

FORBIDDING MARRIAGE: *NEAIRA* 16
AND METIC SPOUSES AT ATHENS

The “ideology of the Athenian family”¹ is central to the court speech *Against Neaira* ([Dem.] 59). The prosecution dates to the late 340s² and is technically a *graphe xenias* alleging that the defendant is a non-citizen illegally married to the Athenian Stephanos. The law on which the case hinges is cited by Theomnestos’ *synegoros* (and in-law) Apollodoros (59.16):

Ἐὰν δὲ ξένος ἀστὴ συνοικῇ τέχνη ἢ μηχανῇ ἡτινιοῦν, γραφέσθω πρὸς τοὺς θεσμοθέτας Ἀθηναίων ὁ βουλόμενος οἷς ἔξεστιν. ἐὰν δὲ ἄλῳ, πεπράσθω καὶ αὐτὸς καὶ ἡ οὐσία αὐτοῦ, καὶ τὸ τρίτον μέρος τοῦ ἐλόντος. ἔστω δὲ καὶ ἐὰν ἡ ξένη τῷ ἀστῶ συνοικῇ κατὰ ταῦτά, καὶ ὁ συνοικῶν τῇ ξένῃ τῇ ἀλούσει ὀφειλέτω χιλίας δραχμᾶς.

If a foreign man lives in marriage with a citizen woman in any manner or means whatsoever, let any Athenian who possesses this right indict him before the thesmothetes. If he is convicted, both he and his property are to be sold, and one-third is to go to the successful prosecutor. The same is to apply if a foreign woman lives in marriage with a citizen man; in addition, the [citizen] man living in marriage with a foreign woman thus convicted is to be fined 1000 drachmas.³

According to Kapparis, this measure was intended “to stop the pretence of legitimate marriage and the fraudulent integration of aliens into the citizen body through this pretence.”⁴ Given that a (if not the) main goal of marriage was the production of legitimate issue⁵ and

¹ The phrase is that of Patterson (1994).

² See Kapparis (1999) 28. The mention (59.26–8) of Xenocleides’ return to Athens from Macedon provides a *terminus post quem* of 343, while the omission of Demosthenes’ success with the theoric fund suggests a *terminus ante quem* of 339.

³ All translations are my own.

⁴ Kapparis (1999) 205.

⁵ See the traditional betrothal formula at e.g. Men. Pk. 1013–14; Dysc. 842.

that Athenian attitudes towards citizenship were generally restrictive,⁶ this interpretation has intrinsic appeal.

Yet the law is silent about what was widely seen as the greatest threat to the integrity of the Athenian citizenry, namely the children resulting from mixed-status marriages.⁷ Given the oral, social way in which Athenians established and defended their identities,⁸ it would have been nearly impossible for a metic man to marry an Athenian woman and subsequently pretend to be a citizen. And while the relatively greater difficulty in verifying women's identities⁹ might have made it easier for a ξένη to subsequently pose as an ἄσπρῃ, the political and financial consequences of such deceptions were less severe. The main defenses against infiltration of the citizen body were thus not regulations about marriage, but the recurring verification of identities at phratry ceremonies, deme assemblies, *dokimasiai* and *diapsephiseis*.

We must remember that in considering the motives behind legislation, we are dealing in abstractions. In the end, Athenian laws were fluid, and their meanings were "principally determined by the arguments of litigants, especially those in the prosecutorial role, and by the verdicts of democratic juror-judges."¹⁰ Establishing the motives behind laws proves as slippery as pinning down their meanings. Here too the largely unrecorded beliefs and thoughts of a wide range of non-elite individuals are crucial; to use a mathematical analogy, the enactment of a *psephisma* is like a Σ summing up all the individual judgments made by those seated in the Pnyx on that particular day.

This article proposes that an additional factor led some Athenians to vote for a ban on mixed-status marriages in the early to mid-4th century.¹¹ Taken together, an anomaly in the wording of the law

⁶ On the Athenians' definition of themselves as a "descent group," see Davies (1978).

