

# SEX, STATUS, AND SURVIVAL IN HELLENISTIC ATHENS: A STUDY OF WOMEN IN NEW COMEDY

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GOMME'S ESSAY on the position of women in Athens,<sup>1</sup> written in 1925, has remained a classic source for students of this topic, and its humanity and breadth of scope still has much to teach us after fifty years. Yet by the very fact of quoting the greatest thinkers, by his use of the royal women of Greek tragedy, and by his interest in the no less aristocratic values of a Pericles, he provides a picture unrepresentative of the great bulk of bourgeois Athenians (gentlemen and would-be gentlemen), whose less enlightened standards affected a far greater number of women. My purpose in writing this essay is more limited, but perhaps more attainable; to test and use the evidence of Menandrian<sup>2</sup> comedy in order to present an account of the social roles available to different categories of women in the everyday world of around 300 B.C.: this will require a brief introduction, distinguishing the legal and economic factors which affected their choice of life, considering their social mobility and the degree to which they were protected or exposed by the laws and conventions of their world.

How valid is Greek New Comedy, or any other variety of the genre, as evidence for life? It was once mandatory to begin any discussion of Menander with the praises of Aristophanes of Byzantium, "O Menander, O life, which of you imitated the other?", or the Ciceronian description of New Comedy as a "mirror-image of society".<sup>3</sup> But before we dare treat comedy as a true image of social prejudice or practice, we need to recognise the hazards and take security measures. First, comedy as a source for contemporary law: surviving Attic oratory provides enough samples of family litigation to confirm that New Comedy is faithful to Attic law; details of such family-law often provide the motive-power that turns the

<sup>1</sup>"The Position of Women in Athens in the Fifth and Fourth Centuries B.C.," in A. W. Gomme, *Essays in Greek History and Literature* (Oxford 1937). See now also the summary account "Men and women in Athenian society," in A. W. Gomme/F. H. Sandbach, *Menander, a Commentary* (Oxford 1973) 28–35.

<sup>2</sup>In this category I include with the surviving plays of Menander the adaptations of Menander and his pupil Apollodorus by Terence, and the Plautine *Aulularia*, *Bacchides*, *Cistellaria*, and *Stichus*. This evidence is supplemented with parallel material from other plays of Plautus, where there is no reason to doubt that Plautus is representing accurately the social or legal situation of his original source.

<sup>3</sup>Quoted as Testimonia 32 and 36 in Koerte, *Menander, Reliquiae* 2.7. Cicero's phrase *speculum consuetudinis* comes closest to the approach of this paper, since *consuetudo* includes both the legal basis of society and the superstructure of custom and social prejudice.

plot-mechanism, as in the heiress-themes of Apollodorus' *Phormio* and the original of Turpilius' *Epikleros*. Studies of law in Plautus and Terence<sup>4</sup> confirm that Roman adaptations retained as much of the Greek legal basis for the play as was necessary for the understanding of the plot; they are even helpful to us in explaining for their Roman audiences aspects of Attic law that we might not otherwise have realised. Hence the plot-situations of Greek comedy can be assumed to represent society in their treatment of the civil status, eligibility for marriage, liability to divorce, etc., of the female roles; almost all points of detail can be confirmed from a supposedly factual source such as the Pseudo-Demosthenic speech against Neaera,<sup>5</sup> a mine of information on the legal handicaps of non-citizen women and their consequences. In contrast, it is obvious that the high frequency in comedy of family structures disrupted by seductions, exposure of children, mistaken identities, kidnappings, and remarriages offers a statistically false picture of Greek society even in the years of war and occupation after the death of Alexander in 323. Comedy, to be exciting, must deal with the exceptional, with initial situations that threaten family stability or social harmony, and complications that prolong the tension of such threats. Finally, comedy is impossible if all the participants in the action are rational and free of prejudice; farce requires exaggeration, and comic irony requires misjudgments; it would be intensely misleading to take the misogynistic statements of comic fathers or slaves as a reflection of public opinion, or the dramatist's own values, unless they were confirmed by the actual behaviour of the female characters in the plays. Some female roles conform to popular stereotypes, and illustrate prejudices, others clearly do not; sometimes a dramatist is content to operate with the stereotype; sometimes he deliberately moves beyond it. To renew one of Gomme's most telling points, a fragmentary source is a most dangerous tool for evaluating real public opinion. I offer an illustration, *Men. fr.* 276: "an extravagant wife is a nuisance, and doesn't let the man who married her live as he wants. But

<sup>4</sup>See U. E. Paoli, *Comici Latini e Diritto Attico* (Milan 1962) (hereafter Paoli); his conclusions (3) and (4) argue that whatever refers to a legal situation essential to the intrigue of a comedy, such as the *epikleros*-law cited in Terence's *Phormio*, cannot be Roman in origin. (This does not exclude coincidence of Attic and Roman law in many situations.) Plautus in particular may superimpose vocabulary of Roman law, and even additional features, upon the Greek plot; for an example, cf. G. Williams, "Some Problems in the Construction of Plautus' *Pseudolus*," *Hermes* 84 (1957) 425-427.

