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## Women and Property

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### **Women and Property in Ancient Athens: A Discussion of the Private Orations and Menander**

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There has been a great deal of discussion in the past two decades or so among social historians and anthropologists of the proposition that women in European societies, both in the past and in the present, have informal power at the private level of the household. Women's interests were reflected and expressed in succession practices and in the management of the household economy. Central to the status of women was the dowry because of its place in the conjugal household and the negotiations over its use and transmission. A large dowry ensured the woman's important role in the decisions of the marital household and thus helped to stabilize the marriage. Because the dowry, as the property of the woman's natal kin, would ideally be transmitted to the man's children, the man could become involved in the property interests of his wife's family of origin.<sup>1</sup>

In a material sense, in classical Athens the wife's dowry allowed for the cohesion of two households (*oikoi*): the *oikos* of her marriage and that of her natal family. The dowry in legal terms belonged to the woman's natal family, as it had to be returned to her family of origin either on divorce or on the death of her husband and her remarriage. Much of the information we have for dowries pertains to elite families. Because the woman's dowry could be inherited by the children, it was worth fighting for, especially if she had not received her full share (Dem. 41 *passim*). In addition, the potential loss of a substantial dowry would inhibit divorce (Is. 3.28). Certainly the dying husband realized its power when he gave his widow a dowry exceeding the value of those commonly given young brides of elite families.<sup>2</sup> In one case, that of Cleoboule, Demosthenes' mother, part of the dowry given to her by her dying husband consisted of items she had brought into her first marriage (Dem. 27.4.13; Aeschin. 3.172). Her first dowry had been given to her by her mother (Demosthenes and Aeschines, *ad loc*) and had allowed her to reenter Athenian society and to be married to a wealthy Athenian after her father's political disgrace and exile. In another case, the speaker argues that his mother's dowry, after the end of her first marriage, would have been increased by her brothers to ensure a proper second marriage for her ([Dem.] 40.19-27).

Although the dowry was valued in cash, it frequently consisted not just of cash, but also of movable items — furniture, jewels, plated ware — and perhaps land, and could be amalgamated with the husband's estate. Thus in his list of his father's property Demosthenes included his mother's jewelry and gold-plated objects (27.9-11). Although this was not

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<sup>1</sup> For the woman's influence on her husband and his interest in her kinsmen, see the references in Cox 1998: 70 n. 5.

<sup>2</sup> Finley 1985: 266-67; Hunter 1989a: 307 n.7.

productive wealth, the prestige associated with this wealth allowed Demosthenes' mother a good deal of influence in her household of marriage. She was the driving force behind Demosthenes' lawsuit against his guardians for defrauding his father's estate.<sup>3</sup>

A woman who remarried could also be a link between two households of marriage. Although quite often two sets of half-siblings sharing the same mother (homometric), conflicted with each other, the woman could be a binding force between the children of her first husband and that of her second. In Isaeus 7 (5ff.), for example, Apollodorus was reared by his mother's second husband, Archedamus. When Apollodorus reached his majority he and his stepfather sued his paternal uncle, Eupolis, for the estate of Apollodorus' father. In gratitude Apollodorus adopted his stepfather's daughter, his own half-sister, and then her son.<sup>4</sup>

What of pre-nuptial negotiations concerning the dowry? As the defender of his daughter's virtue (Aeschin. 1.182-83; [Dem.] 40.57; 59.65ff.), the father gave his daughter away in marriage by the act of *engye*, the handing over of one man's daughter to another man's son ([Dem.] 44.49; Dem. 40.57, 59.65ff.).<sup>5</sup> By classical times, the rite was integrally connected with the notion of legitimacy and citizenship. The father ensured that his daughter married a trustworthy man of her own status and of good repute; to marry her to a man of bad repute could bring shame upon the father (Hyp. *Eux.* 31). Integral to the marriage negotiations was the settling of the dowry. Although the dowry was never legally required, it was a social obligation.<sup>6</sup> Not only could a marriage be suspect without it, but also the prestige of the family depended on a good match made through a substantial dowry.<sup>7</sup> The orations reveal that dowries were needed to attract prestigious husbands (Lys. 19.15-16; [Dem.] 40.6), while the giving of a large dowry was an indication of a family's good standing and that of its affines (Dem. 39.32-33, 40.2022). Even though the amount of wealth devoted to a daughter's dowry was not equal to the wealth from the paternal estate inherited by her brother, a great deal of attention was directed towards the dowry by both father and brother. In most cases, the father set aside the dowry, or attempted to, before his death (Lys. 19.14-15, 32.6; Is. 8.7-8, 11.39; Dem. 27.5, 28.15-16, 29.43; 40.6-7, 20-22, 56-57; 41.3, 6, 26, 29; 45.66, 59.7-8; Plut. *Alc.* 8.1-5 + ([And.] 4.13; Isoc. 16.31). Demosthenes' father went so far as to make a will bequeathing two talents of his fourteen-talent estate (one-seventh of his wealth, in other words) to his five-year-old daughter and specifically stated whom she was to marry (Dem. 27.5; 28.15-16, 19; 29.43-45). Once the woman was married, her brothers, if their father was deceased, were concerned about the recovery of the dowry in the event the marriage was terminated (Lys. 19.32-33), or ensured that she was remarried with a dowry equal in value to the one initially set aside by the father for her first marriage (Dem. 29.48 + 30.7 + 31.6-9; 40.6-7). The concern for the sister's dowry and the fact that she did not inherit equally with her brother encouraged a brother's close emotional ties with his sister and her

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<sup>3</sup> Hunter 1989b: 41. On the prestigious symbolism of cash in dowries, see: Sant Cassia and Bada 1992: 81.

