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**Why *Basanos*? The Reasoning Behind the Challenge of Slave Torture in the Athenian Forensic Speeches**

Scholars who have addressed the subject of *basanos*, or the judicial torture of slaves, have been puzzled by what at first glance appears to be a peculiar idea: namely that slaves are by nature unable to tell the truth unless under severe corporal compulsion. MacDowell (1978, 246) expresses a common and valid criticism about the ostensible irrationality of ordeal when he argues that "*basanos* is not even an effective way of discovering the facts, since it induces the witnesses to say what the torturer desires rather than what is actually the truth." As such, the institution of *basanos* has been relegated to "wanton and purposeless barbarity" (ibid.) and "the institutionalized humiliation of slaves" (Todd 1993, 172). However, the significant number of such challenges in the forensic speeches -- some forty-two references in the speeches of eight different orators -- indicates that *basanos* was not only considered an important and necessary method of extracting slave testimony but is also almost universally lauded in Athens' legal speeches. Demosthenes (30.37), for example, praises the institution as "the most certain of all methods of proof" . How then in light of modern criticism can we make sense of the view presented by forensic orators that slaves are *by nature* unable to be truthful except under torture?

This paper will argue that the only way we can begin to understand the reasoning behind the institution is to consider it within its ancient context. This will involve an etymological analysis of the term *basanos*, which literally means "touchstone" , and a historical examination of its subsequent evolution into a term that in the classical period is almost exclusively used to describe the judicial torture of slaves (Theognis 415-18; Pindar *Pythian* 10; Dubois 1991, 9-15). The social and physical separation of freemen and slaves is especially important in the forensic context, since the evidence of slaves was not normally permissible in court (Gagarin 1996, 13; Todd 2000, 34). In this respect, then, *basanos* appears to have functioned both to distinguish the slave from the citizen and to separate the testimony from its slavish source -- or "counterfeit coinage" -- through a dual process of forceful extraction and purification (Theognis 447-52), the latter of which in effect de-slaved the testimony in order to render it legally permissible (Dubois 1991, 63).

In an effort to address an aspect that is often overlooked, this paper will further argue that an analysis of the ways in which slaves are represented in the Athenian sources is essential if we are to understand the requirement of slave torture. Since sources indicate that the slave was theoretically considered to be an unreasoning physical entity -- words as tools of persuasion were generally considered ineffective -- the slave's body as a vessel of truth is in fact especially suited to what appears to have been an ostensibly common perception of the slave as all body and no mind.