

The History of Slavery

Varia

Writing the History of Slavery Between Comparatism and Global History*

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In the preface to the first edition of *Casa-grande e senzala*, Gilberto Freyre described his voyage from the west coast of the United States to New York, soon after finishing his book. Recalling Louisiana's swamps and its fields of sugar cane, he wrote:

Every student of the patriarchal regime and the economy of slave-holding Brazil ought to become acquainted with the “deep South.” The same influences deriving from the technique of production and of labor—that is to say, the one-crop system and slavery—have combined here in this English-settled portion of North America, as in the Antilles and Jamaica, to produce social results similar to those that are to be observed in our country. At times, indeed, they are so similar that the only variants to be found are in the accessory features: the differences of language, race, and forms of religion.¹

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1. Gilberto Freyre, *The Masters and the Slaves: A Study in the Development of Brazilian Civilization* [1933], trans. Samuel Putnam, 2nd ed. (Los Angeles: University of California Press, 1986), xxvi. [Several versions of the Portuguese preface were combined in the “Preface to the Second English Edition”—*Les Annales*.]

Less than a century earlier, Henri Wallon, in his monumental *Histoire de l'esclavage dans l'Antiquité*, attempted to shed light upon the situation in the French colonies through an examination of Greco-Roman slavery:

Slavery in the ancient world! It may seem strange to seek it in the distant past, when slavery is still among us. In doing so, I do not seek to distract people from the colonial question; to the contrary, I would like to focus their attention upon it, and encourage them to find a resolution.²

In fact, several of the seminal works on the history of slavery have been influenced, to varying degrees, by a comparatist perspective, as though an analogical digression were the only way to make the mechanisms of slave domination explicit—to make them “speak,” as it were.

Be that as it may, ought we to agree with Patrick Manning, one of the greatest specialists on the subject, that “the field of slavery studies has become a model for comparative study in social and economic history”?³ This depends on what we mean by the term “comparatism,” which has come to denote approaches as different in their methods as they are varied, and even contradictory, in their goals. Essentially, we must avoid confusing the comparatism that aims to study the morphology of slave societies in all their temporal and geographical diversity with the comparatism that proclaims its alliance with global history, and attempts to analyze the dynamics that have united different systems of dependency and labor regimes across the world since the early modern era. These two approaches not only designate radically different fields of investigation; they also and above all present two heterogeneous conceptions of slavery.

Since the end of the 1990s, the global history of slavery has made a particular effort to highlight the epistemological naivety of a certain comparatist tradition that understands slavery from the perspective of its institutions, and not as a dynamic process that results in each case from specific historical conditions. However, it is worth identifying the limitations of this global approach when it claims to be the only method capable of defining slavery across history. Indeed, it is to the defense of a comparative history of slave societies, understood in all their morphological diversity, that this article seeks to contribute.

Although this type of morphological comparatism is widely practiced, it remains under-theorized, and texts that define what is at stake and clarify its methodology are few and far between.⁴ In the form of edited volumes that gather contributions from

2. Henri Wallon, *Histoire de l'esclavage dans l'Antiquité* (1847; repr. Paris: Robert Laffont, 1988), 5–6.

3. Patrick Manning, “Legacies of Slavery: Comparisons of Labour and Culture,” in *Legacies of Slavery: Comparative Perspectives*, ed. Maria Suzette Fernandes Dias (Newcastle: Cambridge Scholars Publishing, 2007), 16–34, here p. 21.

4. John V. Lombardi, “Comparative Slave Systems in the Americas: A Critical Review,” in *New Approaches to Latin American History*, ed. Richard Graham and Peter H. Smith (Austin: University of Texas Press, 1974), 156–74; Michael Craton, “A Cresting Wave? Recent Trends in the Historiography of Slavery, with Special Reference to the British Caribbean,” *Historical Reflections* 9, no. 3 (1982): 403–19; Jacques Annequin,

various fields, it is often superficial and, even in the best cases, limited to simple juxtaposition, leaving readers to infer the broader synthesis on their own. Above all, and regardless of the quality of their individual articles, these multi-author volumes undertake the comparative exercise from an overarching perspective, drawing point-by-point contrasts between different slave systems while presuming their coherence. Because the scale of observation is often poorly defined, these works frequently end up confirming things that are already well known about the societies under discussion, as though the comparative exercise had no effect upon the nature of the questions that we pose about them.

Under what conditions might it be possible to write a new comparative history of slavery, one that can avoid both the well-worn conventions of naive comparatism and the inadequacies of the global approach? To begin with, we need an inventory of the theoretical problems that the study of slavery poses for contemporary historiography. Following that, I will attempt to show what a comparatist approach (once its methods have been freshly redefined) could bring to the study of one slave society in particular: Athens of the Classical period (fifth and sixth centuries BCE). My argument focuses on a specific organization of slave labor, whose essential traits were shared by numerous slave societies, in which a slave tied to the running of land, a workshop, or a commercial store made regular payments to his master. When approached from a comparatist perspective, the analysis of this configuration makes it possible to shed light on certain particularities of Athenian slavery that have long remained unclear.

The Comparative History of Slavery: An Inventory

At first glance, it seems that the comparatist approach has always driven a large proportion of publications on the subject of slavery. In the context of edited volumes, the desire to compare and contrast different configurations of slavery is manifest in many different forms, whether across the same geographical space,⁵

“Comparatisme/comparaisons: ressemblances et hétérogénéité des formes d’exploitation esclavagiste. Quelques réflexions,” *Dialogues d’histoire ancienne* 11 (1985): 638–72; Peter Kolchin, “Some Recent Works on Slavery Outside the United States: An American Perspective,” *Comparative Studies in Society and History* 28, no. 4 (1986): 767–77; Magnus Mörner, “Comparing Slavery in History,” in *Slavery across Time and Space: Studies in Slavery in Medieval Europe and Africa*, ed. Per Hernæs and Tore Iversen (Trondheim: Norwegian University of Science and Technology, 2002), 59–67; Peter Kolchin, “L’approche comparée de l’étude de l’esclavage. Problèmes et perspectives,” in *Esclavage et dépendances serviles. Histoire comparée*, ed. Myriam Cottias, Alessandro Stella, and Bernard Vincent (Paris: L’Harmattan, 2006), 283–301; Manning, “Legacies of Slavery”; Konstantinos Vlassopoulos, “Which Comparative Histories for Ancient Historians?” *Synthesis* 21 (2014): 31–47, here pp. 33–35.

5. For recent works, see Indrani Chatterjee and Richard M. Eaton, eds., *Slavery and South Asian History* (Bloomington: Indiana University Press, 2006); Stephanie Beswick and Jay Spaulding, eds., *African Systems of Slavery* (Trenton: Africa World Press, 2010); Roger

different periods of time,⁶ or even in regard to a specific theme.⁷ Since its foundation in 1980, one journal has embodied this comparatist ambition more than any other: *Slavery and Abolition*. Presenting itself as “A Journal of Comparative Studies,” it rapidly attracted contributions from the most important specialists on the subject in nearly all the relevant geographical areas; less than two years later, its editorial committee included figures as diverse as Claude Meillassoux, David Brion Davis, Moses Finley, and Suzanne Miers.⁸ *Slavery and Abolition* called for a comparatism without borders, whether thematic or geographical, which was just as interested in precolonial Africa as it was in the Greco-Roman world, and paid as much attention to forms of subservience in Asia as it did to Brazilian or Caribbean slavery. As the founding editorial put it:

*Few subjects lend themselves more readily to comparative analysis than that of slavery, one of man's oldest and most controversial institutions. ... Slavery and Abolition will cover the shifting circumstances of slaves and slavery down through the ages—in the Far and Middle East, in Africa and in the New World, in ancient and modern times. It will provide a continuing retrospective of the phenomenon of human bondage—its psychological dimension; its historic, economic, and social aspects.*⁹

However, a quick glance reveals the particular interests and preoccupations of this comparatist field. The primacy of colonial slavery seems to have been a constant from the outset. Even when setting out to “compare without taboo,” the majority of collective works are most often focused on the different forms of slavery that emerged from the conquest of the Americas.¹⁰ This should not be in the slightest

Botte and Alessandro Stella, eds., *Couleurs de l'esclavage sur les deux rives de la Méditerranée, Moyen Âge–XX^e siècle* (Paris: Karthala, 2012).

6. Enrico Dal Lago and Constantina Katsari, eds., *Slave Systems: Ancient and Modern* (Cambridge: Cambridge University Press, 2008); Dick Geary and Kostas Vlassopoulos, eds., “Slavery, Citizenship and the State in Classical Antiquity and the Modern Americas,” special issue, *European Review of History* 16, no. 3 (2009); Stephen Hodkinson and Dick Geary, eds., *Slaves and Religions in Graeco-Roman Antiquity and Modern Brazil* (Cambridge: Cambridge Scholars Publishing, 2012); Marc Kleijwegt, ed., *The Faces of Freedom: The Manumission and Emancipation of Slaves in Old World and New World Slavery* (Leiden: Brill, 2006); Hernæs and Iversen, *Slavery across Time and Space*.

7. Jean Allain, ed., *The Legal Understanding of Slavery: From the Historical to the Contemporary* (Oxford: Oxford University Press, 2012); Gwyn Campbell and Elizabeth Elbourne, eds., *Sex, Power, and Slavery* (Athens: Ohio University Press, 2014); Christopher Leslie Brown and Philip D. Morgan, eds., *Arming Slaves: From Classical Times to the Modern Age* (New Haven: Yale University Press, 2006); Miura Toru and John Edward Philips, eds., *Slave Elites in the Middle East and Africa: A Comparative Study* (London: Kegan Paul International, 2000).

8. Over time, they were gradually joined by the best anglophone specialists in the field: Peter Kolchin, Paul Lovejoy, Rebecca Scott, Martin Klein, Ira Berlin, Philip Morgan and Indrani Chatterjee.

9. “Editorial,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 1 (1980), 2.

10. Cottias, Stella, and Vincent, *Esclavage et dépendances serviles*. Although its introduction claims it will “compare without taboo,” this volume is mostly focused on the Atlantic

bit surprising; this asymmetry is the product of a numerical imbalance between the different fields of study, which in turn cannot be disassociated from the social and political demands that surround the topic. Because of this dynamic, specialists on Greek antiquity or Ottoman slavery are generally invited to offer a counterpoint to the Americas, which appear to form the natural focal point for the phenomenon of slavery. Moreover, it is clear that the challenge issued by *Slavery and Abolition* at the moment of its founding is far from being met. Although the first issues placed an emphasis on the Muslim world, African slavery, and antiquity, the Atlantic very quickly became the focus of the majority of its articles. Thus, from 1981 to 2015, more than 80 percent of texts published in regular issues, plus twelve out of twenty special issues, were devoted to the colonial American world (the Caribbean, Brazil, and the United States).

Since the 1940s, there has been no shortage of single-author studies comparing the organizational forms of slavery, most often between two regions or two countries.¹¹ Nonetheless, a large part of comparatist research has been polarized by two nearly contemporary major works, both of which offered a synthetic perspective on slavery. *Slavery and Social Death* by Orlando Patterson and *The Anthropology of Slavery* by Meillassoux represent a major moment in slavery studies, and have long been regarded as touchstones for all consideration of the subject.¹² The aim of these works was synthetic, in that they each sought to provide a definition of slavery that could encompass its most disparate historical configurations, with colonial slavery ultimately occupying a rather marginal position. More broadly, both advocated an institutionalist approach centered on the rules and mechanisms organizing the reproduction of domination, as the relations of the slave mode of production can only be implemented “through organized action by members of society to create institutions; which establish and constantly renew the relations of production.”¹³ The weaknesses of both approaches have been frequently pointed out. Some have drawn attention to the skewed empirical material that all too often led Meillassoux to extrapolate data beyond his usual discipline of African studies, while others have criticized the frequent imprecision of the information collected by Patterson. The definitions of slavery proposed by the two anthropologists

world and, to a lesser extent, antiquity and medieval Europe. Olivier Grenouilleau, ed., *Esclaves. Une humanité en sursis* (Rennes: Presses universitaires de Rennes, 2012), devotes its first section to outlining all possible kinds of configuration, but goes on to “recenter things around the models of slavery in the Americas of the early modern colonies and the present day” (p. 9).

11. Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Knopf, 1947), is, in this respect, a seminal work.

12. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982); Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* [1986], trans. Alide Dasnois (Chicago: University of Chicago Press, 1991). For work that follows in their footsteps, though not without its own clear departures, see Alain Testart, *L'esclave, la dette et le pouvoir. Études de sociologie comparative* (Paris: Errance, 2001).

13. Meillassoux, *The Anthropology of Slavery*, 326.

have continually been amended since the 1980s.¹⁴ Nonetheless, over time it is the institutionalist conception of slavery that has become the major focus of criticism.