<sup>5</sup>Paoli, 22-31, derives from this speech most of his corroborative evidence for the legal position of *hetaerae*. The speech (59 in the Demosthenic corpus) contests the citizenship of Neaera's children and her married status, on two grounds: her non-citizen birth, and her long and varied career as a *hetaera*. Like most prosecuting speeches it is more plausible than scrupulous in representing the facts of her life, but the texts of laws quoted incidentally cover most of the recognised offences connected with a woman's civil and sexual status.

there's one good thing she produces; children." This genuinely reflects a priority of the contemporary world, in which the purpose of marriage was specified as "for the begetting of legitimate children;"<sup>6</sup> but as I have quoted it, it is three times false to Menander. I have omitted the opening lines, which advise the interlocutor that all good things have inherent disadvantages, including wives; I have cut off the continuation, which adds praise of wives for tending their husbands when sick, for faithfulness to them in misfortunes, and for the last services offered to them in burial; and I have concealed the title of the play from which this derives — "The Misogynist," which suggests strongly that our speech is merely quoting the criticism of wives uttered by the title-character, in order to rebut it. One might add that such a title, like "The Mistrustful Man," "The Bad-tempered Man," "The Superstitious Man," is derived from the particular folly of the leading figure, and positive proof of a measure of sympathy for women! The question of prejudice against women is both elusive and tendentious, and my intention is to subordinate such questions as much as possible to a factual account of the position occupied by women in comedy, and their circumstances as reflected in the different types of comic intrigue.

One further caution seems necessary: most of the plays of Menander which have survived are in the naturalistic tradition, ethical comedies which try to be realistic, and to apply everyday moral rules; their problem is to reconcile romance with morality. This is true of the Terentian adaptations also, except for elements in the *Eunuchus*. Such plays are fair quarries for illustrations of social behaviour; but there is in Plautus' adaptations a different type of comedy—the amoral escapist intrigue—whose world of perpetual holiday is brought out by Segal's study,<sup>7</sup> and which imposes its own morality based on the desires of the youthful or slave protagonists. A play such as *Mercator*, with its melodramatic parody of a young lover and decrepit old father competing for the same girl, so that the young man finally gains control over his father

<sup>6</sup>The formula of betrothal varies slightly in the dramatic quotations, but always includes the words *γνησιων/παιδων ἐπ' ἀπότῳ*, Men. *Perik.* 1013–1014, *Sam.* 727; cf. *Dysk.* 842–843, and fr. 682 K. (References to Menander will give the verse-numbering of Sandbach's Oxford Classical Text [1972] and/or Koerte<sup>2</sup> 2 [1953].)

<sup>7</sup>Erich Segal, *Roman Laughter* (Cambridge, Mass. 1968). The different tone of these comedies reflects Plautus' own method of adaptation, but derives also from his choice of plays. Thus *Mercator* is based on a play by Menander's closest rival and contemporary Philemon, and has been praised by such philhellene critics as Gilbert Norwood for its fidelity to the (lost) Greek original. To judge from fragments of the *Dis Exapaton*, original of Plautus' *Bacchides*, Menander's comedy was as amoral as the Roman version. These plays defy convention, but respect actual law; they would be fair evidence for legal practice, but as it happens they are not much concerned with situations relevant to the status of women.

through the old man's folly and terror of his wife, clearly gets its fun from overturning the normal family structure and thumbing its nose at society; plays such as *Asinaria*, *Mercator*, *Menaechmi*, cannot be used as evidence for the social roles of male or female.

