“Those who live apart” were Mercenaries

ABSTRACT: Since antiquity, scholars have thought that the phrase τοὺς χωρίς οἰκούντας (Dem. 4.36) indicated a special class of slaves, or freedmen, or (Kazakévich) an unspecified form of free alien. The argument advanced in Dem. 4, this paper suggests, shows that the individuals who lived apart, were mercenaries.

In the first Philippic Demosthenes laments Athens’ inability to mobilize quickly and efficiently for naval expeditions. The city manages the complex and expensive task of administering the Panathenaia and Dionysia, he observes, because law clearly establishes who is to do what and when (4.35–36). But when it comes to preparing for war, Athens’ house is not in order (36–37):

τοιγαρον ἢμ’ ἀκρικόμεν τι καὶ τριηράχους καθίσταμεν καὶ τούτων ἀντιδόσεις ποιοῦμεθα καὶ περὶ χρημάτων πόρων σκοποῦμεν, καὶ μετὰ ταῦτ’ ἐμβαίνειν τούς μετοίκους ἐδοξε καὶ τοὺς χωρίς οἰκούντας, εἰτ’ αὐτούς πάλιν, εἰτ’ ἀντεμβιβάζειν, εἰτ’ ἐν δισφ ταῦτα μέλλεται, προσκόλλωλεν τὸ ἐφ’ ὁ ἐν ἐκπλέωμεν.

So, as soon as we have heard something, we appoint trierarchs and we hold antidoseis for them and we investigate raising money, and after that it is resolved to embark the metics and those who live apart, and then in turn ourselves, and then to embark another crew instead, and then in the time in which these delays take place the purpose for which we were sailing out has been lost.

The identity of “those who live apart” has long provoked readers’ curiosity. Harpokration explained (s.v. Τοὺς χωρίς οἰκούντας): ¹

Δημοσθένης Φιλιππικοῖς “καὶ μετὰ ταῦτα ἐμβαίνειν τοὺς μετοίκους ἐδοξε καὶ τοὺς χωρίς οἰκούντας τὸν δεσποτὸν.” σοῦ μὴν ἀλλὰ καὶ χωρὶς τοῦ προσκέδισθαι φανερὸν ἂν εἰτ’ τὸ δηλοῦμεν, ὅτι οἱ ἀπελευθεροὶ καθ’ αὐτοὺς ἄκουν, χωρὶς τῶν ἀπελευθερωσάντων, ἐν δὲ τῷ τέως δουλεύσαντες ἐτεισύκουν.

Demosthenes (says) in the Philosophics: “and after that it is resolved to embark the metics and those who live apart from their masters.” On the contrary, even without the addition the plain meaning would be obvious, because freedmen used to live on their own, apart from those who freed them, but used to live with them while they were still slaves.

To Harpokration it was “obvious” that these individuals were freedmen since freedmen lived apart from their masters, while slaves lived with theirs. But some freedmen lived with their former masters and some slaves lived apart. ² This smells of conjecture and error—neither especially odd.

¹ Photius and Suda have the same, under the same lemma, but with προκείσθαι.

