

PARTNERSHIP OF CITIZENS AND METICS: THE WILL OF EPICURUS*

INTRODUCTION

The law of Athens prohibited any but full citizens from owning land or houses. Thus the law also impeded the bequeathing of real property to those who were not citizens. This law seemed to preclude those who were the real backbone of the trading and banking businesses from owning land and, therefore, from lending and borrowing by using it as a security.¹

A good starting point to our paper is Millett's comment on Finley's theory on the partnership of citizens and metics in the Athenian economy: 'Finley's formulation of the gulf between land and money as an economic hindrance (to this partnership) has generally been accepted by Greek historians. But there are hints that the gap could be bridged if the need arose, and was not so detrimental to the smooth functioning of the economy as Finley seems to suggest.'² We provide a piece of evidence in favour of Millett's suggestion. The will of Epicurus seems to offer an interesting case of partnership between citizens and metics.

Because of the close social intercourse which was necessary among citizens, metics, foreigners, and slaves, an Athenian bank was at its best organized to resemble a real *oikos* which was the ideal functional form in a polis.³ There are good grounds for believing that this type of an organization of quasi-*oikoi* by persons of servile or metic background together with citizens made it possible for them to do legal business in Athens and to own land and property.⁴ Friendships might be very useful, and a citizen, preferably of standing and influence, or of experience or ability in speaking, might act as a middleman expecting some kind of a reward as payment for his services.⁵

We suggest that the founding of several types of private associations during the latter part of the fourth and in the third century was largely due to the fact that legal and political arrangements such as owning land, for example, were nominally possible only for citizens.

The philosophical schools of Athens were no exception. A large number of the

* We would like to thank Margot Whiting and Finn Spicer for checking our non-native English.

¹ A. R. W. Harrison, *The Law of Athens* (Oxford, 1968), p. 237.

² P. Millett, *Lending and Borrowing in Ancient Society* (Cambridge, 1991), p. 225.

³ The best-known bank in Athens was that of the rich and active former slave, Pasion, who obviously got citizenship because of his wealth. The visible property of the bank of Pasion, which was transferred to Phormion, former slave of Pasion, was 20 talents, and, in addition, Pasion had 50 talents of his own money invested as loans. This sum included the 11 talents that he had taken from the bank for his own business, see Dem. 36.5. Cf. J. V. A. Fine, *Horoi. Studies in Mortgage, Real Security, and Land Tenure in Ancient Athens*, *Hesperia*, suppl. 9 (1951), p. 84.

⁴ Cf. M. Leiwo, 'Religion, or other reasons? Private associations in Athens', in J. Frösén (ed.), *Early Hellenistic Athens. Symptoms of a Change. Papers and Monographs of the Finnish Institute at Athens* 6 (1997), pp. 103–117.

⁵ *Polyphilia* was regarded even by Aristotle as one of the key elements, both positive and negative, in the democratic power, Arist. *Pol.* 1284a19–22; R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge, 1988), pp. 142–144.

philosophers were metics and thus needed citizen middlemen and friends in many everyday situations. It is clear that the philosophical schools functioned as associations, *hetaireiai*, *koinonai*, or *oikoi* of some sort, for two very practical reasons. First, joint or individual property as well as common traditions secured the continuation of the school. Secondly, a quasi-*oikos* provided friends who could help each other in different ways.

EPICURUS AND HIS WILL

Epicurus the philosopher founded his school, the famous Garden, in Athens c. 307/6–305/4. Before that he had studied and taught philosophy in Ionia. His family was, however, of Athenian origin. His parents, Neocles and Chairestrate of Gargettos, had moved to Samos as *kleroukhai*, thus maintaining their Athenian citizenship.⁶ As a young man, Epicurus had apparently stayed in Athens only once, during his ephebic service in 323–321. A desire to follow philosophical debate more closely brought him back at the age of thirty-five. With him came several friends and students from Ionia. As a citizen Epicurus was able to buy a house in the Melite *demos* and, probably in addition to that, a small garden just outside the city wall near the road from the Dipylon-gate to the Academy.⁷

It is possible that Epicurus acted in Athens as a *prostates* for his non-citizen friends and pupils. Many of those who followed Epicurus from Ionia to Athens lived in the same *oikos* with Epicurus.⁸ We have no information, however, on any legal or financial actions done by them in Athens with or without Epicurus. The school was regularly visited by Ionian Greeks, and wealthy Ionian friends supported it financially.⁹ We do, however, have information on the situation after Epicurus' death, or, to be precise, on the situation Epicurus wanted to prevail after his death.