<sup>4</sup> Wyse 1904: 557, points out that Apollodorus won control, or *kyrieia*, of his homometric sister by adopting her, and therefore had the power to marry her off. See also, Davies 1971: 44.

<sup>5</sup> For a bibliography of *engye*: Cox 1998: 93 n. 100.

<sup>6</sup> Harrison 1968: 48-49; Finley 1985: 79; MacDowell 1978: 87; Karebelias 1984:54.

<sup>7</sup> Lacey 1968: 109-110.

husband. Concern for the dowry and a good match for the young woman (as well as the younger age of marriage for girls) ensured in many cases that she married before her brother of a relatively equal age.<sup>8</sup>

This is the kind of information which can be gleaned about Athenian women and property from the orations. The private orations are the speeches for Athenian lawsuits, a body of texts dating to the latter third of the fifth century B.C. and extending down into the fourth century B.C. Traditionally they have not been exploited by historians because of the exaggeration and lies which persist throughout these texts.<sup>9</sup> Most recently, however, though the texts are biased towards the elite, the speeches have been seen as useful sources for social historians. These texts from the classical era provide glimpses into the property interests of elite families and households, but also from time to time give us information about the less wealthy and marginal figures in Athens, such as slaves and prostitutes.<sup>10</sup> A similar trend is emerging in the treatment of Menander, the comic playwright of the late fourth century and early third B. C., whose works were traditionally compared to soap operas and declared of little historical worth.<sup>11</sup> With the works of Hunter (1994), Scafuro (1997) and Patterson (1998), however, Greek New Comedy is beginning to be viewed as a legitimate source for Athenian realities at the end of the fourth century. I propose here to link the information in the orators of the fourth century with that in Menander, based on the conclusion that despite the violent changes in government at the end of the fourth century, social behavior and property interests, as reflected in Menander's comedies, remained similar to those of the families in the orations.

First, as in the orations,<sup>12</sup> in Menander husband and wife tried to make a marriage work. At marriage husband and wife present a united front to the community at large. Fragment 592 (Sandbach) states explicitly that the wife's domain lies between the front door and the yard -- she should not take her quarrel with her husband out into the street.<sup>13</sup> So husband and wife in Menander work together in the events surrounding the lives of their children. Niceratus in the *Samia* is convinced he will have to talk to his wife concerning the marriage of their daughter (200), and his wife is not above nagging him about the wedding preparations (715ff.). Both spouses may be interested in the relationships in which their son is involved (*Pk* 301-318), while in the *Kitharistes* a husband will not blame his wife, but rather himself, for their son's spending. In the *Sikyonios* Stratophanes' adoptive mother knows about her husband's finances and saves their son Stratophanes from inheriting his adoptive father's debts (135ff.).<sup>14</sup> In a Menandrian

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<sup>8</sup> For a detailed discussion of these two points: Cox 1998: 120-25.

<sup>9</sup> The classic work questioning the legitimacy of the orations, in particular Isaeus, is Wyse 1904.

<sup>10</sup> Hunter 1994: 5-6; Cox 1998: xix-xx.

<sup>11</sup> Tarn 1952: 273; Green 1990: 77-78.

<sup>12</sup> Cox 1998: 71-73.

<sup>13</sup> Gomme and Sandbach 1973: 695, are reluctant to assign this fragment to the *Hiereia*.

<sup>14</sup> Lloyd Jones 1966:125. This case is not unlike that of Cleoboule, Demosthenes' mother, who knew in detail the amount of wealth left by her late husband: Hunter 1989b: 39-48. For widows who fought to keep their late husband's estate intact: Hunter 1989a: 300. For the orations, see for example: Lys. 32. 10ff.; Aeschin. 1. 98-99; Dem. 36. 17-18.

fragment someone is telling a young man, Creoboulus, to obey his mother and marry his kinswoman (492 K-A). In a fragment outside Menander, two fathers are discussing the prospect of wedding one's daughter to the other's son. The son's mother had invited her future in-law to the discussions (1063 K-A (Anon.)). Outside of family matters *per se*, in Menander's *Samia* Niceratus' wife knows about events which happen in their neighbor's house and informs her husband so he can act upon such events (410ff., 421).

