

**Women's Life
in Greece and Rome**

A Source Book in Translation

Third Edition

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To our mothers, Mena Rosenthal and Nancy Brown

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*Heiresses*⁴

(vii.15) The heiress is to marry the oldest of her father's living brothers. If her father has no living brothers but there are sons of the brothers, she is to marry the eldest brother's son. If there are more heiresses and sons of brothers, the [additional heiress] is to marry the next son after the son of the eldest. The groom-elect is to have one heiress, and not more.

If the heiress is too young to marry, she is to have the house, if there is one, and the groom-elect is to have half of the revenue from everything.

If he does not wish to marry her as prescribed by law, the heiress is to take all the property and marry the next one in succession, if there is one. If there is no one, she may marry whomever she wishes of those who ask her from the same phratry.⁵ If the heiress is of age and does not wish to marry the intended bridegroom, or the intended groom is too young and the heiress is unwilling to wait, she is to have the house, if there is one in the city, and whatever is in the house, and taking half of the remaining property she is to marry another of those from the phratry who ask her, but she is to give a share of the property to the groom [whom she rejected].

If there are no kinsmen as defined for the heiress, she is to take all the property and marry from the phratry whomever she wishes.

If no one from the phratry wishes to marry her, her relations should announce to the tribe 'Does anyone want to marry her?' If someone wants to, it should be within thirty days of the announcement. If not, she is free to marry another man, whomever she can.

Restrictions concerning adoption

(xi.18) A woman is not to adopt [a child] nor a man under age.

Athens

'He should provide a dowry ...'

77. *Funeral law. Ioulis on Keos, late 5th cent. BC (Ditt. Syll. 1218. G)*

Throughout Greece limits were set by law on the expense, luxury and amount of mourning at funerals. A practical consequence of such legislation is that women's opportunities for gathering and for expressing themselves were restricted. This inscription comes from an island not far from Athens, and is thought to be a copy of an earlier law of the Athenian legislator Solon.⁶

These are the laws concerning the dead: bury the dead person as follows: in three white cloths – a spread, a shroud, and a coverlet – or in fewer, not worth more than 300 drachmas.⁷ Carry out [the body] on a wedge-footed bed and do not cover the bier with cloths. Bring not more than 3 choes of wine to the tomb and not more than one chous of olive oil, and bring back

the empty jars. Carry the shrouded corpse in silence all the way to the tomb. Perform the preliminary sacrifice according to ancestral customs. Bring the bed and the covers back from the tomb inside the house.

On the next day cleanse the house first with sea water, and then cleanse all the rooms with hyssop. When it has been thoroughly cleansed, the house is to be free from pollution; and sacrifices should be made on the hearth.

The women who come to mourn at the funeral are not to leave the tomb before the men.⁸ There is to be no mourning for the dead person on the thirtieth day. Do not put a wine-cup beneath the bed, do not pour out the water, and do not bring the sweepings to the tomb.⁹

In the event that a person dies, when he is carried out, no women should go to the house other than those polluted [by the death]. Those polluted are the mother and wife and sisters and daughters, and in addition to these not more than five women, the daughters' children and cousins; no one else. The polluted when washed with water poured out [from jugs] are free from pollution. (*The next 2 lines are damaged.*)

This law has been ratified by the council and the people. On the third day those who mourn on the anniversary of the death are to be free from pollution, but they are not to enter a temple, and the house is to be free from pollution until they come back from the tomb.

78. *The banker Pasion's will. Athens, 370-60 BC (Apollodorus (= 'Demosthenes'), Against Stephanus 45.29 G)*

Because the terms of the will are so favourable to Pasion's freedman Phormion, who would serve as Archippe's *kyrios* and through her enjoy the income from the substantial property left to her by Pasion, this document was alleged to be a forgery, and subject of a court case. That Pasion married her to Phormion also suggests that she probably was not an Athenian citizen, otherwise an Athenian husband might have been chosen for her. As a resident alien, she was technically Pasion's concubine (*pallake*) rather than his wife.¹⁰

I, Pasion of Acharnae, have made the following provisions in my will. I leave my wife¹¹ Archippe to Phormion, and I give Archippe as dowry a talent from my property in Peparethus [off Euboea] and another talent from my property here [in Athens], a tenement house worth 100 minae, the maidservants and gold jewellery, and everything else in the house, all these I leave to Archippe.¹²

79. *Aristotle's will. Athens, 4th cent. BC (Diogenes Laertius 5.11-16, 3rd cent. AD. G)*

This will is recorded by Diogenes along with the wills of several members of his School; the provisions for his substantial estate reflect Aristotle's notions of women's limitations (cf. no. 72), but at the same time show his

affection for them and concern for their welfare. In the will Aristotle himself is the speaker; he makes provisions for his concubine Herpyllis and their son Nicomachus, but directs that the bones of his wife Pythias be moved to his grave. In several respects the will seems characteristic of Aristotle's Athenian contemporaries: words for death are avoided, the names of respectable females are avoided, childlessness is regarded as a misfortune, husband and wife are buried together,¹³ and due honour is given to the gods.

All will be well. But if something happens, Aristotle has made the following dispositions. Antipater is to be executor in all respects and in general. (12) But until Nicanor [Aristotle's adopted son] takes over, Aristomenes, Timarchus, Hipparchus, Dioteles, and Theophrastus (if he is willing and it is possible for him) are to take care of the children and Herpyllis and their inheritance.

Provisions for his children

When my daughter is grown up, she should be given to Nicanor in marriage. If anything happens to my daughter (may this not happen; it shall not be) before she marries, or after she marries, before she has children, Nicanor is to be *kyrios* for my child and is to see to everything else in a manner worthy both of himself and of us. Nicanor is to care for my daughter and for my son Nicomachus,¹⁴ as he judges best for them, as if he were both their father and their brother. If anything should happen to Nicanor (may it not happen) before he marries my daughter, or before they have children, whatever arrangements he has made shall apply. (13) If [in the case of Nicanor's death] Theophrastus wishes to live with my daughter, the same arrangements shall apply as for Nicanor. If he does not so desire, the executors in consultation with Antipater shall see to the affairs of my daughter and my son as they judge best.

Provisions for his concubine Herpyllis

The executors and Nicander, keeping me in mind and Herpyllis, who has been good to me, should take care also of the other matters [concerning her], and if she wishes to marry, to give her to someone worthy of me. In addition to the other gifts that she has received previously they should give her a talent of silver, from the estate, and three female slaves, if she wishes, and the female slave that she has at present, and the slave Pyrrhaeus. (14) And if she wishes to live in Chalcis, she is to have the guest-cottage by the garden. If she wishes to live at Stagira, she is to have my father's house. Whichever of the two she chooses, the executors are to equip it with furniture that seems to them suitable and that Herpyllis approves.

Provisions for slaves

Nicanor shall see that the slave Myrmex shall be returned to his family in a manner worthy of me with the property that we got from him. Ambracis

also is to be freed, and when my daughter marries, she shall be given 500 drachmas and the female slave she has at present. Thale shall receive in addition to the female slave she now has and has bought 2,000 drachmas and a female slave. (15) And for Simo, aside from the money previously given him for another slave, either a slave shall be bought or money given [for the purchase]. When my daughter is married, Tacho shall be freed, and also Philo, and Olympios, and his son. The executors are not to sell any of the slaves who looked after me, but to employ them. When they reach the appropriate age, they should set them free as they deserve.

Provisions for commemorative statues

The executors are to see that the images Gryllion has been commissioned to make are set up when they are finished: these are of Nicanor and of Proxenus, which I had meant to have commissioned, and of Nicanor's mother and the image of Arimnestos that has been completed, as a memorial to him, since he died childless. (16) They should dedicate my mother's statue of Demeter at Nemea, or wherever they think best. Wherever they put my tomb, they should collect and place the bones of Pythias, as she herself requested. Because Nicanor returned safely, he should put up stone statues 4 cubits high in Stagira to Zeus the Preserver and Athena the Preserver, in fulfilment of my vow.

Nos. 80 and 81 are citations of the law that were added in antiquity to the texts of orations by later editors from collections of Athenian laws and decrees. Other such laws are cited in no. 89.¹⁵

80. *Provisions for female children. Athens, 4th cent. BC ('Demosthenes', Or. 43, Against Macartatus 51, 54. G)*

The dowry system ensured that daughters would inherit some portion of their father's estate, but if there were no sons, laws of succession ensured that so far as possible the money would stay in the father's family through marriage.

Succession

(51) If a man dies intestate and leaves female children, the estate goes with them; if not, his male heirs inherit his property, as follows:¹⁶ if he has brothers from the same father, and if there are legitimate sons of the brothers, they are to inherit the father's share.¹⁷ But if there are no brothers or sons of brothers, their descendants shall inherit as follows. The males shall have precedence and the descendants of the males, if they have any, even though their relationship be more remote. But if there are on the father's side no relations closer than the children of cousins, the male relatives on the mother's side shall inherit according to the same principles. If there are no relatives on either side within those limits, then the next of kin of the father shall inherit. But no illegitimate

son or daughter is to have the right of inheritance either to religious or civic privileges, since the time of Euclides' archonship [403 BC].

