A METIC WAS A METIC

ABSTRACT: In Classical Athens, an immigrant who stayed longer than about a month was required to register a citizen as prostatai and to commence paying the metoikion. Likewise, freed slaves were to register prostatai and pay the metoikion. A recent study treats these freeborn and freedman metics as distinct legal types of resident alien. Athenian law did not.

In Classical Athens, an immigrant who stayed longer than about a month was required to register a citizen as prostatai and to commence paying the metoikion. Likewise, freed slaves were to register prostatai and pay the metoikion. A recent study of Athenian status groups treats these freeborn and freedman metics as distinct legal “subcategories of resident alien.” Athenian law, I argue, did not.

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Harpokration defines metic with a pair of criteria (μέν...δέ): first, a metic is “one who changes residence from one city to another, and not briefly visiting as a foreigner but having established residence there.” This alone cannot have functioned as a prescriptive legal test. The second part is similarly descriptive: “And twelve drachmas each year used to be paid by them, which was called ‘metoikion.’” Aristophanes of Byzantium also focused on the twin criteria of domicile and taxation: “A metic is whenever a person, having come from a foreign (polis) takes up residence in the polis, paying a tax toward certain appointed uses of the city. Thus, for so many days he is called a visitor (παρεπίδημος) and does not pay tax, but if he passes the fixed time, he becomes a metic thenceforward and liable to taxation (μέτοικος ἡδή γίνεται καὶ ύποτελής).” The last clause

1 P. Gauthier, Symbola: Les étrangers et la justice dans les cités grecques (Nancy 1972) 122 (month); D. Whitehead, Ideology of the Athenian Metic (Cambridge 1977) 9, 76 (month), 75-77 (metoikion), 89-92 (prostateis).

2 Whitehead, Ideology of the Athenian Metic 16-17.

3 D. Kamen, Status in Classical Athens (Princeton 2013) 43: “distinguished from each other not only legally but also (more significantly) socially.”

4 Harp. s.v. μετοίκιον: μέτοικος μέν ἐστιν ὁ ἐξ ἑτέρας πόλεως μετοικός ἐν ἑτέρα καὶ μὴ πρὸς ὀλίγον ὡς ξένος ἐπιθύμησιν ἀλλὰ τὴν οἰκίσιν αὐτόθι καταστησάμενος. ἐδίδοντο δὲ ὑπ’ αὐτῶν καθ’ ἐκαστὸν ἔτος δραχμάς ἵπτερ’ ὑπὲρ ὑπόμαστο μετοίκιον.

5 A. Dimopoulou-Piliouni, “Apeleutheroi: Metics or Foreigners?” Dike 11 (2008) 27–50, 29-30, suggests, “Such a definition could evidently not apply to a freedman residing in the city of his former master. A fundamental difference between a metic and a manumitted slave appears to be that the first was the citizen of another city, who chose to leave his natal city and move and live permanently into another. A metic was a willingly expatriated foreigner, a free man making his living permanently abroad, one who had never lost his civic status or rights in his natal city. If a metic chose to return to his homeland, he would be there a citizen of full rights.” But such a literal test would have excluded political exiles, whose departure was unwilling, or war refugees, who may not have had a homeland to return to, or countless others who may not have come from a polis in the first place—say, Aetolians.

6 Ar. Byz. 38 [Nauck]: μέτοικος δὲ ἐστιν ὅπως τις ἀπὸ ξένης ἔλθων ἔνοικη τῇ πόλει, τέλος τελῶν εἰς ἀποτετειγμένας τινᾶς χρείας τῇς πόλεως· ἔος μὲν οὖν ποσὸν ἡμερῶν παρεπίδημος καλεῖται καὶ ἀτελῆς ἐστιν, δὲν δὲ ύπερβῆ τὸν ὑρισμένον χρόνον, μέτοικος ἡδή γίνεται καὶ ύποτελῆς· παραπλησίας δὲ τούτῳ καὶ ὡς ἰσοτελῆς.
is telegraphic, sensible enough but legally imprecise. As Pollux put it, “a metic is one who pays the metoikion,”7 and according to the Suda one’s prostates assisted.8 Payment was a physical and bureaucratic act performed in the presence of others and written down.9 One could not “become” a metic automatically.

We find the same imprecision elsewhere. Harpokration defines aprostasiou as “a type of action against metics who do not register / have a prostates.”10 If one paid the metoikion through a prostates then anyone lacking such could not have paid the metoikion; such a person was not legally a metic. Also Pollux.11 Similarly, the Suda notes that the poletai sold off the assets of metics who had no prostatai.12 The author of the Ath.Pol. states that the polemarch heard cases of aprostasiou for metics,13 by which he can only have meant that the polemarch heard cases of aprostasiou for those who appeared to be metics but, in fact, may or may not have taken the necessary steps to become so: a prosecutor might establish that a resident non-citizen was entirely

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7 Pollux 3.55: μέτοικος ὁ τὸ μετοίκιον συντελόν.
8 Suda s.v. ἀποστασίαν: ἀπροστασίαν ἄδει· τῶν μετοίκων ἕκαστος προστάτην ἔχουσι κατὰ νόμον ἕνα τῶν ἀστέων, καὶ δέ′ ἄυτοῦ τὸ τε μετοίκων τίθεται κατὰ ἐτοιχίας καὶ τὰ ἄλλα διοικεῖται (Cf. aprostasia: each of the metics has a prostates, one of the citizens by law, and through him he pays the metoikion each year and manages everything else). Also s.v. νέμειν προστάτην· ἀντὶ τοῦ ἔξοχον προστάτην· τῶν γὰρ μετοίκων ἕκαστος μετὰ προστάτον τῶν ἀστέων τινὸς τὰ πράγματα ἄυτοῦ συνόκει καὶ τὸ μετοίκιον κατεστίθη πάντως. καὶ τὸ ἔξοχον προστάτην καλεῖται νέμειν προστάτην (for “to have a prostates;” for, each of the metics, with a prostates, who is one of the astoi, used to jointly administer his own affairs and pay the metoikion. And to have a prostates is called “nemein prostaten”). Here, συνόκει must be an error for συνοικονύμιοι; Whitehead translates, “each of the metics [sc. in classical Athens] manages his own affairs in conjunction with a sponsor who is one of the citizens” (Suda Online, Adler nu 166: http://www.stoa.org/sol). A handful of passages in the orators (Lys. 31.9, Dem. 29.3, Dem. 57.55) refer to a metic depositing (καταθήματι) the metoikion, which may suggest payment in person (Whitehead, Ideology of the Athenian Metic 76), but none indicates active engagement by the prostates.

