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RECONSIDERING THE STATUS OF *KHÔRIS OIKOUNTES*

Abstract

In describing the Athenians' preparations for war, Demosthenes states: "We resolve that the fleet shall be manned by metics (*metoikous*) and *khôris oikountes*, then again by ourselves [i.e., citizens], then by substitutes" (Dem. 4.36-37). Debate on the meaning of the phrase *khôris oikountes* began at least as early as the second century CE, when the lexicographer Harpocration identified the group as freedmen, since "freedmen lived by themselves, apart from their manumittors." A Byzantine lexicographer concurred with Harpocration but added a secondary definition: "Or slaves living apart from their masters." Since then, scholars have tended to adopt one or the other of these definitions, generally without any explanation for their choice. In this article, I make the case that *khôris oikountes* must refer to freed slaves, thereby broadening our understanding of the range of status groups recognized in classical Athens.

Descrivendo i preparativi bellici ateniesi, Demostene afferma: "Decidiamo che per gli equipaggi della flotta dobbiamo reclutare meteci (metoikous) e choris oikountes, poi decidiamo che noi stessi dobbiamo imbarcarci, poi di nuovo quelli precedentemente nominati" (Dem. 4. 36-37). Il dibattito sul significato della locuzione choris oikountes è iniziato almeno a partire dal II sec. d.C., quando il lessicografo Arpocrazione identificò il gruppo con i manomessi, in quanto "i manomessi vivevano per conto loro, separati dai loro manomissori". Un lessicografo bizantino concorda con Arpocrazione ma aggiunge una seconda definizione: "Oppure schiavi che vivono separati dai loro padroni". Da allora gli studiosi hanno adottato l'una o l'altra di queste definizioni, generalmente senza fornire spiegazioni della loro scelta. In questo articolo avanzo l'ipotesi che con choris oikountes ci si riferisca agli schiavi liberati, ampliando così i criteri di classificazione degli status personali riconosciuti nell'Atene classica.

In the First Philippic, Demosthenes ends his description of the Athenians' time- consuming preparations for war in the following way: "We resolve that the fleet shall be manned by metics (metoikous) and khôris oikountes, then again by ourselves [i.e., citizens], then by substitutes (ἐμβαίνειν τοὺς μετοίκους ἔδοξε καὶ τοὺς χωρὶς οἰκοῦντας, εἶτ' αὐτοὺς πάλιν, εἶτ' ἀντεμβιβάζειν)..." (Dem. 4.36-37). This article poses the following question: Who does Demosthenes mean by "khôris oikountes," literally, "those living apart"? The answer, I hope, will not only illuminate this passage of Demosthenes but also broaden our understanding of the range of status groups recognized in classical Athens.

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I.

Debate on the meaning of the phrase *khôris oikountes* began at least as early as the second century CE, when the lexicographer Harpocration identified the group as freedmen (*apeleutheroi*), since "freedmen lived by themselves, apart from their manumittors."[1] This definition is also adopted by the Suda and Photios (s.v. τοὺς χωρὶς οἰκοῦντας). A Byzantine lexicographer agreed with Harpocration that *khôris oikountes* refers to freed slaves, but also added a secondary definition: "Or slaves living apart from their masters."[2] Since then, scholars have tended to adopt one or the other of these definitions, or both, generally without much explanation for their choice.[3]

Following the lexicographers, a handful of scholars—especially commentators on and translators of Dem. 4—take *khôris oikountes* to mean freedmen.[4] A related explanation, offered by Hans Klees, is that the phrase refers to a specific subgroup of freedmen: namely, those fully freed slaves who lived apart from their former masters, as opposed to those who still lived with (or near) their former masters and performed remaining obligations for them.[5] In what follows, I will make the case for why, in accordance with primary definition offered by the lexicographers, *khôris oikountes* most likely refers to freed slaves. We will return to the question later of whether it refers, more narrowly, to the subcategory Klees has in mind.