² For example, the speaker of Dem. 47 admitted to his oikos a former nurse whom his father had freed; she had lived on her own and now returned to the family of her manumitter: Dem. 47.55–56: πρὸς δὲ τοῦτον, ὁ ἄνδρες δικασταῖ, ἔτυχεν ἡ γυνὴ μου μετὰ τῶν παιδίων ἀριστόσα ἔν τῇ αὐλῇ, καὶ μετ’ αὐτῆς τεθη τις ἡ γενομένη πρεβιτέρα, ἀνθρώπων εὔνους καὶ πιστὴ καὶ ἀρειμένῃ ἐλευθέρα ὑπὸ τοῦ πατρὸς τοῦ ἐμοῦ. συνήκησεν δὲ ἄνδρι,
What does stand out, though, is the rejection with which he begins the entry. This is the only time Harpokration uses the phrase ὁ μὲν ἄλλα. To what does he object? To “the addition” (τοῦ προσκείσθαι). Of what? The answer can only be the words “τὸν δεσποτῶν,” which are absent from the manuscripts of Demosthenes, and which he must have encountered via some form of insertion or other readerly intervention. He uses the verb proskeithai nowhere else and prostithemi but once, to indicate a lexical observation that Nikander seems to have ‘added’ to a point made by Didymos. He never uses the noun prostheke, but he will have known from Hyp. 3.10 that it could denote an insertion or appendage in a contract, an add-on—there, an allegedly deceitful one. Someone before him wondered about the identity of those who lived apart, concluded that they were slaves, and indicated this by ‘adding’ τὸν δεσποτῶν. Finding this, Harpokration rejects both the conclusion that those who lived apart were slaves and the addition of the words that would tell us so. “On the contrary,” he says, it is obvious that they were freedmen. A later lexicographer, finding τὸν δεσποτῶν in Harpokration or else in a common source, thought it not so obvious, defining those who lived apart as “freedmen, since they live apart from those who set them free, or slaves living apart from their masters.” The only thing that is “obvious” in the sentence of Demosthenes is that those who lived apart were neither metics nor citizens.

Who, then, were they? Thanks to Kamen, we now have a fully translated and helpfully updated version of Kazakévich’s 1960 article on the subject. Most scholars have followed the tradition that Harpokration thought so obviously wrong, concluding that those who lived apart

3 J. J. Keaney, Harpocratio, Lexes of the Ten Orators (Amsterdam 1991) ad loc., p.251, notes, “τῶν δεσπότων om. codd. Dem.” Perhaps clearer to say that Harpocratie includes those words than that the manuscripts of Demosthenes omit them.

4 Harp. s.v. Ξηραλοιφή: Ἀγιής κατὰ Τιμάρχου. Ξηραλοιφήν ἔλεγον τὸ χωρίς λοιπών ἀλείφεσθαι, ὡς Δίδυμος ἐν κη’ Τραγικής λέξεως καὶ Νίκαιντος ἐν κη’ Ἀττικῆς διαλέκτου, προστίθεντες στὴ μήπω τὸ ὑπὸ τῶν ἀλείπτων λειτουργοῦν ἐξομίλεσθαι οὕτως ἐλέγετο.

5 Bakker, Anec. 1 316.11: οἱ ἀπελευθεροῦσαν ἐπὶ χωρίς οἰκοῦσι τῶν ἀπελευθερωσάντων ἢ δούλους χωρίς οἰκοῦντες τῶν δεσπότων.

were slaves; some urge that the classification could apply to slaves or to freedmen; others are simply unsure; and Kamen has now argued that Harpokration was right all along. But Kazakévich alone, it seems, broke new ground, arguing that the lexicographers were mistaken, that those who lived apart were neither privileged slaves (too small a cohort to offer much manpower at the oar) nor freedmen (“who would probably be classed as metics anyway”); rather, “Demosthenes could have been referring to any or all of the various free populations groups in Attica and nearby areas, namely those groups who were neither Athenians nor metoikoi—either because they had not yet acquired the status of metoikoi or because their relationship with the Athenians was determined by some other, more or less permanent, ties.”

Then why did he not simply say τοὺς μετοίκους καὶ τοὺς (ἄλλους) ξένους? Possibly because he had in mind not every stranger (for example, he certainly did not mean travelers), and not only the mercenaries, but precisely all the “excluded” inhabitant foreigners, a group that could include more than just the professional sailors.”

But who were these non-metic, non-transient, non-mercenary, non-Athenians, who were present in sufficient number to help man the fleet?