Provisions for dowries

(54) The law about heiresses of the Thetes class:¹⁸ if the next of kin does not wish to marry her, he should give her in marriage: if he is of the class of Pentacosimedimni, he should provide a dowry of 500 drachmas in addition to what she already has; if he is a Knight, 300 drachmas; if he is of the class of Zeugitae, 150 drachmas. If there is more than one kinsman in the same degree of relationship, each should contribute a share to the heiress. If there is more than one heiress, it is not necessary for any male relative to provide a dowry for more than one, but the next closest male relative should provide it, or marry her himself. If the male relative does not marry her or does not provide a dowry, the archon should compel him to marry her or to provide a dowry. If the archon cannot get him to comply, he must consecrate 1,000 drachmas to Hera. Anyone who wishes to may denounce a man who does not comply [with these regulations] to the archon.

81. *Married heiresses. Athens, 4th cent. BC (Isaeus 3.64. G)*

The law states that women who have been given in marriage by their fathers and who have been living with their husbands (and who could make better provision for them than a father?), that even a woman thus given in marriage, if her father dies without leaving legitimate sons, becomes subject to the legal power of their next of kin; and many men who have already been living with their wives have been deprived of them [in this manner].¹⁹

82. *Widow of Diodotus. Athens, c. 400 BC (Lysias, Against Diogeiton 32.11-18. G)*

The widow (whose name is not mentioned) of Diodotus, a rich merchant who was killed in battle in 409 BC, has studied the accounts of her husband's estate and accuses her *kyrios* Diogeiton (who was also her father and her husband's brother) of mishandling the assets and cheating her sons of property that rightfully belonged to them. Her son-in-law represents her in court, describing how she asked him to summon her male relatives together so she could confront her brother-in-law in their presence.

Finally the boys' mother begged me to hold a meeting with her father and her friends. She said that although she had never spoken in the presence of men before, the severity of her misfortunes compelled her to speak to us about her troubles in detail ...

At first Diogeiton refused to come, but finally he was compelled to by

his friends. When the meeting was held, the widow asked Diogeiton how he had the heart to have such an attitude towards his brother's children: 'You are their father's brother, and my father, and their uncle and grandfather. Even if you aren't ashamed of what men will think, you ought to fear the gods. When my husband went off to war he gave you a deposit of five talents – I am willing to swear that this is true on the lives of my sons and my younger children in any temple that you select. I am not so pathetic, and I do not think money so important that I would choose to lose my own life after swearing a false oath on my children's lives, nor would I wish unjustly to steal my father's property.'

In addition she proved that he had taken 7 talents and 400 drachmas from marine loans, and produced the records of these transactions. For she showed that when Diogeiton moved away from the house at Collytus to Phaedrus²⁰ house her sons had happened upon the accounts which had been mislaid and brought them to her. She revealed that he had taken 100 minae that had been loaned for interest on a mortgage, and that Diogeiton had also taken 2,000 drachmas and valuable furniture, and that grain came to them every year from the Chersonese [from that investment].

'Then you dared to say, even though you had all that money, that their father [Diodotus] had left these children 2,000 drachmas and 30 staters – the sum that was left to me and that I gave you when my husband died. And you thought it acceptable to turn your daughter's sons out of their own house in worn clothes, without shoes, with no attendant, and with no bed-clothes, and without the furniture that their father left them, and without the money he had deposited with you. Meanwhile you are bringing up the children you have had by my step-mother in great luxury. You are justified in doing that, but you have wronged my children, because you threw them out of their house and wanted to make them poor instead of prosperous. And on account of these deeds you are not afraid of the gods, nor are you ashamed that I am aware of what you have done, nor do you honour your brother's memory, but you think us all less important than money.'

Then, gentlemen of the jury, after hearing the many terrible accusations the widow had made, we were struck by what this man had done and by her speech. We saw what her sons had suffered, and we thought of their dead father, and what an unworthy guardian he had left for his estate. We reflected how hard it was to find someone to trust with financial matters. As a result, gentlemen of the jury, none of those present could say a word, but we wept just as much as the widow and her children, and went away in silence.

83. *Property. Athens, 4th cent. BC (Isaeus 10.10. G)*

A child is not permitted to make a will. For the law expressly forbids children and women from being able to make a contract [about anything worth] more than a bushel of barley.²¹

84. *Maintenance. Athens, 4th cent. BC (Isaeus 3.39. G)*

Even men who give their female relatives as concubines make agreements about what will be given to them as concubines.

85. *Payment of a dowry. Athens, 4th cent. BC (IG II².2679. G)*

Renewal of a document in which Pythodorus had assigned a dowry of 4,000 drachmas to his daughter.

In the year Euxenippus was archon;²² boundary of the lands and houses, securities for the dowry of Xenariste daughter of Pythodorus of Gargettus; this is half, with interest accrued [given to] her, of the 4,000 drachmas[?], until the year Leostratus was archon.²³

86. *Proof of marriage. Athens, 4th cent. BC (Isaeus 8.18- 20. G)*

Proof of legal marriage, offered by the son of the woman who is making claims to her father Ciron's estate. Because she is a respectable woman (unlike Neaera, no. 90), her name is not mentioned.²⁴

Therefore it ought to be clear from what I have shown that not only is our mother the legitimate daughter of Ciron, but also it should be clear from this what our father has done for us and the attitude of the wives of his demesmen towards [our mother]. When our father took her in marriage, he held a wedding-feast and summoned three of his friends in addition to his relatives; he also gave a marriage banquet to the phratry according to their established customs. After this the wives of his demesmen also chose our mother to preside at the Thesmophoria²⁵ along with the wife of Diocles of the deme Pithus and to conduct the ritual together with her. In addition to this, when we were born, our father introduced us to the phratry, and took an oath according to the established customs that he was introducing children born from an Athenian citizen and a lawfully wedded wife. None of the members of the phratry objected or doubted that this was the truth, although there were many of them and they investigated such matters carefully.

Surely you cannot believe that if our mother was the sort of woman that our opponents allege our father would have given a wedding-feast or a marriage banquet; rather, he would have concealed the whole affair,

and the wives of other demesmen would not have chosen her to conduct the Thesmophoria with Diocles' wife and put her in charge of the sacred objects. No, they would have turned instead to one of the other wives for these matters, and they would not have admitted us into the phratry; they would have accused our father and refuted his claims, if it had not been completely agreed that our mother was the legitimate daughter of Ciron. But there is no doubt whatever because it was evident and well known by many people. Now summon witnesses that I am telling the truth about this.

87. *A mistress's scheme. Athens, 4th cent. BC (Isaeus 6.17-24. G)*

The sons of Euctemon's mistress, Alce, claim that they were adopted by Euctemon and thus are heirs to his estate. Since his legitimate sons are all dead, his sons-in-law, their successors in the line of inheritance in their capacity as *kyrioi* of Euctemon's daughters, hired Isaeus to protect their interests, alleging that Alce's sons gutted Euctemon's estate.

(17) ... It will perhaps be unpleasant, gentlemen, for [Euctemon's son-in-law] Phanostratus to set forth Euctemon's misfortunes in public; but it will be necessary to say at least something about them, so that you can know the truth and cast your ballot more easily.

(18) Euctemon lived for 96 years, and seemed to be happy for most of that time; he had a considerable estate and children and a wife, and he was reasonably fortunate in other respects as well.²⁶ But in his old age a considerable misfortune occurred, which wrecked his entire household and destroyed his fortune and brought him into contention with his family.

(19) I shall show as briefly as I can how and why this happened. Euctemon had a freedwoman, gentlemen, who ran a tenement-house for him in the Piraeus and kept prostitutes. One of the prostitutes she acquired was called Alce; I believe many of you know the woman. This Alce, after she had been bought, remained in the house for many years, but when she became old she left the house; (20) while she was living in the house she had relations with a freedman named Dion, who she said is the father of these men [who claim to have been adopted by Euctemon]. Dion raised them as his own children. But some time later Dion incurred a fine and to protect himself withdrew to Sicyon.

This Alce is the person that Euctemon employed to look after his tenement-house in Ceramicus, the one near the postern gate, where wine is sold. (21) While she was living there, gentlemen, she was the cause of many troubles. Euctemon went there to collect the rent and often spent considerable time in the tenement-house, and sometimes had meals with that person, abandoning his wife and children and the house in which he lived. When his wife and sons complained about it, even so he did not

stop, but he ended up spending all of his time there, and was so reduced either by drugs or by disease or by some other cause, that he was persuaded by Alce to introduce the elder of her two sons into his phratry under his own name.

(22) When his son Philoctemon did not consent and the phratry did not accept him, and the sacrificial victim was removed from the altar, Euctemon became angry at his son and wishing to insult him announced his engagement to the sister of Democrates of Aphidna, so as to recognise children born to her and bring them into the household, if he did not agree to have Alce's son introduced.