Perhaps the most notable influence of the wife occurs when she has been married twice and becomes a link between her two households of marriage. In the *Aspis*, the young man Cleostratus has gone abroad, leaving his sister behind to live with their paternal uncle, Chaerestratus. Also living with Chaerestratus are his wife, a daughter, and a stepson, Chaereas, who is the product of a former marriage of Chaerestratus' wife. Chaerestratus, in fact, states explicitly that Chaereas was brought up with his niece, Cleostratus' sister (261ff.). This implies membership in the same *oikos*. It also implies that Chaerestratus' wife did not leave her son behind in his father's *oikos* but brought him to the *oikos* of her second husband. Whether Chaerestratus was appointed legal guardian of Chaereas is uncertain,<sup>15</sup> but the situation reveals a fusion of *oikoi*, as Chaerestratus was planning to leave his property to Chaereas and Cleostratus.<sup>16</sup>

The arrangement in Chaerestratus' household is not unlike that in Isaeus 7.5ff. where Apollodorus was reared by his mother's second husband and eventually adopted his stepfather's daughter and then her son. In fact, because Apollodorus eventually sued his legal guardian, his paternal uncle (Is. 7.7-8), the feud may well have taken place at the death of his father. Thus the widow took her son with her to her new *oikos* rather than leave him in the hands of an uncle who was extorting the boy's inheritance.

Similar to Chaerestratus' household is Cnemon's in the *Dyskolos*. Here Cnemon had been married to a woman who had borne a son from a previous marriage, who, unlike Chaereas, has stayed behind in the *oikos* of his natural father. The woman left Cnemon to return to her son but left behind her daughter to stay with the older man. After Cnemon's change in behavior, he reconciles with his wife and adopts her son, leaving half of his estate to him. As in the *Aspis*, the remarriage of a woman has served to join two *oikoi*, that of her first and that of her second husband.

What does Menander tell us of interests and maneuvers before marriage? A father's role as defender of his daughter's virtue is well-attested.<sup>17</sup> The Menandrian father can vacillate between being the sober provider and the volatile defender of family interests including the

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<sup>15</sup> On the death of the father of minor children a legal guardian would be appointed usually in the will of the testator. The guardian would use the wealth from the estate for the task of bringing up the child. Residence was frequently, therefore, either in the original *oikos* or in that of the guardian. More often than not, parents' siblings or the siblings' descendants were chosen as guardians, but at times non-kinsmen could be selected: Harrison 1968: 99-101; MacDowell, 1978:93; Cox 1998: 144ff.

<sup>16</sup> MacDowell (1982: 45-46) has conjectured that Chaerestratus was planning to adopt Chaereas but he had a daughter whom Chaereas, as her homometric brother, could not marry. MacDowell points out **that** a similar situation occurs in the *Dyskolos* where Cnemon adopts Gorgias who in turn cannot marry Cnemon's daughter because she is Gorgias' homometric sister. Cnemon's daughter in compensation receives half of Cnemon's estate as a dowry.

<sup>17</sup> For the orations: Aeschin. 1.182-83; [Dem.] 40.57; 59.65ff.; Cox 1998: 92.

virtue of the women in his family.<sup>18</sup> So in the *Dyskolos* Cnemon's daughter is afraid that her father will beat her if he catches her outside unescorted (204-206). Sostratus, in the same play, asserts that a daughter should be brought up by a fierce (*agrios*) father who keeps her from the influence of other older women, such as an aunt or nurse, and keeps her lifestyle free from vice (384ff.).

As the daughter's *kyrios*, the father arranged her marriage, preferably to someone who was like him in outlook and behavior (*Dys.* 336-7), or who was indeed related to him (*Georgos* 10ff.). In the *Aspis*, Chaerestratus is thinking of giving his daughter to his nephew in marriage (260ff.): as his *epikleros*, or heiress, she stood to inherit much of his sixty-talent estate. The father in Menander makes sure to give his daughter away in marriage with a dowry. In the *Perikeiromene* Pataecus betroths his daughter Glycera to Polemon, giving her a three-talent dowry, and warns Polemon to behave himself in the marriage (1010ff.). Cnemon in the *Dyskolos* gives his daughter in marriage with a dowry of one talent, half of his estate, and she marries the far wealthier Sostratus (730ff.). In the same play Callipides gives his daughter in marriage with a dowry of three talents (842-44). In the *Epitrepontes* Smicrines has given his daughter in marriage with a dowry of four talents (134), while Demeas in the *Misoumenos* gives a two-talent dowry with his daughter (446). Outside of Menander the father of the bride gives his daughter away with a dowry that consists of a field he had inherited from his father (*P. Tebt.* 693 = 1064 K-A (Anon.)).

Compared to the sums found in the orators, which averaged around 3000 to 6000 drachmae (one-half talent to one talent),<sup>19</sup> the dowries of Menander's comedies are more substantial. It is not unusual in Menander's comedies for dowries to be as high as three or four talents, and one dowry, given to an *epikleros* in the *Plokion*, was worth ten talents (fr. 333 Sandbach). Although scholars had argued that these dowries were a product of comic exaggeration, it is now thought that the families of New Comedy were extremely wealthy and that the dowries were in keeping with that wealth.<sup>20</sup>

It is apparent that several of these large dowries are given to inheriting daughters, to *epikleroi*. For instance, Crobyle in the *Plokion* (fr. 333 Sandbach) is given a large dowry of ten talents, has married a relative and rules her household. Her wealth has made her powerful. In fact her husband has had a flirtation, it seems, with a servant girl and Crobyle has dismissed the girl. She dominates her son and daughter. Her husband, Laches, mourns his position, a sentiment expressed quite frequently in tragedy and comedy about wealthy wives (for instance: Eur. *Hipp.* 616ff.; *And.* 147-54; Men. *Dys.* 820ff.).<sup>21</sup> In the *Aspis*, Chaerestratus is interested in having his only daughter marry Cleostratus, his brother's son (280ff.) so that his nephew can possess a good deal of his sixty-talent estate. Significantly, he does not give his daughter in marriage to his other brother, Smicrines, a much older man and someone with whom Chaerestratus is frequently arguing (170ff.).