Harrison's recent analysis of family law, and Lacey's book on the Greek family<sup>8</sup> bring out clearly the absolute dichotomy between the rights and liabilities of those women who were part of a citizen *oikos* in their own Polis, and those who were not. Within the citizen family the need to perpetuate succession to the *oikos* and the hereditary *kleros* of landed property dictated the marriage patterns of sons and daughters. The son's woman, or wife (Greek has only one word for both concepts) must be a citizen (*aste*) in order for him to beget citizen sons, for since the Periclean law of 451 only children of citizens on both sides were entitled to be registered as citizens with the deme, and as lawful members of the religious phratry of their Athenian father.<sup>9</sup> Only a citizen woman was *enguite*, subject to a betrothal contract, and could be treated as *gamete*, a legal wife. Her fidelity was not just a matter of sexual pride to her husband; for both the family property and its cult would be violated by the participation of a concealed bastard, and any act of infidelity by a wife cast suspicion on all her children past and future; hence a law of adultery which permitted murder of an adulterer caught in the act, and enjoined repudiation of the adulterous wife, on penalty of *atimia* (disfranchisement) to the husband who publicly condoned her behaviour by keeping her in his home: her fate was repudiation, return to her kin, and exclusion from all public religious life, on penalty of any physical brutality short of death.<sup>10</sup> If there were no sons to take up the family property, or they

<sup>8</sup>A. R. W. Harrison, *The Law of Athens: the Family and Property* (Oxford 1968); W. K. Lacey, *The Family in Classical Greece* (London 1968). These works will hereafter be quoted by the author's name alone.

<sup>9</sup>On the Periclean citizenship law see Aristotle, *Ath. Pol.* 26.4, Harrison 25, Lacey 104 and n. 14; on deme-membership and registration of citizens, Lacey 94; *phratries*, Lacey 92. Neaera's son-in-law Phrastor, a citizen tricked into marrying her daughter, a non-citizen, was persuaded by her to present their son to his phratry and *gennetai* of his clan for enrolment. When they refused, and he threatened to sue them, they demanded that he should swear "that he believed this was his own son by a citizen woman betrothed to him in marriage according to the law" (Dem. 59. 50-61). H. J. Wolff, "Marriage Law in Ancient Athens," *Traditio* 2 (1944) 43-95 (hereafter Wolff) argues that the legitimacy law was the basis of the whole Attic marriage system, and I have followed him in deducing the woman's role from that of the sons she was expected to conceive.

<sup>10</sup>See Harrison 32-36: the Draconian law, 33; repudiation, 35-36. The law is quoted in the Neaera speech (59. 87): "If he apprehend the seducer, let it not be lawful for the husband having apprehended him, to cohabit with his wife; if he cohabit, let him be disfranchised. And let it not be lawful for the wife to attend public sacrifices, if a seducer has been apprehended with her. If she attend, let her suffer whatever is inflicted on her save death itself, without penalty to the agent." (I have used "disfranchised" to represent *atimos*, "deprived of civic rights".)

predeceased their sister, dying without heirs, the daughter was put in a special category, as *epikleros*, "heiress-in-trust." If she married outside the *genos* the family cult could not be maintained by her line, and the property of her father's *oikos* would pass to her son(s), bearing the descent of another family; for this reason such an "heiress" was subject to *epidikasia*, a legal procedure securing her marriage to the male next-of-kin within her father's *genos*, or to a man of his choosing.<sup>11</sup> At the other end of the economic scale, a brotherless and fatherless girl, if she inherited no property, could be protected from poverty or dishonour by the corollary of this practice, which compelled the next-of-kin either to marry her or provide the dowry with which she could find a husband.<sup>12</sup>

The citizen girl normally anticipated only one pattern of life: marriage to a fellow citizen chosen for her by her father or the kinsman legally responsible for her, the *kyrios*; the prerequisites were her chastity and a dowry, which would attract a husband from the same financial class, and decide the degree of prestige she herself enjoyed in her marriage; for the dowry was capital kept in trust for her, the equivalent of her maintenance, and should she or her husband decide on divorce, for any reason other than her adultery, it returned with her to her family home. Although the husband, as her *kyrios* while she lived with him, had the free use of her dowry, he must be able to repay it, since legally she could withdraw herself and reclaim it at any time.<sup>13</sup>

From the point of view of the eligible bachelor, two considerations would dictate the wife his father selected for him: the first, not peculiar to Athens, or Hellenistic Greece, concerned social advantage; the girl should be the right man's daughter, and carry a profitable dowry. The second consideration was absolute; the law forbade him to treat as a wife

<sup>11</sup>On *epikleroi* and *epidikasia* see Harrison 9 f., 135–136. Kinsmen claiming the hand of an "heiress" registered their claims with the *archon eponymos*; all such claims were published at the next assembly; if a claim was uncontested the archon adjudged the girl in marriage to the claimant; if there were rival claimants, the archon presiding over a jury-panel decided between them.