(23) But his relatives realised that he could not have any more children at his age, but that they would be produced by some other means, and that these additional heirs would cause the estate to be divided up even more, and persuaded Philoctemon to let him introduce Alce's son to the phratry on the terms that Euctemon wanted, giving him one farm. (24) And Philoctemon, although ashamed at his father's foolishness, was incapable of dealing with the present problem, and did not oppose it. After these conditions were agreed on, and the child was introduced on these terms, Euctemon broke his engagement to Democrates' sister, and thus showed that he did not intend to marry to have children, but in order to have Alce's son introduced to the phratry.

In each of the following three cases only one side's argument survives and the verdict is unknown.

88. *A husband's defence. Athens, c. 400 BC (Lysias, On the Murder of Eratosthenes 6-33, 47-50. Tr. K. Freeman. G)*

Euphiletus, a husband who murdered his wife's lover, Eratosthenes, speaks in his own defence.

(6) Members of the jury, when I decided to marry and had brought a wife home, at first my attitude towards her was this: I did not wish to annoy her, but neither was she to have too much of her own way. I watched her as well as I could, and kept an eye on her as was proper. But later, after my child had been born, I came to trust her, and I handed all my possessions over to her, believing that this was the greatest possible proof of affection.

(7) Well, members of the jury, in the beginning she was the best of women. She was a clever housewife, economical and exact in her management of everything. But then my mother died; and her death has proved to be the source of all my troubles, because it was when my wife went to the funeral that this man Eratosthenes saw her; and as time went on, he was able to seduce her. He kept a look-out for our maid who

goes to market; and approaching her with his suggestions, he succeeded in corrupting her mistress.

(9) Now first of all, gentlemen, I must explain that I have a small house which is divided into two – the men's quarters and the women's – each having the same space, the women upstairs and the men downstairs. After the birth of my child, his mother nursed him; but I did not want her to run the risk of going downstairs every time she had to give him a bath, so I myself took over the upper storey, and let the women have the ground floor. And so it came about that by this time it was quite customary for my wife often to go downstairs and sleep with the child, so that she could give him the breast and stop him from crying.

This went on for a long while, and I had not the slightest suspicion. On the contrary, I was in such a fool's paradise that I believed my wife to be the chastest woman in all the city.

(11) Time passed, gentlemen. One day, when I had come home unexpectedly from the country, after dinner, the child began crying and complaining. Actually it was the maid who was pinching him on purpose to make him behave so because – as I found out later – this man was in the house. Well, I told my wife to go and feed the child, to stop his crying. But at first she refused, pretending that she was glad to see me back after my long absence. At last I began to get annoyed, and I insisted on her going.

'Oh, yes!' she said. 'To leave you alone with the maid up here! You mauled her about before, when you were drunk!'

(13) I laughed. She got up, went out, closed the door – pretending that it was a joke – and locked it. As for me, I thought no harm of all this, and I had not the slightest suspicion. I went to sleep, glad to do so after my journey from the country.

(14) Towards morning, she returned and unlocked the door. I asked her why the doors had been creaking during the night. She explained that the lamp beside the baby had gone out, and that she had then gone to get a light from the neighbours.

I said no more. I thought it really was so. But it did seem to me, members of the jury, that she had done up her face with cosmetics, in spite of the fact that her brother had died only a month before. Still, even so, I said nothing about it. I just went off, without a word.

(15) After this, members of the jury, an interval elapsed, during which my injuries had progressed, leaving me far behind. Then, one day, I was approached by an old hag. She had been sent by a woman – Eratosthenes' previous mistress, as I found out later. This woman, furious because he no longer came to see her as before, had been on the look-out until she had discovered the reason. The old crone, therefore, had come and was lying in wait for me near my house.

'Euphiletus,' she said, 'please don't think that my approaching you is in any way due to a wish to interfere. The fact is, the man who is wronging

you and your wife is an enemy of ours. Now if you catch the woman who does your shopping and works for you, and put her through an examination, you will discover all. The culprit,' she added, 'is Eratosthenes from Oea. Your wife is not the only one he has seduced – there are plenty of others. It's his profession.'

With these words, members of the jury, she went off. At once I was overwhelmed. Everything rushed into my mind, and I was filled with suspicion. I reflected how I had been locked into the bedroom. I remembered how on that night the middle and outer doors had creaked, a thing that had never happened before; and how I had had the idea that my wife's face was rouged. All these things rushed into my mind, and I was filled with suspicion.

(18) I went back home, and told the servant to come with me to market. I took her instead to the house of one of my friends; and there I informed her that I had discovered all that was going on in my house.

'As for you,' I said, 'two courses are open to you: either to be flogged and sent to the tread-mill, and never be released from a life of utter misery; or to confess the whole truth and suffer no punishment, but win pardon from me for your wrongdoing. Tell me no lies. Speak the whole truth.'

(19) At first she tried denial, and told me that I could do as I pleased – she knew nothing. But when I named Eratosthenes to her face, and said that he was the man who had been visiting my wife, she was dumbfounded, thinking that I had found out everything exactly. And then at last, falling at my feet and exacting a promise from me that no harm should be done to her, she denounced the villain. She described how he had first approached her after the funeral, and then how in the end she had passed the message on, and in course of time my wife had been overpersuaded. She explained the way in which he had contrived to get into the house, and how when I was in the country my wife had gone to a religious service with this man's mother, and everything else that had happened. She recounted it all exactly.

(21) When she had told all, I said: 'See to it that nobody gets to know of this; otherwise the promise I made you will not hold good. And furthermore, I expect you to show me this actually happening. I have no use for words. I want the fact to be exhibited, if it really is so.'

She agreed to do this.

Four or five days then elapsed, as I shall prove to you by important evidence. But before I do so, I wish to narrate the events of the last day.

(23) I had a friend and relative named Sostratus. He was coming home from the country after sunset when I met him. I knew that as he had got back so late, he would not find any of his own people at home; so I asked him to dine with me. We went home to my place, and going upstairs to the upper storey, we had dinner there. When he felt restored, he went off; and I went to bed.

Then, members of the jury, Eratosthenes made his entry; and the maid

wakened me and told me that he was in the house.

I told her to watch the door; and going downstairs, I slipped out noiselessly.

I went to the houses of one man after another. Some I found at home; others, I was told, were out of town. So collecting as many as I could of those who were there, I went back. We procured torches from the shop near by, and entered my house. The door had been left open by arrangement with the maid.

We forced the bedroom door. The first of us to enter saw him still lying beside my wife. Those who followed saw him standing naked on the bed. I knocked him down, members of the jury, with one blow. I then twisted his hands behind his back and tied them. And then I asked him why he was committing this crime against me, of breaking into my house.

He answered that he admitted his guilt; but he begged and besought me not to kill him – to accept a money-payment instead. But I replied: 'It is not I who shall be killing you, but the law of the state, which you, in transgressing, have valued less highly than your own pleasure. You have preferred to commit this great crime against my wife and my children, rather than to obey the law and be of decent behaviour.'

(27) Thus, members of the jury, this man met the fate which the laws prescribe for wrongdoers of his kind.²⁷

Eratosthenes was not seized in the street and carried off, nor had he taken refuge at the altar, as the prosecution alleges. The facts do not admit of it: he was struck in the bedroom, he fell at once, and I bound his hands behind his back. There were so many present that he could not possibly escape through their midst, since he had neither steel nor wood nor any other weapon with which he could have defended himself against all those who had entered the room.

(28) No, members of the jury: you know as well as I do how wrongdoers will not admit that their adversaries are speaking the truth, and attempt by lies and trickery of other kinds to excite the anger of the hearers against those whose acts are in accordance with Justice.

To the Clerk of the Court: Read the law.

The Law of Solon is read, that an adulterer may be put to death by the man who catches him.

(29) He made no denial, members of the jury. He admitted his guilt, and begged and implored that he should not be put to death, offering to pay compensation. But I would not accept his estimate. I preferred to accord a higher authority to the law of the state, and I took that satisfaction which you, because you thought it the most just, have decreed for those who commit such offences. Witnesses to the preceding, kindly step up.

The witnesses come to the front of the court, and the Clerk reads their depositions. When the Clerk has finished reading, and the witnesses have agreed that the depositions are correct, the defendant again addresses the Clerk:

Now please read this further law from the pillar of the Court of the Areopagus.

The Clerk reads another version of Solon's law, as recorded on the pillar of the Areopagus Court.

You hear, members of the jury, how it is expressly decreed by the Court of the Areopagus itself, which both traditionally and in your own day has been granted the right to try cases of murder, that no person shall be found guilty of murder who catches an adulterer with his wife and inflicts this punishment. (31) The law-giver was so strongly convinced of the justice of these provisions in the case of married women that he applied them also to concubines, who are of less importance. Yet obviously, if he had known of any greater punishment than this for cases where married women are concerned, he would have provided it. But in fact, as it was impossible for him to invent any more severe penalty for corruption of wives, he decided to provide the same punishment as in the case of concubines.