The majority of scholars, however, interpret *khôris oikountes* as "slaves living apart."[6] In his 1893 work on metics in Athens, Michel Clerc argued that the phrase, as used in Dem. 4.36, could not refer to freedmen, since

1. Harp. s.v. τοὺς χωρὶς οἰκοῦντας· Δημοσθένης Φιλιππικοῖς "καὶ μετὰ ταῦτα ἐμβαίνειν τοὺς μετοίκους ἔδοξε καὶ τοὺς χωρὶς οἰκοῦντας "τῶν δεσποτῶν." οὐ μὴν ἀλλὰ καὶ χωρὶς τοῦ προσκεῖσθαι φανερὸν ἂν εἴη τὸ δηλούμενον, ὅτι οἱ ἀπελεύθεροι καθ' αὑτοὺς ᾤκουν, χωρὶς τῶν ἀπελευθερωσάντων, ἐν δὲ τῷ τέως δουλεύοντες ἔτι συνῴκουν.

2. Bekker *Anec.* I 316.11 s.v. χωρὶς οἰκοῦντες· οἱ ἀπελεύθεροι, ἐπεὶ χωρὶς οἰκοῦσι τῶν ἀπελευθερωσάντων. ἢ δοῦλοι χωρὶς οἰκοῦντες τῶν δεσποτῶν.

3. For the various interpretations of this phrase, see Kazakévich 2008 [1960], with bibliography listed in 347-49nn.11-13. Because Kazakévich thoroughly surveys the bibliography on this question (with post-1960 bibliography added in my edited version of the article in 2008), I limit myself to a briefer treatment here.

4. Freedmen: Davies 1907 ad loc.; Busolt 1920: 274 and 1926: 985; *RE* s.v. *misthophorountes* (1932); Gernet 1955: 169 with n.4; Paoli *NDI* IX s.v. *liberti*; Lipsius 1966: 622n.6 and 798n.29; Klees 1998: 307n.62; Bearzot 2005: 84; Wooten 2008 ad loc. See also the Loeb ("freedmen") and Budé translations ("les affranchis") of Dem. 4.36.

5. Fully freed slaves: Klees 2000: 15-17. Perhaps the best-known example of fully freed slaves in Athens comes from the late-fourth-century BCE *phialai exeleutherikai* inscriptions, which appear to record the names of freed slaves granted freedom from remaining obligations through (either fictive or genuine) *dikai apostasiou*. For these inscriptions, see *IG* II^2 1553-78 Ag. Inv. I 3183 (Lewis 1959); Ag. Inv. I 4763 (*SEG* XXV.178); Ag. Inv. I 5656 (Lewis 1968 #49 and 50; *SEG* XXV.180) Ag. Inv. I 5774 (*SEG* XXI.561); Ag. Inv. I 1580 (*SEG* XLIV.68) (possibly; see Meyer 2010: 141-42); Ag. Inv. I 4665 (*SEG* XLVI.180). That these inscriptions represent dedications of *phialai exeleutherikai* after *dikai apostasiou* is the conventional wisdom (for a recent discussion, see Zelnick-Abramovitz 2005: 282-90 and passim); but cf. Meyer 2010, who argues that they represent instead prosecutions of metics in *graphai aprostasiou*.

6. Slaves: Clerc 1893: 276, 281, 283; Gilbert 1893: 191; Beauchet 1897: 445-50; Partsch 1909: 136; Zimmern 1922: 264 n.2; Diller 1937: 145n.47; Morrow 1939: 18, 73; Westermann 1955: 12, 16-17, 23, 38, 122; Ehrenberg 1961: 188 n.6; Harrison 1968: 167; Perotti 1974 and 1976; de Ste. Croix 1981: 142 with 563 n.9; Garlan 1988: 71; Hansen 1991: 121; Cohen 1992: 97; Trevett 1992: 155; Fisher 1993: 52; Todd 1995: esp. 188; Cohen 1998; Cohen 2000: 130-54; Cohen 2003: 218; Zelnick-Abramovitz 2005: 269, 289, 293; Cohen 2006: 101; Cohen 2007: 162, 165; Herrmann-Otto 2009: 94-95; Meyer 2010: 17 with n.26.

