision one possibility, the state could have from time to time contracted for a period of service from a certifier who normally was employed in the private sphere by a banker or money changer.

²⁴ The Athenians and others who made use of the certifiers' services obviously had to place a great deal of trust in these slaves. See Y. Garlan, *L'esclavage dans le monde grec. Recueil de textes grecs et latins. Centres de Recherches d'Histoire Ancienne*, vol. 60, Annales Littéraires de l'Université de Besançon, 305 (Paris, 1984), no. 26, pp. 56-59.

these conditions, a dishonest certifier could even have confiscated imitations on the grounds that they were indeed counterfeit, as they were by definition not authentic, and then pocketed them for later disposal as bullion for his private gain in the knowledge that they were in fact made of silver. The provision that imitations minted from silver must be returned, and, as I believe, returned unconditionally, prevented any abuses of this sort and thereby protected the financial interests of those who might unknowingly present imitations to the certifier.

It might be objected that Athenian lawmakers would have been unlikely to bother themselves with laying down regulations to control the behavior of slaves, as the certifiers were, because slaves could simply be punished whenever they failed to perform satisfactorily. This objection might have force if it were applied to the relations between a slave owner and a privately held slave working under close supervision. A master who observed his slave misbehaving could simply correct and punish him forthwith. Different conditions obtained, however, in the case of public slaves, who often worked without direct and constant supervision.²⁵ As an inscribed Athenian law of the late second century makes clear, for example, public slaves had the opportunity to engage in just the sort of financial impropriety concerning citizens who used their services as that envisioned above for a dishonest certifier handling imitations.²⁶ One of this inscription's provisions, unfortunately damaged so that its full text is unavailable, is well enough preserved to show that the public slaves placed in charge of the standards for official weights and measures were to be punished "if they charge anyone money ..."²⁷ In other words, the

²⁵ On Athenian public slaves, see S. Waszynski, *De servis Atheniensium publicis* (diss. Berlin, 1898); O. Silverio, *Untersuchungen zur Geschichte des attischen Staatssklaven* (diss. Munich, 1900); G. Busolt and H. Swoboda, *Griechische Staatskunde*, vol. 2 (Berlin, 1926), pp. 979-81; O. Jacob, *Les esclaves publics à Athènes* (Liège and Paris, 1928; repr. New York, 1979); A.M. Andreades, *A History of Greek Public Finance*, vol. 1, rev. ed., Carroll Brown, trans. (Cambridge, Mass., 1933), pp. 250-51; W. L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia, 1955), pp. 9-10; V. Ehrenberg, *The People of Aristophanes* (New York, 1962), pp. 173-75; N. Brockmeyer, *Antike Sklaverei* (Darmstadt, 1979), p. 109; T.E.J. Wiedemann, *Greek and Roman Slavery* (Baltimore, 1981), chap. 8; Wiedemann, *Slavery. Greece & Rome New Surveys in the Classics*, no. 19 (Oxford, 1987), chap. 5; and Y. Garlan, *Slavery in Ancient Greece*, rev. ed., Janet Lloyd, trans. (Ithaca, NY, 1988), pp. 68-69.

²⁶ IG ii² 1013, with *Hesperia* 7 (1938), p. 127, no. 27. On the political and economic contexts of this decree, see L. Breglia Pulci Doria, "Per la storia di Atene alla fine del II sec. a. C. Il decreto sui pesi e misure: IG ii² 1013, *Mélanges de L'École française de Rome. Antiquité* 97 (1985), pp. 411-30. The text is translated in M.M. Austin, *The Hellenistic World from Alexander to the Roman Conquest* (Cambridge, 1981), no. 111.

²⁷ L. 44.

possibility was envisioned that these public slaves might try to cheat people by charging them for a service that was supposed to be free or that they might accept bribes from crooked merchants who wanted to use short measures.

The frequent lack of supervision was only one of the characteristics of public slavery at Athens.²⁸ A public slave belonged not to any single individual or family but to the city-state as a whole. The Athenian term for public slave, *demosios*, expressed this relationship clearly—the slave was the property of the *demos*, of the people, just as were the ballots in the courts or the dinnerware in the city's official dining hall, which were inscribed with the same adjective.²⁹ To paraphrase Aristotle, public slaves were the living tools of the *polis*.³⁰ Such slaves were acquired as captives in war, from confiscated private property that had been taken away from Athenians as a penalty for conviction of a serious crime against the state, and by purchase from the international traffic in slaves.³¹ The law of Nicophon illustrates this last alternative, as it mandates the purchase of an additional public slave to serve as the certifier of coinage in the Piraeus, if one cannot be found among the current stock of public slaves. Purchase was probably the most common method of acquiring public slaves, especially if their competence to do a particular job was at issue, as in the case of the certification of coinage. Buying a slave on the market gave the purchaser the opportunity to inspect the prospective purchase and find out if he possessed the skills needed to do the job for which he was being purchased.³²

This consideration would have been especially important in selecting a slave to work as an official certifier of the coinage because that post called for highly specialized skills. First of all, the slave had to speak Greek in order to deal with those who presented coins to him. Even more importantly, he had to be believed to possess sufficient technical skill in scrutinizing coinage to inspire confidence in the reliability of his judgments

²⁸ Privately owned slaves in the category known as “those who live outside the household” (*choris oikountes*) seem also to have operated without much direct supervision, such as the slave merchants mentioned in the text of the law of Nicophon. On this category of slaves, see Garlan, *Slavery* (above, n. 25), pp. 70-71.