To the Clerk of the Court: Please read me this law also.

The Clerk reads out further clauses from Solon's laws on rape.

(32) You hear, members of the jury, how the law-giver ordains that if anyone debauch by force a free man or boy, the fine shall be double that decreed in the case of a slave. If anyone debauch a woman – in which case it is *permitted* to kill him – he shall be liable to the same fine. Thus, members of the jury, the law-giver considered violators deserving of a lesser penalty than seducers: for the latter he provided the death penalty; for the former, the doubled fine. His idea was that those who use force are loathed by the persons violated, whereas those who have got their way by persuasion corrupt women's minds, in such a way as to make other men's wives more attached to themselves than to their husbands, so that the whole house is in their power, and it is uncertain who is the children's father, the husband or the lover ...

(47) It is my belief, members of the jury, that this punishment was inflicted not in my own interests, but in those of the whole community. Such villains, seeing the rewards which await their crimes, will be less ready to commit offences against others if they see that you too hold the same opinion of them. (48) Otherwise it would be far better to wipe out the existing laws and make different ones, which will penalise those who keep guard over their own wives, and grant full immunity to those who criminally pursue them. (49) This would be a far more just procedure than to set a trap for citizens by means of the laws, which urge the man who catches an adulterer to do with him whatever he will, and yet allow the injured party to undergo a trial far more perilous than that which faces the law-breaker who seduces other men's wives. (50) Of this, I am an example – I, who now stand in danger of losing life, property, everything, because I have obeyed the laws of the state.

89. *The case for the prosecution in a poisoning trial. Athens, c. 420 BC (Antiphon, Prosecution of a Stepmother, 1-4, 14-20, 25-7. Tr. K. Freeman. G)*

The prosecutor is the deceased's son by his first marriage; the defendant is the deceased's second wife, represented by her sons, the prosecutor's half-brothers.

(1) Members of the jury:

Young as I am, and still without experience of litigation, I am placed by this event in a position of terrible difficulty. Either I have to disobey the injunction laid on me by my father, that I should seek vengeance on his murderers; or if I do seek vengeance, I am driven into a feud with those with whom it is least desirable – my half-brothers and their mother. (2) Events, and my half-brothers themselves, have driven me into bringing this suit against them. They are the very men who ought naturally to have come forward as avengers of the deceased, and allies of the avenger. But in fact, the precise opposite has come about: they have taken their stand here as my adversaries, on the side of murder as I and my indictment declare.

(3) My plea to you, gentlemen, is this: if I prove that their mother did by intention and forethought cause the death of our father, and that she had been caught before, not once but several times, in the very act of plotting his murder, inflict punishment – avenge, in the first instance your laws, which you have received as an inheritance from heaven and your ancestors, and by which you must be guided when considering condemnation as judges in this court; avenge, in the second instance him who is dead and gone, and with him me also, who, alone and deserted, am left to take his part! (4) You, gentlemen, stand to me now in the place of my family, because those who should have been his avengers and my allies have come forward as the dead man's murderers and my opponents. To whom, then, can anyone turn to for help, or where can he go to seek sanctuary, except to you and to Justice? ...

(14) There was in our house an upper room, which Philoneus used to occupy whenever he had business in town. This Philoneus was an honest, respectable man, a friend of my father's. He had a concubine, whom he was intending to dispose of to a brothel. My stepmother, having heard of this, made a friend of this woman; and when she got to know of the injury Philoneus was proposing to do her, she sent for her. When the woman came, my stepmother told her that she herself also was being wrongly treated, by my father; and that if the woman would do as she said, she was clever enough to restore the love of Philoneus for the concubine, and my father's love for herself. As she expressed it, hers was the creative part, the other woman's part was that of obeying orders. (16) She asked her therefore if she was willing to act as her assistant; and the woman

promised to do so – very readily, I imagine. Later, it happened that Philoneus had to go down to the Piraeus in connection with a religious ceremony to Zeus, Guardian of Property; and at the same time my father was preparing for a voyage to Naxos. It seemed to Philoneus an excellent idea, therefore, that he should make the same trip serve a double purpose: that he should accompany my father, his friend, down to the harbour, and at the same time perform his religious duty and entertain him at a feast. (17) Philoneus' concubine went with them, to help them with the sacrifice and the banquet. When they arrived at the port, they of course performed the sacrifice. When the religious ceremony was over, the woman began to deliberate with herself as to how and when she should administer the drug, whether before dinner or after dinner. The result of her deliberation was that she decided to do so after dinner, thus carrying out the instructions of this Clytemnestra, my stepmother.

(18) The whole story of the dinner would be too long for me to tell or you to hear; but I shall try to narrate the rest to you in the fewest possible words, that is, how the actual administration of the poison was accomplished. When they had finished dinner, they naturally – as one of them was sacrificing to Zeus and entertaining a guest, and the other was about to set off on a voyage and was dining with his friend – they naturally were proceeding to pour libations, and accompany them with an offering of incense. (19) Philoneus' concubine, as she was serving them with the wine for the libation – a libation that was to accompany prayers destined, alas! gentlemen, not to be fulfilled – poured in the poison. And in the belief that she was doing something clever, she gave the bigger dose to Philoneus, thinking that perhaps the more she gave him, the more he would love her. She still did not know that she had been deceived by my stepmother, and did not find out until she was already involved in disaster. She poured in a smaller dose for my father. (20) The two men poured out their libation; and then, taking in hand that which was their own destroyer, they drained their last draught.

Philoneus dropped dead instantly. My father was seized with an illness from which he died in three weeks. For this, the woman who had acted under orders has paid the penalty for her offence, in which she was an innocent accomplice: she was handed over to the public executioner after being broken on the wheel. But the woman who was the real cause, who thought out and engineered the deed – she will pay the penalty now, if you and heaven so decree ...

(25) Which is more just – that the murderer should pay the penalty, or not? Which is more just – to pity rather the dead man, or the woman who killed him? The dead man, I would say. That would be the far more just and more righteous course for you in the eyes of god and man. And so at this point I demand that as she destroyed him without pity and without mercy, so she too shall be destroyed by you and by Justice. (26) She acted of her own free will and compassed his death with guile; he died by force,

an unwilling victim. Can it be denied, gentlemen, that he died by force – a man who was intending to set out on a voyage from this country, and who was dining with his friend? She it was who sent the poison, who gave the order that it should be given him to drink, and so killed my father. What claim has she to be pitied or to win consideration from you or anyone else? She did not see fit to have pity on her husband – no, but she wickedly and shamefully destroyed him.

(27) Pity, as you know, is more properly bestowed in cases of involuntary suffering than of crime and offences committed voluntarily and with malice aforethought. Even as she, fearing neither gods nor heroes nor her fellow-men, destroyed the dead man, so let her in turn be destroyed by you and by Justice! Let her win neither consideration nor pity nor any sort of compunction from you, and thus meet with the punishment she has so justly earned!

90. *The past activities of a courtesan. Athens, 4th cent. BC (Apollodorus (= Demosthenes'), Against Neaera, 59. 18-42, 45-60, 72-3, 78-9, 85-7, 110-14, 122. Tr. K. Freeman. G)*

This case, spitefully brought against the courtesan Neaera's pimp-lover Stephanus years after the facts described, when Neaera was in her seventies, concentrates not only on the legal issue of Neaera's citizenship, but on her past sexual activities.

(18) [Neaera] was one of seven little girls bought when small children by Nicarete, a freedwoman who had been the slave of Charisius of Elis, and the wife of Charisius' cook Hippas. Nicarete was a clever judge of beauty in little girls, and moreover she understood the art of rearing and training them skilfully, having made this her profession from which she drew her livelihood. (19) She used to address them as daughters, so that she might exact the largest fee from those who wished to have dealings with them, on the ground that they were freeborn girls; but after she had reaped her profit from the youth of each of them, one by one, she then sold the whole lot of them together, seven in all: Anteia, Stratola, Aristocleia, Metaneira, Phila, Isthmias, and the defendant Neaera.

(20) Now who were their respective purchasers, and how they were set free by those who bought them from Nicarete, I will explain in the course of my speech, if you wish to hear, and if I have enough time. But the fact that the defendant Neaera did belong to Nicarete and worked as a prostitute open to all comers – this is the point to which I wish to return.

(21) Lysias the professor of rhetoric was the lover of Metaneira. He decided that in addition to the other expenses he had incurred for her, he would like to get her initiated. He thought that the rest of his expenditure went to her owner, but whatever he spent on her over the festival and initiation ceremony would be a present for the girl herself. He therefore

asked Nicarete to come to the Mysteries and bring Metaneira so that she could be initiated and he promised to instruct her himself in the Mysteries.