Despite its characterization in modern scholarship, there is no reason to think that χωρὶς οἰκοῦντες was a technical term. It appears nowhere else. For all of the Athenians’ talk about status and participation in the polity, no other reference to this group as such exists. In three places in the orators χωρὶς modifies οικεῖν, never indicating a class of person, as Kazakévich recognized. Bouselos had five sons, who, upon his death, divided his property and started five families. Each lived apart (χωρὶς ἐκαστὸς ἄκει) from the rest and from his paternal oikos, maintaining his own home. Theophemos lived apart (χωρὶς οἰκοίη) from his father’s

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7 D. Kamen, “Reconsidering the status of khôris oikountes,” *Dike* 14 (2011) 43–53; see esp. 44–45 for a review of scholarship. Freedmen and born-free metics enjoyed slightly different rights: Kamen *Dike* 14 (2011) 47–48; A. Dimopoulou-Piliouni, “Apleutheroi: Metics or Foreigners?” *Dike* 11 (2008) 27–50. But that does not mean that Athens would draft “metics and freedmen.” If a freedmen registered as a metic he was required to name his former owner as prostates or else face dike apostasiou (see Harp. s.v. ἀποστασίου) by the same. But so far as we know he registered as a metic, not as a freedman. If Athens wanted to draft metics and freedmen all it had to do was summon metics.


11 Dem. 43.19: καὶ παῖδες ἐγένοντο αὐτοῖς ἀπασιν καὶ παῖδων παῖδες, καὶ ἐγένοντο πέντε οἶκοι ἐκ τοῦ Βουσέλου οἶκου ἑνὸς ὀντος, καὶ χωρὶς ἐκαστὸς ἄκει τὸν ἐκατοῦ ἔχων καὶ ἐγγόνους ἐκατοῦ ποιούμενος.
While his brother was living there still.  
12 One man’s former nurse had been set free by his 
father and was no longer living in his oikos, but apart, with her husband.  
13 In all of these cases the collocation indicates not simply independence, but outsider status with regard to another’s 
oikos.  
14 All of these individuals lived apart from some other place or thing. A metic’s home was 
Athens. An alien, by contrast, was someone whose home was not, someone who lived apart from 
Athens. This, I urge, was the distinction that Demosthenes sought to make by collocating τούς 
μετοίκους and τούς χωρίς οίκοντας.

His specific proposals bear this out. Athens, he urged, should create two military forces, 
first, fifty triremes, which Athenians must resolve to man themselves (πλευστέον εἰς ταύτας 
αὐτώς ἐμβᾶσιν), along with horse transport and supply ships.  
15 The other contingent was to be a 
small raiding force, not ten or twenty thousand mercenaries (ξένους), but a force that would 
belong to the city (ἡ τῆς πόλεως ἥσσα),16 and also include mercenaries (ξένους, 4.20). In all, he 
proposes a total infantry strength of two thousand, five hundred of them Athenians (Ἀθηναίους) 
and the rest mercenaries (ξένους), plus two hundred cavalry, at least fifty of them Athenians 
(Ἀθηναίους), the rest presumably mercenaries.  
17 It is essential, he stressed, that citizens (πολίτας) 
be included. In the past, when Athens maintained a mercenary force (ξενικῶν) with participation 
by Athenians themselves (αὐτῶς ὑμᾶς), mercenaries with Athenians and Athenians with