Epicurus remained in Athens for the rest of his life except for a few trips to Ionia to visit his friends. Except for the famous Athenian *hetaira* Leontion, almost all his closest friends were not Athenian citizens, but old acquaintances from the years in Ionia. Two of his dearest pupils and highly esteemed colleagues were both metics, or perhaps we should call them foreign residents.¹⁰ The closest disciple, Metrodorus from Lampsacus—*paene alter Epicurus*, as Cicero stated¹¹—died seven years before his teacher in 277/8, as did the former mathematician Polyaeus, who was highly esteemed by Epicurus as well. Epicurus was thus forced to appoint Hermarchus, the son of Agemortos, a Mytilenean by birth, as his successor. Epicurus' will contains his decision to pass over to Hermarchus the educational leadership of the school. The will

⁶ Diogenes Laertius states that Timocrates—brother of Metrodorus from Lampsacus and a disciple of Epicurus and hence certainly not the Timocrates mentioned in Epicurus' will—who had left the school in dispute with Epicurus, wrote together with a certain Herodotus a book charging that Epicurus was not a genuine Athenian citizen (10.4, 6). The charge does not seem too convincing, and, whatever the case might have been, Epicurus never had any problems with the Athenian authorities on this subject.

⁷ Cic. *de fin.* 5.1–3. For the location of the Garden, see G. Dontas, *Εἰκονιστικά Β'*, *Ἀρχαιολογικὸν Δελτίον* 26 (1973), 16–33.

⁸ This is suggested by D.L. 10.10 as well as Plut. *Mor.* 1098B.

⁹ This is seen in a letter where Epicurus expresses his gratitude for the support, Plut. *Mor.* 1097C. For the need for the support, see fr. 2 (Vogliano) coll. XII.

¹⁰ It seems that the *metoikia* as a specified political system in Athens disappeared about the end of the fourth century and beginning of the third. Naturally foreign residents still continued to live there; see D. Whitehead, *The Ideology of the Athenian Metic* (Cambridge, 1977), pp. 163ff.

¹¹ Cic. *de fin.* 2.92.

is also, however, an economic document about the future of the school's, that is Epicurus', property. The will as it is preserved by Diogenes Laertius seems to be remarkable evidence of a situation where the law forbids transmission of real property to a metic by legacy,¹² but where the control of that property as well as Epicurus' funds passed to a non-citizen after all.¹³

Before analysing the text itself it is necessary to evaluate briefly the authenticity of the will. Evidently there are three possibilities: (i) it is the will written or made by Epicurus; (ii) it is an imaginary will which is not written by Epicurus; (iii) it is partly valid and partly later invention. In general the wills preserved by Diogenes Laertius have been considered authentic. As cumulative evidence for the authenticity of the wills of the Peripatetics, for example, the following has been suggested: 'Each of them simply presents an overabundance of detailed information: precise details concerning the dispositions of particular possessions, meticulous provisions for the welfare of the descendants, dependants, friends, and associates, names of numerous otherwise unknown persons, exact injunctions and requests, several personal touches, often exquisite, of the testators.'¹⁴ Epicurus' will meets all these demands, and nearly all scholars who have paid attention to the question consider it authentic.¹⁵ The style of all wills supports their being of correct period as well as, in the case of Epicurus' will, reflecting his idiosyncrasies.¹⁶ In other words, if Epicurus' will is genuine—which seems more probable than not—it is a very good example of transactions between foreign residents (still metics?) and citizens.

Epicurus died in 270. In his will he bequeathed almost all his property to two Athenian citizens: Amynomachus son of Philocrates and Timocrates son of Demetrius. Neither of the two men is mentioned in any other text associated with Epicurus. Hermarchus, the successor of Epicurus in the leadership of the school, seems to inherit nothing but the library. The text begins as follows:

By this I give all my property to Amynomachus, son of Philocrates of Bate and Timocrates, son of Demetrius of Potamus, to each according to the will registered in the Metroon, on condition that they shall hand over the garden and all that pertains to it to Hermarchus, son of Agemortus, of Mytilene, and those who are his fellow philosophers, and those whom Hermarchus may leave as his successors, to live in and study philosophy. And I entrust to our students of philosophy permanently the task of assisting Amynomachus and Timocrates and their heirs in preserving to the best of their abilities the life in the garden in whatever way is safest, and that these also may help to maintain the garden just as those too to whom our students of philosophy may transmit it. And let Amynomachus and Timocrates permit Hermarchus and his fellow students of philosophy to live in the house in Melite as long as Hermarchus lives. (D.L. 10.16–17, trans. Leiwu)

A person called Amynomachus of Bate is mentioned once in a decree of

¹² Harrison (n. 1), p. 153, unless, of course, he had the right of *ἐγκτησις*.