9 At Dem. 25.57 (quoted below) an alleged violator was hauled to the poleterion and found there to have paid the metoikion; this must have involved consultation of records kept by the tax collector(s) or the poletai themselves.

10 Harp. s.v. ἀπροστασίας: εἰδὸς ὅμης κατὰ τῶν προστάτην μὴ νεμόντων μετοίκων· ἥρετο γὰρ ἕκαστος ἐαυτῷ τῶν πολιτῶν τινὰ προστησάμενον περὶ πάντων τῶν ἰδίων καὶ τῶν κοινῶν. Υπερειδῇς ἐν τῷ κατ’ Ἀρισταγόρας ἀπροστασίαν β’ (… For each used to choose for himself one of the citizens to be his prostates concerning all his own and common affairs. [sc. An example is] Hypereides in his second speech against Aristagora for aprostasiou).

11 Pollux Onom. 8.35: ἀποστασίαν δὲ δίκη κατὰ τῶν ἀφισταμένων ἀπελευθέρων, ἀπροστασίαν δὲ κατὰ τῶν οὐ νεμόντων προστάτην μετοίκων (apostasia is an action against freemen who depart, and aprostasia [sc. is an action] against metics who do not register / have a prostates).

12 Suda s.v. πολιτής· …ὑπέκειντο δὲ τοῖς Πολιτητέας καὶ ὅσιοι τὸ διαγραφὲν ἀργόριον ἐν πολέμῳ μὴ εἰσόροον, ἐπὶ καὶ οἱ ἔξεις ἀλοντες καὶ ὁ μέτοικος καὶ προστάτης οὐκ ἔχων καὶ ὁ ἀποστασίου γραφείς τούτων γὰρ τὰς σύσβασις πολοντινῖσ παρεκκλησαν εἰς τὸ δήμοσιον (also falling under the poletai were those who did not contribute the levied sum in wartime, and also those convicted of xenia, and the metic who did not have a prostates, and the one who was convicted of apostasia). This last is an error for aprostasia; see Suda Online, Adler pi 2159: http://www.stoa.org/sol, where Whitehead translates “metics who had failed to take a prostates and been convicted on that charge” and links (n3) to aprostasiou (Adler alpha 3703).

13 Ath.Pol. 58.3 αὐτὸς δ’ εἰσάγει δίκας τάς τε τοῦ ἀποστασίου καὶ ἀπροστασίου καὶ ἐπικλήρων τοῖς μετοίκοις.
delinquent and had never been a legal metic in the first place.\textsuperscript{14} Elsewhere, the \textit{Suda} draws the legal distinction carefully (s.v. \textit{aprostasiou}): “whenever someone, though seeming to be a metic (δοκόν εἶναι µέτοικος), does not have \textit{aprostasiou} or does not pay the \textit{metoikion} or claims to be a citizen though he has been wrongly enrolled in the \textit{politeia}, he who wishes brings suit against him, which is called ‘aprostasiou.’”\textsuperscript{15} An alien whose stay passed the prescribed limit, but who lacked a \textit{prostates} and had not paid the \textit{metoikion}, was not a metic. He was liable to become one and may well have seemed to be so. But to be and to seem were different legal facts.

If conversion to metic status was not automatic, becoming liable was. “[I]n the fourth century at least, foreigners arriving in Athens—whether intending to ‘immigrate’ or not—encountered an essentially pragmatic machinery: intentions apart, if they stayed for longer than a statutory (and fairly short) period the \textit{polis} required them to become metics.”\textsuperscript{16} So shows the rider to the decree that honored Straton of Sidon, which added that Sidonians who were visiting Athens for the purpose of trade could not be made to pay \textit{metoikion}, serve as \textit{choregos}, or contribute \textit{eisphora}, “provided that they reside in Sidon and are active citizens” there.\textsuperscript{17} Absent this protection, if these Sidonians stayed in Athens beyond the fixed time limit they would have had to become metics; presence beyond the time limit was otherwise sufficient to trigger liability, and claims of proper residence elsewhere would not have altered that fact. By freeing these Sidonians from having to pay the \textit{metoikion}\textsuperscript{18} the decree accorded them “an artificially prolonged ‘life’ as \textit{xenoi}, as \textit{parepidemountes} free of financial obligation.”\textsuperscript{19} One who pays the \textit{metoikion} is a metic; one who does not is not. These two inverse legal facts do not give us a definition of metic status, but rather a diagnostic for determining whether a person belongs to it.

\textsuperscript{14} The same imprecision is often mirrored by moderns; on the Polemarch’s role in introducing \textit{graphai aprostasiou}, A. R. W. Harrison, \textit{The Law of Athens}\textsuperscript{2} (London 1998) 1195, notes, “the defendant here was by definition a metic.” See also Harp. s.v. \textit{metoikion}: οἱ µέντοι µὴ τιθόντες τὸ µετοικίου µέτοικοι ἀπῆγγειλον πρὸς τοὺς πολιτέας, καὶ εἰ ἔκλωσαν ἐπιτρακύντο, ὡς φησὶν Ἀθηνασίν ἐν τῷ κατ’ Ἀριστοκέπτων (metics who did not pay the \textit{metoikion} used to be hauled before the \textit{poleta} and, if convicted, sold), which might show the same imprecision, at least as regards the newly liable, but not in case of failure to maintain prior good standing.

\textsuperscript{15} \textit{Suda} s.v. \textit{ἀποστασιοῦ} ἀπροστασιοῦ δὲ τῶν µετοίκων ἐκαστὸς προστάτην ἔχοντα κατὰ νόμον ἕνα τῶν ἀστέων, καὶ δι’ αὐτοῦ τὸ τε µετοικίου τίθεται κατὰ ἐτοὺς καὶ τὰ ἄλλα διοικεῖται. ὅταν οὖν τὶς δοκῶν εἶναι µέτοικος προστάτην µὴ ἔχῃ ἢ µὴ δῷ τὸ µετοικίου ἢ ἀστέως εἶναι φάσκη παρεγγεγραμμένοι εἰς τὴν πολιτείαν, ὁ βουλόμενος δίκην εἰςάγει πρὸς αὐτὸν, ἢτος λέγεται ἀπροστασιοῦ. Pollex may show similar care at 3.57: ἀδιάκτατοι δὲ καλοῦνται οἱ µὴ ἐγγεγραμμένοι εἰς τοὺς µετοίκους δένων, ἢ µὴ τελεύτατος τὸ µετοικίου (they are called ‘adiataktai’ who have not enrolled among the metics—though they must—or do not pay the \textit{metoikion}).