Indeed, the synthetic comparatism of Patterson, Meillassoux, or Alain Testart seems today to be at once beyond the reach of a single researcher and out of place in a single-author project. If a comparatist flavor permeates a majority of single-author works, it is subtle and is primarily used to situate a specific subject within a larger context—or to adopt concepts and questions from other disciplines—rather than to systematically address a single question. Thus, without explicitly proposing a comparatist reading of Ottoman slavery, Ehud Toledano consistently borrows concepts that originate in other fields of the history of slavery, the most recent example being creolization.¹⁵ In the same way, Peter Kolchin has advocated a “soft” comparatist approach centered on the study of a precise configuration, which is itself carefully situated within a much larger context. Contrasting this flexible comparatism to more systematic studies with generalist aims (to which he has also made significant contributions¹⁶), Kolchin sees it as the only means of including analysis of specific contexts, without which history would be nothing but a flattened sociology.¹⁷ Yet if synthetic comparatism no longer seems appropriate, this is above all due to the fact that the comparative history of slavery has been utterly transformed by the global turn. Over the last twenty years, a stream of research has overhauled the analysis of slavery and the scales of observation at which it takes place, proclaiming the end of traditional comparatism and denouncing it as fundamentally ahistorical. In the wake of more general evolutions in social history, from which it cannot be disentangled, a new conception of slavery has emerged.

14. Patterson’s rejection of a definition of slavery centered on property in favor of one based on “natal alienation” has provoked the largest number of debates. See James E. Penner, “The Concept of Property and the Concept of Slavery,” in Allain, *The Legal Understanding of Slavery*, 242–52, as well as the response and modifications given in Orlando Patterson, “Trafficking, Gender, and Slavery: Past and Present,” *ibid.*, 322–59. For a position that lies between the two, see Martin Klein, *Slavery and Colonial Rule in French West Africa* (Cambridge: Cambridge University Press, 1998), 15.

15. Ehud R. Toledano, “African Slaves in the Ottoman Eastern Mediterranean: A Case of Cultural ‘Creolization’?” in *The Mediterranean World: The Idea, the Past and the Present*, ed. Eyüp Özveren et al. (Istanbul: İletisim Yayınları, 2006), 107–24; Toledano, “The Concept of Slavery in Ottoman and Other Muslim Societies: Dichotomy or Continuum?” in Toru and Philips, *Slave Elites*, 159–75, especially p. 163.

16. Peter Kolchin, *Unfree Labor: American Slavery and Russian Serfdom* (Cambridge: Belknap Press of Harvard University Press, 1987).

17. Peter Kolchin, *A Sphinx on the American Land: The Nineteenth-Century South in Comparative Perspective* (Baton Rouge: Louisiana State University Press, 2003), 4. Paulin Ismard, *Democracy’s Slaves: A Political History of Ancient Greece*, trans. Jane Marie Todd (Cambridge: Harvard University Press, 2017), makes use of this low-intensity comparatism.

The History of Slavery and the Global Turn

With its history of forced migrations across multiple continents, its centrality to the production of globalized goods such as cotton and sugar, and its foundational role in the processes of diaspora and creolization, slavery is an indisputably crucial subject for global history. It is therefore hardly surprising that historians of slavery have played a central role in promoting global history, following Manning, a specialist on the Atlantic slave trade and pioneer of global history in the Americas.¹⁸ It is also worth observing that one of the first uses of the term *histoire globale* in France occurred in a study of the African slave trade, written by Olivier Pétré-Grenouilleau.¹⁹

In American slavery studies, this paradigm shift is bookended by two dates in particular. In April 2000, the *American Historical Review* published a “forum” dedicated to transversal approaches to slavery, or “Crossing Slavery’s Boundaries,” and invited Davis, one of the most important figures in the historiography of slavery, to write the opening essay. In his text, Davis contrasted traditional comparatist approaches as a whole to another, more promising methodology that considered “the interrelationships that constituted an Atlantic Slave System as well as the place of such racial slavery in the evolution of the Western and modern worlds.”²⁰ To reestablish a “big picture” of Western slavery, he argued, we must understand that it is inscribed in a history that has stretched over multiple centuries. This analysis must extend back to a rereading of the medieval legacies of European slavery and forward to a consideration of its effects upon the recent history of capitalism, as well as the modern discourse on freedom.²¹ In January 2016, the first issue of the *Journal of Global Slavery* was published. In an editorial note, Damian Alan Pargas laid out the principles of this new perspective on slavery as a supreme “global and ... globalizing phenomenon”: “Slavery can be considered a globalizing

18. A specialist on the African slave trade, Patrick Manning established a global history course at the University of Wisconsin in 1980. He founded the World History Center at Northeastern University, and is the author of *Navigating World History: Historians Create a Global Past* (New York: Palgrave Macmillan, 2003). See Chloé Maurel, “La World/Global History. Questions et débats,” *Vingtième siècle. Revue d’histoire* 104 (2009): 153–66.

19. Olivier Pétré-Grenouilleau, *Les traites négrières. Essai d’histoire globale* (Paris: Gallimard, 2004). Paradoxically, despite its title, Olivier Grenouilleau, *Qu’est-ce que l’esclavage? Une histoire globale* (Paris: Gallimard, 2014), bears no relation to the global paradigm that I am attempting to examine.

20. David Brion Davis, “Looking at Slavery from Broader Perspectives,” *American Historical Review* 105, no. 2 (2000), 452–66, here p. 454.

21. In issue 105, no. 2 of the *American Historical Review*, Rebecca J. Scott (“Small-Scale Dynamics of Large-Scale Processes,” 472–79), Peter Kolchin (“The Big Picture: A Comment on David Brion Davis’s ‘Looking at Slavery from Broader Perspectives,’” 467–71), and Stanley L. Engerman (“Slavery at Different Times and Places,” 480–84) supported Davis by offering new methodological perspectives. Kolchin in particular observed that this “big picture” must not be focused exclusively on the Atlantic, while Scott demonstrated the value of thinking in terms of scale.

force because it by definition connected societies—indeed, connected continents—through warfare, power relationships, trade networks, and cultural exchange, not just in the age of the transatlantic slave trade but throughout world history.”²² The journal’s founding confirmed both the existence of a specialized field analyzing the history of slavery within global history, and the importance of a “global paradigm” in studies of the history of slavery. Between 2000 and 2016, scholars such as Gwyn Campbell, Joseph Miller, and Michael Zeuske, to name just a few, produced numerous studies in this vein, contributing to the writing of a new history of slavery.²³

This new history has reshaped the global geography of slavery by bringing new focal points to light, centers of gravity which had slipped through the cracks of the broad boundaries traditionally drawn between civilizations. The Indian Ocean, for example, has emerged as a major space of trafficking—equivalent to between 15 and 30 percent of the Atlantic slave trade—with a key role in “putting the world to work” in the early stages of a world-economy in the nineteenth century.²⁴ A group of studies have used “connected history” to highlight how various forms of traditional dependency evolved after coming into contact with the European slave trade.²⁵ Between the Russian sphere, Central Asia, and the Ottoman Empire, early modern Eurasia has revealed itself to be a space across which the

22. Damian Alan Pargas, “Slavery as a Global and Globalizing Phenomenon: An Editorial Note,” *Journal of Global Slavery* 1 (2016): 1–4, here p. 1.

23. For a few recent synthetic works which clearly demonstrate this “global turn,” see David Eltis and Stanley L. Engerman, eds., *The Cambridge World History of Slavery*, vol. 3, *AD 1420–AD 1804* (Cambridge: Cambridge University Press, 2011); Gad Heuman and Trevor Burnard, eds., *The Routledge History of Slavery* (New York: Routledge, 2012); Joseph C. Miller, *The Problem of Slavery as History: A Global Approach* (New Haven: Yale University Press, 2012); Michael Zeuske, *Handbuch Geschichte der Sklaverei: Eine Globalgeschichte von den Anfängen bis zur Gegenwart* (Berlin: De Gruyter, 2013).

24. Richard B. Allen, “Satisfying the ‘Want for Labouring People’: European Slave Trading in the Indian Ocean, 1500–1850,” *Journal of World History* 21, no. 1 (2010): 45–73.

25. See in particular Indrani Chatterjee, “Renewed and Connected Histories: Slavery and the Historiography of South Asia,” in Chatterjee and Eaton, *Slavery and South Asian History*, 1–43; Gwyn Campbell, ed., *The Structure of Slavery in Indian Ocean Africa and Asia* (London: Frank Cass, 2004); Edward Alpers, Gwyn Campbell, and Michael Salman, eds., *Slavery and Resistance in Africa and Asia* (London: Routledge, 2005); Gwyn Campbell and Alessandro Stanziani, eds., *Bonded Labour and Debt in the Indian Ocean World* (London: Pickering and Chatto, 2013); Henri Médard et al., eds., *Traites et esclavages en Afrique orientale et dans l’océan Indien* (Paris: Karthala/CIRESC, 2013); Alessandro Stanziani, *Sailors, Slaves, and Immigrants: Bondage in the Indian Ocean World, 1750–1914* (Basingstoke: Palgrave Macmillan, 2014). This theme is evidently well-established in work on slavery in the African interior: Paul E. Lovejoy, *Transformations in Slavery: A History of Slavery in Africa*, 3rd ed. (Cambridge: Cambridge University Press, 2012); Martin A. Klein, ed., *Breaking the Chains: Slavery, Bondage, and Emancipation in Modern Africa and Asia* (Madison: University of Wisconsin Press, 1993). On the global history of the Atlantic world, see Cécile Vidal, “For a Comprehensive History of the Atlantic World or Histories Connected in and Beyond the Atlantic World?” *Annales HSS* 67 (*English Edition*), no. 2 (2012): 279–300.

trade in human beings was accompanied by a transfer of different ways of organizing labor.²⁶ The history of Russian serfdom thus appears in a new light when compared with other forms of “forced labor” in the Eurasian region.²⁷ In a similar way, the various forms of trafficking and captivity present in the early modern Mediterranean are now seen as part of a broader geography and a long-term history, transcending the division between Christian Europe and the Muslim world.²⁸ From the perspective of enslaved populations, the global approach has led to an increased focus on the construction of identities that gave rise to specific cultures linking different continents, with the theme of diaspora occupying a considerable place.²⁹

Above all, the global approach has contributed to the establishment of a new paradigm in slavery studies, breaking with the analytical frameworks used by Patterson, Meillassoux, or Testart. This model is characterized by its refusal of a universalizing definition of slavery, criticized for being at once a ruinous abstraction and a problematic form of translation in regard to the multiple forms of dependency that are specific to all societies.³⁰ Instead, it is considered that historians ought to focus on the ways in which societies have continually conceptualized, in very diverse contexts, the extreme forms of domination and control which an overly superficial approach designates under the term “slavery.”³¹ Rightly considering that this term cannot be used as a “ready-made” category by historians, this neonominalism implies taking it as one extreme potentiality within

26. Christoph Witzernath, ed., *Eurasian Slavery, Ransom and Abolition in World History, 1200–1860* (Farnham: Ashgate, 2015).

27. Alessandro Stanziani, *Bondage: Labor and Rights in Eurasia from the Sixteenth to the Early Twentieth Centuries* (New York: Berghahn Books, 2014).

28. Jeffrey Flynn-Paul, “Empire, Monotheism and Slavery in the Greater Mediterranean Region from Antiquity to the Early Modern Era,” *Past and Present* 205 (2009): 3–40; Botte and Stella, *Couleurs de l’esclavage*; Fabienne P. Guillén and Salah Trabelsi, eds., *Les esclavages en Méditerranée. Espaces et dynamiques économiques* (Madrid: Casa Velázquez, 2012); Stefan Hanss and Juliane Schiel, eds., *Mediterranean Slavery Revisited (500–1800)* (Zurich: Chronos, 2014).

29. Remaining in the Atlantic world, see Maria Inês Côrtes de Oliveira, “Minas et Jejes de Bahia. Qui étaient-ils en Afrique?” in *Pour l’histoire du Brésil. Hommage à Katia de Queirós Mattoso*, ed. François Crouzet, Philippe Bonnichon, and Denis Rolland (Paris: L’Harmattan, 2000), 383–96; Kristin Mann and Edna G. Bay, eds., *Rethinking the African Diaspora: The Making of a Black Atlantic World in the Bight of Benin and Brazil* (London: F. Cass, 2001); Behnaz A. Mirzai, Ismael Musah Montana, and Paul E. Lovejoy, eds., *Slavery, Islam and Diaspora* (Trenton: Africa World Press, 2009); Toyin Falola and Matt Childs, eds., *The Yoruba Diaspora in the Atlantic World* (Bloomington: Indiana University Press, 2004); Toyin Falola, *The African Diaspora: Slavery, Modernity, and Globalization* (Rochester: University of Rochester Press, 2013).