(22) When they arrived, Lysias did not admit them to his house, out of respect for his wife, who was the daughter of Brachyllus and his own niece, and for his mother, who was somewhat advanced in years and lived in the same house. Instead, he lodged them – that is, Metaneira and Nicarete – with Philostratus of Colonus, who was still a bachelor and also a friend of his. The women were accompanied by the defendant Neaera, who was already working as a prostitute, though she was not yet of the proper age.

(23) As witness to the truth of my statements, namely that she was the slave of Nicarete and used to accompany her and was hired out to anyone willing to pay, I now call upon Philostratus himself.

Philostratus testifies.

(24) On a later occasion, gentlemen, Simos the Thessalian brought Neaera here to the Great Panathenaic Festival. Nicarete also accompanied them, and they put up at the house of Ctesippus son of Glauconidas. The defendant Neaera drank and dined with them in the presence of a large company, as a courtesan would do.

(25) I now call witnesses to the truth of these statements. Please call Euphiletus son of Simon, and Aristomachus son of Critodemus.

They testify.

(26) After that, she worked openly at Corinth as a prostitute, and became famous. Among her lovers were Xenocides the poet and Hipparchus the actor, who had her on hire. For the truth of these statements, I am unable to put before you the deposition of Xenocides, because he is debarred by law from giving evidence ... (28) But I now call Hipparchus himself, and I shall compel him to give evidence or else take the oath disclaiming knowledge of the facts, according to the law; otherwise I will subpoena him.

He testifies.

(29) After that, she acquired two lovers, Timanoridas of Corinth and Eucrates of Leucas. These men found Nicarete's charges excessive, as she expected them to pay all the daily expenses of her household; so they paid down to Nicarete 30 minas as the purchase-price of Neaera, and bought her outright from her mistress, according to the law of that city, to be their slave. (30) They kept her and made use of her for as long as they wished. Then, being about to get married, they informed her that they did not wish to see the woman who had been their own mistress plying her trade in Corinth nor kept in a brothel: they would be glad to receive less money for her than they had paid, and to see her also reaping some benefit. They therefore offered to allow her, towards the price of her freedom, 1,000 drachmas, that is, 500 each; as for the 20 minas remaining, they told her to find this sum herself and repay it to them.

Neaera, on hearing these propositions from Timanoridas and Eucrates, sent messages to a number of her former lovers, asking them to come to Corinth. Among these was Phrynion, an Athenian from Paeania, the son of Demon, and the brother of Demochares, a man who was living a dissolute and extravagant life, as the older of you remember. (31) When Phrynion arrived, she told him of the proposition made to her by Eucrates and Timanoridas, and handed him the money which she had collected from her other lovers as a contribution towards the purchase of her freedom, together with her own savings, asking him to make up the amount to the 20 minas, and pay it to Eucrates and Timanoridas, so that she should be free.

(32) Phrynion was delighted to hear this proposition of hers. He took the money which had been contributed by her other lovers, made up the deficit himself, and paid the 20 minas to Eucrates and Timanoridas as the price of her freedom and on condition that she would not practise her profession in Corinth. As a proof of these statements, I will call the man who then witnessed the transaction. Please call Philagrus of the suburb of Melite.

He testifies.

(33) When they arrived here at Athens, he kept her and lived with her in a most dissolute and reckless way. He took her out to dinner with him wherever he went, where there was drinking; and whenever he made an after-dinner excursion, she always went too. He made love to her openly, anywhere and everywhere he chose, to excite the jealousy of the onlookers at his privilege. Among the many houses to which he took her on an after-dinner call was that of Chabrias of the suburb Alexone, when the latter had won the victory at Delphi with a four-horse chariot team which he had bought from the sons of Mitys the Argive, and on his return from Delphi was celebrating victory down at Colias. On that occasion, many men made love to Neaera when she was drunk and Phrynion was asleep, including even some of Chabrias' servants. (34) In proof of this I shall produce before you the actual eye-witnesses.

Please call Chionides and Euthetion.

They testify.

(35) However, finding herself treated with the most outrageous brutality by Phrynion, instead of being loved as she had expected, or having attention paid to her wishes, she packed up the goods in his house, including all the clothes and jewellery which he had provided for her personal adornment, and taking with her two servants, Thratta and Cocalina, ran away to Megara.

(36) This happened when Asteius was Chief Magistrate at Athens²⁸ during your second war against Sparta. Neaera spent two years in Megara; but her profession did not produce sufficient income to run her house, as she was extravagant, and the Megarians are mean and stingy, and there was no great foreign colony there because it was war-time, and

the Megarians favoured the Spartan side, but you were in command of the seas. She could not go back to Corinth because the terms of her release by Eucrates and Timanoridas were that she should not practise her profession there.

However, peace came.²⁹ It was then that our opponent Stephanus visited Megara. He put up at her house, as that of a prostitute, and became her lover. She told him her whole life-story and of her ill-treatment at the hands of Phrynion. She longed to live in Athens, but was afraid of Phrynion, because she had done him wrong and he was furious with her. She knew the violence and arrogance of his character. She therefore made the defendant Stephanus her protector, and while they were still in Megara, he talked encouragingly and filled her with hope, saying that Phrynion would be sorry for it if he laid hands on her, as he himself would take her as his wife, and would introduce the sons she already had to his phratrymen as being his own, and would make citizens of them. No one on earth, he said, should do her any harm. And so he arrived here at Athens from Megara with her and her three children, Proxenus, Ariston and a daughter, who now bears the name of Phano. (39) He took her and the children to the little house which he owned, alongside the Whispering Hermes, between the house of Dorotheus the Eleusinian and the house of Cleinomachus, which now Spintharus has bought from him for 7 minas. Thus, the place was the whole of Stephanus' property at that time – he had nothing else.

He had two reasons for bringing her here: first, that he would have a handsome mistress without expense; secondly, that her profession would provide him with the necessaries of life and keep the household, for he had no other source of income, except what he picked up by occasional blackmail.

(40) When Phrynion heard that she was in Athens and living with the defendant, he took some young men with him and went to Stephanus' house to get her. Stephanus asserted her freedom, according to law, and Phrynion thereupon summoned her before the Polemarch, under surety.³⁰ In proof of this, I will bring before you the Polemarch of that year ...

Please call Aietes.

He testifies.

(41) When she had thus been bailed out by Stephanus and was living with him, she carried on the same profession no less than before, but she exacted a larger fee from those who wished to consort with her, as having now a certain position to keep up and as being a married woman. Stephanus helped her by blackmail; if he caught any rich unknown stranger making love to her, he used to lock him up in the house as an adulterer caught with his wife, and extract a large sum of money from him. (42) – naturally, because neither Stephanus nor Neaera had anything, not even enough to meet their daily expenses, but their

establishment was large. There were himself and herself to keep, and three small children – the ones she brought with her to him – and two maids and a man-servant; and above all, she had acquired the habit of good living, as formerly it had been others who had provided her with all necessaries ...

(45) To continue: Phrynion began his law-suit against Stephanus, on the grounds that Stephanus had robbed him of the defendant Neaera and made a free woman of her, and that Stephanus had received the goods of which Neaera had robbed him when she left. However, their friends brought them together and persuaded them to submit the dispute to arbitration. The arbitrator who sat on Phrynion's behalf was Satyrus of Alopece, the brother of Lacedaemonius, and on Stephanus' behalf, Saurias of Lamptrae; they chose as umpire Diogeiton of Acharnae. (46) These three met in the temple, and after hearing the facts from both the litigants and also from the woman herself, they gave their judgment, which was accepted by the litigants: namely, that the woman should be free and her own mistress, but that the goods which Neaera had taken from Phrynion when she left should all be returned to Phrynion, except the clothes and jewellery and maid-servants which had been bought for Neaera herself; further, that she should spend the same number of days with each of them; but that if they agreed to any other arrangement, this same arrangement should hold good; that the woman's upkeep should be provided by the person with whom she was living at the time; and that for the future the litigants should be friends and should bear no malice. (47) Such was the settlement brought about by the decision of arbitrators in the case of Phrynion and Stephanus, concerning the defendant Neaera. In proof of this, the Clerk will read you the deposition.

Please call Satyrus of Alopece, Saurias of Lamptrae, and Diogeiton of Acharnae.

They testify.

The following were the terms of settlement between Phrynion and Stephanus: that each shall keep at his house and have the enjoyment of Neaera for an equal number of days per month, unless they come to some different agreement.

(48) When the business was over, the friends of each party, those who had assisted them at the arbitration and the rest, did as I believe is usual in such cases, especially when a mistress is in dispute: they went to dine with each of them at the times when he had Neaera with him, and she dined and drank with them as mistresses do ...

(49) I have now outlined the facts about Neaera, and have supported my statements with evidence: that she was originally a slave, was twice sold, and practised the profession of a prostitute; that she ran away from Phrynion to Megara, and on her return to Athens was summoned before the Polemarch under surety. I now desire to prove to you that Stephanus himself has given evidence against her, showing that she is an alien.