\textsuperscript{16} Whitehead, \textit{Ideology of the Athenian Metic} 8-10, quote at 10.

\textsuperscript{17} \textit{IG} II\textsuperscript{2} 141.30-36: ἔσποσι δ’ ἄν \textit{Σιδωνίων} οὐκόντες ἐς \textit{Σιδωνί} καὶ \textit{πολιτευόμενοι} ἐπιθήμωσιν κατ’ ἐμπορίαν Ἀθήνης, µὴ ἔξειν αὐτοῦ µετοικίου πράττεσθαι µὴδὲ χρησθήν | µηδένα καταστήσαται µὴδ’ εἰσφορὰν | µηδεμίαν ἐπιγράφει (but as many of the Sidonians as, while residing in Sidon and exercising civic rights [there], visit Athens for trade, it shall not be possible to exact the \textit{metoikion} from them nor to appoint any as \textit{choregos} nor to register [them] for any \textit{eisphora}).

\textsuperscript{18} And \textit{choregia}, or \textit{eisphora}, to which only sufficiently wealthy metics were liable.

\textsuperscript{19} Whitehead, \textit{Ideology of the Athenian Metic} 14.
Demosthenes mentions the very same.\textsuperscript{20} We have seen already the other available test: whether the individual had \textit{had registered (νέμειν) a prostatae.}\textsuperscript{21}

Thus, strictly speaking, we possess no ancient definition of a metic. Rather we have a definition of the event that triggered liability to the metic tax: legal residence, defined as presence beyond the statutory limit. And we have a diagnostic for identifying whether an alien is a metic: whether s/he has a prostatae and has paid the \textit{metoikion}. Moreover, if demes kept registers of metics, as has been suggested, then another indicator may have been available as well.\textsuperscript{22} Even so, when an outraged litigant protests that he is citizen, he does not ask, “In what deme am I registered as a metic?!’” but rather, “Where have I paid

\textsuperscript{20} Dem. 25.57: λαβὼν αὐτὸς αὐτοχειρία πρὸς τὸ πολεμήριον τοῦ μετοικίου ἀπήγαγεν· καὶ εἰ μὴ κείμενον αὐτὴ το μετοικίου ἔτυχεν, ἐπέκρατε’ ἂν διὰ τούτον, ὃ τῆς σωτηρίας αὐτῆς αἰτία ἐγγόνει (…seizing her himself, with his own hands, he hauled her off to the \textit{poleterion} for the \textit{metoikion}, and if the \textit{metoikion} had not happened to be on record for her, she would have been sold, owing to this man to whom she had been the very cause of salvation); with less detail and more indignation, Dem. 57.54-55: ἀλλὰ μὴν ὅ πατηρ αὐτὸς ὑήν ὁμός τούτων τίς φράτεριν ὅρκων ἐφηγηγαγέν με, ἀπόυν ἔξοι ἀστής ἐγγονίς αὐτὸ γεγενημένον εἰδός, καὶ τάκτα μεμαρτύρηται. εἰτ’ ἐγώ ἔγος: ποῦ μετοικίων καταθήκες ἢ τίς τῶν ἔμων πόσοτε; (But in fact my father himself, when he was alive, having sworn the customary oath, introduced me to the \textit{phraters}, since he knew that I had been born a citizen to a citizen mother lawfully married to him, and these things have been introduced as evidence. So I am an alien then? Having paid \textit{metoikion} where? Or who among mine ever has?). Aeschines 1.119 attempts to forestall an argument that Demosthenes will, he says, make: that to discover whether Timarchos was a prostitute one should simply consult the \textit{telones}.

\textsuperscript{21} \textit{Suda} s.v. ἀπόστασιον, also s.v. νέμειν προστάτην (both quoted above); Harp. s.v. ἀποστασίου: εἰδός δίκης κατά τὸν προστάτην μὴ νεμόντων μετοικίων; Pollux \textit{Onom.} 3.56: κατὰ δὲ τῶν ὅ τελούντων τὸ μετοικίων ἡ προστάτην μὴ νεμόντων ἀποστασίου δίκη. Scholars tend to translate this use of νέμειν as “to register” (see LSJ III.3), but the \textit{Suda} treats it as a synonym for ἔχειν: s.v. νέμειν προστάτην: ἂντι τοῦ ἔχειν προστάτην … τὸ ἔχειν προστάτην καλεῖται νέμειν προστάτην; s.v. ἀποστασίου: προστάτην ἔχουσι … προστάτην μὴ ἔχει, s.v. σωληνίς: προστάτην οὐκ ἔχον. And where the verb appears in the active voice with this middle force its clear tendency is toward “have” (LSJ s.v. III). Only Harpokration refers to “inscribing” a \textit{prostatae} (s.v. ἀποστασίου: ἔταρον ἐπεγράφονται προστάτην). It is unknown whether this inscription—if factual—occurred during some discrete registration of the \textit{prostatae}, or of the metic, or whether it simply accompanied the metic’s payment of the \textit{metoikion}. In any case, we know nothing concrete about any formal registration of \textit{prostatai}. This is partly a fact of our near total ignorance of any process by which metics themselves were registered, independent, that is, of their payment of \textit{metoikion} (more below).