⁷ See Ogden (1996) 80.

⁸ Scafuro (1994).

⁹ Scafuro (1994) 162–3. She notes (pp. 173–4): "disputes that depend on the precise identification of a person's status (legitimate or illegitimate) and of his or her relationship to kin require a documentation that the Attic bureaucracy (and I use that term loosely), particularly in regard to the female members of the community, had not established."

¹⁰ Lape (2006) 140. See also Johnstone (2002) 246 n. 44.

¹¹ Significantly, all the dates proposed for the law are linked to its presumed intent. MacDowell (1978) 87 and Walters (1980) 320–1 seek to connect it with Perikles' citizenship law and thus date it to 451/50. But Kapparis (1999) 201 rightly notes that while Perikles' measure deterred such marriages, it did not prohibit them. Moreover, the number of *metroxenoi* seems to have increased amid the manpower squeeze created by the Peloponnesian War; cf. Ogden (1996) 65, 70–4. If the law is connected with restrictions on Athenian citizenship, a possible upper bound might be 403/2 and the proposals of Aristophan and Nikomenes; see Ostwald (1986) 507. The *diapsephiseis* resulting from Demophilos' legislation would then make 346/5 a likely *terminus ante quem*; see Aeschin. 1.82; Dem. 57; Whitehead (1986a) 106–9. Within this broad range,

cited above, various sociological considerations, a passage from Isaios 3 *On the Estate of Pyrrhos* and evidence from Greek tragedy point in a common direction: some assemblymen were troubled by the presence at Athens of numerous nubile metic women. In comparison with the ἄσται, these women were relatively more available, and in the popular mind, more outspoken and independent.¹² These attributes made them attractive to a number of ἄστοί, who were persuaded by ἔρως to neglect their relatives and better judgment and to marry irresponsibly. Unable to curb the independence of their kin, and fearful of the reputation of metic women, Athenian *kyrioi* voted in the *ekklesia* to forbid the two groups from intermarrying.

Despite the recognized tendency of Attic orators to play fast and loose with the facts (and the creativity of subsequent Alexandrian editors), the law cited at *Neaira* 16 is likely genuine.¹³ Particulars of its language, such as the ὁ βουλόμενος clause and the third-person imperatives γραφέσθω, πεπράσθω, ἔστω and ὀφειλέτω, recall those of other laws. Several of its provisions are not derivable from other sections of the speech.¹⁴ Above all, it lacks the colorful details and vocabulary dear to interpolators and forgers.¹⁵

The law targets marriage rather than simple cohabitation.¹⁶ The presence of two verbs and one participle from συνοικέω suggest that unions of a relatively formal nature are involved. As Kapparis notes, “συνοικεῖν is the *terminus technicus* indicating lawful marriage,”¹⁷ and he and Carey translate the recurring verb συνοικῇ as “lives in mar-

Whitehead (1986b) 111, 113 places the measure prior to 368, while Carey (1991) 85 puts it *ca.* 350.

¹² Konstan (1987) notes that in Menander’s *Perikeiromene*, Glykera’s transformation from metic concubine to citizen wife is accompanied by her loss of an independent voice. He adds (p. 134): “what is striking about Glykera’s silence in the conclusion ... is the contrast with the forthright speech and sure sense of her own interest and capabilities that had been hers til now. Her deferential silence ... appears as the sign of her new citizen status, and the marriage that it brings.”

¹³ Kapparis (1999) 198. Humphreys (1983) 358 n. 23, offers the caveat that “quotations of laws are often selective and do not necessarily follow the original text verbatim.”

¹⁴ Carey (1992) 92, claims that “this document is substantially that presented at the trial.” He notes that the law as cited contains provisions unmentioned by Apollodoros in his subsequent paraphrases, and argues that his version would have been the likely starting point for any subsequent embellishment.