(50) The daughter of the defendant Neaera, whom she had brought as a little girl to Stephanus' house, was in those days called Strybele, but now has the name Phano. Stephanus gave this girl in marriage, as being his own daughter, to an Athenian citizen, Phrastor, together with a dowry of 30 minas. When she went to live with Phrastor, who was a hardworking man and who had got together his means by careful living, she was unable to accommodate herself to his ways, but hankered after her mother's habits and the dissolute ways of that household, being, I suppose, brought up to a similar licence. (51) Phrastor observed that she was not well-behaved nor willing to be guided by him, and at the same time he found out for certain that she was not the daughter of Stephanus, but only of Neaera, so that he had been deceived on the first occasion when he was betrothed to her. He had understood that she was the daughter of Stephanus and not Neaera, the child of Stephanus' marriage with a freeborn Athenian lady before he began to live with Neaera. Phrastor was most indignant at all this, and considering himself to have been outrageously treated and swindled, he turned the young woman out of his house after having lived with her for a year and when she was pregnant; and he refused to return the dowry.

(52) Stephanus began a suit against him for alimony, lodged at the Odeon, according to the law enacting that if a man divorce his wife, he shall pay back the dowry, or else be liable to pay interest on it at the rate of 18 per cent per annum; and that her legal guardian is entitled to bring a law-suit for alimony at the Odeon, on the wife's behalf. Phrastor also brought an indictment against Stephanus before the Thesmothetae,³¹ that Stephanus had betrothed to him, an Athenian citizen, the daughter of an alien woman, pretending that the girl was his own daughter, contrary to the following law. *To the Clerk:* Please read it.

The Clerk of the Court reads out the following law:

If any person give in marriage an alien woman to an Athenian citizen, pretending that she is related to him, he shall be deprived of his citizen status, and his property shall be confiscated, the third part to go to the person securing the conviction. The indictment shall be brought before the Thesmothetae, by any person so entitled, as in the case of usurpations of citizenship.

(53) The Clerk has read out to you the law followed by the Phrastor when he laid an indictment against Stephanus before the Thesmothetae. Stephanus, realising that if convicted of having sponsored the betrothal of an alien woman he ran the risk of incurring the severest penalties, came to terms with Phrastor, giving up the claim to the dowry and withdrawing the suit for alimony; and Phrastor likewise withdrew his indictment before the Thesmothetae. In proof of this I shall call Phrastor before you, and shall compel him to give evidence according to the law.

(55) Now let me put before you another piece of evidence, derived from Phrastor and the members of his phratry and family, to prove that

Neaera, the defendant, is a foreigner. Not long after Phrastor had repudiated Neaera's daughter, he fell ill. His condition became serious, and his life was in grave danger. He had for a long time been at variance with his relatives, and he regarded them with resentment and dislike. Besides, he was childless. Thus he was seduced during his illness by the attentions of Neaera and her daughter, (56) who went to him while he was ill and had no one to nurse him, bringing all the things necessary for his complaint and looking after him; and you know yourselves, of course, the value of a woman's presence during illness, as nurse to a sick man. And so he was persuaded to take back the child which Neaera's daughter had borne after being turned out of Phrastor's house during her pregnancy – which happened when he found out that she was the daughter, not of Stephanus, but of Neaera, because of his resentment at the deception – to take it back and to accept it as his legitimate son. (57) His reasoning was human and natural; he was ill and had no hope of recovery, and so in order to prevent his relatives from getting his property, and himself from dying childless, he adopted the child as his legitimate son and took him into his house. He would never have done this if he had been well, as I shall show you by a weighty and undeniable piece of evidence.

(58) As soon as Phrastor got up after this illness, and recovered his health and strength, he took as wife an Athenian woman according to law, namely the legitimate daughter of Satyrus of Melite, the sister of Diphilus. This, then, is a proof for you that his acceptance of the child was not voluntary but the result of pressure; his illness, his childlessness, their nursing and this enmity towards his relatives, whom he did not wish to be his heirs if anything happened to him. But this will be shown more clearly by what happened next.

(59) When Phrastor during his illness presented the child, his son by Neaera's daughter, to his phratry and to the Brytidae, to which family Phrastor belongs, the members of his family, knowing, doubtless, who the woman was whom Phrastor had originally taken to wife, namely Neaera's daughter, and knowing of her divorce by him, and also that it was his illness which was the cause of his consenting to take back the child, voted against the child's acceptance and refused to register him as one of themselves. (60) Phrastor began a lawsuit against them for refusing to register his son. The members of his family then challenged him before an arbitrator to swear by the sacred victims that he did verily and truly believe the child to be his son by a free Athenian woman, legally married to him. On the issue of this challenge to Phrastor by the members of his family before the arbitrator, Phrastor defaulted and did not take the required oath ...

(72) Yet the defendants Stephanus and Neaera had reached such a pitch of impudence that they were not content with merely declaring [Phano] to be a free-born Athenian woman. They noticed that Theogenes

of Cothocidae had been chosen by the lot as King-Archon, a man of good family, but poor and without business experience; so Stephanus supported him at his examination, and helped him out with his expenses. When he entered upon office, Stephanus wormed his way in, and having bought from him the office of assessor, he gave him this woman, Neaera's daughter, as wife, guaranteeing her to be his own daughter: such was his contempt for you and for the laws! (73) So this woman Phano performed for you the secret sacrifice for the safety of the state; she looked upon mysteries which she, as an alien, had no right to behold. This was the sort of woman who entered into the holy place where no other of all the great Athenian people can enter – only the wife of the King-Archon. She administered the oath to the reverend priestesses who officiate at the sacrifices; she went through the ceremony of the Bride of Dionysus, and carried out the ancestral religious duties of the state, fulfilling numerous sacred and mysterious functions. How can it be in accord with piety that things which the rest of the community are not allowed even to hear spoken of should actually be done by any woman chosen by chance, especially such a woman as this, and one who is guilty of such actions? ...

(78) I should like to call before you the sacred Herald, who attends upon the wife of the King-Archon when she administers the oath to the reverend priestesses when they are carrying their baskets at the altar, before they touch their sacred victims. This is in order that you may hear the oath and the words spoken in so far as it is permitted to hear these, and may know how holy and ancient is the customary rite.

The sacred herald comes forward and reads the oath administered to the priestesses by the wife of the King-Archon before they are permitted to officiate at the sacrifices.

Oath of the reverend priestess: 'I practise chastity, and am pure and undefiled of all things which bring impurity, including intercourse with men; I perform the sacrament of the wine-festival and the holy Bacchic rites according to the ancestral usage and at the appointed times.'

(79) You have now heard the oath and the ancestral usage, in so far as it is permitted to hear them; and how the woman whom Stephanus betrothed to Theogenes the King-Archon as his own daughter performed these sacrifices and administered the oath to the reverend priestesses, when it is forbidden even to the women who look on at them to repeat these mysteries to any other person.

The Magistrates investigate the identity of Theogenes' wife, and Theogenes divorces her.

(85) *To the jury:* You will see from this that it was proper for her [Phano] as a woman of such a character and such activities, not only to keep away from all these rites, from seeing, from sacrificing, from performing any of the ceremonies laid down by ancestral usage for the safety of the state: she should have been debarred from all public occasions at Athens. The law decrees that where a woman is found with

an adulterer, she is forbidden to attend any of the public sacrifices, even those which the laws permit an alien woman or slave to attend for the purpose of worship and prayer.

(86) The only class of woman forbidden by law to attend the public sacrifices is the woman caught in adultery; if she attends and breaks the law, the law allows any person who wishes to inflict upon her with impunity any punishment short of death, the right of punishment being legally granted to any chance person. The reason why the law permitted the infliction with impunity of any ill-treatment upon her except death, was to avoid any pollution or sacrilege in the temple; it holds out for women a threat terrifying enough to deter them from unrestraint or any sort of misbehaviour, and compel them to carry out their duties at home, teaching them that if anyone misbehaves in this fashion, she will be banished not only from her husband's house but from the public places of worship. (87) That this is so will be clear to you when you hear the law itself read out ...

Law on adultery: If the husband catches the adulterer in the act, he (the husband) shall not be permitted to continue cohabitation with the wife. If he continues cohabitation, he shall be disfranchised. It shall not be lawful for the woman to be admitted to the public sacrifices, if she has been caught with an adulterer. If she gains entrance, she shall be liable to suffer any ill-treatment whatsoever, short of death, and impunity ...

From the summation of the argument: (110) What would any one of you say if, having acquitted Neaera, you went home to your wife, or daughter, or mother, and she asked you, 'Where have you been' – you would answer, 'We have been trying a case.' She will then ask, 'Whose?' and you will of course answer, 'Neaera's'. She was accused of living with an Athenian citizen as his wife, although she herself is an alien, and this is illegal; she was also accused of giving her daughter, a prostitute, in marriage to Theogenes the King-Archon, so that this girl performed the secret sacrifices for the safety of the state and went through the ceremony of being given as bride to Dionysus'; and you will enumerate the rest of the charges against Neaera, saying how well, accurately, and carefully they were stated by the prosecution. (111) You womenfolk, hearing this, will say, 'Well, what did you do?' and you will reply, 'We acquitted her.' Then will not the indignation of all the most decent women be excited against you, because you have judged Neaera no less deserving than themselves of a share in public life and public worship? And the foolish women will have received a clear mandate from you to do as they like, since you and the laws have granted them impunity; for you will have shown by your lax and easygoing attitude that you yourselves are in sympathy with this woman's way of life.