\textsuperscript{22} Whitehead, \textit{Ideology of the Athenian Metic} 72-75, esp.75: “The actual procedure of enrolment thus remains obscure. … There may have been an obligation upon individuals, having passed the 'specified time'—or, before its introduction, having decided to stay—to go to the demarch and declare themselves. … Alternatively they were perhaps required to do so on arrival.” Also 77: “There surely were registers of metics in their demes, but also, I suggest, at some administrative centre where the revenue was assessed in the first place—the \textit{poleterion} itself, or the polemarch’s office: they would be based on reports from the demes, and they (rather than the deme lists) would be wherein payment was recorded. But this suggestion obviously should not be pressed.” Central administration is inferred in part from Dem. 25.57. See also Whitehead 1986: 81-85. Fifth-century \textit{prostatai} are thought to have facilitated deme-enrollment for the metics whom they sponsored: Gauthier, Symbola 126-136; Whitehead, \textit{Ideology of the Athenian Metic} 91. Pollux \textit{Onom.} 3.57 (ἀδιάτακτοι δὲ καλοῦνται οἱ μὴ ἐγγεγραμμένοι εἰς τοὺς μετοικίους δέον, ἢ μὴ τελευντες τὸ μετοικίον, ἢ τὴν σκάφην μὴ φέροντες) scarcely tells of a registration process independent of the recording of \textit{metoikion} payment. Σ Αρ. \textit{Birds} 1669 and Σ Αρ. \textit{Frogs} 410, both adduced by M. Clerc, \textit{Les métèques Athéniens: étude sur la condition légale, la situation morale et le rôle social et économique des étrangers domiciliés à Athènes} (Thèse, Paris 1893) 249-250, do not show deme registration.
metoikion?! 23 The Sidonians were said to be freed not from “deme registration,” but from taxation. To be a metic was to pay.24

Now, Harpokration observes that freed slaves also paid the metoikion.25 Apparently, some hold that manumission at Athens entailed automatic conversion to metic status.26 Such was impossible. A slave-owner had the power to convert a slave into a free non-citizen, via formal witnessed speech act. But, even leaving aside the possible requirement of deme registration, legal metic status was contingent on payment of the metoikion. There was no way to effect this automatically. Dimopoulou-Piliouni has argued that upon manumission a slave became a free alien and later may or may not have become a metic. This is undoubtedly correct.27 In observing that freed slaves paid the metoikion Harpokration was simply using the same sort of telegraphic expression that we saw above. He meant, I urge, that freed slaves who stayed long enough to trigger liability, were to pay just as immigrants did. Or perhaps the underlying legal fact was that manumission itself was the triggering event, so that freedmen became liable upon their release from servitude. Either way, this was a useful clarification, for the bulk of metics will have been immigrants.

It is sometimes emphasized that while freeborn metics paid the metoikion, freedmen paid an additional triobol, “maybe to the telones.”28 We know nothing about this fee,

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23 Dem. 57.55: εἴτε ἐγὼ ξένος· ποῦ μετοίκιον καταθεῖς;
24 S. C. Todd, The Shape of Athenian Law (Oxford 1993) 197, notes that the pairing of prostates and payment of metoikion were such a common stand-in for μετοικεῖν that the orators “can use it to describe Athenians residing as metics in other poleis.” See Lys. 31.9; Dem. 29.3; Lyc. 1.21.
25 Harp. s.v. μετοίκιον: ὅτι δὲ καὶ οἱ δοῦλοι ἀρεσθείτες ὑπὸ τῶν δεσποτῶν ἐπέλουν τὸ μετοίκιον ἄλλοι τε τῶν κομικῶν δεδηλώκασι καὶ Ἀριστομένης (Aristomenes and other comic poets have shown that also slaves, after being freed by their masters, used to pay the metoikion).
26 R. Zelnick-Abramovitz, Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World (Leiden and Boston 2005) 251: “The prevalent view is that manumitted slaves automatically assumed metic status;” Kamen, Status in Classical Athens 43: “It is unfortunately unclear to us whether freed slaves became metics (in the broad sense) automatically after being released from remaining obligations to their former master, or whether this was a separate registration process.” Dimopoulou-Piliouni, DiKe 11 (2008) 30: “The predominant view is that manumitted slaves staying in Athens could automatically register as metics. Authors identifying apeleutheroi to metics in Athens often proceed by analogy: as metics are the one category of resident aliens of Athens about which we have the most information in the sources, it is considered only natural that apeleutheroi (identified as non citizens permanently living in the city) should either fit in the same group, or share with them the same disabilities. But, the information of the sources assimilating apeleutheroi to metics is far from being conclusive. In fact, there is not one single straightforward indication that apeleutheroi in Athens were automatically considered and registered as metics.”
27 But Dimopoulou-Piliouni, DiKe 11 (2008) 34-35, suggests also that since the Old Oligarch 1.10 shows contempt for slaves, metics, and freedmen, and since Plato Leg. 915a treats metics and freedmen as different groups in his imaginary polity, and since Aristotle Pol. 1277b observes that freedmen are neither metics nor xenoi, “we can conclude that apeleutheroi are often referred to as a distinct social group, thus challenging the frequent assumption that manumitted slaves automatically enrolled among metics.” But the existence of distinct social categories (as voiced in political and philosophical works) tells us nothing about legal and administrative realities.
28 Harp. s.v. μετοίκιον: Μέγανδρος δὲ ἐν Ἀναπτυμένῃ καὶ ἐν Διδύμαις πρὸς ταῦς ἢ δραχμαῖς καὶ τριῳβολὸν φησὶ τούτους τελεύν, ἵσως τῷ τελόνῃ. Kamen, Status in Classical Athens 44; eadem
except that Pollux and Hesychius thought that it was part of the \textit{metaikion}, presumably to be paid by all metics, the former indicating that it was paid to the \textit{grammateus} (which, we do not know).\textsuperscript{29} If Pollux and Hesychius are right, and the triobol was paid by all metics, then perhaps it was a one-time or annual filing fee of some sort? All liable aliens, whether immigrants or freedmen, were required to pay the \textit{metaikion} and this generated a considerable paper trail, some version of which could apparently be consulted at the \textit{poleterion}.\textsuperscript{30} Perhaps administrative costs were offset by the collection of a small fee. If Harpokration is right and the triobol was paid by freedmen alone, then it would be compatible with a fee associated with manumission \textit{per se} and strictly unrelated to the metic tax, though it might be collected—say, for convenience—when the metic tax was paid. This would be especially sensible if the triggering event for freed slaves was not duration of stay but emancipation itself. The collection of a small fee would be compatible with that, mundane, plausible,\textsuperscript{31} and perhaps analogous to practice elsewhere.\textsuperscript{32}

Thus, as far as conventional and functional definitions were concerned, a metic was a metic. A non-citizen who was domiciled in Athens became liable. In all cases the triggering event that established domicile was the lapse of a fixed stretch of time, and in the case of freedmen it may have been emancipation itself. But as far as the sources indicate, liability was liability, regardless of how it was reached. To be a metic was to have experienced a triggering event, (perhaps to have registered with a deme) to have / have registered a \textit{prostates}, and to have paid the \textit{metaikion}. Definitionally, there is no indication that Athenian law was cognizant of multiple categories of metic.