¹⁵ Kapparis (1999) 198 notes that “the document does not contain some elements provided by the context which expectedly would appear in it if it were a forgery: for example, παιδοποιεῖσθαι is an interpretation by the orator (cf. 122), but it is a striking word, one which would attract the attention of a forger.” He further observes (p. 198) that “the [grammatical] expression of the law is positive ... while that of the orator is negative.”

¹⁶ Patterson (1991) 62 n. 2 rightly observes that “cohabitation with a non-Athenian, slave or free, was not at any time prohibited in Athens.”

¹⁷ Kapparis (1999) 203.

riage.”¹⁸ Many Athenian marriages were marked by both a formal pledge and a public acknowledgement ceremony.¹⁹ The first of these, the ἐγγύη, was “a non-binding betrothal, which neither created the marital state nor required a formal dissolution.”²⁰ It was, furthermore, a private arrangement between two men, the groom and the *kyrios* of the bride, and as such required neither official witnesses nor public certification.²¹ Thus while many ἐγγύαι were widely known and discussed, this cannot have been true of all, especially given the size of the city’s population, the geographical extent of Attika and the relatively inward-looking nature of deme life. The second element, the γαμήλια, was meant to confer “public approval upon the groom in the choice of his bride and public acceptance upon the bride as a potential bearer of Athenian children.”²² Pride and prudence certainly prompted most Athenians to celebrate publicly their own and their families’ marital arrangements. Yet various factors must on occasion have limited the spread of such knowledge, particularly when the marriages involved individuals from different demes, tribes, *poleis* or even *ethne*.

The presence of the adverbial phrase τέχνη ἢ μηχανῇ ἡτινιοῦν modifying the verb συνοικῇ is suggestive in this regard. Kapparis and others have interpreted it as a reference to deception, i.e. as applying to individuals who only pretended to be married.²³ But the phrase also reflects the fact that Athenian marriage was not “a simple legal event but ... a composite process leading to or having as its goal the establishment of a new household or *oikos*.”²⁴ While this process ordinarily involved ἐγγύη, γαμήλια and cohabitation, followed by childbirth and the celebration of the *Amphidromia*, etc., not all these elements were necessary for a marriage to be valid.²⁵ Nor were they all equally demonstrable. As a result, the absence of visual or social evidence for one or more elements did not mean that two people were not married. The converse was also true: evidence that a single step had taken place might be construed to mean that a couple were married even if they were not. And so when it became necessary to argue in a *dikasterion*, litigants often had recourse to a particular subspecies of the argument from probability. Depending on the case and their rhetorical needs, they employed metonymy and

¹⁸ Carey (1992) 37; Kapparis (1999) 93.

¹⁹ Carey (1992) 92; Kapparis (1999) 203–5.

²⁰ Patterson (1991) 51.

²¹ Patterson (1991) 51.

²² Garland (1990) 218.

²³ Kapparis (1999) 199.

²⁴ Patterson (1991) 60.

²⁵ Nor was any of them necessarily sufficient to establish a marriage: this may explain the use of the verb συνῶκησεν to describe the relationship between a freed-woman and her partner at Dem. 47.55.

synechdoche to claim that a marriage either did or did not exist.²⁶ Given the inherently ambiguous nature of Athenian marriage, a couple's "observed behavior and presumed intent over time"²⁷ were crucial factors in how others regarded their union.

Apollodoros anticipates that Stephanos will defend himself by saying that he kept Neaira as a concubine, not a wife (119):

ἀκούω δὲ αὐτὸν τοιοῦτόν τι μέλλειν ἀπολογεῖσθαι, ὥς οὐ γυναῖκα ἔχει αὐτὴν ἀλλ' ἐταῖραν, καὶ οἱ παῖδες οὐκ εἰσὶν ταύτης ἀλλ' ἐξ ἐτέρας γυναικὸς αὐτῷ ἀστῆς, ἣν φήσει πρότερον γῆμαι συγγενῇ αὐτοῦ.

I hear that he intends to make some such defense, that he keeps [Neaira] not as a wife but as a concubine, and that his children are not from her but from another wife, a citizen, a relative of his whom, he will say, he married earlier.