(112) It would be much better that this trial had never been held than that you should vote for acquittal, for there will then be complete liberty to prostitutes to live as wives with whom they please, and to claim as the

father of their children the man they happen to be with. Your laws will lose their force and the ways of harlots will be supreme. You should therefore also look to the interests of the women of this city, and see to it that the daughters of the poor are not deprived of the chance to marry. (113) At present, even if a man is in straitened circumstances, the law decrees a suitable dowry for his daughter, if nature has given her looks which are at all tolerable. But if this law is trampled upon by your acquittal of this woman, and its force is annulled, then the profession of the prostitutes will spread to all daughters of citizens whose poverty prevents their being given in marriage; and the prestige of freeborn women will pass to the prostitutes, if they are granted impunity and licence to produce children as they please, and to take part in religious worship and the rites and privileges of the State.

(114) Each one of you must believe, therefore, that he is giving his vote in defence of his wife, or his daughter, or his mother, or on behalf of the state, the laws and religion – to prevent respectable women from acquiring the same standing as the prostitute, and to protect those who have been reared by their families in every propriety and with every care, and given in marriage according to law, from having no better position than this woman, who with every sort of licentious behaviour surrendered herself dozens of times a day to dozens of men, whenever anyone asked her.

(122) This is matrimony: when a man begets children and presents his sons to his phratry and deme, and gives his daughters, as being his own, in marriage to their husbands. *Hetaerae* we keep for pleasure, concubines (*pallakai*) for daily attendance upon our person, but wives for the procreation of legitimate children and to be the faithful guardians of our households. So that if he had formerly married an Athenian woman, and these children are hers and not Neaera's, he could have proved it by the most accurate testimony, that of the female slaves handed over for examination by torture.

Amorgos³²

'With the agreement of the woman and her guardian'

Athenian women are mentioned only in transactions about their dowries; outside Athens women apparently had more control over their property.

91. A mortgage. Amorgos, 3rd cent. BC (Finley 9. G)

Boundary of the household and garden which Antenor son of Cledicus mortgaged to Pasariste daughter of Evagoras with Samon as guardian, for 90 drachmas of silver, according to agreements deposited with Evaces son of Critolaus.

92. Security for a dowry. Amorgos, c. 300 BC (Finley 155. G)

Boundary of the houses and gardens adjoining the houses put up as security to Nicesarete for her dowry, consecrated and dedicated to Aphrodite Urania in Aspis by Nicesarete, wife of Naucrates, and her guardian Naucrates, and according to the wills deposited in the temple of Aphrodite and with Eunomides the archon and with the official Ctesiphon.

93. Transactions with a society. Amorgos, 3rd cent. BC (Finley 8. G)

Boundary of the lands in ... and of the house and gardens of Xenocles located in Phylincheia and of the recorded pledges mortgaged, with the agreement of the woman Eratocrate and her guardian Brychion to the society and to Aristocritus chief of the society and to his wife Echenice, for the surety which he had put Xenocles down for on behalf of the society, which Aristagoras had collected according to the law of the society members.

94. Leased property. Amorgos, late 4th cent. BC (Finley 130. G)

The estate of orphans during their minority ordinarily was transferred from their guardians to lessees, but in Athens girls were never named as beneficiaries of a will.

Boundary of the leased property of Simone and Demodice, daughters of Simon, in the [properties] of Dexibius. Lessee Dexibius. Aristotimus son of Xanthides set the evaluation at one third; he was sent by the archons Xanthippides son of Xanthippides, Praxiteles son of Theognotus ...

Sparta

'Virtue is the same for men and for women'

The constitution of the Spartan (Lacedaemonian) state was unique in ancient Greece. Its social institutions and its famous discipline were designed for a single purpose: to protect the state by maintaining the best fighting force in the world, and both its male and female citizens were involved in achieving this aim. The distinctive laws of Sparta were attributed by writers in the fifth century and after to a legendary lawgiver, Lycurgus. After Sparta defeated Athens in the Peloponnesian war, much credit was given by Athenians to the special character of the Spartan constitution. Lycurgus' reforms, as described by writers like Xenophon, bear so striking a resemblance to the legislation for the ideal state proposed by Socrates in Plato's *Republic* (no. 73), that one may have influenced the other.³³

95. *Opinions attributed to the sophist Gorgias, 5th cent. BC (Fr. 82 B 19 D-K = Plato, Meno 71e. G)*

If you want a definition of virtue for a man, it is easy to give: virtue for a man is to be able to conduct affairs of state and to help one's friends and harm one's enemies, and to take care that he avoids being harmed himself. If you want a definition of female virtue, it is not difficult to provide: it is that she must run the household well, preserve what it contains and what belongs to her husband.

96. *A saying attributed to the philosopher Antisthenes, 4th cent. BC (Fr. 72 Deleva Caizzi = Diogenes Laertius 6.42. G)*

Virtue (*arete*) is the same for men and for women.³⁴

97. *The education of Spartan mothers (Xenophon, Constitution of the Lacedaemonians 1.2-9. 4th cent. BC. G)*

It was not by imitating the customs of other states, but by knowingly doing the opposite to most of them, that Lycurgus made his fatherland pre-eminently successful.

(1.3) To begin at the beginning, here is his legislation about the procreation of children. Other people raise the girls who will bear the children and who are supposed to have a good upbringing with the most limited portions of food and the smallest possible amount of delicacies. They make sure they abstain from wine completely or give it to them mixed with water.

The other Greeks think that girls ought to sit in isolation doing wool work, leading a sedentary existence like many craftsmen. How could they expect that girls raised in this way could produce significant offspring? (1.4) By contrast, Lycurgus thought that slave women could make a sufficient quantity of clothing.

But as far as free women were concerned, because he thought childbearing was their most important function, he decreed that the female sex ought to take bodily exercise no less than the male. He established competitions of running and of strength for women with one another, just as he did for the men, because he thought that stronger offspring would be born if both parents were strong.

(1.5) As for a wife's sexual relations with her husband, Lycurgus saw that men in other cultures during the first part of the time had unlimited intercourse with their wives, but he knew that the opposite was right. He made it a disgrace for the husband to be seen approaching or leaving his wife. As a result it was inevitable that their desire for intercourse increased, and that as a result the offspring (if there were any) that were born were stronger than if the couple were tired of each other.

(1.6) In addition, he stopped men from taking a wife whenever they chose and decreed that they marry when they were in their prime, because he thought that this was better for their offspring. (1.7) He saw that in cases where it happened that an old man had a young wife, the men were particularly protective of their wives, and he knew that the opposite was right. He required that the older man bring in a man whose body and mind he admired and have him beget the children. (1.8) But in case a man did not want to cohabit with his wife, but wanted worthy children, he made a law that he could beget children from a woman who was noble and had borne good children, if he could persuade her husband.³⁵ (1.9) He agreed to allow many such arrangements, for the wives who wanted to have two households and husbands who wanted to acquire brothers for their children, who had blood and powers in common, but did not inherit their property.³⁶

Thus Lycurgus had different ideas about the begetting of children, and anyone who wishes to may judge whether or not he succeeded in producing in Sparta men who were superior in height and strength from the men in other states!

98. *The advantages of Spartan education and marriage customs (Plutarch, Life of Lycurgus 14-16, excerpts, 2nd cent. AD. G)*

(14.1) As for education, he considered it to be a lawgiver's most significant and noblest work. For that reason he began first off by considering legislation about marriage and childbirth. For Aristotle is wrong when he says that it was because he tried and failed to make the women chaste that he gave up the idea of controlling the freedom and dominance the women had acquired because they were compelled to be in charge when their husbands left them behind [while they were on campaign] and so were more considerate of them than was appropriate, and addressed them as ladies.³⁷

Rather it was that Lycurgus took particular care about the women as well as the men. (14.2) He made the young women exercise their bodies by running³⁸ and wrestling and throwing the discus and the javelin, so that their offspring would have a sound start by taking root in sound bodies and grow stronger, and the women themselves would be able to use their strength to withstand childbearing and wrestle with labour pains. He freed them from softness and sitting in the shade and all female habits, and made it customary for girls no less than boys to go naked in processions and to dance naked at certain festivals and to sing naked while young men were present and looking on.³⁹

(14.3) On occasion the girls made good-natured jokes about young men who had done something wrong, and again sang encomia set to music to the young men who deserved them, so as to inspire in the young men a desire for glory and emulation of their deeds. The man who was praised

for his courage and was celebrated by the girls went away proud because of their praise.⁴⁰ But the sting of their jokes and mockery was as sharp as serious admonition, because along with the other citizens the kings and the senators attended the spectacle. (14.4) There was nothing shameful in the girls' nakedness, because it was accompanied by modesty and self-control. It produced in them simple habits and an intense desire for good health, and gave the female sex a taste for noble sentiments, since they shared with the males virtue and desire for glory. As a result they tended to speak and think the kind of thing that Gorgo, the wife of King Leonidas, is reported to have said. When (as it seems) a foreigner said to her, 'You Spartans are the only women who rule over their men', she replied, 'Because only we are the mothers of men.'⁴¹

(15.1) These customs also provided an incentive for marriage. I mean the naked processions of maidens and competitions in full view of the young men, who were attracted to them (as Plato says) 'by sexual if not by logical inevitability'.⁴² In addition, Lycurgus attached disgrace to bachelorhood; bachelors were forbidden to watch the naked processions. (15.3) Men married the girls by kidnapping them, not when they were small and immature, but when they had reached their full prime. Once the girl had been kidnapped a so-called bridesmaid cropped her hair close to her head, clothed her in a man's cloak and sandals, and left her lying on a pallet in the dark. The bridegroom, not drunk or debauched, but sober, and after having dined as usual at the common table, came in and undid her belt⁴³ and carried her off to the marriage bed.