²⁹ For illustrations of these artifacts, see J. Camp, *The Athenian Agora* (London, 1986), p. 95, pl. 70, and p. 108, pl. 80.

³⁰ *Pol.* 1, 1253b32.

³¹ Jacob, *Les esclaves* (above, n. 25), p. 9.

³² Jacob, *Les esclaves*, p. 11.

concerning which coins were authentic Athenian coins, which were imitations, and which were counterfeits.³³

We have no direct evidence of the methods that the Athenian certifiers relied on to do their job. Perhaps they used some of the tests mentioned by Epictetus in his comparison of the philosopher's need to test propositions with the techniques followed in the certification of coinage at the time of the early Roman Empire.³⁴ The certifier, he remarked, employs sight, touch, smell, and, finally, sound, by listening to the noise the coin (in this case a silver denarius) makes when repeatedly thrown down, presumably against a hard surface.³⁵ The absence of any mention here of a touchstone is probably to be explained by the inaccuracy of this method in testing silver coinage, as opposed to gold coins.³⁶ A certifier could also have used a scale to verify the weights of coins, but we hear nothing of this technique in official use at Athens.³⁷ Aristophanes refers to sound being used as a criterion for good quality.³⁸

The special group of slaves to which the certifiers belonged, that of public slaves, performed a broad range of both skilled and unskilled tasks

³³ Petronius has Trimalchio remark on the difficulty of the job of a certifier (*nummularius* in Latin)—like a doctor, he has to divine what is invisible on the inside from what is visible on the outside (*Satyricon* 56). As we shall see later, all that could realistically have been achieved was for people to believe that the slave who was to serve as an official Athenian *dokimastes* had the ability to determine the status of different kinds of coins whose appearances were extraordinarily similar, namely, authentic products of the Athenian mint and high-quality imitations such as those Buttrey has identified as coming from Egypt. Belief, not proof, was all that could be achieved because no empirically decisive tests existed to tell the coins apart.

³⁴ Arr. *Epict. Diss.* 1.20.7-9.

³⁵ Epictetus uses the term *argyronomon* to refer to a certifier. See Pollux, *Onomasticon* 3.84 for a list of such terms. For the use of the sense of smell as a test, see the case of the renowned antiquary Friedländer, who is reported to have sniffed coins as a check on their quality (*RE* 17, s.v. "nummularius," cols. 1418-19 [Herzog]).

³⁶ On the touchstone and other methods of testing coins, see Bogaert, *RBN* 122 (above, n. 3), pp. 5-34 and G.C. Boon, in *Coins and the Archaeologist*, 2nd. ed., John Casey and Richard Reece, eds. (London, 1988), p. 148, notes 19-20. Naturally, a certifier did not use cupellation to test silver coins, unless they were going to be melted down anyway for reminting or bullion. For example, Livy 32.2 records that Roman quaestors employed cupellation to confirm their suspicion that the Carthaginians were paying their war indemnities with a silver coinage of inferior fineness.

³⁷ Aesch. *Ag.* 437-38, apparently the sole reference in classical Greek literature to the use of a balance scale for weighing precious metal, does not refer to the weighing of coins, according to Picard, in *Hommages...Lerat* (above, n. 3), pp. 685-86. Nor do we hear anything about magnets, which could have been used to detect coins with an iron core. And, of course, Archimedes's test of specific gravity had not yet been invented in 375/4.

³⁸ *Frogs*, ll. 721-24.

in and for the city-state of Athens. Oscar Jacob, in his monograph published in 1928 that remains a standard survey on Athenian public slaves,³⁹ drew a broad distinction between two kinds of public slaves distinguished by their functions: those who were workers or laborers (les esclaves publics-ouvriers) and those who were attendants or servants (les esclaves publics-employés).⁴⁰ His distinction, then, was between those public slaves who performed manual labor and those whose duties were, to use modern terminology, more white-collar in nature. Many public slaves in both these categories performed tasks that carried great responsibilities and had direct effects on the lives of citizens. Nevertheless, as we shall see, all of them except for the certifiers had one limit in common regardless of how important or unsupervised their jobs were: they had no power to make decisions on their own affecting the lives and property of others.