¹³ In other philosophical schools the right of inheritance was solved in various ways. On the inheritance of land in the Academy and Lykeion, see D. Whitehead, 'Xenocrates the metic', *RhM* 121 (1981), 223–244.

¹⁴ M. Sollenberger, 'The Lives of the Peripatetics: an analysis of the contents and structure of Diogenes Laertius' "Vitae philosophorum" Book 5', *ANRW* II 36.6 (1992), 3793–3879, 3859–3860.

¹⁵ *Ibid.*, p. 3860 with the appropriate bibliography (esp. nn. 342, 343); H. B. Gottschalk, 'Notes on the wills of the Peripatetic scholars', *Hermes* 100 (1972), 317. The only sceptic seems to be L. Brisson, who expresses rather vague doubts without any further discussion: L. Brisson, 'Diogène Laërce', *ANRW* II 36.5 (1992), 3619–3760, 3691.

¹⁶ Gottschalk (n. 15), p. 317 and esp. n. 3.

Mesogeioi.¹⁷ It seems clear that if he is not the person mentioned in the will, he is a relative, as the same names were usually preserved in a family.¹⁸ No other information on the two Athenian heirs is available. The fact that these otherwise unknown Athenians were made heirs of Epicurus has been noted already by Laks in his commentary on the tenth book of Diogenes Laërtius. Epicurus wanted to leave his property to his friends who were metics and so he had to bequeath his property to a citizen.¹⁹ Laks does not discuss the matter any further. It is, however, possible to try and see the reasons behind the way the will was made. We believe that all this does not necessarily mean that Epicurus was compelled to forget his plans to bequeath his property to his closest friends, but that he simply used middlemen to obtain the same result.

THE CONDITIONS OF THE WILL

In the passage just quoted Epicurus imposes several conditions immediately after he has left his property to the two Athenians. The Garden and all that belongs to it has to be handed over to his school and its members—not only under the leadership of Hermarchus, but also under his successors in the future. The requirement to assist Amynomachus and Timocrates in preserving the way of life in the Garden seems to be a wish that the disciples would continue to support the school as they did in Epicurus' lifetime.²⁰ At the end of the passage a piece of very interesting information appears: although the right to continue philosophizing in the Garden is given to Hermarchus and the successors he may appoint, the right to live in the house in Melite is given to Hermarchus and his fellow-students *only* for so long as Hermarchus lives. Since Hermarchus was not a young man when Epicurus died and his own death could not be too far ahead, the house in Melite would pass to Amynomachus and Timocrates—or their heirs if they happened to die—in the near future. It is a reasonable suggestion that the house in Melite was the compensation to Amynomachus and Timocrates for acting as middlemen for Hermarchus. If the house had not been given them, they would have ended up having no part at all of Epicurus' property, because all funds had to be used to support the school and its members in many ways, as the next passages will show.

The most read passage of the will follows the one just quoted. Epicurus establishes the customary celebrations of the school: his birthday, the twentieth of Gamelion, for his and Metrodorus' honour as well as commemorative feasts to celebrate the brothers of Epicurus and the mathematician Polyaenus. Provisions for these celebrations also had to be made in consultation with Hermarchus (10.18).²¹ After that, Epicurus makes provisions for the children in the *oikos*: the sons of Metrodorus and Polyaenus,

¹⁷ IG II/III² 1245; cf. M. J. Osborne and S.G. Byrne, *LGPN* II (1994), *Ἀμννόμαχος* 3.

¹⁸ Generally the oldest son got his grandfather's name.

¹⁹ A. Laks, 'Édition critique et commentée de la "Vie d'Épicure" dans Diogène Laërce (X, 1–34)', in J. Bollack and A. Laks (edd.), *Études sur l'Épicurisme Antique. Cahiers de Philologie* 1 (Lille, 1976), pp. 1–118, at p. 80.

²⁰ Plut. *Mor.* 1117D seems to refer to a practice of this kind, but details of this payment system are unknown (Plutarch's citation of Epicurus' supposed letter to Idomeneus is taken out of its context. This was, of course, done on purpose, and thus we should not lean too much on Plutarch's words); Philodemos, *Pragmateiai* 30. Cf. n. 9.