freedmen did not represent a recognized unit of the Athenian military. Slaves, on the other hand, did, and so he concluded that the *khôris oikountes* must have been slaves. But this argument has its problems: first of all, there is no reason to assume that each of the groups Demosthenes enumerates is necessarily a formal unit of the military; instead, his list might simply represent the full range of city dwellers who could be drafted. Secondly, it has been suggested—provocatively if not entirely provably—that freedmen, even if they were not a recognized unit of the military, were conscripted from separate census lists of freed slaves.[7] Nonetheless, many scholars have (implicitly or explicitly) followed Clerc's interpretation, including most notably Edward Cohen in his discussions of the prominent role played by these "living-apart slaves" in the Greek economy. These scholars have understood *khôris oikountes* to be those "privileged" slaves who worked, and sometimes lived, apart from their masters, conducted their own businesses, and handed over some fraction of their earnings, called the *apophora*, to their masters. Such slaves held on to the rest of their earnings, to spend presumably at their own discretion. The most famous examples of these types of slaves in Athens are Pasion and Phormion, slave bankers who earned their freedom and ultimately their citizenship.[8]

Still other scholars, most recently Rachel Zelnick-Abramovitz and Nick Fisher, argue that *khôris oikountes* could refer to *either* freedmen *or* (privileged) slaves, or both, depending on the context in which the phrase is used. By this argument, *khôris oikountes* is less an official status term than a vague, perhaps deliberately vague, catch-all term covering a range of (similar) statuses higher than the average chattel slave but lower than a freeborn person.[9] This may well be correct, in general, but it is also possible, as I will argue, that in the context of Dem. 4.36-37, Demosthenes has in mind a specific referent, namely freed slaves.

Finally, Emily Kazakévich, in an article entitled "Were the *khôris oikountes* slaves?," suggests that they were *neither* freedmen *nor* slaves. First, she says, the lexicographers are an insecure basis—being both late and tentative in their definitions—on which to argue that *khôris oikountes* were freedmen. Secondly, although there were indeed slaves in Athens who lived and worked apart from their masters, ranging from lowly workers in the mines to privileged slave-bankers, these slaves were far from forming a monolithic group of "living-apart slaves." As such, there is little reason for Demosthenes, or anyone else, to lump together a diverse group of slaves solely because they shared the attribute of not sleeping under their master's roof. The term *khôris oikountes*, she concludes, must refer to a group of foreigners who were not registered as metics. Unlike *metoikoi*, who "lived with" or "among" Athenian citizens, she suggests that the *khôris oikountes* were defined by the fact that they "lived apart from" the Athenians, that is, were not integrated into their community.[10]

7. Bearzot 2005: 90-91.
8. On Pasion and Phormion, see Trevett 1992; Cohen 1992: ch. 4 and 2000: ch. 5.
9. That it might refer to either, or both: Diller 1937: 147; Zelnick-Abramovitz 2005: 215-16; Fisher 2006: 337 and 2008: 126-27.
10. Neither slaves nor metics: Kazakévich 2008 [1960]. Some scholars, moreover, profess uncertainty either way: Calderini 1908: 374-75; Whitehead 1977: 25n.87.

II.

Given the lack of consensus on this issue, I think it is necessary to reconsider our evidence for the status of *khôris oikountes*. The syntax of Demosthenes' sentence is a good starting point. The syntactic connection of *khôris oikountes* and *metoikoi* indicates that Demosthenes considered the two groups in some way similar to each other without being identical, set apart grammatically and semantically from citizens and substitutes. In a society where the main status divisions were slave, metic, and citizen,[11] it is unlikely that any Athenian would consider "slaves living apart" a status group similar to metics. In addition, a number of other factors suggest that "slaves living apart" is an improbable rendering for this phrase. First of all, as I have already mentioned, Kazakévich makes the compelling point that the Greeks would not have classified together such a wide variety of slaves simply on the basis of whether they lived in their masters' houses—a characteristic that was considerably less important than the type of labor they performed. Moreover, given that the last category in Demosthenes' list is "substitutes," literally, "those we put on board instead of us," and given that substitutes were in general slaves (though not always),[12] it is unlikely that *khôris oikountes* were slaves as well. Finally, there is no good linguistic reason to take *khôris oikountes* as synonymous with *khôris oiketai* ("servants [working] apart").[13] Whereas the noun *oiketês* represents a known class of slave (namely, the household servant), *oikountes* is simply a participial modifier from the verb *oikeô*, "to live." Unlike *khôris oiketês*, then, there is nothing about the phrase *khôris oikountes* that necessarily implies reference to slaves.