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We find the same in judicial and administrative practice. The \textit{Ath.Pol.} notes that the Polemarch “introduces for metics cases for \textit{apostasiou} and \textit{aprostasiou} and inheritance and \textit{epikleroi}; and otherwise as many things as the \textit{archon} introduces for the citizens, the polemarch introduces for the metics.”\textsuperscript{33} \textit{Apostasiou} was a private action available to manumittors whose former slaves “departed from them” or registered others as \textit{prostatai}.

\textsuperscript{29} Pollux 3.55: \textit{μέτοικος} ὃ τὸ \textit{μετοικίων} συντελον· τοῦτο δ’ ἔν \textit{β’} τῷ \textit{δημοσίῳ} δραχμα καὶ τῷ γραμματεῖ τριῳβόλον. Hesychius s.v. \textit{μετοικίων}: τέλος ὦτος ἐκαλείτο, ἐντίθεσαν [ἐν] τῇ πόλει, δραχμας δόδεκα· τῷ δὲ τελώνη τριῳβόλον.

\textsuperscript{30} See Dem. 25.57. The \textit{poletai}’s filing responsibilities for farmed taxes alone were substantial: \textit{Ath.Pol.} 47.2-3. We do not hear that they had a \textit{grammateus}. But if they maintained record(s) of individual payments (derived from the records of tax collectors, deme registers, or whatever) then theirs was a considerable archival undertaking.

\textsuperscript{31} More so, I urge, than “serv[ing] the symbolic role of marking freed slaves as “other”” (Kamen, \textit{Dike} 14 [2011] 47).


Conviction resulted in a return to slavery, acquittal in freedom thenceforth.\textsuperscript{34} \textit{Aprostasiou} was a public action, available to anyone,\textsuperscript{35} against metics (or those liable to become so) who did not have a \textit{prostates} at all, failed to pay the \textit{metoikion}, or (according to the \textit{Suda}) falsely claimed citizenship.\textsuperscript{36} Conviction meant sale into slavery.\textsuperscript{37} So, the \textit{dike aprostasiou} could be brought by manumittors alone against their former slaves. The \textit{graphe aprostasiou} is thought to have applied strictly to freeborn metics.\textsuperscript{38} This cannot be right.

\textsuperscript{34} Harp. s.v. \textit{ἀποστασίας}: δίκη τίς ἐστὶ κατὰ τῶν ἀπελευθερωθέντων δεδομένη τοῖς ἀπελευθερώσασιν, ἡν ἀφιστόνται τε ἀπ’ αὐτῶν ἢ ἔτερον ἐπιγράφωσι προστάτην, καὶ ἦ τελεύσουσιν οἱ νόμοι μη ποιώσιν. καὶ τοὺς μὲν ἀλόντας δὲ δουλοὺς εἶναι, τοὺς δὲ νικήσαντας τελέως ἢ ἑλευθέρους. πολλάκις δ’ ἐστι παρὰ τοὺς ρήτορις, παρὰ τῷ Λυσία ἐν τῷ πρὸς Ἀριστόδημον καὶ Ἄγαρειδί ἐν τῷ κατὰ Δημητρίας ἀποστασίαν (There is an action granted against freedmen to those who freed them, if they depart from them or register another as \textit{prostates}, and if they do not do what the laws bid; and those who are convicted must become slaves, while those who win [the case] shall be free thenceforth, with finality. Occurs often in the orators, in Lysias in the speech against Aristodemos and in Hyperides in the speech against Demetria for \textit{apostasiou}). On a common view, freedmen were by default bound in a state of semi-liberty; see Zelnick-Abramovitz, \textit{Not Wholly Free}; Kamen, \textit{Status in Classical Athens} 32-43. Thus, it is thought, victors in these cases became “fully free.” But that very phrase presumes the intelligibility of “half-free.” Athens was a place in which an important difference between liberty and servitude was liability to torture; to what, then, could the half-free have been liable? J. D. Sosin, “Manumission with \textit{Paramone}: Conditional Freedom?” \textit{TAPA} forthcoming (http://hdl.handle.net/10161/8993), argues that the freedman’s semi-liberty is a modern invention. In the context, the plain meaning of \textit{τελέως}, I urge is that the court ruling was to be final and would estop all future claims that a freedman was in fact a slave. The victors were not to be “fully free,” but free with finality. Compare Dem. 37.27: δει τον γὰρ ἀμφοτερῶν ἐστι τῶν συμβολαίων, κρίσεως δεῖται, ὢ ἄνδρες δικαίαται· τὰ δε παρ’ ἀμφοτέρων ἰμαλογηθέντα τῶν συντιθεμένων, καὶ περὶ ὧν συγγραφαὶ κεῖνται ναυτικαὶ, τελέος ἔχειν ἃπαντες νομίζουσιν, καὶ χρήσιμα προσήκει τοῖς γεγραμμένοις (Points of \textit{symbolaia} that are disputed require judgement, gentlemen of the jury. But points of contracts that are agreed by both parties, and concerning which nautical \textit{syngraphai} have been deposited, everyone considers to be final, and it is appropriate to use the written instruments). See also τελεία ψήφος at Aes. \textit{Suppl.} 739 and Soph. \textit{Ant.} 632.


\textsuperscript{37} So Dem. 25.57: ταύτην τήν ἄνθροπον, τήν τοιαῦτ’ εὐεργετήσασαν αὐτόν, ὡς πολὺς παρ’ ἐμνήτων, καὶ λαμπρῶς, μεμορφώθηκαν καὶ τοὺς ὑπομνήσακαν καὶ ἀξιοῦσιν εἰ παρθήν τὸ μὲν πρῶτον ῥαπίσμα καὶ ἀπελίθησαν ἁπατεῖ καὶ τῆς οἰκίας, ὡς δ’ εὖ ὀψαλθῆθ’ ἤ ἄνθρωπος, ἀλλὰ γυναῖκα πράγμα ἐποίει καὶ πρὸς τοὺς γνωρίσμοις προσκύνησεν ἐνεκάλεσεν, λαβὼν αὐτός ἀνταρχή αὐτῷ τὸ πολιτείαν ἐπείρασεν καὶ εἰ μὴ κείμενον αὐτῇ τὸ μετοίκου ἔστησεν, ἐπέπαινε ἢ διὰ τοῦτον, ἢ τῆς συστρίπτας αὐτῇ αὐτία ἐγγονά (…seizing her himself, with his own hands, he hauled her off to the \textit{politeron} for the \textit{metoikion}, and if the \textit{metoikion} had not happened to be on record for her, she would have been sold, owing to this man to whom she had been the very cause of salvation). \textit{Suda} s.v. \textit{πολιτής} (quoted above) may imply the same.