30. See, for example, Stanziani’s recent thinking on the term *kholopstvo*: Alessandro Stanziani, “Slavery and Bondage in Central Asia and Russia: Fourteenth to Nineteenth Centuries,” in Witzernath, *Eurasian Slavery*, 81–104, in particular p. 84.

31. Benedetta Rossi, “Introduction,” in *Reconfiguring Slavery: West African Trajectories*, ed. Benedetta Rossi (Liverpool: Liverpool University Press, 2009), 3–4.

a continuum of situations of dependency.³² In this vision, the constitutive polarity between free individuals and slaves specific to New World societies represents only one type of slavery-based relationship, and a rather unusual one at that; it ought therefore to be provincialized.³³

Even more than slavery in the strict sense, it is “the global system of forced labor” that lies at the core of this analysis.³⁴ Historians of the Middle Ages and the early modern period have long highlighted the particular historicity of the notion of “free labor.”³⁵ Following in their footsteps, numerous works of global history understand slavery as one modality among other forms of involuntary labor, alongside indentured servitude and serfdom. When viewed from this angle, slavery ceases to seem like a marginal phenomenon specific to colonies within a fundamentally Eurocentric world-economy—on the contrary, its rise is repositioned as central to capitalist modernity’s expansion.³⁶ Several conceptual propositions have emerged in this intellectual context. For instance, the notion of a “second slavery,” developed by Dale Tomich and Michael Zeuske to refer to a second serfdom, has come to designate the changes in the organization of slave labor that took place during the first decades of the nineteenth century, as well as its expansion

32. Eltis and Engerman, *The Cambridge World History of Slavery*, 3: “If we are to gain any insight into slavery, however, it must be assessed as part of a continuum of dependency typically seen as occupying the opposite pole from free labor and separated from it by such institutions as indentured servitude, convict labor, debt peonage, and serfdom, to mention just a few of the intervening categories.”

33. Gwyn Campbell, “Introduction: Slavery and Other Forms of Unfree Labour in the Indian Ocean World,” in Campbell, *The Structure of Slavery*, ix–xxxii, especially p. xxii.

34. Manning, “Legacies of Slavery,” 26.

35. Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350–1870* (Chapel Hill: University of North Carolina Press, 1991); Mathieu Arnoux, *Le temps des laboureurs. Travail, ordre social et croissance en Europe, XI^e–XIV^e siècles* (Paris: Albin Michel, 2012); Patrice Beck, Philippe Bernardi, and Laurent Feller, eds., *Rémunérer le travail au Moyen Âge. Pour une histoire sociale du salariat* (Paris: Picard, 2014).

36. See Paul E. Lovejoy and Nicholas Rogers, eds., “Unfree Labor in the Development of the Atlantic World,” special issue, *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 15, no. 2 (1994), or, in a different perspective, Yann Moulier-Boutang, *De l’esclavage au salariat. Économie historique du salariat bridé* (Paris: Presses universitaires de France, 1998); Gwyn Campbell and Edward A. Alpers, “Slavery, Forced Labour and Resistance in Indian Ocean Africa and Asia,” in Alpers, Campbell, and Salman, *Slavery and Resistance*, 1–19; Richard B. Allen, “Slaves, Convicts, Abolitionism, and the Global Origins of the Post-Emancipation Indentured Labor System,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 35, no. 2 (2014): 328–48; Simon P. Newman, *A New World of Labor: The Development of Plantation Slavery in the British Atlantic* (Philadelphia: University of Pennsylvania Press, 2013); and above all Stanziani’s body of work, notably Alessandro Stanziani, ed., *Le travail contraint en Asie et en Europe, XVII^e–XX^e siècles* (Paris: Éd. de la MSH, 2010); Alessandro Stanziani and Gwyn Campbell, eds., *Debt and Slavery in the Mediterranean and the Atlantic Worlds* (London: Pickering and Chatto, 2013); Stanziani and Campbell, eds., *Bonded Labour and Debt in the Indian Ocean World* (London: Pickering and Chatto, 2013); Stanziani, *Bondage: Labor and Rights*.

and intensification in the context of the growing integration of colonial zones into the world-economy.³⁷

More broadly, the institutional dimension of slavery is central to the critique of traditional comparatism. Whereas Patterson and Meillassoux proposed a sociology and an anthropology of slavery, it is implied that a specifically historical interpretation of the phenomenon would involve thinking through, for each individual context, the reasons a society used slaves.³⁸ Rather than slave systems, researchers should consider this recourse to slavery, understood as a dynamic process that always relates to historically situated strategies. Miller thus prefers to focus on what he calls “slaving strategies”: if we accept that the legal institutionalization of slave domination would historically have been the exception rather than the rule,³⁹ the taxonomical distinctions that have long guided analysis of various slavery-based organizations are largely unhelpful.

The notion of slavery as an institution has thus been replaced with a notion of slavery as an “involuntary relationship of mutual dependence between two quite unequal partners.”⁴⁰ And because “slavery was not merely what the masters wanted it to be, but a historically changing relationship that was also shaped, if asymmetrically, by the slaves’ wishes, strategies and identities,”⁴¹ the challenge is to shed light on forms of servile agency, which an institutionalist reading can only conceal. In this sense, at least, the global history of slavery, particularly in its American forms, is not unlike subaltern studies.⁴²

37. Dale Tomich, *Through the Prism of Slavery: Labor, Capital, and World Economy* (Lanham: Rowman and Littlefield, 2004); Michael Zeuske, *Sklaven und Sklaverei in den Welten des Atlantiks, 1400–1940. Umriss, Anfänge, Akteure, Vergleichsfelder und Bibliographien* (Berlin: Lit, 2006); Dale Tomich and Michael Zeuske, “The Second Slavery: Mass Slavery, World-Economy and Comparative Microhistories,” *Review: Fernand Braudel Center* 31, no. 2 (2008): 91–100. Lovejoy has recently attempted to show that slavery in the large kingdoms of the African interior during the same period can also be ascribed to a similar paradigm: Paul E. Lovejoy, “Jihad and the Era of the Second Slavery,” *Journal of Global Slavery* 1 (2016): 28–43.

38. See in particular Joseph C. Miller, “The Historical Contexts of Slavery in Europe,” in Hernæs and Iversen, *Slavery across Time and Space*, 1–57; Miller, *The Problem of Slavery as History*; Kostas Vlassopoulos, “Does Slavery Have a History? The Consequences of a Global Approach,” *Journal of Global Slavery* 1 (2016): 5–27.

39. Joseph C. Miller, “A Theme in Variations: A Historical Schema of Slaving in the Atlantic and Indian Ocean Regions,” in Campbell, *The Structure of Slavery*, 169–94.

40. Ehud R. Toledano, *As If Silent and Absent: Bonds of Enslavement in the Islamic Middle East* (New Haven: Yale University Press, 2007), 33.

41. Vlassopoulos, “Does Slavery Have a History,” 11. Toledano, *As If Silent and Absent*, p. 20, adds the following: “we shall discover how the enslaved themselves experienced their powerlessness, how they acted to resolve the tangle into which they were brutally thrust, and how they found ways to respond to oppression and abuse.”

42. The most established, most cited reference is: Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974). On the importance of this theme in Brazilian historiography, see Jean Hébrard, “L’esclavage au Brésil. Le débat historiographique et ses racines,” in *Brésil. Quatre siècles d’esclavage. Nouvelles questions, nouvelles recherches*, ed. Jean Hébrard (Paris: Karthala/CIRESC, 2012), 7–63, especially pp. 35–45, where the author underlines the importance of Silvia Hunold

The Limits of the Global Approach: An Ancient Historian's Perspective

This global approach to slavery has undeniably had much success. In the best cases, it avoids the criticisms that have often been made of global history, accused of evoking too quickly “overarching identities and entities with capital letters (‘China,’ ‘State,’ ‘Capitalism,’ ‘Europe’).”⁴³ By making detours through Sokoto or Central Asia, it deconstructs linear narratives about the modernization of the world and subversively but insistently traces unsuspected links between capitalist modernity and slavery. Furthermore, it deconstructs objects of study that, upon examination, are revealed as historiographic chimeras: it is no small thing that this global history, among other achievements, has shown that “Islamic slavery” is a meaningless notion.⁴⁴ When it manages to operate on multiple scales of observation, even building on the achievements of microhistory, it contributes to a profound renewal of our understanding of colonial societies.⁴⁵

However, it is incumbent upon us to ask what this global approach may have missed regarding slavery, given its claims to provide the only reading that is properly historical. One obvious point, which has been made by many, is that global history embraces the diversity of the world using only one idiom and a preferred terrain: English, and modernity in the broadest sense. This is less a question of individual researchers’ skill sets than of a “global” bibliographic culture, whose echo chamber—now readily accessible on multiple platforms—inevitably consigns whole swathes of knowledge to oblivion, their sole sin being that they were written in a minority language.⁴⁶ In this way, the French-language

Lara, *Campos de violência. Escravos e senhores na Capitania do Rio de Janeiro, 1750–1850* (Rio de Janeiro: Paz e Terra, 1988).

43. Romain Bertrand, “Un continent de possibles oubliés. Les relations économiques Europe-Asie à l’époque moderne,” *Esprit* 12 (2013): 33–45, here p. 34. See also the remarks of Philippe Minard, “Globale, connectée ou transnationale: les échelles de l’histoire,” *Esprit* 12 (2013): 20–32, especially pp. 24–25, and Patrick Boucheron, “Les boucles du monde: contours du XV^e siècle,” in *Histoire du monde au XV^e siècle*, ed. Patrick Boucheron (Paris: Fayard, 2009), 9–30.

44. This does not mean, of course, that Islamic law (or laws) relating to slavery does not exist, nor that Muslim societies were never slave societies. See M’hamed Oualdi, “D’Europe et d’Orient, les approches de l’esclavage des chrétiens en terres d’Islam,” *Annales HSS* 63, no. 4 (2008): 829–43.

45. Rebecca J. Scott and Jean M. Hébrard, eds., *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2012); Cécile Vidal, ed., *Louisiana: Crossroads of the Atlantic World* (Philadelphia: University of Pennsylvania Press, 2013).

46. Meillassoux, *The Anthropology of Slavery*. Although *L’Anthropologie de l’esclavage* (1986) was translated into English in 1991 and is still central to discussion, it is striking that the collective volume edited by Meillassoux, *L’esclavage en Afrique précoloniale* (Paris: F. Maspero, 1975), is left out of the majority of bibliographies, even though it provides the empirical basis for his work—as though the study of slavery in the African interior had begun with Suzanne Miers and Igor Kopytoff, eds., *Slavery in Africa: Historical and*

tradition of African studies, though it produces pioneering research on the subject, has been gradually relegated to the bibliographical background in favor of exclusively English-language references; the same can be said of the colossal Portuguese canon, which radically transformed the analytical frameworks used by Freyre, to give just one example. Another subject that begs discussion is the oft-repeated reference to the “agency” of slaves, which is ethical as much as it is scientific,⁴⁷ and can sometimes lead to serious historiographical misinterpretations.⁴⁸ For although it is wrong to make slaves the passive instruments of their masters’ will, it must be recalled that slavery is by its very nature non-negotiable, and that the hegemony of slave domination involves, at least in legal terms, the negation of the slave as a person.

Yet this is not the most essential point. Above all, we must observe that this global history—centered on a modernity that extends from the earliest colonial contact to the post-abolition period—has some blind spots. First of all, certain geographical zones—such as early modern China or the Ottoman world, both domains in which the study of slavery has witnessed some important developments⁴⁹—pose difficulties when it comes to integrating them into the “big picture” called for by Davis. Another omission, just as striking, concerns the place of the ancient world in general discussions of slavery. Although it lay at

Anthropological Perspectives (Madison: University of Wisconsin Press, 1977). As this book has never been republished and has not been digitized, how long before it disappears from the scientific field? In forty years, who will read the—unsuperseded—study by Michel Izard, “Les captifs royaux dans l’ancien Yatenga,” in Meillassoux, *L’esclavage en Afrique précoloniale*, 281–96?

47. This is even a “quasi-moral” position, in the sense that Boltanski gives to the “quasi-moral” stance of pragmatism: “It contrasts *bad* structuralism—macro, holistic, totalizing (even totalitarian), marred by ‘legalism,’ ignoring the humanity of human beings and the modalities of their engagement in action—with *good* pragmatism, respectful of persons and the situations in which they interact, in the ‘here and now,’ where they commit their capacities for invention, experimentation and interpretation to the search for a form of ‘living together.’” Luc Boltanski, *On Critique: A Sociology of Emancipation*, trans. Gregory Elliott (Cambridge: Polity, 2011), 53. For a critique of “agency” in studies of slavery, see Walter Johnson, “On Agency,” *Journal of Social History* 37, no. 1 (2003): 113–24, who goes so far as to say, on p. 120: “It suggests to me that the statement ‘give them back their agency’ is a ‘white’ form of address which originally served the purpose of admitting the speaker to a ‘Black’ conversation.”