(15.4) After spending a short time with his wife he went off in a dignified way to his usual quarters, in order to sleep with the other young men. He went on acting like this from then on: he would spend his days and sleep at night with his comrades, go to his wife secretly and cautiously, because he was ashamed and afraid that someone would discover him in her room, and meanwhile his wife was devising and planning with him how they might make opportunities for secret meetings. (15.5) They carried on like this for some time, so long that some of them had children before they saw their wives in the daylight.

Such interviews not only provided opportunity to practise self-control and moderation, but kept their bodies fertile and always fresh for loving and eager for intercourse, because they were not satisfied and worn out by continual intercourse, but had always some remnant of an incentive for their mutual passion and pleasure.

(15.6) By endowing marriage with such restraint and order, he was equally able to dispel empty and womanish jealousy, by ensuring that although they removed unworthy offences from marriage, they could share the begetting of children with their fellows, and they made fun of anyone who turned to murder or war on the grounds that they could not share or participate in such practices. It was possible for an older man with a younger wife, if he was pleased with and thought highly of one of

the virtuous young men, to bring him to his wife and having filled her with noble seed, to adopt the child as his own. Similarly it was possible for a good man, who admired the chaste wife of another man, to persuade her husband to let him sleep with her, so that he could plant his seed in a good garden plot and beget good children, to be brothers and kin to the best families ... (15.9) His physical and political programme at that time was very far from the laxity among the women that was said to have developed later, and there was no thought of adultery among them.

(16.1) Fathers did not have authority over raising their offspring.

Instead, the father took his child and brought it to a place called Lesche,⁴⁴ where sat the elders of the tribe. They examined the child, and if it was well-formed and strong, ordered it to be raised, and gave it one of the nine thousand lots.

But if the child was ill-born and maimed, they discarded it in the so-called Apothetae, a kind of pit near Mount Taygetus,⁴⁵ (16.2) on the grounds that it was not profitable for it to live, either for itself or for the state, if it were not well-framed and strong right from the start. This is why [Spartan] women washed infants not in water but in wine, in order to test their strength. For it is said that undiluted wine causes convulsions in babies who are epileptic or weak, and that healthy babies are tempered by it and their frames strengthened.

(16.3) Their nurses took special care in their craft, so that they were able to raise infants without swaddling cloths around their limbs, and left their figures free, and the babies were contented with their regime, and not fussy about food, and not scared of the dark or afraid to be left alone, and free of ignoble irritability and whining. For this reason certain foreigners purchased Spartan nurses for their children. They say that Amyclæ, the nurse of the Athenian Alcibiades,⁴⁶ was a Spartan.

99. *Anecdotes. Sparta, 5th cent. BC? (Plutarch, Sayings of Spartan Women = Moralia 240c-242d, excerpts, 2nd cent. AD. G)*

Spartan women were renowned for their courage and their determination to enforce a strict code of honour on their menfolk.

Anecdotes about Gorgo, daughter of Cleomenes, king of Sparta (cf. no. 160), and wife of another king, Leonidas.

5. When Gorgo was asked by a woman from Attica, 'Why are you Spartan women the only ones who rule over their husbands?' she answered, 'Because only we are the mothers of men.'⁴⁷

6. When her husband Leonidas was about to go off to Thermopylae, in order to encourage him to be worthy of Sparta, she asked what she should do,⁴⁸ he said, 'Marry a good husband and bear good children.'

Anecdotes about other women.

8. Another woman was burying her son, when an ordinary old woman came up to her and said: 'Poor woman, what a misfortune.' The first woman said, 'No, what good fortune, by the twin gods, for this is why I bore him, so that he might die for Sparta, and now that is what has come to pass.'

9. When an Ionian woman prided herself on something she had woven, a Spartan woman boasted of her four beautiful sons, saying, 'Such should be the works of a fine woman and this is what she should be proud of and boast about.'

16. When another Spartan woman handed her son his shield, she exhorted him, 'Son, come back either with this or on it.'

26. When a young woman who had had a secret love affair aborted her baby, she endured bravely and never uttered a sound, so that her father and the other people nearby did not know that she had been in labour. Bearing her suffering with propriety cancelled out her impropriety.

27. When a Spartan woman was sold as a slave and asked what she knew how to do, she said, 'To be faithful.'

28. Another, when taken as a captive and asked the same question, answered, 'To run a household well.'

29. When someone asked another woman if she would be good, if he bought her, she said that she would, 'and also if you do not buy me.'

30. When another was being sold as a slave, and asked by the auctioneer what she knew how to do, she replied, 'To be free.' When the man who bought her ordered her to do things that were not appropriate for a free woman, she said, 'You will regret that you have deprived yourself of such a possession', and committed suicide.

100. *A Greek historian's account of the behaviour of Etruscan women. Chios, 4th cent. BC (Theopompus, Histories 115, FGrHist F204 = Athenaeus 517d-518a. G)*

Several features of the libertine conduct attributed by Theopompus to the Etruscans occur also in Plato's ideal State (no. 73) and in Xenophon's description of Sparta (no. 97). However inaccurate this account may be of Etruscan behaviour, it provides (by inversion) a guide to what a fourth-century Greek considered normal in his own culture.⁴⁹

Sharing wives is an established Etruscan custom. Etruscan women take particular care of their bodies and exercise often, sometimes along with the men, and sometimes by themselves. It is not a disgrace for them to be seen naked. They do not share their couches with their husbands but with the other men who happen to be present, and they propose toasts to anyone they choose. They are expert drinkers and very attractive.

The Etruscans raise all the children that are born, without knowing

who their fathers are. The children live the way their parents live, often attending drinking parties and having sexual relations with all the women. It is no disgrace for them to do anything in the open, or to be seen having it done to them, for they consider it a native custom. So far from thinking it disgraceful, they say when someone asks to see the master of the house, and he is making love, that he is doing so-and-so, calling the indecent action by its name.

When they are having sexual relations either with courtesans or within their family, they do as follows: after they have stopped drinking and are about to go to bed, while the lamps are still lit, servants bring in courtesans, or boys, or sometimes even their wives. And when they have enjoyed these they bring in boys, and make love to them. They sometimes make love and have intercourse while people are watching them, but most of the time they put screens woven of sticks around the beds, and throw cloths on top of them.

They are keen on making love to women, but they particularly enjoy boys and youths. The youths in Etruria are very good-looking, because they live in luxury and keep their bodies smooth. In fact all the barbarians in the West use pitch to pull out and shave off the hair on their bodies.

Egypt

'Possessing with him the property that they have in common'

The papyrus, a plant which grew abundantly in the Nile, was used by the Egyptians to produce a writing material which they exported throughout the Mediterranean. While the damp weather of other countries caused the papyrus sheets to disintegrate, Egypt's climate preserved them. As a result, the majority of the hundreds of thousands of papyri which survive today come from Egypt, and most were discovered in rubbish-piles and town dumps. Papyri written in Greek, the language of Egypt after its occupation by Alexander the Great, survive from the late fourth century BC to the end of the ancient world.

While many fragments have provided literary texts, we are concerned here with the category known as 'documentary papyri', which includes private letters (often dictated to professional scribes by illiterate correspondents), public documents, and records of financial transactions, both public and private. Like inscriptions, papyri can tell us about the ordinary people whom historians have ignored, but they go further than the stone remains in giving us priceless, often touching glimpses into the daily life of the lower classes.

101. *A marriage contract. Tebtunis, 92 BC (Tebtunis papyrus I 104. G)*

This contract not only specifies the financial obligations of both parties, but explains what constitutes unacceptable behaviour. Both husband and wife are required to be chaste within the context of the household, but although nothing prevents the husband from having relations with other women or