\textsuperscript{38} So Kamen, \textit{Status in Classical Athens} 44, translates \textit{Ath. Pol.} 58.3, δίκας τὰς τὸ τοῦ ἀποστασίας καὶ ἀποστασίας [i.e., \textit{díkai aprostasiou}] καὶ ἐπικλήρων τοῖς μετοίκοις, “Charges of [freedmen] acting without their \textit{prostatēs} [patron] [i.e., \textit{díkai aprostasiou}] or of [freeborn metics] lacking a \textit{prostates} [i.e. \textit{graphe aprostasiou}].” See also, e.g. Todd, \textit{The Shape of Athenian Law} 111: “in a \textit{graphe aprostasiou}, the defendant is an immigrant metic.”
It is stressed that an immigrant could choose his own prostates, whereas a freedman was required to name his manumittor.\(^{39}\) The latter is not exactly true. First, the rule, as described, was framed not as a constraint on freedmen, but as a privilege of manumittors, to whom the *dike apostasiou* was granted (δίκη … δεδομένη τοῖς ἀπελευθερώσασιν). Now, there is no indication that the rights, responsibilities, or qualifications of a prostates were in any way shaped by the prior status of the alien who named him; thus, when Harpokration indicated that prostatai were selected from among citizens he meant that all prostatai were, regardless of their registrants’ prior legal condition.\(^{40}\) This means that a freedman whose manumittor was himself a non-citizen cannot have been subject to a requirement to name his manumittor as prostates. He had to name someone else, an act for which his manumittor had no standing to sue. Only a citizen manumittor enjoyed the right to sue a freedman who named someone else as prostates.\(^{41}\) Any rule that sought to constrain a freedman to name his manumittor as prostates would have failed to cover those who were freed by non-citizens. This would have been a gaping loophole. On the other hand, a rule that was meant to safeguard a privilege of citizen slave-owners will have had no reason to extend the same privilege to metic slave-owners and none at all to compel citizen slave-owners to act on it.\(^{42}\) A citizen manumittor, if he so wished, must have been free to let a manumitted slave choose another prostates. If Pasion’s former owners were citizens,\(^{43}\) and if his prostates was Peithodoros of Acharnai,\(^{44}\) they may have done just this. No rule, I urge, required a manumitted slave to name his manumittor as prostates.\(^{45}\) Instead, citizen manumittors enjoyed the right of first refusal and, where

\(^{39}\) E.g. Kamen, *Dike* 14 (2011) 47-48. Harrison, *The Law of Athens*\(^{2}\) I 185: “the freedman had to have his former master as προστάτης, unlike other metics, who were free to choose.”

\(^{40}\) Harp. s.v. ἀπροστασιόν, quoted above. Also s.v. προστάτης: οἱ τῶν μετοίκων ἀθήνας προστήκοτες προστάται ἐκαλούντο: ἀναγκαίον γὰρ ἢν ἐκαστὸν τῶν μετοίκων πόλεις τινὰ Αθηναίον νέμειν προστάτην. Ὡπερείδης ἐν τῷ κατ’ Ἀρισταγόρας. μέμνηται καὶ Μένανδρος ἐν ἀρχῇ τῆς Περινήθως (those who have become guardians for metics at Athens were called “prostatai.” For it was necessary that each of the metics register an Athenian citizen as a prostates). Harpokration does not speak of two distinct types of prostatai.

\(^{41}\) A fact neatly applied in a recent redefinition of the so-called Attic Manumissions: Meyer, *Metics and the Athenian Phialai-Inscriptions* 24-25.

\(^{42}\) There is no reason to think that “a metic manumittor may have been required to transfer that right to a citizen” (Zelnick-Abramovitz, *Not Wholly Free* 254). If the right was construed as a citizen slave-owner’s entitlement, a non-citizen manumittor had no right to transfer. Athens’s interest lay in the registration of the domiciled non-citizen, not in the invention of legal conditions where they had not existed before.


\(^{45}\) Dimopoulou-Piliouni, *Dike* 11 (2008) 33, notes that “In Athens, as in other cities, upon the *apeleutheroi* weighted specific obligations, such as the obligation to choose as προστάτης their former master (who could have been a metic) and the obligation to perform the duties imposed by him.” The only cause to think that metics could be prostatai is the belief that the so-called Attic Manumissions attest metics ‘prosecuting’ disobedient freedmen under sham *dike apostasiou*; but if Meyer, *Metics and the Athenian Phialai-Inscriptions*, is correct, then this oddity—long unexplained—vanishes. The only duty owed by freedmen to their manumittors, so far as we know, is not to “depart” from them and to do what the laws bid (Harp. s.v. ἀποστασιόν). Harrison, *The Law of Athens*\(^{2}\) I 185, suggests that the former may indicate no more than compliance with the terms laid down at manumission; we have no idea what the
violated, the remedy of *dike apostasiou*. Metic manumittors did not. This difference from the procedure that applied to immigrant metics must be an artifact of Athenian law on manumission and not, so far as we can tell, any law on metics. Furthermore, if *grafhai apostasiou* could be brought only against freeborn metics then if a slave was manumitted by a metic and then took up residence in Athens without having a *prostates* or paying the *metoikion*, he could be sued neither by his manumittor nor by anyone else. Athenian laws tended not to be so shabbily designed. The *grafhe apostasiou*, then, must have applied to all resident non-citizens who were required to become metics but failed to have / register a *prostates* and/or pay the *metoikion*, all metics who were otherwise in good standing but omitted at some point to pay the *metoikion*, and all non-Athenians who wrongly claimed citizenship, whether they were born free or made so.

Thus, when it came to the formal mechanism by which a metic’s legal status was reified—a high-stakes procedure whose failure could result in enslavement—there was one kind of process, one kind of *prostates*, one kind of action for neglect, one kind of metic. Moreover, when a metic claimed standing in court pursuant to the status that this process secured, Athenian law was blind to his former legal state.