The public slaves who were workers and laborers had more physically strenuous and generally less attractive jobs than did the attendants and servants.⁴¹ Public slaves, for example, had the onerous job of maintaining the maze of streets and alleys of the city in good repair and keeping them clear of debris.⁴² The citizen officials called *astynomoi* had public slaves at their disposal to remove and bury the corpses of persons who had died in the streets and whose families were presumably too destitute to give them proper burial.⁴³ Public slaves probably formed the core of the work force in the state mint of classical Athens.⁴⁴ A complement of public slaves also performed manual labor as a maintenance crew attached to the sanctuary of the Mysteries of Demeter and Kore at Eleusis.⁴⁵

³⁹ See above, n. 25.

⁴⁰ Jacob, *Les esclaves* (above, n. 25), pp. 4-5. See below on the Scythian archers, whom he placed in an intermediate category of their own.

⁴¹ Jacob, *Les esclaves* (above, n. 25), pp. 13-52. The dirtiest job in Athens, that of the manure gatherers who collected dung and filth from the streets and dumped it outside the city walls, was probably performed not by public slaves, but rather by hired workers. See Jacob, *Les esclaves*, pp. 13-19.

⁴² Aristotle, *Ath. Pol.* 54.1.

⁴³ Aristotle, *Ath. Pol.* 50.2. Jacob, *Les esclaves* (above, n. 25), pp. 17-18, thinks these slaves had a more elevated job than the ordinary worker public slaves, and Aristotle does call them "servants" (*hyperetai*) rather than "workers." Nevertheless, the exigencies of their job surely placed them in the ranks of the workers, at least from a modern perspective.

⁴⁴ Andocides frg. 5 (*schol. Ar. Wasps* 1007).

⁴⁵ Public slaves are attested as having been entertained at the public expense with meat and wine at the *Choes* festival at Eleusis. Two of them were even initiated into the Mysteries.

Other public slaves had official responsibilities that potentially involved danger because they required the use of force against persons. At Athens, a board of citizen magistrates called The Eleven were in charge of arrests, imprisonments, and executions. The Eleven were served by a contingent of public slaves who, on the orders of The Eleven, did the actual hands-on dirty work of seizing condemned persons or their property.⁴⁶ These slaves served as prison warders, as the public executioner, and as the official torturers who were called upon to exact testimony under duress from slaves and unprotected foreigners who became embroiled in legal cases. Employing slaves for these confrontational and sometimes violent duties made sense in several ways. Since the slaves could stay in their posts for years, while citizen magistrates rotated in and out annually, the slaves over time could develop the necessary hard shell that the constantly changing citizen officials might lack. More importantly, this employment of public slaves allowed citizens to maintain an arm's length separation from the application of force or violence to fellow citizens, especially when the task incurred a risk of ritual pollution, as in the case of putting a fellow citizen to death.

The same consideration explains the make-up of the only police force that Athens ever had. For about 75 to 100 years, the Athenians had as their policemen a cadre of public slaves who were bowmen from Scythia.⁴⁷ The existence in the heart of the city of hundreds of armed slaves must rank as one of the most striking anomalies in Athenian social history. These barbarian archers primarily served as guards against riotous or violent behavior by citizens on public occasions such as meetings of the assembly. The citizen magistrates in charge of such occasions would

See *IG ii²* 1672, ll. 204, 207 (329/8 B.C.); cf. Ps.-Dem. 59.21. These two were initiated because there were needed to work inside the sanctuary, but no uninitiated person was allowed inside the goddess's compound. Therefore, these public slaves gained initiation not through any dispensation that was concerned with their fate as individuals but rather as a necessity so that their labor could be available to the administration of the cult. See Jacob, *Les esclaves* (above, n. 25), pp. 40-43.

⁴⁶ Aristotle, *Ath. Pol.* 52.1. See Jacob, *Les esclaves* (above, n. 25), pp. 79-87 and P.J. Rhodes, *A Commentary on the Aristotelian Athenian Politeia* (Oxford, 1981), p. 580. Jacob ranks these slaves among the attendant or servant category, but I see the nature of their duties as aligned with those in the worker category.

⁴⁷ See Jacob, *Les esclaves* (above, n. 25), pp. 53-78; V. Ehrenberg, *The People of Aristophanes* (New York, 1962), p. 175; M.F. Jongkee-Vos, *Scythian Archers in Archaic Attic Vase-Painting* (Groningen, 1963); K.-W. Welwei, *Unfreie im antiken Kriegsdienst. Ersten Teil: Athen und Sparta* (Wiesbaden, 1974, *Forschungen zur antiken Sklaverei* V), pp. 8-22, 50-54; and H. Strasburger, *Zum antiken Gesellschaftsideal* (Heidelberg, 1976), pp. 61-62.

direct the Scythian archers to remove any disruptive participants. But these slave policemen never took action on their own; as living tools, they merely followed the instructions of citizen magistrates. The Athenians apparently dissolved the force early in the fourth century as a cost-cutting measure.