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<sup>18</sup> For this observation concerning a modern Greek community: DuBoulay 1974: 111.

<sup>19</sup> Finley 1985: 79. For dowering daughters and sisters, see: Cox 1998: 118 Table 3.

<sup>20</sup> Finley 1985: 266-67 n. 29 is the principal skeptic. For others who see the amounts as reflecting the dowries of well-to-do families, see the bibliography in: Golden 1990:174-75; Zagagi 1995: 186 n. 47.

<sup>21</sup> For further references see: Schaps 1979: 76, 142-43 nn. 26-27.

There were strict laws governing the epiclerate because it was the heiress's son who would continue her father's line. If the heiress was unmarried at her father's death she was required to marry a close agnate of her father, preferably his brother,<sup>22</sup> or in his absence a brother's son and in his absence a sister's son. Normally, however, marriage partners were selected by the father before his death. According to the orations the father could attempt to marry off his daughter to his brother, or adopt a son who then must by law marry the daughter, or the father gave his daughter in marriage to an outsider. In the latter case, however, a son from the union would be adopted into his maternal grandfather's estate.<sup>23</sup> In Cherestratus' maneuvers he deliberately snubbed his older brother, with whom he feuded, and preferred to have much of his property and daughter given to his young nephew.

Whether the daughter is an *epikleros* or not, it is evident from the plays that the father is interested in her material welfare after her marriage. Callipides in the *Dyskolos* at first does not want to give his daughter to a poorer man (795-96). Smicrines in the *Epitrepontes* is very concerned about his daughter's dowry after her husband, Charisius, has walked out on her (1065ff.). Charisius, although living apart from his wife, uses her dotal wealth to gamble and buy an *hetaira*, a prostitute (135-37). Smicrines wants to take his daughter away from Charisius, but Pamphile resists his attempts. She is not to be ordered like a slave.<sup>24</sup> Smicrines tries to persuade her to leave by telling her she cannot compete with the prostitutes whom Charisius will bring home (714ff.). Thus, Menander reveals what the orations have told us, that the dotal property still belongs to the wife's natal family and as such she still has strong obligations to her family of origin.

Sisters and brothers are also bound together by property interests and marriage interests, in particular the sister's dowry. In the *Aspis*, Cleostratus, who appears to be propertyless, but is in line to marry his wealthy cousin, an heiress, goes off to war to acquire wealth for his sister's dowry, so that she could marry a man of whom her brother approved (8f.). Gorgias in the *Dyskolos* is willing to give up his farm to add to his sister's one-talent dowry (844ff.). Nor is he exceptional in the active interest he takes in his sister's marriage. Sostratus in the *Dyskolos* argues with his father and finally convinces him to give his sister in marriage to his ally, Gorgias (791ff.). Sostratus argues that, although Gorgias is poor, it is beneficial to win favors from those we trust. Thus we see a close allegiance between brothers-in-law, similar to the collusion that exists between brothers-in-law in the orations.<sup>25</sup> The brother in the *Georgos* is in control of his sister's marriage, and his widowed mother acknowledges his authority (1ff.). Also, property consolidation of the paternal *oikos* lies behind the planned marriage between the young hero in the *Georgos* and his patrilineal half-sister (10).<sup>26</sup> Although the young hero spurns the proposed marriage, preferring to marry the girl next door, whom he has either raped or seduced, he is

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<sup>22</sup> Scholars have argued that the *Aspis* shows that the eldest brother was to be selected for the husband. Scafuro argues, however, that this may have been a custom rather than a law: Scafuro, 1997: 284 and n. 10.

<sup>23</sup> Cox 1998: 95-96.

<sup>24</sup> Post 1940: 431.

<sup>25</sup> Cox 1998: 120-24

<sup>26</sup> On the legality of such marriages: Harrison 1968:22. For the motivation behind this type of marriage: Cox 1998: 116.

chided by a friend for refusing a marriage planned for him. The friend is displaying the attitude that a planned marriage, with all the property interests entailed, should not be spurned (fragment 4).

The most striking example of close brother/sister interests in property comes from Menander's *Aspis* in which it appears a sister could be *epikleros* to her brother.<sup>27</sup> It is clear from the play that Cleostratus' sister is not only inheriting his wealth, booty acquired in war,<sup>28</sup> she is being claimed in marriage by her older paternal uncle, Smicrines. Smicrines refuses to take Cleostratus' booty and hand the girl over to a younger man for he insists that if she has a son by another man, this son can then sue Smicrines for the fortune. In other words, the property is hers until her son inherits it on his majority.<sup>29</sup>

### Women of Less Formal Status

Thus far our study has focused on the woman who has a formal membership in the family and household, a woman whose role is wife, mother, daughter, or sister. However, what of the woman who has no formal standing in the household, whose children have little legal standing in private or public and who do not inherit the wealth of their father? I mean here the concubine and the prostitute.