Apollodoros' contention is that the preponderance of the evidence suggests otherwise: to a reasonable observer, Stephanos' long cohabitation with Neaira, together with the actions of their apparent children, must outweigh any after-the-fact public denial.

The law cited at *Neaira* 16 bans a particular type of marriage: that between a citizen and a non-citizen. The relevant terms are ἀστός and ἀστή, ξένος and ξένη, traditionally understood to mean citizen and foreigner respectively. Recently Cohen has challenged this view, arguing that ἀστός is primarily a territorial designation rather than a political one. On his view, ἀστοί were "a recognizable group of free local persons ... including but not identical with the *politai* and including some but far from all of the metics."²⁸ Osborne has highlighted several flaws in Cohen's basic argument.²⁹ In addition, the case under discussion here militates against Cohen's understanding of the term ἀστός.³⁰ Practically speaking, what the *Neaira* 16 law does

²⁶ Patterson (1991) 60 argues that each element "could at times be taken to stand for the marriage as a whole."

²⁷ Patterson (1991) 60.

²⁸ Cohen (2000) 61.

²⁹ Osborne (2002) 94–6. Osborne readily concedes (p. 94) Cohen's point that "texts regularly contrast *astoi* and *xenoi*. But that is perfectly compatible with *astos* and *polites* meaning essentially the same thing. Whether there are any texts that distinguish *astos* and *polites* is much more arguable."

³⁰ If ἀστός and ἀστή simply denoted free, long-term local residents, both Stephanos and Neaira would qualify under this definition, and more importantly, would be in a position to prove their status in court. He was politically active and indisputably a citizen. She had been found to be a free person, not a slave, by a board of arbitrators around 370 (59.45–6); 30-odd years later there likely were witnesses still alive who could testify to both the results of the arbitration and her subsequent residence in Attika. And the young sons of the Stephanos–Neaira household had been presented to a phratry and enrolled as citizens in the deme of Eroiadai; see Kapparis (1999) 34. Even the girl Phano had been accepted in marriage by not one but two Athenian husbands despite her checkered history. Given these facts, if Cohen were right and ἀστοί meant merely local residents of long standing, Apollodoros would have been foolish indeed to stake his case on a law regulating relations between ἀστοί and ξένοι.

is outlaw marriage between citizens and metics.³¹ In each instance, the offending non-citizen is to be enslaved and sold, his or her property confiscated and one-third of the proceeds awarded to the successful prosecutor.

In most regards, the law treats marriages between metic men and Athenian women, and between Athenian men and metic women, as parallel phenomena; hence κατὰ ταύτά in lines 4–5. Yet the subsequent clause introduces an important asymmetry: while an Athenian husband married to a metic is to owe 1000 drachmas, there is no mention of a corresponding penalty assessed against an Athenian wife. There are several possible explanations for this disparity. The simplest is that Athenian wives were in fact subject to the same penalty, and that Apollodoros has tailored the law to fit the circumstances at hand: Stephanos was an ἄστος, and Neaira was not an ἄσθή. But the placement of κατὰ ταύτά preceding the additional punishment clause suggests otherwise, and the subsequent καί points to the introduction of a not precisely parallel item.

Nor should we attribute an excessively *ad hominem* character to Apollodoros' citation of the law, for his speech was more than a simple political assault on Stephanos, and Neaira was more than a convenient pretext.³² As Patterson notes, the case against her "is not so much aimed at one individual, Stephanos or Neaira, as at the *oikos* they have allegedly created by the act of *sunoikein*.... Individual family members in this case must 'sink or swim' with the whole—the *oikos* or household group."³³ Patterson has also demonstrated that this focus on the *oikos* is an important part of Apollodoros' overall rhetorical strategy, which centers on creating "a vivid image of the proper and improper family and household in Athenian society."³⁴ In brief, Apollodoros is attempting to create a set of ideal criteria that can be used to measure the civic virtue of any household: his own, Stephanos' and ultimately those of the citizen jurors.³⁵