The white-collar category of public slaves covered a wide range of important duties and competencies.⁴⁸ The jobs of public slaves in this category in general demanded more education than did those of the workers or police. For instance, many such slaves needed the ability to read and write. In fact, the rate of literacy of attendant or servant public slaves probably exceeded that of the general population of Attica by a wide margin.⁴⁹ As an ancient commentator said with reference to a mention of a public slave in Demosthenes, "the Athenian demos makes a practice of buying slaves who know their letters."⁵⁰

Literate and numerate public slaves filled many important clerical posts in Athenian public administration. A public slave, for example, was assigned as a servant to the Athenian council and given custody of the records of the financial obligations that were made by the city's contracts board and then were cancelled after settlement by the board of receivers.⁵¹ A public slave also had charge of the records kept in the shrine of the Mother of the Gods, the Metroon.⁵² Presumably fulfilling a similar function, a public slave is on record as having the responsibility for writing down what was found in the Chalcotheke, a kind of municipal warehouse on the Acropolis.⁵³ A public slave served as an assistant to the magistrates in charge of the city's naval arsenals, for which he helped maintain inventories of equipment and verify complicated financial

⁴⁸ Jacob, *Les esclaves* (above, n. 25), pp. 79-145. Jacob presumably regarded the *dokimastes* of coinage as a member of the attendant or servant group of public slaves, since his only mention of the *dokimastes* (p. 110, n. 1) comes in a note in the section on the public slaves who guarded the weights and measures of the city-state, who definitely belong to the attendant class.

⁴⁹ W.V. Harris, *Ancient Literacy* (Cambridge, Mass., 1989), p. 114, sets the range of literacy for the entire population of Attica between 5% and 10%, a rate much lower than that often assumed.

⁵⁰ *Schol. Dem.* 2.19.

⁵¹ *Ath. Pol.* 47.5, 48.1. See P.J. Rhodes, *The Athenian Boule* (Oxford, 1972), pp. 141-43, on the attendants of the council.

⁵² Demosthenes 19.129; *IG* ii² 463, ll. 28-9; 583, ll. 5-7.

⁵³ *IG* ii² 120, ll. 11-13.

records.⁵⁴ Public slaves served as financial assistants and accountants to citizen officials on military expeditions and in other financial activities for which record keeping was needed, such as the recording of the payment of arrears in taxes and the recasting of sacred objects.⁵⁵

Yvon Garlan in his study of ancient slavery offers an explanation of the seeming paradox that the Athenians used public slaves “in responsible administrative positions.” The Athenian “principles of annual rotation of office-holders, and of the distribution of responsibility among various members of a board of magistrates ... made it difficult for essential technical information to be transferred from one year’s magistrates to the next. Continuity had to be provided by subordinate administrators.”⁵⁶ Public slaves, who continued in their posts indefinitely, constituted these subordinates, who possessed a level of technical expertise in their speciality that their notional superiors, the citizen magistrates, would have been hard pressed to equal. Moreover, the public slaves’ lack of the kind of social and family ties that citizens had to one another served as some control against corruption and favoritism. Not being owned by any particular citizen and lacking normal social ties, public slaves would not have obligations to particular citizens and could thus be expected to be less susceptible to influence and social pressure than citizen officials.

The hellenistic Athenian inscription previously mentioned concerning weights and measures testifies to the level of trust that the city could place in public slaves. It directs the citizen who was “appointed to [provide] the measures and weights” to hand them over to public slaves, so that the “measures and weights may remain for [future] time.”⁵⁷ That is, this legislation entrusts public slaves with the supervision of the official Athenian standards for weights and measures that were kept on deposit in several locations and whose use was compulsory on merchants and tradespeople. In this latter sense, this legislation is analagous to the legal provisions preserved in the law of Nicophon that mandate the acceptance of the norms established by the Athenian assembly and specify punishments for those who fail to conform. Citizens serving in the government had general responsibility for oversight of these slaves, but the slaves

⁵⁴ *IG* ii² 1631, col. b, l. 197; col c, ll. 381-82.

⁵⁵ Demosthenes 8.47; 22.70; *IG* ii² 839, l. 42.

⁵⁶ *Slavery in Ancient Greece*, rev. ed., Janet Lloyd, trans. (Ithaca, NY, 1988), pp. 41-42.

⁵⁷ *IG* ii² 1013, ll. 38-40.

apparently operated largely on their own.