48. In summer 1822, in Charleston, South Carolina, a slave named Denmark Vesey supposedly instigated a large-scale slave revolt. At least, this is what several historians, who have written books and articles about this “forgotten hero” since the end of the 1990s, believed they had uncovered in legal archives. In fact, the case rested on a series of more or less problematic accusations, to the extent that there is some doubt the revolt even took place. See Michael P. Johnson, “Denmark Vesey and His Co-Conspirators,” *William and Mary Quarterly* 58, no. 4 (2001): 915–76. The irony is that historians, in their attempts to celebrate a slave uprising, came to adopt the viewpoint of those who suppressed it. See Robert A. Gross, “The Making of a Slave Conspiracy: Part 2,” thematic dossier, *William and Mary Quarterly* 59, no. 1 (2002): 135–202.

49. Claude Chevalyre, “Recherches sur l’institution servile dans la Chine des Ming et des Qing,” (PhD diss., EHESS, 2015); Toledano, *As If Silent and Absent*.

the core of Davis's early research, and even though Patterson himself used it as a matrix,⁵⁰ Miller's manifesto on the global approach to the history of slavery devotes only a few pages to the subject, and these are very general and often problematic.⁵¹ It would seem that Greco-Roman antiquity has nothing to contribute to the global history of slavery, either in terms of method or in terms of content.

Such an omission is not surprising, insofar as it is difficult to apply the theoretical framework constructed by global history to Greco-Roman slavery. This is not simply because slavery was integrated into all levels of production in the economy of the ancient Mediterranean, rather than confined to its peripheries. Above all, the "inclusivist" approach to slavery, conceived within a spectrum of forms of dependency, is ill-suited to describing societies that constructed freedom and servitude as diametrically opposed. In the world of the Classical city, individual status played out against a backdrop that was organized around a fundamental logic of exclusion and inclusion: slaves and citizens did not make up a "society."⁵² In this sense, slave status was not a position hierarchically inferior to the lowest censitary category of Athenian citizen. It derived from a radical exclusion, and was the product of an unequivocal domination.

Fundamentally hegemonic and uncontested in Greco-Roman culture for nearly a millennium, domination over slaves was well and truly an institution in the broadest sense of the term: without it, the fundamental elements of social reproduction would have been impossible. However, it also depended upon institutions in the narrower sense—that is to say, upon a set of coercive norms which ensured its survival. It is precisely in the recognition of this institutional aspect of slavery that the comparatist approach has something to offer. It is perhaps less important to define the status of a slave in every time and every place, which can only lead to unsatisfying formulations, than it is to construct pertinent analytical tools that enable us to identify different societies about which we can pose the same questions.⁵³

50. David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966); Patterson, *Slavery and Social Death*, x; Patterson, *Freedom*, vol. 1, *Freedom in the Making of Western Culture* (London: I. B. Tauris, 1991).

51. Miller, *The Problem of Slavery as History*, 59–63.

52. Ismard, *Democracy's Slaves*, chap. 3. In *Nicomachean Ethics* 8.1159b and 1161a–b, Aristotle argues that a master and his slave cannot share the link of friendship (*philia*) that is necessary for a community (*koinōnia*) to exist.

53. Claude Meillassoux, "Introduction," in Meillassoux, *L'esclavage en Afrique*, 19–20, acknowledges the unsatisfying character of all strict definitions, as does Moses I. Finley, *Ancient Slavery and Modern Ideology* (London: Chatto and Windus, 1980), 89–90. The latter nevertheless considered that the notion of property distinguishes slavery from all other forms of involuntary labor. See Orlando Patterson, "Slavery, Gender, and Work in the Pre-Modern World and Early Greece: A Cross-Cultural Analysis," in Dal Lago and Katsari, *Slave Systems*, 32–69, especially p. 33, and, for a similar argument, Grenouilleau, *Qu'est-ce que l'esclavage?*

Slavery as an Institution: A Return to the Concept of “Slave Society”

More than any other scholar, the work of Moses Finley has embodied the institutional approach to slavery. In his article “Slavery,” published in the *International Encyclopedia of Social Sciences* in 1968, he was the first to make the enduring distinction between “societies with slaves” and “slave societies.” This distinction had a dual purpose: on the one hand, it aimed to describe the specific characteristics of a certain number of authentic slave societies, of which there were only five in all of history (Greece and Rome, the West Indies, Brazil, and North America); on the other hand, it claimed to offer an alternative to the Marxist theory of “stages.” It was thus to be understood in terms of a mode of production: if slavery is an “institutionalized system of large-scale employment” and “if the economic and political elite depended primarily on slave labor for basic production, then one may speak of a slave society.”⁵⁴

Today, Finley’s distinction seems problematic, not least because it is Eurocentric. It is clear that the societies of Classical antiquity and the New World are not alone in their unhappy claim to being slave societies.⁵⁵ Moreover, by focusing on labor, this distinction makes it difficult to explore the different reasons that societies have resorted to slaves at certain historical moments. However, it is one thing to criticize how the distinction is applied, and quite another to refute the heuristic value of all typological distinctions between societies that have made use of slaves.⁵⁶ Provided that its parameters are carefully redefined, the concept retains its utility, even offering a springboard for the comparatist exercise.⁵⁷

Contrary to popular opinion, Finley did not invent the notion of “slave society.” In reality, its history is at best a tortuous one, as its earliest instances were in the work of anti-abolitionists. It was first used in the mid-nineteenth century by George Fitzhugh, to oppose the “slave society” of the American South to the “free society” of the Northern States.⁵⁸ In Fitzhugh’s racist sociology, this term

54. Moses I. Finley, “Slavery,” in *International Encyclopedia of Social Sciences*, ed. David L. Sills (New York: Macmillan, 1968), 14:307–13, here p. 310. Finley also emphasized the demographic aspect of the question, though he remained relatively vague.

55. Lovejoy, *Transformations in Slavery*, 24 and 120–23.

56. *Contra* Vlassopoulos, “Does Slavery Have a History,” 7.

57. Jean Andreau and Raymond Descat, *The Slave in Greece and Rome*, trans. Marion Leopold (Madison: University of Wisconsin Press, 2011), 23, suggested amending Finley’s definition, considering that a slave society implies a significant number of slaves that are regularly renewed, the existence of law and institutions that ensure domination over them, and a form of polarity between free individuals and slaves, the latter forming the “dark society, by which free men and women are defined.” Defined in these terms, slave societies remain ultimately very few in number. Grenouilleau, *Qu’est-ce que l’esclavage?* 306–12, insists upon the institutionalization of slave domination. My definition, which is fairly close to his, nevertheless resists the idea that the proportion of slaves in a society’s organization can provide a sufficiently clear and pertinent criterion.

58. On the history of the notion of “slave society,” see Barry W. Higman, “The Invention of Slave Society,” in *Slavery, Freedom and Gender: The Dynamics of*

conferred a moral authority upon the Deep South, the so-called liberal society of the North being just another name for subjugation to the power of capital.⁵⁹ Its anti-abolitionist origins are the likely reason that the term fell out of use and only reappeared a century later, scientifically neutralized in the work of Frank Tannenbaum and Elsa Goveia, from whom Finley borrowed it, though not without adjusting its meaning.⁶⁰ For Tannenbaum, the term did not serve to distinguish between two forms of society, but instead shed light upon the centrality of slavery and its totalizing nature. In a slave society, he argued, the institution of slavery had its own logic, and overdetermined all social relations:

*Wherever we had slavery, we had a slave society, not merely for the blacks, but for the whites, not merely for the law, but for the family, not merely for the labor system, but for the culture—the total culture. Nothing escaped, nothing was beyond or above or outside the slave institution; the institution was the society in all of its manifestations.*⁶¹

Goveia, for her part, distinguished between “slave systems” and “slave societies”: while the former designates the organization of slave labor and its economic laws, the latter qualifies the entirety of social relations which are conditioned, even indirectly, by slavery. We ought to focus, not on slavery’s place in the organization of labor, nor on the more or less considerable demographic presence of slaves in a society as a whole, but rather on the decisive nature of slavery as an institution across the different levels of the social experience.

When employed in this way, the notion of “slave society” retains all its capacity to discriminate between different kinds of societies that have made use of slaves, even beyond the Atlantic contexts in which Goveia and Tannenbaum were working. It opens a field of analysis to the comparatist approach that is at once sufficiently broad (it goes beyond the limited frame of the “Western world” or colonial societies) and precise (not all societies composed of slaves were slave societies). Above all, this notion allows us to analyze the institutional forms, in the largest sense of the word, through which slave domination perpetuates itself. A society can be designated as a slave society not because it has a significant number of slaves, nor even because it is heavily dependent upon slave labor for its production base, but because the use of slaves is indispensable to its ability to reproduce itself in various dimensions (productive, demographic, military, symbolic), making it the object of a conscious choice. This is far from obvious.⁶²

Caribbean Society, ed. Brian L. Moore et al. (Kingston: University of the West Indies Press, 2001), 57–75.

59. George Fitzhugh, *Cannibals All! Or, Slaves without Masters* [1857], ed. C. Vann Woodward (Cambridge: Belknap Press of Harvard University Press, 1960).

60. Tannenbaum, *Slave and Citizen*, 117–28; Elsa V. Goveia, *Slave Society in the British Leeward Islands at the End of the Eighteenth Century* (New Haven: Yale University Press, 1965).

61. Tannenbaum, *Slave and Citizen*, 116–17.

62. See, in a very similar direction, Christopher Tomlins, *Freedom Bound: Law, Labor, and Civic Identity in Colonizing English America, 1580–1865* (Cambridge: Cambridge

In the Ottoman Empire of the second half of the nineteenth century, slaves represented only 5 percent of the population. The determining characteristic of the institution of slavery, at least in the heart of the imperial space, did not depend upon either its demographic or its productive dimension. Nevertheless, because of the decisive nature of the functions with which slaves were entrusted in the administrative and military spheres, and the crucial role played by the institution of the harem, it is clear that the most essential elements of this society could not have reproduced themselves without making use of slaves. If the Warring States period in China (481–221 BCE) saw the emergence of what could be qualified as a slave society, this was not due to its slavery-based “mode of production.” It was rather that the introduction of chattel slavery overturned all forms of dependency, creating an extreme of radical exteriority whose very existence reshaped all social relationships over the long term. The new possibilities offered by slavery would moreover be at the heart of the unification work carried out under the Qin dynasty.⁶³

Toward a Medium-Range Comparatism

What comparatism should we, then, construct? It is striking to observe the extent to which the global approach is typically presented by its partisans as the natural extension, if not the necessary outcome, of the comparatist approach, typically using a reference to Marc Bloch as a smokescreen.⁶⁴ In 1928, Bloch distinguished between two types of approach. The first was founded on the observation of structural similarities between societies separated in space and time. Bloch essentially attributed three virtues to this method: “the possibility of filling in certain gaps in documentation by means of hypotheses based upon analogy;

University Press, 2010), 417, n. 58. Tomlins sets out the notion of a “society with slavery” (as distinct from a “society with slaves”), where the presence of slaves is the result of a conscious and deliberate choice: “Obviously slaves are present in a *society with slaves* but their presence per se is relatively inconsequential to the society’s development unless and until slavery is consciously instantiated as an institution to the perpetuation of which the society is committed. It is that decision that makes it a *society with slavery*.” What is most important here is the notion of *institution*.

63. Robin D. S. Yates, “Slavery in Early China: A Socio-Cultural Approach,” *Journal of East Asian Archaeology* 3 (2001): 283–331. For a general introduction to the Chinese historiography of slavery as an institution in the Ming and Qing dynasties, which for a long time was focused on cases of slave revolts, see Chevaleyre, “Recherches sur l’institution servile,” 25–29.