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We have seen so far that, in terms of ‘definitions’ of metic status, liability for acquiring it, legal tests for diagnosing whether it exists, tax-liability owing to it, judicial access pursuant to it, and accountability for failure to conform to its terms, Athenian law knew only one form of metic. Add to this the fact that no extant source indicates that freedman metics were differently subject to military service, differently in/eligible to participate in public religion, differently liable to other financial obligations. This leaves very little scope for legal differentiation of the two purported sub-types of metics. If not here, then where?

latter entailed. There is no evidence that freedmen were subject to anything like the detailed regulations found at Pl. Leg. 915a-c, which include mandatory minimum visitation, regulation of marriage, wealth caps, and limits on duration of residence.

46 It is *prima facie* more likely that Athenians wrote a simple and clean law protecting citizen property-owners than that they wrote a law that was meant to burden a low-status group but was so poorly conceived that it excepted the lowliest members of that very group.

47 He may still have been susceptible to *grafhe xenias*.

48 Or to replace a *prostates* who had died, moved, or otherwise withdrawn? We hear nothing of such a possibility.

49 Dimopoulou-Piliouni, *Dike* 11 (2008) 34, notes that “In strict terms of law, the very fact that specific, non identical legal actions could be brought against metics and *apeleutheroi* as defendants, concerning their status and legal obligations, the first being a *grafhī*, a public prosecution which could be brought by any citizen, the second a *dikē*, a private prosecution which could be brought only by the former master, is a clear sign that the two groups were perceived differently by the city laws.” But this does not hold. These were different actions for different transgressions, and, in fact, all metics were potentially subject to *aprostasiou*.

50 Zelnick-Abramovitz, *Not Wholly Free* 248-251, puzzles at length over Harpokration’s reference (s.v. ἀποστασίου) to registration of *epistatai*, rather than *prostatai* (248a130): “ἐὰν ἠφιστώτοι τε ἂπ’ αὐτῶν ἢ ἐτέρων ἐπιγράφωμεν ἐπιστάτην.” But Harpokration wrote ἐπιστάτην; ἐπιστάτην is a modern error, perhaps inadvertently copied from Harrison, *The Law of Athens* 1 185n3, which has the same error.

51 Whitehead, *Ideology of the Athenian Metic* 82-96 (military), 86-89 (religion), 77-82 (financial obligations).
Property rights, it is alleged. We know of no constraint on the freedom of immigrant
metics to dispose of property. By contrast, “freedmen, unlike free-born metics, had
limited license in bequeathing their estates,”52 for the property of freedman metics who
died childless went to their manumitters.53 But here again, nothing indicates that this was
a product or feature of legislation on metics per se. Rather, it was a mundane necessity of
orderly inheritance. In law, a slave had no biological family, which meant that freedmen
lacked legal ascendants and siblings. Thus, absent the above provision, the property of a
freedman who died intestate and without children could pass automatically to no one at
all. “It is an open question whether a childless freedman was permitted to dispose of his
property by will. This may have depended on the terms of his manumission.”54 In any
case, this rule avoided that hassle, but inasmuch as it harmed no one’s interests (applying
only to dead metics who lacked legal heirs) it cannot be called a limitation in any real
sense. We cannot say even whether the rule was a feature of law on manumission. For all
we know, it originated in a law on inheritance. Either way, immigrant metics posed no
such legal conundrum concerning inheritance and so Athenian laws on succession did not
apply to their assets in this way. The difference tells us something about inheritance law
and nothing about metic law.

It is noted also that the legal status of a freedman metic was more fragile and insecure
than that of a freeborn metic. The former, it is suggested, “was subject to reversion to
slavery, something that clearly differentiated him from the status of an unconditionally
free man such as a metic.”55 But the Suda states clearly that aprostasiou could be brought
against anyone who seemed to be a metic but had no prostates or did not pay the metic
tax or claimed to be a citizen in spite of improper enrollment (s.v. Ἀποστασίου quoted
above). If convicted, the accused faced “the defining danger of metic status,”
enslavement.56 Now, the life of a freedman was more precarious than that of a freeborn
person, but that fact was enshrined in law and practice around manumission and slavery
and likely had nothing to do with any law on metics. By analogy, female metics were on
less firm ground than male, but as far as we can tell this was a feature of systemic gender
inequality rather than a product of legislation on metics per se. The relative insecurity of
freedman metics may have been a fact, and even a legal fact, but not one created by
legislation on metics.

Finally, “Pollux attributes to Demosthenes the mention of special laws in Athens
regarding manumitted slaves, the ἔξελευθερικοὶ καὶ ἀπελευθερικοὶ νόμοι, confirming the
existence of two different groups of manumitted slaves, both regulated by a different set
of laws by the polis.”57 This brief observation of Pollux is almost always quoted in
isolation and runs, “καὶ Δημοσθένης φησίν ἔξελευθερικοὺς νόμους καὶ ἀπελευθερικοὺς

52 Kamen, Status in Classical Athens 45.
53 Kamen, Status in Classical Athens 48.
54 Harrison, The Law of Athens 2 1 148-149.
55 Dimopoulou-Piliouni, Dike 11 (2008) 34.
57 Dimopoulou-Piliouni, Dike 11 (2008) 36. These laws’ “very existence indicates that freedmen were
considered, at least for some purposes a juridical category,” i.e. distinct from metics: Kamen, Dike 14
nómois.” These eight words say nothing of two types of manumitted slaves or two types of laws. Neither does a fuller quotation (Pollux Onom. 3.83):

ο δ' της δουλείας ἀφειμένους τῶν δούλων ἀπελεύθερος καὶ ἔξελευθερος, ἀπηλευθερομένος καὶ ἀπελευθερόστη ἀπελευθεροθήναι, καὶ ἀπελευθέρους καὶ ἀπελευθερία. καὶ Δημοσθένης φησίν ἐξελευθερικοῖς νόμοις καὶ ἀπελευθερικοῖς νόμοις.

He among slaves who is released from slavery (is called) “apeleuteros” and “exeleuteros,” [i.e.] “having been freed.” Also “to free” and “to be freed,” and “apeleuterosis” and “apeleutheria.” And Demosthenes mentions exeleutheric laws and apeleutheric laws.