The following pages will use the terms "concubine" or "pallake" and "hetaira" or "prostitute" interchangeably. As historians have argued *hetairai* were generally the sort of women who became *pallakai*.<sup>30</sup> Furthermore, my interest here is not so much in how "permanent" these relationships between men and women were,<sup>31</sup> for after all there were times when marriages were not terribly permanent either, but on how these women and their children born of less formal unions were able to encroach on the citizen household, or *oikos*, despite the laws of the city, or *polis*, limiting such encroachment.

The law distinguished the concubine kept for the purpose of having free children from other types of concubines. The latter category would have pertained solely to the slave concubine, whose children would also have been considered slaves.<sup>32</sup> By the classical era, however, in terms of property inheritance, the distinction between the two types of concubines was precious: all *nothoi* recognized by their father or bastards of other types of slave or free

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<sup>27</sup> MacDowell 1982: 48; Hunter 1993: 109-110.

<sup>28</sup> MacDowell (1982: 48) points out that the booty won by Cleostratus in war was his property, not his father's, and it is precisely this wealth that his sister is heiress of. I am not convinced by Brown's and Karebelias' conjectures that the property could have been considered part of the estate of Cleostratus' father, and that Cleostratus' sister was *epikleros* to the father's estate (Brown, 1983: 419; Karebelias 1970: 374-75).

<sup>29</sup> Hunter 1993: 110.

<sup>30</sup> Wyse 1904: 318; Wolff 1944: 73-74; Halperin 1990: 109-12.

<sup>31</sup> Wolff (1944: 73-74) insists that *pallakia* was a permanent situation, while Sealey maintains that the relationship was even contractual: Sealey 1984: 116. Patterson (1990): 281-87 argues that most *pallakai* were slaves. It is quite clear, from the instances discussed further below, that *pallakai* were often shared by men, as were *hetairai*. This is paralleled in other societies, where concubinage was not terribly permanent and the women were shared: Ebrey (1986: 7-8). Ebrey argues that the young woman's training for her role was not unlike that of courtesans. In fact, concubines were called upon by their lovers to entertain guests.

<sup>32</sup> MacDowell 1978: 89-90.

non-citizen mothers were restricted from inheriting; neither the bastard nor his mother legally belonged to the man's *oikos*.<sup>33</sup> The father was not legally responsible for the actions of the *nothos* (Dem. 54.26), even though the *nothos* was given a *notheia* from his father's estate. The sum, either 500 or 1000 drachmae, was a fraction of a wealthy man's estate (Ar. *Av.* 1685 and schol.; Harp. *s.v. notheia*; Suda *epikleros*). The *nothos* was legally entitled to nothing more and could rely only on gifts from his kinsmen to alleviate the very real poverty he could face<sup>34</sup>.

Added to these legal restrictions on the concubine and *hetaira* was the fact that these women were generally foreigners, or if citizens, were from lower strata in society (Athen. 13.583e; Xen. *Oec.* 3.11.1ff.; Is. 3.8ff., 37, 39; Dem. 39 and 40). Some of these foreign *hetairai* were transients, traveling frequently from festival to festival to ply their trade and staying at an Athenian's house as a guest ([Dem.] 59.23-24). Or they could accompany Athenian soldiers on campaigns.<sup>35</sup> Other *hetairai* remained permanently in Athens, plying their trade in a brothel which would have to be a house or building owned by an Athenian, as metics could not own property.<sup>36</sup> *Hetairai* could also be specially trained as entertainers, such as flute players, and as such they were regular fixtures at symposia. Vase paintings reveal how these women were passed around among the male guests, activities substantiated by the orations ([Dem.] 59.33ff; Is. 3.13-17).<sup>37</sup> Some *hetairai* could be the intellectual equal of the men with whom they associated, but the great majority were simply *pornai*, prostitutes relegated to brothels, many of which were located in the Peiraeus or the Cerameicus.

The life of the Athenian *hetaira* was much the same. That she was originally from a poor background, is a theme in Attic comedy: in a fragment of Antiphanes an Athenian *hetaira* living in the house of an Athenian man, was poor and at times without guardian or kinsman.<sup>38</sup> The *hetaira* Theodote, made famous by her appearance in Xenophon's *Oeconomicus*, although living luxuriously, owned neither land nor shop and admitted to being totally dependent on payment from her lovers.<sup>39</sup> This impression of poverty and low status is reenforced by the biases in the orations. In Isaeus 3, where the speaker wishes to portray Phile's mother as an *hetaira* and mere concubine to Phile's father Pyrrhus, the speaker states that the woman's brother gave her to men as a prostitute and she was given no dowry by her brother when she entered Pyrrhus' house. Furthermore, the citizenship status of her family of origin was not above suspicion (Is. 3.8ff; 37, 39). In the popular mind an *hetaira* could be a citizen, though her low status was underscored by

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<sup>33</sup> Dem. 59 *passim* and especially 122; Is. 3 *passim*; Harrison 1968:15; Humphreys 1974: 89

n.5.

<sup>34</sup> Humphreys 1974: 93

<sup>35</sup> Garland 1975: 135, for Pericles and the Samian campaign. See also Athen. 12.532c for Chares the general who brought a group of *hetairai* with him on his campaigns.

<sup>36</sup> Is. 6.19ff.; Schneider 1913: 1340.