Indeed, official supervision of public slaves other than the police and the assistants of The Eleven could apparently be extremely loose. A.R.W. Harrison, in his work on Greek law, has even called public slaves a “privileged class” whose “legal status approximated closely to that of metics.”⁵⁸ A section of an oration by Aeschines provides a revealing glimpse of the relative freedom enjoyed by at least some public slaves at Athens in the fourth century. According to Aeschines, the public slave Pittalacus had lots of money to spend and a home of his own, no doubt an apartment that he rented rather than owned. Pittalacus socialized with citizens and ran a dicing and cock fighting emporium in his home that citizens patronized.⁵⁹ The story of Pittalacus implies that the status of a public slave could appear at least superficially, in terms of everyday living conditions, to be not much different from that of a free person of low social status.⁶⁰

Further evidence for the special status that public slaves enjoyed, at least compared to that of most of their counterparts owned by private citizens, is that they received regular payments for their support in return for their labor. The amount that they received was no more than a living wage at best, but they received it every day, it appears, a regularity that

⁵⁸ *The Law of Athens. The Family and Property* (Oxford, 1968), p. 177.

⁵⁹ After some citizens roughed him up, Pittalacus brought suit against his attackers, with whom he had been embroiled in sexual and gambling matters and then had a falling out. Aeschines, in his section on Pittalacus (1.53-65), gives no indication that Pittalacus required a patron to intervene on his behalf in court, a status not enjoyed by Athenian women and children. Cf. Harrison, *Law* (above, n. 58), p. 177. Furthermore, the citizen Glaucon rescued Pittalacus when Hegesandrus, one of the citizens with whom Pittalacus was at odds, claimed Pittalacus in fact belonged to him as his personal property and was not a public slave. This claim was Hegesandrus's counterattack to Pittalacus's suit against him. It was an effective tactic because Pittalacus dropped his suit, realizing, according to Aeschines, that he could not be successful in a legal fight against men of higher status. The terminology that Aeschines uses for Glaucon's rescue of Pittalacus (*aphaeresis eis eleutherian*) is the same term used to describe the rescue of a free man who had been wrongly enslaved by another individual. On this terminology, see Harrison, *Law*, pp. 178-80. He does not mention its application to the case of Pittalacus. On Pittalacus, see also Douglas M. MacDowell, *The Law in Classical Athens* (Ithaca, NY, 1978), p. 83. Jacob, *Les esclaves* (above, n. 25), pp. 158-62, believes that the use of this term means that Pittalacus had been a public slave at one point but had been subsequently manumitted.

⁶⁰ Of course, the resemblance was genuinely superficial. The children of public slaves, for example, were not entitled to citizenship, as shown by the case of Nicomachus (Lysias 30.2, 27-8). Employed as a transcriber for the *nomothetai*, he was alleged to have been the son of a father who was a public slave. This accusation was designed to cast doubt on the right of Nicomachus to the citizenship and to his post, in which he was accused of malfeasance.

an ordinary free laborer could not enjoy.⁶¹ Private slaves certainly could not automatically count on being granted the privilege of receiving an allowance or wage. And public slaves could hope not just for regular material rewards but also for the chance to win a certain level of esteem in the eyes of free citizens. Demosthenes even implies that slaves in public administration enjoyed a better reputation for trustworthiness and integrity than did citizens.⁶² Some public slaves became well enough known to be chosen by name for important posts by vote of the citizens.⁶³

The provisions for punishment in the text on weights and measures also reveal that public slaves were too valuable simply to dismiss or execute if they failed to perform their duties satisfactorily. Like the certifiers of the coinage, they could be whipped for misbehavior, but other provisions included making them replace any items that they lost or destroyed, and cutting off the payments for their work if they failed to hand in a proper inventory of the items over which they had supervision.⁶⁴ In other words, various punishments were available according to the offense. I take one of the significances of the existence of this range of punishments to be that the Athenians found it more cost effective to discipline public slaves in the hope of restoring them to duty rather than to discard them like broken tools. The legislation on weights and measures in fact reveals that public slaves as malefactors could be lumped together with non-slaves: "If anyone is apprehended committing an offence concerning the measures and weights ..., whether he is a magistrate or a [private citizen] or a public slave, he will be punished according to the law passed about [the punishment] of malefactors."⁶⁵

In sum, then, public slaves, especially those in what I have called the white-collar category, apparently enjoyed a degree of independence in their personal lives and often occupied positions of considerable responsibility and status in the Athenian government. Nevertheless, regardless of the amount of responsibility, expertise, knowledge, money, weapons, or freedom from supervision that these public slaves possessed, none of

⁶¹ For public slaves receiving a daily allowance of three obols, see *IG* ii² 1672, ll. 4-5 (329/8 B.C.). Aristotle, *Ath. Pol.* 49.4, reports that the disabled in this same period received a daily subsistence grant of two obols a day, on which see P.J. Rhodes, (above, n. 46), p. 570.

⁶² Demosthenes 22.71.

⁶³ *IG* ii² 839, ll. 52-53.

⁶⁴ *IG* ii² 1013, ll. 49-54.