If "slaves living apart" are not an ideal candidate for *khôris oikountes*, what about the definition proposed by the majority of the lexicographers: namely, freed slaves? While the substantive *khôris oikountes*, as such, is otherwise unattested, at least one use of the finite verb *oikeô* paired with *khôris* suggests a connection with freed slaves.[14] In a pseudo-Demosthenic speech, a freedwoman-nurse is described thus: "She was released by my father as free and lived apart (*khôris ôikei*) and had a husband" (ἀφεῖτο γὰρ ὑπὸ τοῦ πατρὸς τοῦ ἐμοῦ ἐλευθέρα καὶ χωρὶς ᾤκει καὶ ἄνδρα ἔσχεν; [Dem.] 47.72).[15] Neither this nor the lexicographic evidence is definitive, of course, but both are at the very least suggestive.

To further support my interpretation of *khôris oikountes* as freed slaves, it will be useful first to investigate the ways in which freedmen were similar to metics, and then turn to the ways in which they were distinct.[16] Although

11. See, e.g., Hansen 1991: 86-88; Todd 1995: ch. 10; Hunter 2000.
12. On *antembibazein* here referring to substitution by slaves or hirelings, see Davies 1907 ad loc; Wooten 2008 ad loc. On slave participation in the Greek military, see Hunt 1998.
13. For the term *khôris oiketai*, see, e.g., Aesch. 1.97.
14. The combination of *khôris* and the verb *oikeô* is also found in contexts referring to free people: see the discussion in Kazakévich 2008 [1960]: 361-63. Thus Kazakévich concludes that the phrase refers to some sort of separation from the household (*oikos* in its broader sense of "household," rather than "house"), without reflecting the free or slave status of the individual in question.
15. Cf. Plato's description of the women who are to take care of the children of the guardians as *trophous khôris oikousas* (*Rep.* 5.460c); might they be freedwomen?
16. For a concise summary of similarities and differences between metics and freedmen, see Gar-

conventional wisdom generally holds that freed slaves were assimilated to metic status,[17] I share the opinion, recently gaining some traction, that freed slaves occupied a legal and (especially) social status very similar to but ultimately distinct from metics[18]—that is to say, if we take metics in the narrow sense of freeborn foreigners who had moved to Athens from elsewhere. "*Metoikos*" could of course also be used in a loose sense to describe any resident foreigner registered as such with the city.[19]

The most obvious similarity between freed slaves and (freeborn) metics is their non-Athenian origin—and sometimes, especially in the case of freed slaves, their non-Greek origin. Second, both had to pay the *metoikion* tax: twelve drachmas per year for men, six for women (Harp. s.v. *metoikion*). Third, both freed slaves and metics were required to have a citizen *prostatês.* Although the exact role of the *prostatês* is not clear to us, it is generally assumed that at least by the fourth century BCE, his role was mostly nominal.[20] Fourth, both freed slaves and metics, unlike citizens, came under the jurisdiction of the Polemarch, who farmed out their cases or heard them himself ([Arist.] *Ath. Pol.* 58.3). Fifth, both lacked the political rights of citizens: among other things, they could not participate in the assembly or council, they could not serve on juries, and they had no right of land or home ownership unless they were granted it specially. Both, however, were required to serve in the military—albeit in segregated ranks—and if sufficiently rich, both were required to pay the *eisphora* tax with wealthy citizens (Dem. 22.61).

But, as I have already indicated, there are also a number of differences between (freeborn) metics and freed slaves. I mentioned that both paid the *metoikion*, but, at least according to Harpocration, freedmen paid a triobolon in addition to the regular metic tax.[21] It is unclear whether this extra triobolon was paid only once, or once a year,[22] but in either case, this additional tax, while minimal from a financial perspective, served the symbolic role of marking freed slaves as "other." Second, although both (freeborn) metics and freedmen had to have *prostatai*, metics had free choice in selecting their *prostatês*, whereas freedmen were required to have

lan 1988: 80-82.

17. That freedmen were assimilated to metics in Athens, see, e.g., Clerc 1893: 282; Beauchet 1897: 481 and passim; Foucart 1896: 50; Calderini 1908: 307 and 372; Paoli *NDI* IX s.v. *liberti* and *NDI* X s.v. *manumissio*; Diller 1937: 149; Caillemer *DAGR* s.v. *apeleutheroi*; Whitehead 1977: 16-17, 114-116; MacDowell 1978: 82; Finley 1998 [1980]: 165; Biscardi 1982: 95 ("in un certo senso"); Garlan 1988: 80 ("if not identical, at least very similar"); Gauthier 1988: 29; Cohen 1992: 109-10; Andreau 1993: 180; Klees 2000: 6 (with some qualification); Cohen 2000: 150; Fisher 2008: 125-26; Hermann-Otto 2009: 102.