64. Kolchin, “The Big Picture,” and Manning, “Legacies of Slavery,” 25, see the global approach as the natural extension of comparatism, although without explicitly stating how, and in what way, the two approaches share common ground. See Romain Bertrand, *L’histoire à parts égales. Récits d’une rencontre Orient-Occident, XVI^e–XVII^e siècle* (Paris: Éd. du Seuil, 2011), especially pp. 347–74, and Carlo Ginzburg, *The Night Battles: Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries* [1966], trans. John and Anne C. Tedeschi (Baltimore: Johns Hopkins University Press, 1992).

the opening up of new avenues of research suggested by the comparative method; above all, the explanation of a great many survivals that have up to now been incomprehensible.” Drawing parallels between this approach and Antoine Meillet’s general linguistics, he described it as a “long-range comparative method.” Though Bloch admitted that it could restore “with a kind of mental shock this sense of the difference, the exotic element, which is the indispensable condition for a balanced understanding of the past,” he nevertheless preferred another comparatist approach, centered on the study of “societies that are at once neighbouring and contemporary, exercising a constant mutual influence, exposed throughout their development to the action of the same broad causes just because they are close and contemporaneous, and owing their existence in part at least to a common origin.”⁶⁵

The comparatism that global history can claim as its own clearly corresponds to the second or “genealogical” definition, and not to the first or “morphological” one.⁶⁶ Indeed, Bloch’s reservations, critiquing the “search for similarities” and the “false similarities, which are often merely homonymous,”⁶⁷ regarding the comparison between English villainage and French serfdom in the late Middle Ages, are similar to those of Miller or Kolchin regarding the works of Patterson or Testart, whom they suspected of using the term “slave” to designate fundamentally heterogeneous kinds of dependency. But although the program set out by Bloch has been taken up by relatively few historians, other disciplines, chief among them anthropology, have partially achieved this project for a morphological comparatism.⁶⁸ Since the 1950s, under the influence of structuralism or at least within its orbit, the most innovative comparatist research has come from historical anthropology. Over the last twenty years, this comparatism has undergone a theoretical renewal, for which Marcel Detienne’s *Comparing the Incomparable* sought to provide a manifesto, even if it did not offer a serious discussion of method. Presenting itself “as a field of exercise and experimentation of the entire gamut of cultural representations among the most distant societies of the past as well as those closest to hand, and groups of living human beings observed on our planet both yesterday and today,”⁶⁹ it is clearly an example of the morphological comparatism evoked by Bloch. The weak points of this manifesto have been noted, in particular the fact that several of its propositions are unsuitable for social

65. Marc Bloch, “A Contribution Towards a Comparative History of European Societies” [1928], in Bloch, *Land and Work in Mediaeval Europe: Selected Papers*, trans. J. E. Anderson (London: Routledge and Kegan Paul, 1967; repr. 2015), 44–81, here p. 47.

66. Roger Chartier, “La conscience de la globalité (commentaire),” *Annales HSS* 56, no. 1 (2001): pp. 119–23. This comparatism could also be described as isomorphic.

67. Bloch, “Contribution Towards a Comparative History,” 58.

68. Lucette Valensi, “Retour d’Orient. De quelques usages du comparatisme en histoire,” in *Marc Bloch aujourd’hui. Histoire comparée et sciences sociales*, ed. Hartmut Atsma and André Burguière (Paris, Éd. de l’EHESS, 1990), 307–16.

69. Marcel Detienne, *Comparing the Incomparable* [2000], trans. Janet Lloyd (Stanford: Stanford University Press, 2008), 24.

history.⁷⁰ Nevertheless, in a more or less critical dialogue with Detienne's work, several proposals have been made from within ancient historical anthropology, which could potentially create a specific comparatism for social history that would be at once experimental, constructive, and reflexive.⁷¹ These proposals join the work carried out around "thinking by cases," where the application of a comparatist method involves subjecting a "case" to methodological reduction in order to isolate the unique context to which it belongs.⁷²

Resistant to grand taxonomies and "not concerned with exhaustiveness," this comparatism above all seeks to identify "unique and essential elements organized into a variety of arrangements."⁷³ Its goal is not to establish any kind of system into which each society would be sorted, but to implement a principle of specification in order to situate and identify an issue in the context of each of the societies being studied. Comparisons can thus be constructed not based on a presumed difference between slave systems (as in so many edited volumes that contrast systems, and even civilizations, while assuming their essential coherence), but by examining specific situations that have been carefully desingularized.⁷⁴ There are many specific configurations that lend themselves to this comparative exercise: a slave flees and finds temporary refuge in a place (a Greek sanctuary, Buddhist monastery, royal residence, or a "free village" during the French colonization of West Africa) before his or her fate can be decided; a master rents out some slaves, or sometimes they rent themselves, to another master, at Saint-Anne in nineteenth-century Guadeloupe, first-century Ostia, or sixteenth-century Istanbul; a slave testifies before a judiciary body, whether a county court in Alabama in 1820, the royal court of the Emperor of China in the second century BCE, or the Athenian Heliiaia in 340 BCE.

70. Étienne Anheim and Benoît Grévin, "Choc des civilisations' ou choc des disciplines? Les sciences sociales et le comparatisme," *Revue d'histoire moderne et contemporaine* 49, no. 4 (2002): 122–46.

71. See notably Christian Jacob, ed., *Lieux de savoir: espaces et communautés* (Paris: Albin Michel, 2007), and the work of Claude Calame, especially "Interprétation et traduction des cultures. Les catégories de la pensée et du discours anthropologiques," *L'Homme* 163 (2002): 51–78, as well as Claude Calame and Bruce Lincoln, eds., *Comparer en histoire des religions antiques. Controverses et propositions* (Liège: Presses universitaires de Liège, 2012).

72. Simona Cerutti and Isabelle Grangaud, "Comparer par cas. Esquisse d'un projet comparatiste," in *L'expérience historiographique. Autour de Jacques Revel*, ed. Antoine Lilti et al. (Paris: Éd. de l'EHESS, 2016), 151–62.

73. Detienne, *Comparing the Incomparable*, 28 and 30.

74. On the distinction between universal and singular, and on history as description of that which is specific, see, Paul Veyne, *Writing History: Essay on Epistemology*, trans. Mina Moore-Rivolucru (Middletown: Wesleyan University Press, 1984), 59: "The historical is that which is not universal and not singular. For it not to be universal, there must be a difference; for it not to be singular, it must be specific. ... The historian is the naturalist of events; he wants to know for the sake of knowing, but there is no science of singularity."

Such a comparatism would be constructivist and reflexive, developing its own categories without turning them into objects of analysis that then define the universal character of a category in themselves. The typification that makes comparison possible can only ever be provisional and instrumental, in the sense that the categories of analysis are continuously reinterrogated and modified according to the results of the comparative exercise. Their function is not to construct ideal types, but to develop instruments that can explain a localized configuration.⁷⁵ It is thus crucial to establish a comparatist protocol. How can we avoid the “forced analogies” that Bloch warned against? In fact, this is a question of scales of observation. The failings of comparative histories are often due to the choice of a macroscopic scale: all too frequently, by attempting to contrast societies in their totality, comparative histories of slavery tend to lose themselves in generalities, which ultimately means that we only observe what we already know about each of the societies in question.⁷⁶ In contrast, the choice of a micro scale, capable of isolating objects specific to the institution of slavery in order to compare them, enables us to shed new light on, or rather to deploy in a new way, the unique aspects of each slave society. This renewed morphological comparatism thus seeks to inscribe itself in the extension of the lessons learned from microhistory.⁷⁷

It would be absurd to claim to present an entire comparatist project in the context of a simple article, and the project that I am calling for needs to be undertaken collectively. I would however like to show how my own field of expertise—slavery in Classical and Hellenistic Greece—could be enriched by such an approach. In particular, I will focus on one precise configuration of slave labor: a slave attached to the running of an area of land, a workshop, or a commercial store and paying a regular sum of money to his master.⁷⁸ Though this configuration seems at first glance to be an exceptional example of the powers of agency and

75. In particular, Calame, “Interprétation et traduction des cultures,” warns against a comparatism “from on high,” with no reflection on its own analytical categories. We know how Lévi-Straussian structuralism resolved the issue: through the structure itself, which constituted the preliminary framework defining the objects destined for comparison.

76. Explaining the failure of the comparatist program, Valensi, “Retour d’Orient,” 312, notes that the diversity of historical experiences “is ill-suited to the macroscopic scale occupied by comparative history. What it gains in extent, it loses in depth, and it inevitably leads to taxonomies and typologies where the rich textures of societies are reduced to mere labels.” See also Gisèle Sapiro, “Comparaison et échanges culturels. Le cas des traductions,” in *Faire des sciences sociales*, vol. 2, *Comparer*, ed. Olivier Remaud, Jean-Frédéric Schaub, and Isabelle Thireau (Paris: Éd. de l’EHESS, 2012), 193–221.

77. Carlo Ginzburg, “Representation: The Word, the Idea, the Thing” [1991], in *Wooden Eyes: Nine Reflections on Distance*, trans. Martin Ryle and Kate Soper (New York: Columbia University Press, 2001), 63–78.

78. This configuration of slave labor highlights the category of “settled” slave as identified by Meillassoux, *Anthropology of Slavery*, 117; however, it does not necessarily connote a mode of life “which enabled them to live in a couple and to bring up progeny.”

negotiation that slaves could, on occasion, exercise, it was a specific institution inherent to numerous slave societies. Studying this configuration deepens our understanding of Athenian society by revealing the complexity of the ways in which slave labor was organized; it enables us to shift the terms of the historiographic debate concerning the contractual capacities of slaves; and finally, on the basis of a specific case study, it invites us to revisit wide-ranging questions that relate to the very foundations of Athenian slavery.

The “Settled” Slave: Comparatist Variations

Let me begin by considering three different kinds of organization. In the nineteenth-century Sokoto Caliphate, which stretched from the Niger River to Lake Chad (north of present-day Nigeria), *murgu* was a regularly scheduled payment made by a slave charged with the running of a property owned by his master, who entrusted the slave to maintain it.⁷⁹ Properly speaking, *murgu* was outside the purview of the contractual emancipation defined as *muhataba* in Islamic law.⁸⁰ This institution took many different forms in countries under Islamic rule. In the Ottoman Empire of the classical period, *muhataba* referred to a contract concluded between a slave and his owner, in which the slave promised to pay a regular sum linked to the running of a workshop or a commercial store in exchange for emancipation at a future date. The length of the contract was frequently set at four or five years, but could be as long as sixteen years.⁸¹ Generalized use of this sort of arrangement could lead to serious ambiguity between the position of slave and that of salaried worker: instead of employing a free worker whom he compensated for a defined period of labor, the master bought a slave whom he freed at a future date, having established a *muhataba* contract connected to the administration of one of his properties. On the other side of the Atlantic, in the major cities of nineteenth-century Brazil, *escravos de ganho* paid a regular sum to their masters

79. Paul E. Lovejoy, “*Murgu*: The Wages of Slavery in the Sokoto Caliphate,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 14, no. 1 (1993): 168–85. This institution was distinct from that of *wuri*. While *murgu* was a regular rent, always the same amount and paid each year, month, or week, *wuri* was proportionate to the activity (functioning like a tax, especially when the slave was managing a store).

80. In the case of *murgu*, emancipation was dependent upon the payment of a fee known as *fansa*. See Lovejoy, “*Murgu*,” 170, and Lovejoy, “Muslim Freedmen in the Atlantic World: Images of Manumission and Self-Redemption,” in *Slavery on the Frontiers of Islam*, ed. Paul E. Lovejoy (Princeton: Markus Wiener Publishers, 2004), 233–62, especially p. 260. On the nature of *muhataba* in the extensive history of Islamic law, see Jonathan E. Brockopp, *Early Mālikī Law: Ibn ‘Abd al-Hakam and his Major Compendium of Jurisprudence* (Leiden: Brill, 2000), 165–92.

81. On Ottoman *muhataba*, see Halil Sahillioğlu, “Slaves in the Social and Economic Life of Bursa in the Late 15th and Early 16th Centuries,” *Turcica. Revue d’études turques* 17 (1985): 43–112, especially pp. 53–57; Halil İnalçik, *The Middle East and the Balkans under the Ottoman Empire* (Bloomington: Indiana University Press, 1993), 182–83; Nur Sobers-Khan, *Slaves without Shackles: Forced Labour and Manumission in the Galata Court Registers, 1560–1572* (Berlin: K. Schwarz, 2014).

on a daily or a weekly basis. Able to possess a *peculium* independent of their masters, they were truly autonomous when it came to conducting their affairs, and this autonomy was recognized by the law. The contracts they drafted in their own names were legally valid, and their activity was recorded by municipal authorities, who alone could give or deny them permission to work.⁸² In this context, the *coartação* was a widely used oral or written contract that allowed a slave to ultimately buy his freedom in exchange for the regular payment of a fixed sum of money.⁸³

Though any genealogical relationship between these cases remains relatively unlikely,⁸⁴ all three involved an agreement between a slave and a master, which was legally valid and could form the basis for a court appeal. The Islamic tribunals of the Sokoto Caliphate recognized the full legal validity of the *murgu* contract, in spite of this institution's probable origins in Fulani common law.⁸⁵ If a *coartação* was not respected, it could lead to an appeal before the governor and thus to a trial, just as a master who concluded a *muhataba* contract with a slave was legally obliged to free him. However, the agreements made in each of these configurations had different end results. While the slave who regularly paid his master *murgu* remained a slave in the full sense,⁸⁶ the *coartação* or *muhataba*-style contract ultimately entailed his liberation. But even though these last two contracts also contained specific clauses stipulating that the slave could not be rented or sold during the period preceding his definitive emancipation, the contractual nature of the relationship in no way altered the slave status of the individuals involved. In this sense at least, they were legally valid contractual relationships that bound a master and a slave.⁸⁷

82. Luis Carlos Soares, *O 'Povo de Cam' na capital do Brasil. A escravidão urbana no Rio de Janeiro do século XIX* (Rio de Janeiro: Fundação de amparo à pesquisa do Estado do Rio de Janeiro, 2007), 123–41. In Rio, between 1851 and 1879, some 2,868 slaves were granted a license to work in the street as *escravos de ganho*.