⁶⁵ *IG* ii² 1013, ll. 58-62.

them, with the striking and anomalous exception of the certifiers of the coinage, made official decisions on their own that affected the lives or property of Athenian citizens. They had no real power, in other words. For instance, in the case of the public slaves who supervised the standards of weights and measures, the legislation specifically states that “the magistrates whose duty it is under the law shall make standard measures corresponding to the copies that have been made ...”⁶⁶ The public slaves had only the mechanical, albeit important, duty of (to paraphrase the text) preserving the standards and giving copies to the magistrates and to all others who need them. The slaves are specifically enjoined from altering the standards or removing them from the buildings in which they are stored. So, too, the other white-collar public slaves who served as scribes and clerks could be very knowledgeable about the information under their management, but they made no decisions about what to include or exclude or any other kind of decision affecting the citizens of Athens. Nor did the slave assistants of The Eleven or the Scythian archers of the police force act on their own. They made no decisions on whom to drag off; they only acted on the orders of the presiding magistrates.

The special significance of the certifiers of the coinage is therefore that, unlike all other public slaves, they on their own made decisions in the course of doing their jobs that directly affected the interests of citizens and others at Athens—they decided which coins were certified and which were not, which coins would circulate at full value with the sanction of the law mandating their acceptance and which would not. This unique ability as slaves to exercise power over the property of citizens (and non-citizens as well) made the certifiers of the coinage anomalous in the Athenian system of administration.

The anomaly seems all the more striking because the power of the post of certifier did not lend itself to the kind of precise and regular scrutiny that was otherwise absolutely standard in Athenian public administration. Elaborate processes of scrutiny not only of their credentials but also of their performance in office awaited citizen magistrates before, during, and after their terms. Indeed, an audit was a formal requirement if the official had performed any duties having to do with the finances of Athens. Various kinds of law suits could also be brought against citizen magistrates.⁶⁷

⁶⁶ *IG* ii² 1013, ll. 7-8.

⁶⁷ See J.T. Roberts, *Responsibility in Athenian Government* (Madison, WI, 1982), for a full discussion of the elaborate mechanisms of Athenian government for insuring the account-

By contrast, the nature of the certifier's work meant that no reliable mechanisms were available to assess the exercise of his power in determining the status of coins, except perhaps concerning the identification of plated coins. Their base metal cores could be exposed by the simple expedient of cutting into them to verify their interior contents. Just such coins have been found in Athens (e.g. Plate 9, 4).⁶⁸ This physical test was presumably not foolproof—the cut might not go deep enough or the base metal core, if produced as a silvery-looking alloy, might have the deceptive appearance of silver. Nevertheless, a cut did offer at least some sort of physical evidence for the nature and the value of the coin in question. In the case of other, more sophisticated forgeries, however, no comparable physical test existed to reveal their fraudulent nature. As Buttrey has well pointed out, forgeries would have been physically undetectable if they were of the proper weight, carried good copies of the official Athenian types, and had been made from an alloy of base metal and silver whose admixture of base metal was too low to be visible and thus detectable by a cut but still high enough to insure a fat profit for the counterfeiters.⁶⁹

In all cases except those of plated coins, then, the certifier's personal judgment about a coin had to decide the case. Since neither touchstones nor any other available technology could provide physical evidence to distinguish effectively between these kinds of counterfeits and authentic Athenian coins, a certifier could do his job only by performing a scrutiny of coins whose accuracy the other interested parties could not easily assess or control. Perhaps the certifier did acquire some objective and helpful evidence about the coins he was passing judgment on by sniffing the coins brought to him or dropping them to hear their ring or scrutinizing their style, but in truth he had to base his decision primarily on his overall personal judgment, just as numismatists today must do unless, like Buttrey, they have the opportunity to study die links in a large body of material.⁷⁰ If a certifier said a coin was not a genuine Athenian silver

ability of officials. The power of citizen officials was subject to control by *dokimasia* (scrutiny of one's credentials before taking up office), *apocheirotonia* and *eisangelia* (forms of impeachment during the term of office), and *euthynai* (audit upon leaving office). *Graphai* could be brought against them in the courts.

⁶⁸ Stroud (above, n. 1), pp. 173-74.

⁶⁹ *NumAntClas* 10 (above, n. 3), pp. 81-82.

⁷⁰ G.C. Boon, in his essay on counterfeit coins in Roman Britain in *Coins and the Archaeologist* (above, n. 36), p. 104, remarks that "the *nummularius* had neither the time nor

issue, legally it was not, and no one could definitively prove him wrong. And there was no effective appeal from the decision of a public certifier, as opposed to that of one working for a private business. That is, if someone took a coin to a private certifier in the employ of a banker or a money-changer and received a negative opinion on the status of a coin, it was always possible to move on to the next table for a second and perhaps different opinion. Not so with the public certifier.

Review of the certification of coinage would have become even more problematic once it was realized that imitation Athenian coins made from silver, as opposed to counterfeit, plated coins, had entered into the system of monetary exchange at Athens. Cutting a gash in an imitation coin did no good; its core was silver, just like that of a coin produced by the Athenian mint: Plate 9, 9 shows an imitation that has been cut. Yet the certifier's decision that coins were imitations meant significant financial loss for their possessor. Such coins appear to have been discounted at least five per cent in exchange, if anyone was willing to take them as payment.⁷¹ Potentially more serious than this loss was the possibility of the supposedly liquid capital that the coins represented being effectively frozen if no one would accept them. In this way, the certifier certainly exercised a power of decision that directly affected the financial interests of those who used his service.