12 Dem. 47.35: ἀποκριναμένου δὲ μοι Ἐδέργου ὅτι γενεμιμένος εύῃ καὶ χωρίς οἰκοῦ ὁ Θεόρημος, αὐτῶς δὲ 
παρὰ τῷ πατρὶ, πυθόμενος οὖ ὅκει ὁ Θεόρημος, λαβὼν παρὰ τῆς ἄρχης ὑπηρετήτην ἥλθον εἰπὶ τὴν οἰκίαν τοῦ 
Θεόρημου.
13 Dem. 47.72: ἀφεῖτο γὰρ ὑπὸ τοῦ πατρὸς τοῦ ἐμοῦ ἐλευθέρα καὶ χωρίς ὅκει καὶ ἀνδρα ἔσχεν. She later 
returned; see Dem. 47.55–56 at n.2 above.
14 See also e.g. Pl. Rep. 460c, where the offspring of the good will be brought to nurses who lived apart, i.e. 
from the rest of the population: τὰ μὲν δὴ τῶν ἁγάθων, δοκῶ, λαβοῦσα εἰς τὸν σηκὸν οἰσσουν παρὰ τινὰς τροφοὺς 
χωρίς οἰκούσας ἐν τινὶ μέρει τῆς πόλεως; Pl. Crit. 110c refers to a military class that lived apart from the rest of the 
populace: ΄Ηκει δὲ δὴ τὴν ἐν τῇ χώρᾳ τα μὲν ἄλλην ἔθνη τὸν πολιτέων περὶ τὰς ἁμημοιηγίας ὁντα καὶ τὴν εκ τῆς 
γῆς τροφῆν, τὸ δὲ μάχησιν ὕπ’ ἄνδρον θείον κατ’ ἀρχὴς ἀφορισθὲν ὅκει χωρίς.
15 Dem. 4.16: πρὸτον μὲν τοίνυν, ὃ ἀνδρεῖς Αθηναῖοι, τριήρεις πεντήκοντα παρασκευάσασθαι φημὶ δεῖν, εἰτ’ 
αὐτῶς οὕτω τὰς γνώμας ἔχειν ὡς, ἐὰν τὶ δή, πλευστέον εἰς ταύτας αὐτῶς ἐμβᾶσιν.
16 Dem. 4.19: πρὸ δὲ τούτων δύναμιν τίν’ ὃ ἀνδρεῖς Αθηναῖοι, φημὶ προχειρίσασθαι δεῖν ὑμᾶς, ἢ συνεχῶς 
pολεμήσατε καὶ κακῶς ἐκεῖνον ποιήσατε. μὴ μοι μορίῳ τούτῳ δησυμβοῦσιν ξένους, μὴ δὲ τὰς ἐπιστολαίμαι τούτας 
δυνάμεις, ἄλλ’ ἡ τῆς πόλεως ἥσσα, καὶ ὡμείς ἕνα καὶ πλεῖος καὶ τὸν ἄλλον ὑπνον ἡπτομήσατε στρατηγῶν, 
tούτῳ πείσεσθαι καὶ ἀκολουθηθεῖν.
17 Dem. 4.21: λέγω δὴ τούτων πάντας στρατιώτας δισχίλιος, τούτων δ’ Ἀθηναίους φημὶ δεῖν εἰναι πεντακοσίους, 
ἐξ ἦς ἄν τινος ὑμῖν ἡμίκες καλὸς ἐκεῖν δοκῇ, χρόνον τακτὸν στρατευομένους, μὴ μακρὸν τούτον, ἄλλ’ ὅσον ἄν 
δοκῇ καλὸς ἔχειν, ἐκ διαδοχῆς ἄλληλος· τοὺς δ’ ἄλλους ξένους εἶναι κελεύσω. καὶ μετὰ τούτων ἵστατες διακοσίους, 
καὶ τούτων πεντήκοντα Ἀθηναίους τούλισθον, ὃσπερ τούς πεζοὺς, τὸν αὐτὸν τρόπον στρατευομένους· καὶ 
ἵππαιγον τούτους τούτους.
mercenaries (παραταττόμενοι μεθ’ ύμων ένικων οὗτοι οἱ ζεύκοι καὶ ύμεῖς μετ’ ἐκείνων) victory was hers; on the other hand, outcomes have not been nearly so favorable since Athens started having mercenary forces (τὰ ζεύκοι) fight for her on their own. 18 And so, he asks, nearing the conclusion of the speech, shouldn’t Athenians themselves (οὗτοι) go forth among their own troops (στρατιωτῶν οἰκείων), even if in the past they have not? 19 It harms Athenian interests to dispatch generals at the head of a contingent of wretched mercenaries for hire (ἀθλίων ἀπομίσθων ζέων), i.e. without robust citizen participation. 20

Demosthenes stresses that the ideal force should be composed of both Athenians and mercenaries; that joint forces, such as the city once fielded, have succeeded, while the mercenary-only forces, which have become more common in recent years, fail. Athens, he urges, must have skin in the game, must field citizens (πολίταις), its very selves (αὐτοῖς, αὐτοὺς ύμᾶς, ύμεῖς), must produce a force that belonged to the city (τῆς πόλεως). Now, metics were not citizens, were not the “you” and “selves” to whom Demosthenes spoke. But they were in a crucial sense “the city’s,” subject to military conscription like their citizen betters.