<sup>37</sup> On the various types of prostitutes and for the concubine: Halperin 1990: 109-112.

<sup>38</sup> Athen. 13.572a; Men. *Pk.* 1-38; see also, Rudhardt 1962: 44.

<sup>39</sup> 3.11.1ff; Theodote's citizenship status is implied by Socrates' questions as to whether she owned property, the right of the citizen only. Athen. 12.535c gives her citizenship as Athenian.

calling that citizenship into question. In Demosthenes 39 and 40 the link between poverty and concubinage is explicit.<sup>40</sup> Although Plango was married to Mantias, and her father was a prestigious general, Mantias divorced Plango and then entered into a liaison with her only after it was clear that she had lost any chance of receiving a dowry from her father's financially encumbered estate.<sup>41</sup>

*Hetairai* could be dismissed from their partner's *oikos* at any time. In Antiphon 1, Philoneus threatened his *pallake* with dismissal and wanted to put her into a brothel (14-15).<sup>42</sup> In [Demosthenes] 25.56-57 Aristogeiton turned out of his house his *pallake*, Zobia, a metic, and according to the speaker, dragged her off to the authorities; Zobia was saved from being sold into slavery because she could prove she had paid the *metoikion*, the metic tax, or tax imposed on resident non-Athenians.<sup>43</sup>

Nevertheless, the *hetaira* as a member of the man's household posed a threat to the legitimate family because she could bear children. The earliest and most famous instance in classical Athens of the concubine's encroachment on the *oikos* is Aspasia, an *hetaira* and concubine of the famous statesman, Pericles. Not only was she thought to have influenced Pericles in political matters,<sup>44</sup> but had her bastard son by Pericles legitimized by the state, and therefore considered a citizen.<sup>45</sup> As for the orators themselves, Aristophon, the orator and proposer of the reinstatement of the citizenship law in 403/2, had children by the *hetaira* Choregis (Athen. 13.577b-c). Demosthenes was said to have had children by an *hetaira* (Athen. 13. 592d), and the very late tradition in Sophocles' *Vita* claims that Sophocles, besides his legitimate sons, had a son by a certain Theoris.<sup>46</sup>

To consider the actual domicile of these women, at times the *oikia* (house) established with the *hetaira*/concubine was the only *oikia* the man possessed.<sup>47</sup> In some cases the men had

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<sup>40</sup> Sealey 1990: 31-32; Patterson 1990: 60 n.80, argues that the giving of poor women as concubines was not a common practice. I would add that [Dem.] 59.112-13 would indicate that there was certainly strong disapproval of such a practice, and in fact, many poor women were given dowries by the state (probably at the expense of a wealthy private individual), for which see, Dem. 45.54; Millett 1994: 62-63.

<sup>41</sup> [Dem.] 40.22; Davies 1971: 365.

<sup>42</sup> There has been some debate as to the status of this woman. E. W. Bushala (1969: 65-72) challenged the traditional opinion that she was a slave, pointing out that although the woman was tortured after the alleged homicide, free non-citizens could be tortured in such cases. However, as C. Carey correctly notes, (1988: 244), Bushala nowhere considers the case of Lysias 4 in which the slave *pallake* is freed by her master and therefore cannot be tortured in a case of assault. Carey further argues that free non-citizens had legal recourses and could summon citizen help, although he could have strengthened his argument by citing [Demosthenes] 25, to be discussed directly below.

<sup>43</sup> On the punishment of slavery for metics who failed to pay the *metoikion*: MacDowell 1978: 76-77, 256.

<sup>44</sup> Aspasia was said to have influenced Pericles in promulgating the Megarian Decree and in allying with Miletus during the Samian affair: Ar. *Ach.* 527; Plut. *Per.* 24-25.1; Athen. 13.569f-570b; Harp. *s.v.* *Aspasia*.

<sup>45</sup> On Aspasia's influence: Cox 1998: 184-85.

<sup>46</sup> 129.53 (Westermann); see also schol Ar. *Ran* 78; Suda *s.v.* *Sophocles, Iophon*.

<sup>47</sup> Lyc. 1; Lys. 4.2, 5ff; 14.25, 41; Dem. 59.30ff; Dem. 24.197; 25.56-57, 79-80; 48.53; Is. 3.10;

Ant. 1.14ff.

relationships with *hetairai* and concubines in the same *oikia* as their family of marriage ([And.] 4.13-14; Plut. *Alc.* 8.3-4), and produced in the meantime a parallel family to the legitimate one.<sup>48</sup> In other cases men had a separate *oikia*.<sup>49</sup> We do know that Demosthenes sired two illegitimate children and was married to a citizen woman from Samos, upon whom he sired a daughter. The sources do not state whether the informal relationship was contemporaneous with the marriage.<sup>50</sup> For other men, relationships with *hetairai* and concubines began after the termination of their marriage by either death or divorce. These men maintained the women in their own houses and frequently produced a second family. Hyperides, the orator, and Stephanus in [Demosthenes] 59 both began their relationships with *hetairai* after the termination of their marriages and while the children by their first marriage still lived with them.<sup>51</sup> The case of Hyperides, in fact, is quite instructive: he had three residences, one in Athens, one in Peiraeus and one at his estate in Eleusis-- in all three residences he kept an *hetaira*; in fact, Phila became a type of *tamias* or *oikouros* (manager) of the Eleusinian estate ([Plut.] *Mor.* 849e; Athen. 13.590 c-d). Isocrates, who did not marry until late in life and adopted the son of his wife by her first marriage, at a very advanced age took up with Lagisca and was said to have had a daughter by her (Athen. 13.592d).