Nothing here shows that Pollux thought that apeleuteros and exeleuteros denoted different legal facts. On the contrary, he explains the two terms with a single participle (ἀπηλευθερομένος), as if to indicate that he thought of them as synonyms. Didymos did.58 Nothing here tells that that Demosthenes didn’t think the same; that he wasn’t using two terms, perhaps in two passages, to describe the same law(s).59 According to one recent argument, apeleuteroi were conditionally freed freedmen, bound in a juridical state of half-liberty / half-slavery to their former masters under an arrangement akin to what was called (at Athens only after the late fourth century) paramone, while exeleuteroi were unconditionally free freedmen.60 This demands a lot from the very few extant references to exeleuther-, many of which, it has now been argued, have nothing to do with freedmen at all.61 Moreover, according to one recent argument the legal state of

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58 Did. Gramm. De dubiis apud Platonem lectionibus 251-252 [Miller]: ἀπελευθερὸς δὲ νῦν ὦ πάνῳ τὶ λεγόντων, ἄλλ᾿ ἐξελευθερος, καὶ νόμου καλουμένου τινὸς ἐξελευθερικοῦ, περὶ τῶν ἐξελευθερόν τὸν Πλάτων ἐν τοῖς Νόμοις (91) γράφει: "ἀπαιτῶ (read ἀγήτῳ) δὲ καὶ τὸν ἀπελευθερον, ἡδὲ τὶς μηθεραπεύξην (read θεραπεύης) τοὺς ἀπελευθερόσαντας ἢ μη ἱκανοίς, θεραπεία δὲ φοιτάν τρὶς τοῦ μηνὸς τὸν ἀπελευθερώσαντα (read ἀπελευθερωθηκα) πρὸς τὴν τοῦ ἀπελευθεροσαντος ἔστιν.”

59 Compare the variety of expressions used to denote similar, and even identical, forms of real security in fourth-century Athens: E. M. Harris, Democracy and the Rule of Law in Classical Athens: Essays on Law, Society, and Politics (Cambridge 2006) 163-206, 207-239.

60 Zelnick-Abramovitz, Not Wholly Free 99-126.

61 Meyer Metics and the Athenian Phialai-Inscriptions. One inventive grammarian thought that the words indicated release from debt-bondage (exeleuteros), as distinct from manumission (apeleuteros). Ptol. Gramm., Perὶ διαφοράς λέξεων [H. Heylbut, “Ptolemaeus Perὶ διαφοράς λέξεων,” Hermes 22 (1887) 388-410] p.394: ἐξελευθερὸς καὶ ἀπελευθερὸς διαφέρειν. ἐξελευθεροῦς μὲν λέγομε τοὺς διὰ χρέως προσθέτους τοῖς δανισταῖς γινομένους, ἐπεὶ ἀπολυθερεῖται. ἀπελευθεροῦς δὲ συνήθως: p.407: ἀπελευθερὸς μὲν ἐστιν ὁ ἐκ δούλου ἕλευθερομένος, ἐξελευθεροῦς δὲ ὁ γενόμενος διὰ χρέα προσήλυτος ἢ κατ᾽ ἄλλην τινα δουλεύσας εἴτε ἐλευθεροθηκές· ἢ δὲ μέντοι καὶ ἀδιαφόρος χρῶνται τοῖς ὀνόμασιν. p.407: ἀπελευθερὸς μὲν ἐστιν ὁ ἐκ δούλου ἕλευθερομένος, ἐξελευθεροῦς δὲ ὁ γενόμενος διὰ χρέα προσήλυτος ἢ κατ᾽ ἄλλην τινα δουλεύσας εἴτε ἐλευθεροθηκές· ἢ δὲ μέντοι καὶ ἀδιαφόρος χρῶνται τοῖς ὀνόμασιν. Zelnick-Abramovitz, Not Wholly Free 103: “This explanation cannot hold for cities (including Athens) where debt-bondage had been abolished at a relatively early date.” Not so at Athens: see Harris, Democracy and the Rule of Law in Classical Athens 149-169. There is no supporting evidence for such lexical disambiguation in the fourth century, and it looks like an attempt to fit later, Roman, legal practice to a classical Greek reference. For contractual paramone, in which a free person was prepaid for services to be rendered, thereby becoming a temporary debt-bondsman to the creditor, see: B. Adams, Paramoné und verwandte Texte; Studien zum Dienstvertrag im Rechte der Papyri (Berlin 1964); A. E. Samuel, “The Role of Paramone Clauses in Ancient Documents,” JJP 15 (1965) 221-311, 297-306.
half-liberty so often associated with Greek manumission, is a modern invention and never existed.\(^62\)

Moreover, the fact that these “laws specifically target[ed] freedmen” and “were irrelevant to freeborn metics”\(^63\) shows little. Laws about the process of manumission or the rights of freedmen need not say much or anything about conversion to metic status, for there could be no certainty that all freedmen would become such. Neaira was freed in Corinth and promptly left.\(^64\) There is no reason to think that the same could not happen at Athens. Thus, the mere fact that laws, about which we know practically nothing, may have specifically addressed freedmen does not mean that Athenian law accorded different rights and obligations to freedman metics and freeborn metics or that it recognized the two as distinct subcategories of the wider legal class. My son and I are both citizens of the United States. I was born so; he was naturalized. He was subject to laws that “specifically target” naturalizing citizens. These are irrelevant to me. And yet, except for eligibility to hold the Presidency, from which he is barred owing to the defined terms of that office rather than a formally enacted disability of the naturalized, we enjoy the same rights, privileges, and obligations that attach to the franchise. We are both citizens, full stop. The existence of the “freedmen laws” to which Demosthenes apparently referred, in no way suggests that Athenian law recognized two categories of metic.

Those very few places in which the legal constraints on freedman metics differed from those to which immigrant metics were subject appear to have originated in other domains of law (inheritance, slavery and manumission) and to have had no derivation from law on metics \textit{per se}.

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It would be great to discover what the Athenians’ “freedmen laws” required. But it would be a surprise to learn that they created, affirmed, or recognized two different legal categories of metic. When it came to the definition, acquisition, and verification of legal status, access to the courts, liability to taxation, liability to military participation, in/eligibility to participate in public religion, property rights, and susceptibility to punitive enslavement, Athenian law knew but one type of metic, the one who had a \textit{prostates} and paid the tax.

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\(^{63}\) Kamen, \textit{Status in Classical Athens} 45.

\(^{64}\) [Dem.] 59.30-32.