That the law specifically stated that a certifier was to perform his duty according to its provisions reveals a concern for control over him. Nevertheless it remained true that, because there was no truly indisputable test to differentiate between authentic and imitation Athenian coinage, there was no simple method for proving that the certifier's judgment—his exercise of power—was faulty, certainly not in the way that an audit could reveal maladministration in the accounts of a citizen magistrate. Of course, it would have been possible to convene a board of people who were believed to be able to distinguish genuine from imitation coins, as indeed from base metal alloy forgeries, and have them give the certifier a test to see if he could distinguish imitations that had been previously identified by the board and then mixed in with genuine coins in a kind of official shell game. Some such method may even have been used in selecting slaves to become certifiers in order to weed out slaves who appeared to have the ability to do the job from those who did not. But this

need for elaborate tests: the appearance, feel, weight, ring and even the smell of coins were the basis of a judgment which with practice must have become subliminal."

⁷¹ See above, n. 22.

mechanism for control would have been cumbersome for regular use, and there is no indication that a certifier ever worked as part of a board.⁷² The law implies that each certifier worked alone.

In any case, the task of distinguishing genuine silver coins from imitations did not lend itself to scientific accuracy under the technological conditions prevailing in ancient Athens. There was enormous room for disagreement and dispute under any circumstances. A check on the work of a certifier would have been a far less precise and manageable affair than, say, the audit of the financial records of a citizen official. Control of the certifiers in the end would have reflected only the general power of the state to control its slaves, not a regular control on the power of the certifier to make decisions on his own, a power which by its nature remained immune to simple or regular review.

A further question then arises from the remarkable double anomaly that certifiers were slaves making decisions about the property of citizens and other free persons and because the power of these slaves was essentially not subject to review on objective, easily establishable criteria. Why did the Athenian government not fill the post of certifiers with citizens or metics (resident aliens)? In the case of citizens, the traditionally low social status that Athenian upper-class citizens ascribed to financial activity as an occupation probably would have made many Athenian men reluctant to serve in the post of certifier.⁷³ In keeping with this cultural bias, for example, citizens largely shunned the roles of banker and money-changer, leaving those trades to non-citizens like the famous Pasion, an ex-slave, or to metics. One Greek comedian of the fourth century placed bankers at the head of a list of malefactors, labeling them the most abominable breed of all, more despicable even than fish mongers.⁷⁴ In Aristotle's vision of the ideal city-state, "the citizens must not lead the life of workers or merchants, for this kind of life is ignoble and contrary to virtue."⁷⁵ And acquiring wealth by exchange, Aristotle declared, "is rightly censured; for it is not according to nature, but involves people

⁷² In fifteenth-century Venice, by contrast, the Assay Office had a board of three assayers. Binding decisions on the purity of precious metal normally consisted of the agreement of two out of the three officials concerning the case at hand. See Lane and Mueller, *Money and Banking* (above, n. 5), pp. 147-51.

⁷³ See R. Bogaert, *Banques et banquiers dans les cités grecques* (Leiden, 1968), pp. 386-97.

⁷⁴ Antiphanes fr. 159 Kock (Athenaeus 6.226d-e).

⁷⁵ *Pol.* 7, 1328b39-41.

gaining from one another."⁷⁶ Furthermore, the restriction that the certifiers always had to be at work meant that such a job would have left no time for the social and political activities that the propertied citizen regarded as part of his very identity. Xenophon, for example, condemned the occupations that left citizens "no free time in which to attend to their friends or their city-state; those who practice such occupations seem to be bad at being useful to their friends and as defenders of their homelands."⁷⁷

These social views naturally reflected the sensibilities and expectations of the minority of the male citizens at Athens who possessed enough income-producing property that they did not have to work for wages to earn a living. Among the pool of poor men who made up the majority of Athens' male citizenry and metic population, there were surely those who would have been willing to endure the snobbish sneers of the rich in order to earn a salary as one of the city's certifiers of the coinage. Why were they not hired? It is difficult to say whether financial considerations entered into the decision. Buying a public slave to do the job could have made good financial sense for the city-state if his purchase price and his daily payments added up in the long run to a smaller expenditure than the wages that would have been paid to a free man in the position. In a sale of confiscated slaves that took place in 414, for example, the most expensive slave was a Carian goldsmith priced at 360 drachmas.⁷⁸ A certifier would presumably not have cost more than that amount. An inscription of 329/8 records a daily payment to public slaves that amounts to half a drachma.⁷⁹ Regular wages, by comparison, seem to have been on the order of one-half drachma a day for unskilled workers and one drachma for skilled workers by the late fifth century, but they rose to one and a half for the former and two to two and a half for the latter by 329/8, as the same inscription reveals.⁸⁰ If a slave certifier who cost 360 drachmas was paid a half a drachma a day, while a free man would

⁷⁶ *Pol.* 1, 1258b1-2.