Men such as Euctemon in Isaeus 6 and Mantias in Demosthenes 39 and 40, reared their children and kept their concubines in separate *oikiai*. Euctemon was said to have had relations with a prostitute during his first marriage, after his divorce from his first wife and during his second marriage (18ff). Mantias continued his relationship with Plango throughout his second marriage and after the death of his second wife ([Dem.] 40.8-9).

In any type of semi-permanent relationship, the *hetaira*/concubine had access to the wealth of her male partner. In fact, a common *topos* in the criticisms of youths is the destruction of their *oikoi* through their associations with *hetairai*;<sup>52</sup> as flute-girls could be hired out at a higher price than that set by law, this was one way in which a young man could be defrauded (Hyp. *Eux.* 3). Alce, a prostitute in Isaeus 6 living in a brothel owned by Euctemon, was said to have influenced Euctemon to sell a good deal of his property to support her and her illegitimate sons (18ff). The speaker in Demosthenes 39 and 40 states that Plango, whom the speaker insists was not married to his father, wasted a good deal of his father's wealth (40.51), while Olympiodorus is castigated by his sister's husband for spending too much of his wealth on his *hetaira* to buy her freedom and not enough on his sister. This *hetaira*, according to the speaker, influenced Olympiodorus to deprive the speaker and speaker's wife, Olympiodorus' sister, of their rightful share of an inheritance (Dem. 48.53). Indeed the speaker in Isaeus 3 claims that young men were known to have ruined their lives over a prostitute by marrying her (17-18).

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<sup>48</sup> Both Plutarch and [Andocides] cited in the text above disagree as to the citizenship of the *hetairai* of Alcibiades. Plutarch claims that they were foreign and citizen, while [Andocides] 4 claims that they were slave and free.

<sup>49</sup> Plut. *Cim.* 4.8; Dem. 36. 45-46; [Dem.] 59.22; Is. 6.19ff; of less certainty: Ar. *Plut.* 179,

303.

<sup>50</sup> Davies 1971: 138-39.

<sup>51</sup> Stephanus ([Dem.] 59.119-20), claimed that the children were from his first wife; for Hyperides: Athen. 13.590 c-d; [Plut.] *Mor.* 849d. Both sources on Hyperides state, however, that he threw his son out of the house before he brought in one of his *hetaerae*, Myrrhine.

<sup>52</sup> Golden 1990: 57.

Some sources allude to the attempts of men to pass off their children by concubines as citizens (Dem. 22.61; Dein. 1.71). In Isaeus 4 one of the many contestants to Nicostratus' estate was a certain Chariades who attempted to lay claim to the cash estate for himself and his son by his *hetaira* (10). The case of Demosthenes 39 and 40 has already been discussed: Plango's residence with Mantias, even after her divorce, allowed her encroachment on his wealth. Whether truthfully or not, the speaker in Isaeus 6.19ff. describes his fear that his father, Euctemon, influenced by an *hetaira* living in his *synoikia* (apartment), passes her children off as his own legitimate offspring, by bequeathing to them part of his landed property. According to Apollodorus, shared residence allowed Stephanus to pass the daughter of the foreign *hetaira*, Neaera, off as his own and to give her in marriage to two citizens. One of the husbands, Phrastor of Aegilia, a poor man, later learned of the identity of Neaera's daughter and divorced her. However, he soon became ill and fearing he would die without heirs, refused to adopt any close kin because of a family feud. Instead he attempted to enlist his son by his ex-wife in his *genos* (clan) and *phratry* (social fraternity), a situation not too dissimilar to that of Pericles. Phrastor, unlike Pericles, was unsuccessful in his attempts ([Dem.] 59.50-60).<sup>53</sup>

Menander's plays reflect the situation of the classical sources. In the *Epitrepontes* Charisius still has control of his wife's four-talent dowry and is paying out twelve drachmae a day for Habrotonon (133ff.). He would pay much more for Habrotonon's freedom if he believed Habrotonon was the mother of his child (540ff.). Indeed, Smicrines, Charisius's father-in-law, ruefully states that Charisius is ruining his life in a brothel with the *hetaira* he has added to his household (655ff.). In the *Samia* Chrysis came to Demeas' household as a poor streetwalker, but he gave her clothes and servants (371ff.). Polemon in the *Perikeiromene* shows off the vast wardrobe he has given to Glycera (516ff.), while Thrasonides in the *Misoumenos* boasts that he has given Crateia maids, gold jewelry and clothing (A30).

Other fragments, both from the Menandrian corpus and elsewhere, attest to the cash outlays for *hetairai*, which invariably came from the man's *oikos*. The *Kolax* states that an *hetaira* could command a price as high as 300 drachmae (120ff.). In the *Pap. Hamburgiensis* 656 (1089 K-A (Anon.)) a young man takes out a loan from an older woman to buy an *hetaira*'s freedom. In the *Dis Exapaton* it is stated explicitly that an *hetaira* will lose all interest if she finds out that her partner no longer has any money (20ff.). In a fragment of Anaxippus (1 K-A) a lad in love, presumably with an *hetaira*, is eating up his father's wealth. This fragment makes explicit the affection that can develop in a young man for one particular woman.