83. Eduardo França Paiva, "Revendications de droits coutumiers et actions en justice des esclaves dans le Minas Gerais du XVIII^e siècle," in Hébrard, *Brésil*, 115–31. The tradition of *coartação* is mentioned in the thirteenth-century *Siete Partidas*. However it took a different form in the Hispanic colonies: Laird W. Bergad, Fe Iglesias García, and María del Carmen Barcia, "Coartación and Letters of Freedom," in *The Cuban Slave Market, 1790–1880* (Cambridge: Cambridge University Press, 1995), 122–42.

84. There is debate over the possible pre-Islamic origins of the *muhataba* contract. Patricia Crone, *Roman, Provincial, and Islamic Law: The Origins of the Islamic Patronate* (Cambridge: Cambridge University Press, 1987), 64–76, attempted to draw a connection with the Greek practice of *paramonē*, which seems problematic: while *paramonē* applied to freedmen, slaves who entered into a *muhataba* contract with their masters remained enslaved. The link between Brazilian *coartação* and *murgu* could potentially be explained by the fact that large numbers of slaves in Brazil came from Sokoto (Lovejoy, "Muslim Freedmen in the Atlantic World"), but there is very little evidence for this hypothesis.

85. Lovejoy, "Murgu," 181–82.

86. *Ibid.*, 170; Lovejoy, "Muslim Freedmen in the Atlantic World," 260.

87. Sobers-Khan, *Slaves without Shackles*, 172–73; França Paiva, "Revendications de droits coutumiers," 122–23. In Cuba, *coartados* were fully understood to be slaves by the law: Bergad, Iglesias García, and Barcia, "Coartación and Letters of Freedom," 122–23.

Athenian sources of the Classical period reveal numerous cases of slaves who paid a regular income (*apophora*) to their masters.⁸⁸ However, this payment in no way established a particular category of slave defined in law: it was entirely a means of organizing slave labor.⁸⁹ It is moreover possible to identify a specific kind of organization in which a slave was tied to the running of a store or workshop in which he had been settled (*kathēmenos*), without it necessarily being linked to the payment of an *apophora*. It seems that the placing of a slave was a distinct action on the master's part.⁹⁰ The plaintiff of Demosthenes's *Against Pantaenetus* thus accuses his adversary in the following terms:

Read what follows. “And after I had become a debtor to the state, he stationed his slave Antigēnos in my mining property at Thrasyllus, in full control of my works, although I forbade him ... (καταστήσας Αντιγέννην τὸν ἑαυτοῦ οἰκέτην εἰς τὸ ἐργαστήριον τὸ ἐμὸν τὸ ἐπὶ Θρασύλλῳ κύριον τῶν ἐμῶν, ἀπαγορεύοντος ἐμοῦ).”

Stop reading. In all this he will again be convicted of falsehood by the facts themselves; for he has written in his complaint that I stationed the slave and that he forbade

88. Pseudo-Xenophon, *The Constitution of the Athenians* 11; Xenophon, *Ways and Means* 4.14; Andocides, *On the Mysteries* (1) 38; Aeschines, *Against Timarchus* (1) 97; Theophrastus, *On Characters* 30.15; Menander, *Epitrepontes* 378–80. These must not be confused with the numerous cases—which deserve to be studied on their own terms—of slaves rented by their masters. On slavery and paid employment in the ancient world, see Raymond Descat, “Max Weber et l'économie de l'esclavage antique,” *Cahiers du Centre de recherches historiques* 34 (2004), <https://ccrh.revues.org/225>.

89. *Contra* Elena Perotti, “Contribution à l'étude d'une autre catégorie d'esclaves attiques: les ἀνδράποδα μισθοφοροῦντα,” in *Actes du colloque 1973 sur l'esclavage* (Paris: Les Belles Lettres, 1976), 181–94. The situation of these slaves must be clearly distinguished from that of the *khōris oikountes*, who were probably freedmen: Emily Grace Kazakévich, “Were the χωρὶς οἰκοῦντες Slaves?” [1960], *Greek, Roman, and Byzantine Studies* 48, no. 2 (2008): 343–80; Mirko Canevaro and David Lewis, “*Khōris oikountes* and the Obligations of Freedmen in Late Classical and Early Hellenistic Athens,” *Incidenza dell'Antico* 12 (2014): 91–121.

90. Regarding banking, see Isocrates, *Trapeziticus* (17) 12; Demosthenes, *Against Timotheüs* (49) 17, 33, and 42; Demosthenes, *Against Stephanus* I (45) 33. For the running of a mine, see Demosthenes, *Against Pantaenetus* (37) 25; and on the subject of prostitutes, Aeschines, *Against Timarchus* (1) 40; Isaeus, *On the Estate of Philoktemon* (6) 19; Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* 2.31. The Agora slaves who appear in curse tablets or even in the Hermocopid lists were undoubtedly *kathēmenoi* slaves: see for example DTA 87 (Richard Wünsch, *Inscriptiones Graecae*, vol. 3, *Defixionum Tabellae Atticae* [Berlin: 1897]) and IG I³ 426, ll. 10–16 and 24–28 (*Inscriptiones Graecae: Inscriptiones Atticae Euclidis Anno Posteriores*, ed. Johannes Kirchner [Berlin: W. de Gruyter, 1913–1940]). In Menander's *Perikeiromene*, there is an odd discussion between a master, Moschion, and his slave, Daos, which neatly illustrates this type of arrangement. Daos literally asks to be settled at the head of a shop: “A general store, Moschion, is what I would like, or to be settled on the market selling cheese. I swear I have no desire to be a millionaire. That's my line, I find it more attractive” (v. 283–86, translation modified). In the Loeb edition, W. G. Arnott translates the participle *kathēmenos* as “on a stool” which overlooks the fact that it refers to a specific action by the master.

*me (γέγραφεν γὰρ καταστήσαι μὲν ἐμέ, ἀπαγορεύειν δ' αὐτόν). But this was impossible, as I was not in the country. I did not station anyone, seeing that I was in Pontus, nor did he forbid a man who was not in Athens.*⁹¹

The passage suggests the existence of a document that indicated the place (in this case, a property in the deme of Thrasyllus) and the name of the slave concerned. Yet there is nothing to imply that such a document entailed the recognition of a legal responsibility, even a very limited one, on the part of the slave. To the extent that such a text existed, its primary function was undoubtedly to establish for a third party a chain of liability between the “settled” slave and his master.

Two cases of slaves paying a regular fee to their master (*kathēmenoi*) have been extensively discussed in the literature, and deserve to be reexamined from a comparatist perspective. In 364/363 BCE, the inheritors of Pasion’s bank seem to have concluded a rental agreement (*misthōsis*) with four of their slaves:

*To prove that I speak the truth in this, and that Apollodorus subsequently leased the bank to Xeno, Euphraeus, Euphro, and Callistratus, and that he delivered no private capital to them, but that they leased only the deposits and the right to the profits accruing from them, take, please, the deposition which proves these matters, and proves also that he chose the shield-factory. ... Evidence has been submitted to you, men of Athens, that [the heirs] granted a lease to these men, and gave over to them no private banking-capital; and that they gave them their freedom, as if they had received great benefits from them.*⁹²

These four slaves also had to pay their masters an annual rent of one talent.⁹³ The situation is clear: the two inheritors had agreed to lease money and goods deposited in the bank to several of their slaves, who were subsequently freed.⁹⁴ Xenophon also mentions the existence of a Thracian slave named Sosias, who during the Peloponnesian War (431–404 BCE) was entrusted by Nicias with the management of a thousand slaves who worked in the mines of Laurion. These slaves became the objects of a lease (*misthōsis*) between the two men, which was to earn Nicias one *obol* per slave per day.⁹⁵

91. Demosthenes, *Against Pantaenetus* (37) 25 [translation slightly modified].

92. Demosthenes, *For Phormio* (36) 13–14 [translation slightly modified]. Among these four slaves, Euphraeus was already working in Pasion’s bank in 373 BCE, even though the lease was only confirmed in 364/363: Demosthenes, *Against Timotheüs* (49) 44.

93. Demosthenes, *For Phormio* (36) 37: “From the lessee, for the eight years during which Phormio had the bank, he received eighty *minae* a year, half of the whole rent. These items make ten talents and forty *minae*. For ten years after that, during which they subsequently leased the bank to Xeno and Euphraeus and Euphro and Callistratus, he received a talent every year.”

94. We can draw a comparison with the case of a certain Eumathes, mentioned in the fragments of a plaintiff’s speech by Isaeus, cited by Dionysius of Halicarnassus during a trial demanding emancipation: Isaeus, frag. 8.

95. Xenophon, *Memorabilia* 2.5.2: “Nicias, son of Niceratus, is said to have given a whole talent for a manager of his silver-mine.” Xenophon, *Ways and Means* 4.14: “Those of us who have given thought to the matter have heard long ago, I imagine, that Nicias son of

How should we interpret these two situations, which ancient sources insistently present as lease agreements between slaves and their masters? Historians have for the most part been split between two camps. Some, who consider *misthōsis* a true contract between a master and a slave, conclude that the slave's contractual capacity was fully recognized by the law. The lease agreement would thus have made the slave responsible for activities undertaken in the course of running the bank or the mine.⁹⁶ In contrast, others believe that the very principle of a lease precludes the possibility that slaves were involved: these men must have been freed before being entrusted with such a responsibility.⁹⁷ This last interpretation is, however, at odds with a close examination of the texts: it is clear that the four slaves of Pasion's bank were freed after the *misthōsis* was contracted, and the slave status of Sosias the Thracian is never in question.⁹⁸ It must be conceded that an agreement or convention had been passed between master and slave. But should this be considered evidence of a contractual capacity that was legally recognized? There is reason to doubt this.

The comparatist approach reveals the flaws in this debate: on the one hand, the assumption that there is an ontological opposition between free labor and forced labor, with no intermediary forms of organization⁹⁹; on the other, the idea of a fundamental contradiction between the order of status and that of the contract, stemming from the evolutionist belief that a contract represents “the end point and culmination of a historical progress, in which people were plucked from their subjection to status, and placed on the path of freedom.”¹⁰⁰ Each of the cases

Niceratus, once owned a thousand men in the mines, and let them out to Sosias the Thracian (ὄνς ἐκεῖνος Σωσία τῷ Θρακί ἐξεμισθώσεν), on condition that Sosias paid him an *obol* a day per man net and filled all vacancies as they occurred.”

96. See especially Edward E. Cohen, *The Athenian Nation* (Princeton: Princeton University Press, 2000); Cohen, “Juridical Implications of Athenian Slaves' Commercial Activity,” in *Symposion 2011. Études d'histoire du droit grec et hellénistique* (Vienna: Österreichischen Akademie der Wissenschaften, 2012), 213–23; Emanuele Stolfi, “La soggettività commerciale dello schiavo nel mondo antico: soluzioni greche e romane,” *Teoria e storia del diritto private* 2 (2009): 1–59. Louis Gernet, “Aspects du droit athénien de l'esclavage,” *Droit et société dans la Grèce ancienne* (Paris: Sirey, 1955), 155–72, here p. 163, sees it as an acknowledgement of a contractual capacity but does not expand on its legal content.

97. Jeremy Trevett, *Apollodoros, the Son of Pasion* (Oxford: Clarendon Press, 1992), 38, n. 22; Philippe Gauthier, *Un commentaire historique des Poroi de Xénophon* (Geneva: Droz, 1976), 141–42: “the *misthōsis* implies the capacity to enter into a contract, and thus freedom”; “Nicias would have had to emancipate Sosias before he could make an agreement with him.” See also Stephen Todd, “Status and Contract in Fourth-Century Athens,” in *Symposion 1993. Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, ed. Gerhard Thür (Cologne: Böhlau, 1994), 125–40.

98. The connection between Xenophon, *Memorabilia* 2.5.2, and Xenophon, *Ways and Means* 14, makes it clear that they refer to the same individual purchased by Nicias.

99. On the historical construction of this polarity, see Steinfeld, *The Invention of Free Labor*.

100. Alain Supiot, *Homo Juridicus: On the Anthropological Function of the Law*, trans. Saskia Brown (London: Verso, 2007), 79. The body of work on the relationship between free

mentioned above demonstrates, without the slightest ambiguity, that slaves and their masters could enter into an agreement, though its legal force would naturally and consistently vary from one society to another.