The speech, though, has nothing to say about slaves or freedmen. Demosthenes’ specific proposal is to reject the prior practice of mounting mainly mercenary forces and to field joint forces instead. Thus, it would be a bizarre and inexplicable intrusion for Demosthenes to lament at 36–37 Athens’ reliance on slaves/freedmen in its naval campaigns, rather than its own citizens. He is chastising Athenians’ prior decisions “to embark those who live with (τοὺς μετοίκους) and those who live apart (τοὺς χωρίς οἰκονόμας), and only then their very selves (ἐὰν’ αὐτοὺς πάλιν).” 21 Metics too play no part in the argument that he constructs in the rest of the speech, but

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18 Dem. 4.24: πολίτας δὲ παρείναι καὶ συμπλεῖν διὰ ταῦτα κελεύω, ὅτι καὶ πρότερον ποτ’ ἀκούω ξενικῶν τρέφειν ἐν Κορινθῷ τὴν πόλιν, οὗ Πολύστρατος ἤγετο καὶ Ἰφυκάτης καὶ Χαβρίας καὶ ἄλλοι τινὲς, καὶ αὐτοὺς ύμᾶς συστρατεύσατο· καὶ οὐ δ’ ἀκούων ὅτι Λακεδαιμονίων παραταττόμενοι μεθ’ ύμων ένικοι οὗτοι οἱ ζέων καὶ ύμεῖς μετ’ ἐκείνων. ἦς δ’ αὐτά καθ’ αὐτά τὰ ξενικὰ ύμῖν στρατεύεται, τοὺς φίλους νικῆ καὶ τοὺς συμμάχους, οἱ δ’ ἐγγύους μείζονες τοῦ δέοντος γεγόνασιν. καὶ παρακύπουσαν ἐπὶ τὸν τῆς πόλεως πόλεμον, πρὸς Ἀρτάβαζον καὶ πανταχοῖ μάλλον οὔτε πάλιν, ὅ δ’ στρατηγὸς ἀκούσει, εἰκότος· οὐ γὰρ ἔστιν ἄρρητον καὶ διὸντα μισθον.

19 Dem. 4.44: οὐκ ἐμβησόμεθα; οὐκ ἔχεμεν αὐτοί μέρει γὰρ τινι στρατιωτῶν οἰκείων νῦν, εἶ καὶ μὴ πρότερον;

20 Dem. 4.46: ὅταν γὰρ ἤγετο μὲν ὁ στρατηγὸς ἀθλίων ἀπομίσθων ζέων, οἱ δ’ ὑπὲρ ἄν ἐκείνοις πράξεις πρὸς ύμᾶς γειωθόμενοι ρητός ἐνθάδ’ ὦτε, ύμεῖς δ’ ἐξ ἄν ἀκούσθη ὅτι οἱ τὴν τύχην ψηφίζησθε, τί καὶ χρή προσδοκάν;

21 Clear ancient statements on the etymology of μετοίκεων are lacking. A metic both lived with and, as Whitehead suggested, changed home. He was “characterised by a past act no less than a present and continuing state.” Moreover, “the fact that not only genuine immigrants but manumitted slaves became metaioikoi...constitutes clear evidence that the technical term, once adopted, took on a fossilised life of its own independent of historical circumstances.” Thus, Whitehead prefers “immigrant” to “resident alien.” See D. Whitehead, The Ideology of the Athenian Metic (Cambridge 1977) 6-7. Either way, the Athenian ear was primed to hear the root -oik-. Isocrates
the juxtaposition of τοὺς μετοίκους and τοὺς χωρίς οἰκούντας is rhetorically opportune, a convenient vehicle for the speaker’s proposition: Athenians have relied almost entirely on those who don’t even live there at all (τοὺς χωρίς οἰκούντας); the time has come to be part of their own force (στρατιωτῶν οἰκείων). It is hard to capture this wordplay in English, but the point is clear enough, and it is one that Demosthenes develops throughout the course of the speech, and not just in the one isolated sentence to which scholars have been drawn.22