The plays depict the precarious position of the *hetaira*. The *hetaira*'s fall from grace could be swift (*Sam.* 370ff., 390ff.), nor was her child always wanted (*Sam.* 130ff.). But there is the sentiment at least in the *Samia* that there is no difference between legitimacy and illegitimacy (*Sam.* 137-38) -- all men are human. And so, along with the wealth devoted to her, the *hetaira* could have a great deal of influence in a household. In the *Epitrepontes* Habrotonon is honest but she is also clever.<sup>54</sup> In her resolution of the plot, she at first pretends to be the woman who was raped so as to force Charisius to accept his paternity (510ff.). It is with Habrotonon's cleverness in mind that Smicrines warns Pamphile that a wife is no rival to an *hetaira*. For while the wife is tied up with her domestic duties the husband will visit his *hetaira* in the harbor.

<sup>53</sup> Note that in Isaeus 12.2 the speaker asserts that the individuals who attempt to pass off supposititious children as their own are either those who have no legitimate children or are poor and are therefore receiving a bribe from aliens. See also, Dem. 57.25, 52.

<sup>54</sup> Henry 1985: 52, 59.

Unlike the wife, the *hetaira* is full of wiles, knows how to coax, and has little shame (720ff.). In a fragment of the *Pseudoherakles* (520K = 411 K-A) the mother of two girls is dead, and they are now being cared for by the concubine, *pallake*, of the girls' father. This concubine used to be a favored slave of their mother. There is no indication in the fragment as to whether the slave was freed before she became the master's *pallake*; in any case she assumed the role of caretaker of the family.

In the *Samia* Moschion tells how Demeas, his adoptive father, fell in love with Chrysis, a Samian *hetaira*, and became her protector so he would not have to contend with younger rivals. At Moschion's insistence he even brought Chrysis into the house (20ff.). As the plot continues, Chrysis remarks that she can continue to nurse Moschion's baby and will convince Demeas to let her rear it, as he is in love with her (77). At first Demeas does not want his "bastard" in his house but Moschion convinces him to relent (130ff.). It is obvious as well that the slaves in the house consider Chrysis mistress of the household, and with their help, she orders the old Nurse away from the wine (258ff.; 302ff.).<sup>55</sup> Furthermore, Chrysis has become a kind of kinswoman to Moschion-- after Demeas has dismissed Chrysis, Moschion wants her back in the house and to attend the wedding (450-72). As the plot is resolved Chrysis organizes the marriage procession (130ff., 729ff.). It is assumed earlier in the play that she was a stepmother to Moschion-- witness Niceratus's outrage when he thinks, wrongly, that Moschion had had an affair with Chrysis. Niceratus' epithets imply incest.<sup>56</sup>

In the *Perikeiromene* Glycera acts with a great deal of independence<sup>57</sup> and is twice described as acting of her own free will (326, 497). Her partner, Polemon, considers her his wife (489). So too in the *Misoumenos* Thrasonides, who has purchased Crateia, considers her his wife and lets her have the run of the house (A30). Since Crateia came to Thrasonides as a virgin, this reinforces his belief that she is his wife (300ff.). Furthermore, Crateia's opinion is sought by her father when he asks her whether she wants to be Thrasonides' wife (438-9).<sup>58</sup> In the *Sikyonios* Malthake, Stratophanes' *hetaira* before he met Philoumene, seems to have the run of the house and to manage it (385ff.).<sup>59</sup>

Ironically, we classicists have been slow to realize the extent of the woman's influence at the private level of the household. The Athenians sources, however, speak loud and clear: for the citizen woman there is a direct link between the wealth she brings into her marriage and her influence in her marital household. Such influence pertains to marital and familial concerns, but from time to time we see her interest, if not influence in, the affairs of her neighbors and of the community at large. To ensure her influence in her marital household, and to ensure the legitimacy and citizenship of her children, the men of her original family were deeply involved in the nature of the dowry and in how it was used once given into the household of her marriage.

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<sup>55</sup> Krieter-Spiro 1997: 48.

<sup>56</sup> Traill 1997: 62-63, 82.

<sup>57</sup> Henry 1985: 80, on Glycera's independence.

<sup>58</sup> Konstan (1993: 143), points out that when the young concubine, such as Glycera or Crateia, enters a relationship with a man the first time she is represented as the moral equivalent of a potential wife. All that remains is to convert her to citizen status through a recognition scene and reward her with marriage.

<sup>59</sup> Henry 1985: 90-91.

The women of less formal status, however, can also have a great deal of influence in the household to the point of jeopardizing the rights of the wife. In the case of the concubine or prostitute, emotional ties may lead a man to transfer household wealth to [her.] the *pallake* or *hetaira*. This focus of the private orations and of Menander on the household, is not false or distorted. Although so much of political history for Athens has concentrated on city government and international affairs, the ancients themselves knew that there was another aspect to politics in the *polis*. It was Aristotle himself, who in his *Politics*, stated that politics was defined by the relationships among individual households (1252a25ff.).

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