18. That freedmen were distinct from metics: Harrison 1968: 181-86; Bearzot 2005: 79-85; Zelnick-Abramovitz 2005: 308-19; Gärtner 2008; Dimopoulou-Piliouni 2009.

19. It is in this sense that one can say that freedmen were a *sub-category* of metic: see, e.g., Whitehead 1977: 116; Hansen 1991: 119; Lape 2010: 47. It is unclear whether slaves became metics (in the broad sense) automatically after being released from remaining obligations to their former master (Klees 2000: 6), or whether this entailed a separate registration process (Zelnick-Abramovitz 2005: 310; Dimopoulou-Piliouni 2009). I am inclined to think it is the latter.

20. See Whitehead 1977: 90-91 with bibliography.

21. See Harp. s.v. *metoikion*. But cf. Hesychius s.v. *metoikion* and Pollux 3.55, which imply that the three-obol tax was paid by all payers of the *metoikion*.

22. On this question, with bibliography, see Zelnick-Abramovitz 2005: 311.

their former master as their *prostatês*.[23] Third, freedmen had less license than metics in bequeathing their estates: if freedmen died childless, all of their personal property automatically reverted to their former master. This is well illustrated in an oration of Isaios, in which two men, eager to get their hands on a deceased man's money, go so far as to pretend that he was their freedman (Is. 4.9). Metics, on the other hand, could presumably leave their estates to whomever they wanted. Fourth, there apparently existed in Demosthenes' day a set of "freedman laws" (Pollux 3.38), the content of which is unfortunately opaque to us; but their very existence indicates that freedmen were considered, at least for some purposes, a juridical category.[24] Finally, Athina Dimopoulou-Piliouni has recently catalogued a number of additional differences between (freeborn) metics and freedmen: metics, unlike freedmen, were (generally) citizens of another city who had moved willingly to Athens; metics, unlike freedmen, do not seem to have owed formal obligations (what is later called *paramonê*) to their *prostatai*; and metics and freedmen were liable to different lawsuits for abandoning their *prostatai*: the *graphê aprostasiou* in the case of former, the *dikê apostasiou* in the case of the latter.[25]

Moreover, some ancient texts explicitly distinguish between (freeborn) metics and freedmen. Aristotle, in his discussion of Athenian-born manual laborers and artisans (*banausoi*), asks how these individuals can be classified if not as citizens—after all, they are neither *xenoi* (foreigners) nor metics. But then again, he says, "slaves are not in one of the aforementioned [constituent parts of the city, i.e., foreigners and metics], nor are freedmen (*apeleutheroi*)" (οὐδὲ γὰρ οἱ δοῦλοι τῶν εἰρημένων οὐδέν, οὐδ' οἱ ἀπελεύθεροι; Arist. *Pol.* 1278a1-2). To Aristotle, at least in this context, freedmen were seen as a group distinct from metics. One gets a similar impression when the Old Oligarch says that it is illegal in Athens for "a slave, or a metic (*metoikon*), or a freedman (*apeleutheron*) to be struck by a free man" (τὸν δοῦλον ὑπὸ τοῦ ἐλευθέρου τύπτεσθαι ἢ τὸν μέτοικον ἢ τὸν ἀπελεύθερον; [Xen.] *Ath. Pol.* 1.10). Finally, epigraphic evidence attests to the fact that, at least outside of Athens, distinctions between metics and freed slaves were commonly made. To give just one example,[26] a third-century BCE law from Keos specifies that a feast be given "to the citizens, and to those whom the city invited, and to the metics (*metoikous*), and to the freedmen (*apeletherous*)" (ἑστιᾶν δὲ τούς τε πολίτας καὶ οὓς ἡ πόλις κέκληκεν | καὶ τοὺς μετοίκους καὶ τοὺς ἀπελευθέρους; *LSCG* 98).[27]

To summarize thus far: Although metics and freed slaves shared similar political and legal rights, these rights were not identical, and the differences, while small, were often symbolically important. Perhaps even more significant was the distinction in their *social* status. Freedmen, unlike