³¹ Although the term ξένοι is in itself ambiguous, with a broader meaning of "foreigners" or "allies" in some contexts and a narrower one of "metics" in others (on the latter, see e.g. Kennelly (1993) 540–1), practicalities suggest that the Neaira 16 law was primarily concerned with metics. If an Athenian married a foreigner and the couple resided elsewhere, they were generally out of reach of the Athenian courts; see Kapparis (1999) 203. If they resided in Athens, on the other hand, after 30 days the foreigner was required to register as a metic with the polemarch and pay the *metoikion*; see Whitehead (1977) 8–9. Failure to comply left the ξένος open to a *graphe aprostasiou*; see Todd (1993) 111, 197–8.

³² For examples of the Neaira-as-pretext approach, see e.g. Macurdy (1942); Carey (1992) 4–8; Trevett (1992) 146–7; Glazebrook (2006) 162.

³³ Patterson (1994) 203. Significantly, Apollodoros does not immediately follow his citation of the law with a personal attack on Stephanos.

³⁴ Patterson (1994) 211.

³⁵ Note Stephanos' extended mention of the jurors' own wives and daughters at Sections 110–14.

Another possible explanation for the asymmetrical punishment clause lies in the gender roles of ancient Athens. While Athenian brides had little say in picking their spouses, Athenian grooms were older and more independent, and had more leeway to determine their marriages.³⁶ The extra provision punishing citizen husbands in mixed-status matches might thus correspond to assessed culpability: greater male freedom of action brought with it increased legal liability.³⁷ Yet if this were the case, and punishment were consistently linked with culpability, one would also expect to see penalties assessed against Athenian *kyrioi* who arranged metic marriages for their female dependents.³⁸

Arguably the best explanation for the anomaly is a sociological feature of life in classical Athens: under ordinary circumstances, marriages between citizen men and metic women likely outnumbered those between citizen women and metic men. At the heart of the matter lies the institution of *κυρία*.³⁹ As noted earlier, Athenian *ἀσπαί* had little latitude in picking a spouse, for marriages were arranged for them by male relatives whose primary goal was to preserve the *oikos* while increasing its resources. The best prospective husbands were citizens drawn from the ranks of wealthy kin, friends, and neighbors. From the point of view of the *kyrios*, non-citizen grooms had numerous shortcomings. Perpetuation of the *oikos* required legitimate descendants, and under the terms of Perikles' citizenship law these could only stem from two citizen parents. After 451/50, marrying one's daughter to a metic created the risk of effective disfranchisement for that branch of the family.⁴⁰ In addition,

³⁶ See e.g. X. *Oec.* 7.11. The *Homeric Hymn to Demeter* (30–2) provides an archetype of the pattern for marrying off daughters. Foley (1994) 105 notes that "Zeus attempts to impose on Persephone a form of marriage new to Olympus, the divine equivalent of a mortal institution familiar in Homer: in modern terms we would categorize it as patriarchal and virilocal exogamy (a marriage between members of two different social groups arranged by the father of the bride in which the bride resides with her husband)." Kallias' reputed liberality in permitting his daughters to marry anyone they wished (Hdt. 6.122) serves as the Athenian exception confirming the rule. (The debate surrounding the authenticity of the passage does not affect the argument here, given Herodotos' well-documented interest in "Others" and their "exotic" inverted practices; see e.g. Hartog (1988).)

³⁷ Carey (1992) 92.

³⁸ Harrison (1998) I.27 notes that "symmetry would require that some penalty should fall on the *κύριος* of an Athenian woman who knowingly married her to a foreigner, for the woman, not being a free agent, could not be punished; but there is no evidence for this." Sealey (1990) 17 argues that "it was presumed that the male alien had professed deceitfully to be a citizen and thus bore the whole blame for the anomaly of the mixed marriage." While the law cited in Section 52 does punish *kyrioi* for giving away *ξένοι* as if they were citizens, it is silent about those who gave away *ἀσπαί* to metic grooms.

³⁹ On which, see Todd (1993) 207–10.