The comparatist approach also offers the “possibility of filling in certain gaps in documentation by means of hypotheses based upon analogy.”¹⁰¹ In light of the existence of *muhataba*- or *coartação*-type contracts, we could even wonder if the *misthōsis* between Pasion and his slaves contained the promise of an eventual emancipation—the existence of which, while not attested for Classical Athens, cannot in principle be ruled out.¹⁰² Nonetheless, in relation to these two types of contract the Athenian case presents a striking peculiarity: there is nothing to suggest that a slave could have evoked the existence of such an agreement before the city’s courts.¹⁰³ Its significance seems to have been limited to the relationship, by nature patrimonial, that linked a master and his slave.

Master and Slave: Figures of Liability

A comparative perspective, initially centered on a specific and defined configuration, thus encourages us to ask a much broader question that goes to the heart of the relationship between master and slave. The degree and limitations of the

and forced labor or on indentured servitude demonstrates that this is a question of belief. See in particular Stanziani, *Le travail contraint en Asie et en Europe*.

101. Bloch, “Contribution Towards a Comparative History,” 47.

102. A passage from Aristotle’s *Economics* (1344b15) may point toward the existence of this kind of agreement between master and slave. Moreover, the testimonia of philosophers transmitted by Diogenes Laertius make it possible to identify differentiated and conditional forms of emancipation, revealing a much more complicated model than that of the *paramonē* contract implemented in the legal texts of the Hellenistic era. See especially the cases of Demetrius, Criton of Chalcedon, and Syros recounted in the testament of Lycon (Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* 5.72–73); and, in that of Theophrastus, the cases of Manes and Callias, whose emancipation only seems to have come into effect at the end of an obligation of service (Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* 5.55).

103. What we know about Athenian law makes the existence of any such procedure extremely unlikely. In this regard, I partially agree with Alberto Maffi, “Economia e diritto nell’Atene del IV secolo,” in *Symposion 2007. Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Vienna: Österreichische Akademie der Wissenschaften, 2008), 203–22, especially p. 213, which, while acknowledging the importance of Demosthenes’s text, refuses to overstate the significance of the term *misthōsis*, arguing that in this case it simply refers to an arrangement internal to the relationship between the master and his slave. The case of Phormio relates to a somewhat different logic, as the *misthōsis* that he is said to have concluded with Pasion seems to have postdated his emancipation: Demosthenes, *For Phormio* (36) 4. The expression used by Demosthenes (καὸθ’ ἑαυτὸν ὄντι) is nevertheless equivocal; above all, the chronology of events implies that, following this agreement, Pasion retained the sole legal responsibility for the bank’s activities (Demosthenes, *Against Callippus* [52], 3–16), as though *misthōsis* only legally applied to Phormio after the death of his former master.

former's liability in relation to the latter's activities was a question posed in all slave societies. It was at the center of arrangements like *murgu*, *muhataba*, and *coartação*, which, independently of any ultimate emancipation, allowed the master to delegate some of his own liability to his slaves. Looking at these arrangements from a comparatist perspective can shed light on the normative foundations of Athenian slavery as an institution.

Let us consider, as a starting point, the Insulindian world of the early modern era. Though the laws of Malacca, instituted in the mid-fifteenth century, make no mention of cases in which slaves acted as agents for their masters, the *Undang-undang Kerajaan*, the late sixteenth-century legal code of the Sultanate of Pahang, presents a very unusual configuration.¹⁰⁴ In article 11, it states that a master could not be held liable for the commercial debts contracted by his slave. Furthermore, it distinguishes between two categories of slave (*hamba*), from whom a lender could not claim the same rights. While a creditor was authorized to issue a loan to a slave who owned property, no loans exceeding the sum of one *paha* to a "destitute" slave could lead to any sort of compensation, including from the master of the slave.¹⁰⁵ Thus, the lender could not hold the master liable for obligations resulting from a contract with a slave. But here the absence of liability on the master's part was associated with the recognition of the slave's right to own property: it was against the slave's own possessions that free lenders could enforce their claims, with the law imposing a clear limit in the case of "destitute" slaves.¹⁰⁶ There were no legal procedures regulating the respective liability of the master and the slave toward a third party, and any debt contracted with a slave led to an acknowledgement of his or her existence as a legal subject.

The Malaysian situation was a case of hybridization between Malay common law and the Shafi'i school of Islamic law.¹⁰⁷ In contrast, the Mālikī tradition, as it was applied—with extensive local variants—in a significant number

104. Michael B. Hooker, ed., *Readings in Malay Adat Law* (Singapore: Singapore University Press, 1970).

105. John E. Kempe and Richard O. Winstedt, "A Malay Legal Digest: Compiled for 'Abd al-Ghafur Muhaiyu'd-din Shah, Sultan of Pahang, 1592–1614 A. D., with Undated Additions," *Journal of the Malayan Branch of the Royal Asiatic Society* 21, no. 1 (1948): 1–67, especially p. 8; William E. Maxwell, "The Law Relating to Slavery among the Malays," *Journal of the Straits Branch of the Royal Asiatic Society* 22 (1890): 247–97, notably pp. 262–63, provides a slightly different translation.

106. The Thai law formerly studied by Robert Lingat suggests a similar configuration: for a loan taken out by a slave to implicate his master, a written agreement was necessary. A loan contracted by a slave without his master's knowledge would not implicate him; in such a case, the slave was responsible for the debt against his own property. See Robert Lingat, *L'esclavage privé dans le vieux droit siamois. Avec une traduction des anciennes lois siamoises sur l'esclavage* (Paris: Domat-Montchrestien, 1931), 197–203.

107. Noor Aisha Abdul Rahman, *Colonial Image of Malay Adat Laws: A Critical Appraisal of Studies on Adat Laws in the Malay Peninsula during the Colonial Era and Some Continuities* (Leiden: Brill, 2006), 51–80.

of Sahel-Saharan societies during the eighteenth and nineteenth centuries, stipulated that a master was entirely liable for all debts incurred by his slave, who in reality could not act except in his master's name.¹⁰⁸ This unlimited liability meant that the slave was entirely an extension of the master. Nevertheless, beyond this general principle, societies based on Muslim law gradually developed legal means through which slaves' liability in commercial actions could be recognized, while in parallel limiting that of their masters. Alongside the system of *muhataba*, in the Ottoman Empire of the classical period the *ma'dhun* slave could act as an agent by virtue of an authorization (*idhn*) granted by his master. This meant that he could conclude contracts on his master's behalf but also for himself, as if he had regained legal capacities that had been only temporarily suspended by slavery.¹⁰⁹

This legal arrangement, which was a major part of economic life in the Ottoman Empire, naturally calls to mind the Roman system of preposition, through which a master could transfer his own liability to a slave, while placing limits on the extent of that slave's actions, by drafting a *lex praepositionis* and presenting it to third parties.¹¹⁰ The Pretorian edict titled *Quod cum magistro navis institore eove qui in aliena potestate est negotium gestum erit*—which can only be reconstructed using the later commentaries of Ulpian, Paul, and Gaius—aimed precisely to regulate disputes arising from transactions made by a dependent on behalf of his master, by defining the liability of each individual in regard to a third party. Between the third and the first century BCE, Roman law thus instituted six legal measures regulating the rights of a third party who had undertaken a transaction with a principal through the intermediary of an agent, whether or not this agent was a slave. Though the order in which these different procedures were introduced is

108. Ghislaine Lydon, "Islamic Legal Culture and Slave-Ownership Contests in Nineteenth-Century Sahara," *International Journal of African Historical Studies* 40, no. 3 (2007): 391–439, especially pp. 414–15; Chouki El Hamel, *Black Morocco: A History of Slavery, Race, and Islam* (Cambridge: Cambridge University Press, 2013), 51–56. On the adaptation of the Mālikī tradition in the context of Saharan societies, see Ismail Warscheid, "Traduire le social en normatif. La justice islamique dans le grand Touat (Sahara algérien) au XVIII^e siècle" (PhD diss., EHESS, 2014).

109. Shaun Elizabeth Marmon, "Domestic Slavery in the Mamluk Empire: A Preliminary Sketch," in *Slavery in the Islamic Middle East*, ed. Shaun E. Marmon (Princeton: Markus Wiener, 1999), 1–23, especially pp. 6–7. On the very different context of the Saharan world and the slaves that traveled throughout it as agents, see Bruce S. Hall, "How Slaves Used Islam: The Letters of Enslaved Muslim Commercial Agents in the Nineteenth-Century Niger Bend and Central Sahara," *Journal of African History* 52, no. 3 (2011): 279–97, especially pp. 288–89; Camille Lefebvre, "Un esclave a vu le monde. Se déplacer en tant qu'esclave au Soudan central (XIX^e siècle)," *Locus. Revista de história* 35, no. 2 (2012): 105–43, especially pp. 132–34. 110. On the *lex praepositionis*, see Jean Andreau, "Les esclaves 'hommes d'affaires' et la gestion des ateliers et commerces," in *Mentalités et choix économiques des Romains*, ed. Jean Andreau, Jérôme France, and Sylvie Pittia (Bordeaux: Ausonius, 2004), 111–26; Nicolas Tran, "The Work Statuses of Slaves and Freedmen in the Great Ports of the Roman World (First Century BCE–Second Century CE)," *Annales HSS (English Edition)* 68, no. 4 (2013): 659–84, especially p. 674.

a subject of particular debate,¹¹¹ three of them specifically concerned cases in which a slave served as the principal's commercial agent. Among them was the *actio de peculio*, whereby the principal's liability for the acts of his dependent was limited to the amount of the latter's *peculium*, explicitly instituting a principle of limited liability on the part of the master.¹¹²

It is not difficult to gauge the differences between the situation of the Athenian "settled" slave, and his Roman or classical-period Ottoman counterpart. It is unlikely that, in Classical Athens, the slave's *peculium* ever had a legal definition—in the sense that Ulpian characterized it, following Tubero, as "the property which the slave, with his master's permission, keeps in a separate account of his own, less anything owed to the master."¹¹³ In any case, it is certain that there was no procedure in Athenian law to limit the liability of a master in regard to his slave. The decisive proof is furnished by the case of Athenogenes's slave, Midas, known from Hyperides's *Against Athenogenes*. Athenogenes had entrusted the management of a perfumery to Midas, who contracted numerous debts in the course of this commercial activity. The plaintiff Epicrates, who had fallen in love with Midas's son, bought both the son and Midas, but not before signing a contract with Athenogenes stipulating that Midas had incurred debts. These debts had, moreover, been contracted in the slave's name, and not in his master's.¹¹⁴ Upon reading the whole plea, however, one can be in no doubt that Midas's debts could only be imputed to the two owners, and not to the slave himself: in this sense, there was no limit to the master's liability. Yet the sale of the slave did not nullify the obligations of the previous master to the lenders, thus necessitating a contract. By entering into a contract with the buyer Epicrates at the moment of Midas's sale, the seller Athenogenes released himself from the debts contracted by his slave,¹¹⁵ to the extent that the plaintiff's entire argument rested on the question of the contract's validity, which seems to have been rather unclear.¹¹⁶ In this sense,

111. Jean-Jacques Aubert, *Business Managers in Ancient Rome: A Social and Economic Study of Institores, 200 B.C.–A.D. 250* (Leiden: Brill, 1994), 78–91, suggested the following order: *actiones quod iussu—actiones exercitoria/institoria—actiones de peculio/de in rem verso—actio tributoria*. For useful discussion see Luuk De Ligt, "Legal History and Economic History: The Case of the *actiones adiecticiae qualitatis*," *Revue d'histoire du droit* 67, no. 3 (1999): 205–26; and Jean-Jacques Aubert, "L'économie romaine et le droit de la représentation indirecte sous la République," in *Fides, Humanitas, Ius. Studi in onore di Luigi Labruna*, ed. Cosimo Cascione and Carla Masi Doria (Naples: Editoriale scientifica, 2007), 1:215–30.

112. On the *actio de peculio*, see Jean-Jacques Aubert, "*Dumtaxat de Peculio*: What's in a *Peculium*, or Establishing the Extent of the Principal's Liability," in *New Frontiers: Law and Society in the Roman World*, ed. Paul J. du Plessis (Edinburgh: Edinburgh University Press, 2014), 192–206.

113. Ulpian, *Digest* 15.1.5.4. It is true that Athenian slaves could sometimes possess capital, but this property had no legal value. See Deborah Kamen, "Manumission and Slave-Allowances in Classical Athens," *Historia* 65, no. 4 (2016): 413–26.