23. Gernet 1955: 171; Harrison 1968: 185; Garlan 1988: 77.
24. On "freedman laws," see Zelnick-Abramovitz 2005: 301-06 and 2009.
25. For a survey of these and other differences between freedmen and metics, see Dimopoulou-Piliouni 2009. The only point she makes that I think should not be pressed too far is that metics, unlike freedmen, do not undergo fictive consecration to gods (41); while true, we should not expect freeborn metics to undergo this procedure, since it was designed as a mode of manumission.
26. For more epigraphic examples, see Dimopoulou-Piliouni 2009: 47-49.
27. One could argue, however, that this distinction is made in other cities, but not in Athens: see, e.g., Gauthier 1988: 29.

(freeborn) metics, were inescapably viewed as former slaves[28]—especially, but not exclusively, in the eyes of their former masters.[29] In an oft-cited but somewhat cryptic statement, the third-century BCE Stoic philosopher Khrysippos is reported to have said that "a slave (*doulon*) differs from a domestic servant (*oiketou*) in that freedmen (*apeleutherous*) are still slaves (*doulous*), whereas those who have not been released from ownership are domestic servants" (διαφέρειν…δοῦλον οἰκέτου…διὰ τὸ τοὺς ἀπελευθέρους μὲν δούλους ἔτι εἶναι, οἰκέτας δὲ τοὺς μὴ τῆς κτήσεως ἀφειμένους; Athen. 267b). Unfortunately, it is unclear what, precisely, Khrysippos meant by this. Perhaps he was referring to the (servile) obligations freedmen often owed their former masters, or perhaps he was referring to the lingering stigma of servility attached to freed slaves.

Either way, it is evident that freedmen were in fact thought of, in many contexts, as "still slaves." This phenomenon is particularly well attested in Attic oratory, where freedmen are sometimes explicitly referred to as *douloi* or slaves. In a speech of Isaios, the speaker calls an associate of his opponents, the *hetaira* Alke, a *doulê*, although it is suggested elsewhere in the speech that she is a freedwoman (Is. 6.49). In another case, Demosthenes twice refers to the freedman Lykidas, the former slave of his opponent, as a *doulos* (Dem. 20.131-3), even though Lykidas is not only freed but a *proxenos*. Attic oratory also contains extended attacks using what I call "servile invective"—that is, accusations or insinuations of servile history—which are designed to play on the jury's prejudices against freed slaves.[30] Perhaps the most dramatic examples can be found in the rhetoric of Apollodoros against Phormion, the former slave of Apollodoros' father Pasion ([Dem.] 45). Apollodoros repeatedly calls the now-free Phormion a *doulos* and vividly calls to mind Phormion's purchase day. The message one gets is that no matter how far Phormion has advanced financially and politically, he is always, in some sense, the slave of Pasion.

III.

This unique status of freed slaves—similar to but at the same time legally and socially distinct from (freeborn) metics—makes them, to my mind, a particularly good candidate for the identity of the mysterious *khôris oikountes*. If we accept this identification, however, we then have to ask: why would Demosthenes use this phrase, itself hardly a technical term, to refer to freed slaves? Kazakévich, for example, asserted that if Demosthenes had wanted to indicate freed slaves in this passage, he would have used the more common term *apeleutheroi*.[31] After all, Demosthenes does use the word

28. See, e.g., Zelnick-Abramovitz 2005.

29. As Demosthenes says in his speech *Against Timocrates*, "Those who have become free, you know, gentlemen of the jury, are never grateful to their masters for their freedom, but hate them more bitterly than they hate anyone else, as sharing in the secret of their having been slaves" (Dem. 24.124).

30. On "servile invective," see Kamen 2009; for the examples cited above, see Kamen 2009: 48.

31. Kazakévich 2008 [1960]: 368. See also Klees 2000: 16n.60, who addresses this objection, saying that the reason Demosthenes does not use *apeleutheroi* is that he wants to indicate a specific subgroup within the broader group of *apeleutheroi*. See further Zelnick-Abramovitz 2005: 99-126 on the distinction between the terms *apeleutheroi* and *exeleutheroi*—only the latter being, she argues,

apeleutheros elsewhere to refer to a freed slave. In one of his speeches against his guardians, *Against Aphobos* I, Demosthenes refers to a certain Milyas as "our freedman (*apeleutheros*)" (Dem. 27.19). Indeed, Milyas' status is germane here: as we learn in *Against Aphobos* III, Aphobos demanded that Demosthenes offer up Milyas for *basanos* (slave torture), prompting Demosthenes to argue that Milyas could not be tortured, since he had already been manumitted (Dem. 29.25-26).[32] I would like to argue, then, that while Demosthenes was capable of using a term more explicitly meaning "freed slave" (as in 27.19), he deliberately chose *khôris oikountes* in 4.36-37 for a couple of reasons.