⁴⁰ On the law itself, see [Arist.] *Ath.* 26.4, with Rhodes (1993) 331–5. For a recent survey of its many interpretations, see Ogden (1996) 59–69.

non-citizen grooms had little to contribute in the way of alliance. Their lack of citizen status prevented them from speaking or voting in the *ekklesia*, from bringing some types of cases before or sitting on *dikasteria*⁴¹ and from accumulating political capital in general. Metics' prospects for financial advancement were only somewhat better. As non-citizens they were barred from *enktesis*, the ownership of immovable property such as land, houses and workshops. These assets were among the most secure and sought-after in ancient Athens.⁴² If a foreigner wished to own such things, he had to work through a citizen front, as did Hermarkhos and perhaps Lysias.⁴³ All such arrangements hinged on the trustworthiness of citizen accomplices, and were accordingly precarious. Nor could non-citizens bid for lucrative public contracts, such as leases on the silver mines near Laureion.⁴⁴ And if they did manage to become rich despite these obstacles, their success might prove even worse than poverty, for a combination of political weakness and reputed wealth made prominent metics a tempting target for *sycophants*.⁴⁵ To sum up, metic grooms offered few advantages when it came to *oikos*-building.

Striving to extend and enhance the *oikos* was not incompatible with paternal affection. Thus when citizen *kyrioi* married off their female charges, they did so with a dowry that the husband administered but that remained the property of the wife and her natal family.⁴⁶ This tangible asset did more than link the interests of the marrying families; it also created a strong financial incentive for husbands to treat their wives well.⁴⁷ If a wife or her relatives became unhappy with a husband's behavior, divorce was a simple matter, and was accompanied by a legal requirement to return the dowry along with any applicable interest.⁴⁸ But dowries tended to consist of movable property such as money, jewelry, clothing and other personal effects.⁴⁹ In addition, the ban on ownership of immovable property meant that metic grooms had little to offer as security for dowries. They likely kept the bulk of their assets in ἀφανῆς οὐσία such as coined money, manufactured goods, foodstuffs, ships and outstanding loans.⁵⁰ These items were easy to transport and conceal, and more difficult to identify and recover. In addition, metic husbands often

⁴¹ Todd (1993) 196.

⁴² Casson (1976).

⁴³ On Epicurus/Hermakchos, see Leiwo and Remes (1999). On Lysias, see Gifford (2001) 57.

⁴⁴ Hansen (1999) 97.

⁴⁵ The Thirty Tyrants likewise preyed on wealthy metics. See Bakewell (1999) 11 n. 19.

⁴⁶ Just (1989) 72–3.

⁴⁷ Cox (1998) 74–5.

⁴⁸ Cox (1998) 119.

⁴⁹ Cox (1998) 76.

⁵⁰ On movable property, see Gabrielsen (1986).

had their own networks of friends and family elsewhere, and could depart with their assets out of reach of Athenian courts. Overall, Athenian *kyrioi* would have had less leverage in encouraging metics sons-in-law to consider their interests and to treat their female kin appropriately. There were thus numerous reasons why they might have shied away from marrying their female charges to non-citizens.⁵¹

By contrast, Athenian *ἄστοί* had considerably more freedom when it came to marriage. They could choose not only whom to wed, but on what grounds. Although they may have been expected to show some deference to their male relatives,⁵² the fact that they were not subject to the formal supervision of a *kyrios* enabled them to pursue matches of their own choosing even in the face of opposition. One illustration of these expanded possibilities comes from Isaios 3 *On the Estate of Pyrrhos*. The speaker, an unnamed brother of Endios, has charged Nikodemos with perjury in connection with an inheritance. Who should get the three talents at issue turns on the nature of the relationship between Endios' long-dead adoptive father Pyrrhos and Nikodemos' sister, who subsequently gave birth to a daughter named Phile. Nikodemos had previously claimed that he had given this sister in marriage to Pyrrhos, and that Phile was thus Pyrrhos' legitimate daughter. By contrast, the speaker claims that the sister in question was a concubine rather than a wife, citing the irregularity of the betrothal proceedings. At one point, however, he makes a telling admission (16–17):