“Those who lived apart” were neither slaves nor freedmen; on this point Kazakévich—apparently alone—was right. But they were not, I urge, some sort of unidentified class of persons who had no share in the Athenian state but were present and eligible for service. The (unique) phrase was not even a technical term for any group at all. Rather, it was an artful reference to the largest known category of non-metic, non-Athenians, who lived apart from Athens and were nevertheless called by her to serve: mercenaries, the same ones whom Demosthenes mentions repeatedly elsewhere in the speech. The only evidentiary cause to think otherwise is an error of Harpokration and the later lexicographer who used him.

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notes that it is far more miserable to oikein among one’s own citizens than to metoikein among others (16.47): πολύ γὰρ ἄθλιοτέρον παρὰ τοῖς αὐτοῦ πολίτας ἡμουμένον οἰκεῖν ἢ παρ’ ἐτέρους μετοίκεῖν. He is discussing exile and so contemplates both a change of residence and residence with others. Xen. Por. 2.6-7 neatly evokes both nuances: εἶτα ἐπιείξατο καὶ πολλὰ οἰκεῖαν ἔρημά ἕστιν ἐν τοῖς τεῖχοι καὶ οἰκόπεδα, εἰ ἡ πόλις διδοῖ οἰκοδομημένοις ἐγκεκρίθησαν οἱ ἄν αἰτούμενοι ἃξιοι δοκῶσιν εἶναι, πολὺ ἄν οἶμαι καὶ διὰ ταῦτα πλεῖος τε καὶ βέλτιος ὁ ὅρισθαι τῆς Αθήνησιν οἰκήσεως, καὶ εἰ μετοικοῦσθω μὲν ἐπεὶ ὅρανοψαλίας ἀρχήν καθιστάμεν, καὶ τούτης τιμή τις ἀπείρη ὀὖν τε τείχους μετοίκους ἀποδείξεις, καὶ τούτῳ εὐνούστερος ἢ τοὺς μετοίκους ποιοὶ καὶ, ὡς τὸ εἰκός, πάντες ἢ τούς ἀπολύσας τῆς Αθήνησι μετοικίας ὁρέγοντο καὶ τὰς προσόδους ἢν αὖξεων. Aspasia’s funeral oration distinguishes the authochthonous from those whose metic ancestors came from elsewhere: Pl. Menex. 2.37b-c: τῆς δ’ εὐγενείας πρῶτον ὑπήρξε τοῦ δὲ τῶν προγόνων γένεσις ὡς ἐπήλθος ὄσσα, οὐδὲ τοὺς ἐκχόνους τοῦτους ἀποφήμησαν μετοικοῦντες ἐν τῇ χώρᾳ ἄνδρες σφόν ἡκόντων, ἄλλῳ αὐτούχθων καὶ τῷ ὤνεν εἰς πατρίδι οἰκοῦντας καὶ θάνατος, καὶ τρεφομένους σὺν ὑπὸ μητρικῆς ὡς οἱ ἄλλοι, ἄλλῳ ὑπὸ μητρὸς τῆς χώρας ἢ ὦ ὄκουν, καὶ νόν κείθεται τελευτήσατον ἐν οἰκείοις τόποις τῆς τεκούσης καὶ θρησκείας καὶ ὑποδεξαμένης; cf. Thuc. 1.2.5-6. Thus, even after the technical term had matured as such, Attic authors continued to play oikein and metoikein against each other for rhetorical effect.

22 Dem. 4 makes no reference to Athenians who had taken up residence elsewhere; such citizens might be said to live apart from Athens, rather like the sons who left their father’s oikos and established their own (Dem. 43.19, 47.35), or the freed slave who acted similarly (47.72). But again, they are not mentioned elsewhere in the speech, so that reference to them in what is very nearly a culminating sentiment would be out of place.