114. Hyperides, *Against Athenogenes* 10.

115. Hyperides, *Against Athenogenes* 15, 19, and 21.

116. In the same direction, see Edward M. Harris, "Were there Business Agents in Classical Greece? The Evidence of Some Lead Letters," in *The Letter: Law, State,*

the master's liability for the actions of his slave was quite unlimited, as indicated by a law attributed to Solon and cited by the plaintiff: "Whatever losses and expenses slaves occasion shall be discharged by the master for whom the slaves are working."¹¹⁷

A specific procedure certainly allowed a citizen to pursue a slave in court, but this was only a preliminary phase in a legal action that was ultimately aimed at the master, who was entirely liable for his slave. The plaintiff of Demosthenes's *Against Pantaenetus* could thus declare:

*He ought not to be stating these charges now, nor to have inserted them in the challenge in which he demanded the slave for torture, but to have instituted suit against him, and then to have prosecuted me as his owner. As it is, he has instituted suit against me, but accuses my slave. This the laws do not permit. For whoever instituted suit against the master, and charged the facts against his slave—as though the slave had any authority of his own?*¹¹⁸

In this case, the master could be found guilty in a legal action brought against his slave, and could acquit himself by delivering the slave to the opposing party, according to the law of noxal surrender (though this is not mentioned in Hyperides's account). The procedure did not make the slave a legal subject, strictly speaking: rather, it distinguished two defendants by referring all liability to a single person, the master. The responsibility entrusted to the slave was therefore only passive, or more precisely a kind of negative imputation, since all of his actions were ultimately referred to his master.¹¹⁹ This imputation, in

Society and the Epistolary Form in the Ancient World, ed. Uri Yiftach-Firanko (Wiesbaden: Harrassowitz, 2013), 105–24; Maffi, "Economia e diritto," 211–14; Athina Dimopoulou, "Le rôle des esclaves dans l'économie athénienne: réponse à Edward Cohen," in *Symposium 2011*, 225–36; Aubert, "L'économie romaine"; and for an opposing argument, Cohen, "Juridical Implications." There is a clear contrast between the commercial freedom of the slave, capable of accumulating debts, and the way that the law resolved the problem by imputing them to his master. This led Gernet, "Aspects du droit athénien de l'esclavage," 160, to evoke the "technical inferiority of Athenian law."

117. Hyperides, *Against Athenogenes* 21–22. See David D. Phillips, "Hyperides 3 and the Athenian Law of Contracts," *Transactions of the American Philological Association* 139, no. 1 (2009): 89–122, here p. 112.

118. Demosthenes, *Against Pantaenetus* (38) 51 [translation slightly modified]; Demosthenes, *Against Callicles* (55) 31.

119. As noted by Paul Perdrizet, "D'une fiction de droit privé attique," *Comptes rendus des séances de l'Académie des inscriptions et belles-lettres* 52 (1908): 448–50, this procedure is clearly explained in the famous *Lille Papyrus*, which very likely transcribes an Alexandrian law from the end of the fourth century BCE: "Δούλων ἐπίκλησις καὶ τοῖς καταδικα-/σαμένοις πρᾶξις ὅς ἂν ἐγκαλιῆ/ὑπὸ δούλου ἢ δούλης ἀδικεῖσθαι/λέγων τὸ ἀδίκημα τῷ κυρίῳ/ἐναντίον μὴ ἔλασσον ἢ δύο μαρ/τύρων, ἀπογραφέσθω πρὸς τοὺς/[νο]μοφύλακας καὶ ἀπαγορευέτω," Reinhold Scholl, *Corpus der ptolemäischen Sklaventexte* (Stuttgart: F. Steiner, 1990), vol. 1, no. 1, p. 1. "Imputation against slaves and punishment of the convicted. Whoever brings an accusation claiming to have been wronged by a slave or female slave is to inform the owner about the wrong face to face, in front of no less than two witnesses, and to bring suit in written form to the *nomophylakes*, and

which the slave served as a support, offered masters significant room for maneuver,¹²⁰ but in no way did it imply a limitation of their liability in regard to their slaves.

Slavery and Representation: Another History of Athenian Democracy

We have, I hope, seen what a comparatist approach, here understood in its morphological form, can bring to the in-depth study of a particular slave society. It is not just a question of resolving the specific problems posed by incomplete documentation: the Ottoman *muhataba* does not simply allow us to suggest more or less ingenious solutions to the questions posed by Demosthenes's text on Pasion's slaves. Above all, when it is based on a clearly defined (or "typified") configuration, the comparatist approach makes it possible to reinterrogate all of the arrangements that characterize the institution of slavery within a society. If we take this a little further, we gain insight into the institutional construction that linked Athenian politics to slavery around the question of representation.

It is understood that the modern concept of political representation, in its various meanings, was the product of a new world order established in the last centuries of the Middle Ages.¹²¹ The "medieval revolution of the interpreters,"¹²² that is to say, the rediscovery of Roman law by civil and canon jurists, played a decisive role in the process. It has been shown, by Pierre Legendre and

it is forbidden ...". This law thus established a clear distinction between the party against whom the action was brought (the slave) and the party from whom action was required (the master). Reinhold Scholl, "Zum ptolemäischen Sklavenrecht," in *Legal Documents of the Hellenistic World*, ed. Markham J. Geller and Herwig Maehler (London: Warburg Institute, 1995), 149–72, here p. 159, sees this as an acknowledgement of the slave as a legal subject, which seems to me mistaken. The expression of limited legal capacity ("beschränkte Prozessfähigkeit"), used by Heinz Heinen, "Zur Sklaverei in der hellenistischen Welt (II)," *Ancient Society* 8 (1977): 121–54, here p. 127, seems to be similarly exaggerated.

120. For example, this is at the heart of the plea in Demosthenes, *Against Olympiodorus*.

121. Hasso Hofmann, *Repräsentation. Studien zur Wort- und Begriffsgeschichte von der Antike bis in 19. Jahrhundert* (Berlin: Duncker und Humblot, 1974). Hofmann has highlighted the vast differences in the use of *repraesentare* among Roman jurists and its medieval reinterpretation. Above all, he distinguished two conceptions of representation which emerged in parallel between the eleventh and the fifteenth centuries: mandate representation (*Stellvertretung*), which implied the delegation of a power or authority, and identity representation (*Repräsentation*), whose core lay in corporation law, and through which the very existence of the representative brought that which was represented into being—also known as "organic representation." On this duality, see Yves Sintomer, "Le sens de la représentation politique: usages et mésusages d'une notion," *Raisons politiques* 50 (2013): 13–34; Olivier Beaud, "'Repräsentation' et 'Stellvertretung.' Sur une distinction de Carl Schmitt," *Droits. Revue française de théorie, de philosophie et de cultures juridiques* 6 (1987): 11–20.

122. Pierre Legendre, *Sur la question dogmatique en Occident* (Paris: Fayard, 1999), 26.

Laurent Mayali in particular, that the canonical doctrine of representation originated in the rules of private law derived from the Roman concept of the mandate, giving rise to a new and far-reaching “system of authority.”¹²³ In the medieval mandate, as conceived by Martinus, the link between proxy and principal became one of perfect representation, in that the rights acquired through the representative’s acts were directly imputed to the person being represented. *Qui facit per alium est perinde ac si faciat per se ipsum*: “He who acts through another acts himself,” asserted Boniface VIII in rule 72 of his *Liber Sextus*. The representative completely represents the person being represented: such was the great invention of canon and civil law during the Middle Ages. This differed considerably from the Roman mandate, under which the results of the act accomplished by the proxy were initially attributed to his own person, before he was obliged to transfer them to the principal. By the action of the mandate, the principal could claim accounts from his proxy if the proxy took too long to execute the transfer. Accordingly, in the words of Yan Thomas, “the representative was never a perfect substitute for the person who was represented, for the reality of his own existence stood as a screen between the two.”¹²⁴ In fact, it was only in the domestic sphere, in the context of the relationship that united the master to all those in his power (*in potestate*), including his slaves, that perfect representation was possible, for in a certain way it could only be realized through the negation of the representative as a legal subject.

In commercial matters, however, Roman law established an early notion of representation—which can be described as imperfect—via the relationship between a principal and his proxy and, in procedural terms, the realm of *actiones exercitoria* and *institoria*.¹²⁵ These measures effectively aimed to define the way in which the actions of a proxy could be imputed to a principal, by guaranteeing to any third party who entered into a contract with the agent the legal nature of the engagement. Even as they were attempting to institute a limited form of liability on the part of the principal—in addition, rather than in place of, that of his proxy—these measures also laid the early foundations for a form of representation. Through this set of procedures, aimed at protecting both the master and the third party, an unprecedented autonomy was accorded to the slave in terms of property, notably through the acknowledgment of his liability for the value of the *peculium*.¹²⁶

123. Legendre, “Du droit privé au droit public. Nouvelles observations sur le mandat chez les canonistes classiques,” *Mémoires de la Société pour l’histoire du droit et des institutions des anciens pays bourguignons, comtois et romands*, 30th fasc. (1970–1971), 7–35; Laurent Mayali, “Procureurs et représentation en droit canonique médiéval,” *Mélanges de l’École française de Rome. Moyen Âge* 114, no. 1 (2002): 41–57.

124. Yan Thomas, “La construction de l’unité civique. Choses publiques, choses communes, choses n’appartenant à personne et représentation,” *Mélanges de l’École française de Rome. Moyen Âge* 114, no. 1 (2002): 7–39, here p. 32.

125. Aubert, *Business Managers in Ancient Rome*, 41–44; Aubert, “L’économie romaine.”

126. See the remarks of Aldo Schiavone, *The Invention of Law in the West* [2005], trans. Jeremy Carden and Antony Shugar (Cambridge: Belknap Press of Harvard University Press, 2012), 271.

In the *institoria* system, the link between principal and agent was superimposed on the traditional relationship of dependence that united master and slave, to the extent that it undermined its very foundation: the negation of the slave as a subject of law.¹²⁷ In this respect, it is possible that the development of the notion of representation, regardless of its imperfection, dismantled the principle that made the slave a pure extension of his master.

We know enough to turn once more to slavery in Classical Athens, now with a very broad question to answer. Here, unlike imperial Rome or Ottoman society during the classical period, the master's liability was unlimited. It is subsequently tempting to link this organization back to the broader absence of any form of representation which lay at the very foundation of the Athenian democratic regime. In Classical Athens, the bond between the people and their magistrates was in no way a bond of representation in the modern sense of the word: magistrates did not receive any mandate; as full members of the *dēmos*, they always remained under its supervision and could be held personally liable for actions committed in the exercise of their function. In the legal sphere, there was no rule organizing an indirect, or mediated, representation of parties or witnesses, whose attendance at the hearing was essential. Each party was supposed to speak in their own defense or make their own accusations. A citizen who was absent from the city could only testify in a specific form, with his testimony being written down and then transferred to a free man who was present at the hearing and was held legally responsible to the extent that he could be charged with bearing false testimony (*pseudomarturia*).¹²⁸ In this respect, a refusal of representation was at the heart of the democratic anthropology of Classical Athens.

The comparatist project makes it possible to shed new light on the unique institutional construction that, in Classical Athens, associated slavery with the refusal of representation and even with democracy itself. I do not claim to have established a mechanical connection that would intrinsically link the absence of representation to the existence of slavery. More precisely, my hypothesis is that the development of the institution of slavery, in the specific forms it took in fifth-century BCE Athens, prevented the development of the very concept of representation. By studying the role of public slaves (*dēmosioi*) in the Classical city, I have elsewhere attempted to show how the use of slaves attests to a resistance, on the part of the civic community, to the emergence of a concept of the state as separate from society. By making those who were charged with its administration invisible, the city warded off the danger of a state that could constitute itself as an

127. See the discussion of the notion of “work status” in Tran, “The Work Statuses of Slaves and Freedmen,” 662–63.

128. [Demosthenes], *Against Stephanus* II (46), 7: “Hearsay evidence they do not admit from a living person, but only from one who is dead; but in the case of those who are sick or absent from the country they allow evidence to be introduced, provided it be in written form, and the absent witness and the one submitting his testimony shall alike be liable to action under the same impeachment, in order that, if the absent witness acknowledges his evidence, he may be liable to action for giving false testimony, and if he does not acknowledge it, the one who submitted his testimony may be liable.”

autonomous agency, thus endeavoring to keep every form of power within the immanence of its own existence as a community. I have advanced the idea that the recourse to public slaves made it possible to avoid all forms of political representation, which the civic community could conceive of only in terms of dispossession.¹²⁹

The analysis of legal forms that organized the liability of a master in relation to the actions of his slave makes it possible to extend this hypothesis, shedding new light on the question. The absence of any kind of representation between two free individuals seems to be intrinsically linked to the full representation that bound slaves to their masters and implied their negation as legal subjects. Though slavery was the setting for the *de facto* accomplishment of perfect representation, its very existence hindered the *de jure* realization of all forms of representation between free individuals, since action through the mediation of another could only occur at the cost of their dispossession. In other words, the regime of perfect representation that was achieved in the master-slave relationship had as its corollary the refusal of all forms of representation that could connect free men, and it was only through the disintegration of the institution of slavery that legal forms of perfect representation between free men could emerge. In this respect, the institution of slavery was inseparable from the Athenian democratic experience.

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