σκεπώμεθα δὲ καὶ ἐξ ὧν ἂν τις ὑπονοήσειεν ἐγγύην γενέσθαι τοιαύτης γυναικός, εἰ ἄρα καὶ τῷ ἡμετέρῳ θείῳ τοιοῦτόν τι συμβέβηκεν. ἤδη γάρ τινες νέοι ἄνθρωποι, ἐπιθυμήσαντες τοιούτων γυναικῶν καὶ ἀκρατῶς ἔχοντες αὐτῶν, ἐπέσθησαν ὑπ' ἀνοίας εἰς αὐτοὺς τοιοῦτόν τι ἐξαμαρτεῖν.

Let us also consider on what grounds someone might imagine that a betrothal to such a woman took place, if in fact something such really befell our uncle. For the fact is that certain young men, desiring such women and lacking self-control, were persuaded by folly to do themselves harm of this sort.

Regardless of the exact nature of Pyrrhos' union, the speaker acknowledges that marriages similar to that alleged can and do occur.

⁵¹ Following the introduction of the law cited at *Neaira* 16, mixed-status couples had considerable incentive to live outside of Athens. See Cox (1998) 205–7.

⁵² At Is. 2.18 *On the Estate of Menekles*, the adopted son of Menekles depicts his father as the main actor in arranging his marriage: *πραχθέντων δὲ τούτων ἐσκόπει ὁ Μενεκλῆς γυναῖκά μοι, καὶ ἔφη με χρῆναι γῆμαι· καὶ ἐγὼ λαμβάνω τὴν τοῦ Φιλωνίδου θυγατέρα. κάκείνός τε τὴν πρόνοιαν εἶχεν ὥσπερ εἰκός ἐστι πατέρα περὶ υἱέος ἔχειν, καὶ ἐγὼ τὸν αὐτὸν τρόπον ὥσπερ γόνῳ ὄντα πατέρα ἐμαυτοῦ ἐθεράπευόν τε καὶ ἡσυχνόμην* (“After these things were done, Menekles began to search out a wife for me, and said it was necessary that I marry; so I married the daughter of Philonides. Menekles had my best interests in mind, just as a father should for his son, and I likewise took care of and showed respect for him as if he were my biological father”).

Although he tries to limit it with the adverb ἤδη, the aorist indicative ἐπέισθησαν and the adjective τινες, and to excuse it with the adjective νέοι, the ugly fact remains: Athenian youths *have* been known to marry in irresponsible, self-destructive and objectionable ways, and it would be pointless to deny the fact. Elsewhere in the oration, the speaker makes clear his disdain for Nikodemos' sister, calling her a ἑταῖρα and implying that Pyrrhos' own uncles disapproved of his choice.⁵³ The morally charged vocabulary of ἐπιθυμήσαντες, ἀκρατῶς ἔχοντες αὐτῶν, ἀνοίας and ἐξαμαρτεῖν point to the culprit. In matches like these, ἔρωσ triumphs more practical considerations such as descendants, alliances and wealth.⁵⁴ The fact that Athenian *kyrioi* could control the marriages of their daughters better than those of their sons suggests that marriages between Athenian women and metic men were less frequent than those between Athenian men and metic women in 4th-century Athens.

The likely preponderance of ἀστός-ξένη marriages over those between ἀσταί and ξένοι best explains the anomaly in the law cited at *Neaira* 16. This in turn helps us understand at least part of the initial motivation for the law. As we have seen, Athenian *kyrioi* had at best a limited ability to control the marriages of their sons. Moreover, while other Athenian men could restrict access to the ἀσταί in their care, many metic women were not protected by the same buffers and barriers. Over time, non-citizen women thus acquired a reputation for being more available, and potentially more outspoken and independent, than their citizen counterparts.⁵⁵ It is hardly coincidental that Greek tragedy frequently emphasized the threat posed by metic wives. Aeschylus' *Supplikes* and Euripides' *Medea* are two of the many plays in which the erotic potential of foreign women