In this passage of the speech, Demosthenes is facing competing motivations. On the one hand, he wants to criticize the Athenians' lengthy and disorganized process of preparing for war, as compared to the ease with which they put on religious festivals. This is, in fact, his primary aim. On the other hand, while he is compelled to admit, grudgingly, that mercenaries participated in the Athenian military, he does not want to draw attention to the fact that part of the Athenian navy was slaves and freedmen—a fact which everyone knew, but which nonetheless ran counter to Athenian ideology, as Peter Hunt (1998) has so convincingly demonstrated. That is, even if the ideological link between citizen and soldier had begun to dissolve by the mid-fourth century BCE, the ideology that those of servile stock were not part of the Athenian military remained.[33] As a result, Demosthenes, like other orators and historians of the fifth and fourth centuries, wanted to be as indirect as possible on the subject.[34] If he had used the technical term *apeleutheroi*, literally "freed from (slavery)," he would have called too much (unwanted) attention to the fact that former slaves manned the fleet. Likewise, if he had used a periphrastic phrase like *doulos metoikos*, "(former-)slave metic" (see, e.g., in Arist. *Pol.* 1275b36f), he would also have over-stressed the servile nature of these men. It is true that Demosthenes could have omitted mention of freed slaves entirely, folding them into *hoi metoikoi* as used in its broad sense, but that would have made the passage less rhetorically effective.

The term *khôris oikountes*, therefore, was a perfect compromise: while it was presumably clear enough in meaning for Demosthenes' audience, it had the advantage of de-emphasizing the fact that freed *slaves* manned their ships.[35] In addition to its desirable euphemistic qualities, this term also captured particularly well the social dimension of freedmen: In the eyes of Athenian citizens, freedmen were not merely resident foreigners but their own former slaves (see Dem. 27.19, above),[36] who had once lived with them and worked for them, and who now lived and worked apart from them. This was probably especially the case with those freed slaves who

completely freed (but cf. Meyer 2010: 55n.154). Dimopoulou-Piliouni 2009: 36-38, by contrast, argues that *exeleutheroi* were born free and then enslaved, whereas *apeleutheroi* were born enslaved.

32. Cf. Apollodoros referring to Nikarete, the madam who raised the young slave-prostitute Neaira, as an *apeleuthera* ([Dem.] 59.18). This detail is relevant, since it stresses Neaira's servile roots and bolsters the case for her spurious citizen status.

33. In fact, Demosthenes does not even use the word *douloi* to refer to the (mostly) slave-substitutes: instead, he uses the verb *antembibazein*, "to put on board instead (of us)."

34. On the Greek historians' silence on the subject of slave participation in warfare, see Hunt 1998.

35. Cf. Fisher 2008: 127, who suggests that the term is deliberately ambiguous.

36. See also Clerc 1893: 288; Zelnick-Abramovitz 2005: 333.

no longer had obligations to their former masters and lived farther away—hence Klees' appealing argument that *khôris oikountes* refers specifically to this subgroup of freedmen. Working against his interpretation, however, is the fact that it is hard to explain why only *one* subcategory of freed slave would be conscripted for naval service. For that reason, I think it more likely that *khôris oikountes* is a broad term encompassing all (or nearly all) freed slaves, who, regardless of where they lived, were no longer part of their former masters' households (*oikoi*) in the same way they had been as slaves.

Ultimately, the distinction Demosthenes makes here—between freeborn and former-slave resident foreigners in Athens—demonstrates one of the ways in which Athenian social and legal status was more complex than we sometimes acknowledge. Although a simple division of the population of Athens into three status groups—slave, metic, citizen—was indeed sufficient for many purposes, at other times it was necessary, or at least desirable, to make distinctions within the many intermediate categories.

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