⁷⁷ *Oec.* 4.2-3.

⁷⁸ *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.*, Russell Meiggs and David Lewis, eds. (Oxford, 1969), p. 247.

⁷⁹ *IG* ii² 1672. See above, n. 61.

⁸⁰ P.J. Rhodes (above, n. 46), p. 691. As Rhodes comments with respect to the daily allowance of half a drachma paid to Athenian jurors, such an amount was "inadequate as compensation for earnings" by the later fourth century B.C. A public slave expected to support himself on that amount would be a comparative bargain for the city-state.

have earned one drachma, the state would have broken even on its investment after only 720 days. A slave certifier could have been expected to last a lot longer than 720 days. Slaves who were hired out by their masters, however, could earn the same daily wage as free workers.⁸¹ If a certifier had to be paid at the same rate as a free man, it would have been cheaper to hire a citizen or a metic, whose employment would not have incurred any purchase price as a start-up cost. Unfortunately, we cannot make a reliable calculation about the cost effectiveness of using public slaves as certifiers because the law of Nicophon does not reveal how much a certifier was to receive.

In any case, I suspect that a different consideration, which stemmed from the very nature of the work of certification itself, is considerably more significant in trying to understand why the certifiers were not citizens or metics than is any estimate of the costs associated with providing the service. The Athenians took the protection of their currency seriously: a law mandated the death penalty for counterfeiters.⁸² At the same time, as we have seen, the decisions made by the certifier of coinage necessarily lay outside any easy or regular system of citizen control. The changed conditions brought on by the appearance of imitations in Athenian circulation made the certification of Athenian coinage a more problematic activity than ever because imitations of silver in good style could be so difficult to distinguish from authentic Athenian coins. Under these conditions, the certification of the coinage posed a special problem of the allocation of power for Athenian democracy because it necessitated one person exercising a largely unauditible power over others in a way that did not fit with the normal practice of that system. The certification of coinage was a process for which there was essentially no opportunity to institute the kinds of checks to be performed by other citizens on those exercising power that normally characterized the practice of Athenian democratic government. A certifier could be punished for not showing up for work where and when he was supposed to, or for exacting illegal fees, or for taking bribes, but his power as enshrined in his judgment per se on the status of coins was beyond punishment because it existed outside the effective control of the state or of individual citizens. Athenian democracy was a system that characteristically rejected the investment of such power in individual citizens, to say nothing of metics.

⁸¹ M.M. Austin and P. Vidal-Naquet, *Economic and Social History of Ancient Greece: An Introduction* (Berkeley and Los Angeles, 1977), no. 73, p. 276.

⁸² Demosthenes 20.167; cf. 24.212-213.

Ironically, then, the special kind of power invested in the post of official certifier of the coinage, so difficult to subject to regular scrutiny in traditional Athenian fashion, was better invested in an unfree person like a slave than in a citizen or a metic. The slave's marked lack of power as a person, the result of his lack of citizen status and its rights, counterbalanced his power of decision on the job. For this reason, a slave, unlike a citizen, could be disciplined and punished without any proof at all having to be offered of his not having done his job correctly, proof that would have been impossible to obtain so far as the status of imitations and cleverly alloyed forgeries was concerned.

It is a mark of the special nature of silver coinage in ancient Athens that it accentuated the anomalous situation of the *dokimastes*, the one kind of public slave who had the power to make decisions affecting the property of citizens. And we should not be surprised that coinage could create such an anomaly in Greek culture. After all, as the law of Nicophon testifies, coins found to be false were not simply destroyed, but rather put under the safekeeping of a divinity to keep them out of circulation, almost as if they were objects with a pernicious magic power that had to be kept in thrall by a greater power. The story of the *dokimastes* and his anomalous power emphasizes that in ancient Athens, coinage and power were linked in ways that went beyond the conventional historical relationship between money and influence in human society.⁸³

KEY TO THE PLATE

1. Fifth century Athenian tetradrachm (ANS).
2. Fourth century Athenian tetradrachm (ANS).
3. Plated tetradrachm (ANS).
4. Subaerate tetradrachm with cut (ANS)
5. Imitation tetradrachm (ANS).
6. Emergency Athenian bronze (ANS).
7. Emergency Athenian gold diobol (ANS).
8. Plated tetradrachm (Agora H-1936).
9. Imitation with cut (ANS).

⁸³ I would like to acknowledge the help of the ANS staff in supplying many bibliographic items, especially Carmen Arnold-Biucchi and Frank Campbell, and of the ANS Photographic Department and the Photographic Department of the Agora Excavations in Athens for supplying the photographs for illustrations.



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