⁵³ Is. 3.13–14. Nikodemos apparently argued that three uncles of Pyrrhos (Lysimenes, Khairon and Pylades) were present at an ἐγγύη betrothing Pyrrhos and Nikodemos' sister. But the speaker claims that this is highly unlikely, and that Pyrrhos would have preferred to hide his conduct from them rather than summon them as witnesses. The speaker's use of the term ἑταῖρα may also be intended to cast aspersions on the woman's civic status. Glazebrook (2005) 163 notes that "hetairai were usually foreign women, freedwomen, or slaves."

⁵⁴ For a common view of the drawbacks associated with passion-driven relationships, see Lysias' speech regarding the ἐρῶν lover at Pl. *Phdr.* (230e–4c). Nussbaum (1986) 207–8 makes clear the applicability of this speech to male-female relationships as well. Ar. V. 1351–5 amusingly reverses the ordinary state of affairs, depicting Bdelykleon's fears about where his aged father's dalliance with the flute girl may lead. Note in particular lines 1354–5: νῦν δὲ οὐ κρατῶ ἑγὼ τῶν ἑμαυτοῦ χρημάτων / νέος γάρ εἰμι καὶ φυλάττομαι σφόδρα ("Currently I don't control my own funds, for I'm a young man and closely watched").

⁵⁵ Put differently, they did not display the σωφροσύνη ("moderation") of ἀσταί. See Glazebrook (2005) 165–72.

threatens *oikos* and *polis* alike.⁵⁶ Many of the Athenian *kyrioi* seated in the Theater of Dionysos in 431 likely agreed with Jason when he belatedly lamented his choice of Medea (1339–41):

οὐκ ἔστιν ἥτις τοῦτ' ἂν Ἑλληνὶς γυνή
ἔτλη ποθ', ὧν γε πρόσθεν ἡξίουν ἐγὼ
γῆμαι σέ, κῆδος ἐχθρόν ὀλεθριόν τ' ἐμοί.

No Greek woman would ever
have dared this, but instead of them I preferred
to marry you, a hostile, deadly in-law.

Apollodoros might have argued that these tragic women were Neaira's true kin. Like them, she was a non-citizen who transcended her origins and gender to shape her own future. Like them, she passed from being a sexual object to a desiring subject. So for Apollodoros and others like him, the real problem was Neaira's ability to pursue goals of her own, not only for herself but for her children as well.⁵⁷ In so doing, she undermined the concept of the citizen *oikos*, usurped the role of its *kyrios* and damaged the city to which they all belonged.

I conclude with the following scenario for the enactment of the *Neaira* 16 law. No doubt some of the assemblymen present were concerned to protect the integrity of the citizen body in the manner suggested by Kapparis. But others were more troubled by the prospect that their sons (and other male kin) might marry irresponsibly, choosing metic wives for the wrong reasons. By approving a ban on mixed-status marriages, they hoped to force these men to marry Athenian women⁵⁸ and to submit themselves to the sober judgments and values of the women's citizen *kyrioi*. In the end, the law was not only an attempt to exclude children of mixed-status marriages from citizenship; it was also an ideological bulwark against the allure and mores of "un-Athenian" women like Neaira.⁵⁹

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⁵⁶ On the Danaids as metics, see Bakewell (1997). Rehm (1994) 97 notes that Medea's "position mirrors that faced by foreign wives after the enactment of Perikles' Citizenship Law of 451/50." See also Reckford (1968) 341; McClure (1999) 379–80.

⁵⁷ Patterson (1994) 211 notes that "to the Athenian audience, whether in the theater or the law court, marriage represented the first political bond of the polis and was a potent symbol of the political order."

⁵⁸ See also Section 113.

⁵⁹ I am grateful to the editor, S. Douglas Olson, and the anonymous referees at *CJ* for their helpful comments on an earlier draft of this article. Any remaining errors are of course my own.

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