²¹ The annual feasts and commemorative celebrations have been studied in detail by D. Clay, 'Individual and community in the first generation of the Epicurean School', in *Syzetesis. Studi sull' Epicureismo Greco e Latino offerti a Marcello Gigante* (Napoli, 1983), pp. 255–279 and 'The cults of Epicurus', *Cronache Ercolanesi* 16 (1986), 11–28. Clay sees the establishment of cults and

and the daughter of Metrodorus are to be cared for. Decisions concerning the amount of money needed for their maintenance are to be made together with Hermarchus (10.19). After that, Epicurus goes on to make provision for the management of the funds of the school:

Let them [Amynomachus and Timocrates] make Hermarchus administrator of the funds along with themselves, so that everything will be done in cooperation with him who has grown old with us in philosophy and is left at the head of our fellows of philosophy. And when the girl comes of age, let Amynomachus and Timocrates pay her dowry, taking from the existing property as much as is expected according to Hermarchus' opinion. (10.20)

In this passage Hermarchus is appointed the administrator (*kyrios*) of the funds together with Amynomachus and Timocrates, and when Metrodorus' daughter marries, Hermarchus will decide the amount of her dowry.

In the final passages of the will Epicurus states his wish to aid everyone who has shown kindness to him in his lifetime and grown old in the Garden, and orders all his books to be given to Hermarchus. In case Hermarchus happens to die before the children of Metrodorus have grown up, Epicurus stipulates that their well-being has to be ensured. At the end he manumits four of his slaves (10.20–1).

As we have seen, Amynomachus of Bate and Timocrates of Potamus are in fact bequeathed only (i) a partial right of decision over the funds of the school together with Hermarchus—respecting the demands that Epicurus himself has already dictated in his will; and (ii) the house in Melite after Hermarchus' death. Now, some primary questions arise.

Were Epicurus' heirs, Amynomachus and Timocrates, his personal friends or perhaps some distant relatives? Probably neither. They are not mentioned in any other text associated with Epicurus, but this is an *argumentum ex silentio* and cannot be more than speculative. Instead, the arguments of the testament itself are more convincing. First, even though the testament in many ways follows the conventional pattern of wills, Epicurus does not show gratitude or any kind feelings at all towards the heirs as was customary.²² Often the one who bequeathed the property described how the heirs had in his/her lifetime been true and kind to him/her. In Epicurus' will not the heirs but Hermarchus and other members of the school are described as those who 'have grown old with us in philosophy', or 'rendered service to us in private life' and 'shown us friendship in every way' (10.20). Thus it seems that the actual heir in Epicurus' mind was Hermarchus. In short: Epicurus' relationship and connection with the legal heirs remains unknown, whereas his friendship and companionship with Hermarchus and other members of the school are mentioned more than once. Second, as we have seen, the two Athenians do not inherit anything that they could use freely without Hermarchus' permission besides the house in Melite which they will obtain only after Hermarchus' death. Without an agreement of some sort to make it reasonable, an inheritance that one cannot use at all is clearly an extraordinary inheritance.

We have asked, why did Epicurus appoint two heirs who did not inherit immediately? We believe that the reason may have been the one we have already suggested. Epicurus naturally knew that those to whom he wanted to bequeath his property were all non-citizens, and therefore could not legally inherit the real property of the school.

celebrations as a good attempt to secure the continuation of the school, and thus the last will of Epicurus serves this purpose from the beginning to the end.

²² This is clearly seen in the wills preserved in papyri. See e.g. POxy 494. For other testaments, see O. Montevecchi, 'Ricerche di sociologia nei documenti dell'Egitto greco-romano', *Aegyptus* 15 (1935), 67–121.

In spite of the legal impediments, he wanted to secure the continuation of his school and the possession of the Garden in the hands of his fellows and thus decided to use middlemen. Therefore, the two Athenians legally inherited all his property, but immediately had to hand it over to Hermarchus and other members of the Epicurean community. The fact that Epicurus appointed two heirs, not one, may point to the fact that by appointing two men to take care of his property he ensured that the heirs, keeping an eye on each other, would respect the conditions of his last will. As a reward for acting as middlemen Amynomachus and Timocrates would obtain the house in Melite after Hermarchus' death. They may have received money as well in exchange for the services that they had performed, when the arrangement with Epicurus was registered, but this, of course, is pure speculation.

If the contents of Epicurus' last will correspond to the fourth- and third-century reality, it is not mere speculation that metics and foreigners could—through clever arrangements and with the help of willing citizens—bridge the gulf between land and money, and inherit real estate and property from Athenians. Moreover, it seems that there were Athenian citizens selling their services to non-citizens, and thus many restrictions of the law were not regarded as insuperable. People have always found ways to evade the law, and Athenians were famous for their eternal quarrels in court. They knew many methods for testing the rules of the society. Whether it was ethical to gain financial profit from citizenship privileges in the way Amynomachus and Timocrates seem to have done, is another interesting question. It was this moral discussion which can be seen in lawsuits and philosophical works, but that seems to have been as far from the real pragmatic life of an Athenian as these moral questions are from everyday life today.

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