<sup>12</sup>This is the situation in Terence's *Phormio*. Harrison, 135–136, quotes Dem. 43.54 for the law which bound the nearest male kinsman of a girl without means either to marry her himself, or to dower her; the amount of the dowry was related to the kinsman's own financial class. In this situation the law was only involved if the kinsman defected and an outsider was found to bring proceedings against him.

<sup>13</sup>See Wolff, 62–63, on the purpose of dowry as a social institution. The security afforded by the dowry to the wife was limited; Harrison, 52, points out that it was not technically the wife's property during marriage, and the husband could alienate any real-estate that was part of the dowry. Again, she almost certainly needed the support of her own family to initiate divorce proceedings, since she had to be represented before the archon (Harrison 42–43); her representative would normally be the male relative into whose *kyrieia* she would pass (and with whom she would live) after the divorce. Consequently the most common form of divorce was *aphaeresis* by the woman's father; in comedy this is illustrated by *Epitrepontes* (see below, 67) and Plautus' *Stichus*, based on Menander's *Adelphoe A*.

a non-citizen (*xene*), no matter how wealthy her parents, or how important in their own community; the Athenian youth could neither marry such a girl, nor claim his children by her as citizens and legitimate heirs, and the penalties for false representation of her status or that of their children were prohibitive.<sup>14</sup> Even the possibility of legitimizing their children by adoption (in order to create an heir) was excluded, since only citizens born of a legal marriage were eligible for adoption.<sup>15</sup>

Obviously this greatly limited the prospects of non-citizen women; if they were daughters of rich residents, the official metic class, they could be married by lawful contract, and with formal dowry,<sup>16</sup> to sons of equally respectable metic households. If they were daughters of prosperous families, they were also free to return with their family to their own community, and obtain a legal marriage in their own state. More often, however, such girls were from humble backgrounds, living with mothers either widowed or unmarried, some respectable but poor, others belonging to the half-world which the citizenship laws created.

The *xene* from this social level most often depended for her living on a sexual relationship with one or more citizen men, which might take any of several forms. The most stable and binding was formal concubinage. This could be entered into by contract and even financed with a sort of dowry;<sup>17</sup> the concubine was legally protected in certain ways: Solonian law recognised the right of a man to keep a concubine for the procreation of free children,<sup>18</sup> but after 451, at least, such children would not qualify

<sup>14</sup>See Harrison 24–28; the laws are quoted in the Neaera speech (Dem. 59.16): “if an alien man live in marriage with a female citizen by any guile or deceit, let any Athenian for whom it is lawful start proceedings before the thesmothetae; if he be found guilty let him and his property be sold and a third part be given to him who secured conviction. And if an alien woman live in marriage with a male citizen, let it be in the same way, and let him who cohabits with the alien woman be liable for 1000 drachmae.” Wolff, 67, deduces from the different formulation and penalty of the second clause that it was aimed at citizens cohabiting with *hetaerae*, who together conspired to pass off their liaison as a citizen marriage. False representation of the children of such a union is covered by the law quoted in 59.52: “if any man give in marriage an alien woman to a citizen as if she were his kinswoman (*prosekousa*), let him be disfranchised and his property confiscated by the state, and a third part be given to him who secured the conviction.” This was probably intended to penalize a citizen attempting to give in marriage his own illegitimate daughter, but would cover the less common case of his misrepresenting any foreign or slave-born child. The law is badly drafted, and the penalty on the false kinswoman not stated; would she too have been liable to be sold, or would the offence be attributed only to the citizen who used her?

<sup>15</sup>Lacey 146 and n. 80; more detailed evidence in Wolff, 79 f.

<sup>16</sup>Lacey 112, 116, and n. 108, for the right of intermarriage among metics.

<sup>17</sup>Harrison 46 n. 3; Lacey 116 and n. 107; see also Wolff 70–75.

<sup>18</sup>Harrison 36; 164 n. 2. The evidence for this category comes from Draco’s homicide law as quoted at Dem. 23. 53. It is not clear whether even before 451 Attic law would give full citizenship to the children of such a union. This category will have been rare in comparison with the slave—or *hetaera*—concubines, who enjoyed no protected status.

for citizenship, and most concubines were taken in by men who already had legal heirs; as widowers or divorcés they would not want to prejudice the inheritance of their existing heirs by taking a second wife, and risking more children; the concubine offered the option of housekeeping and sex without this complication, and so was not encouraged to reproduce. While Draco's homicide law put the recognised concubine on a footing with the wife, mother, and daughter of an Athenian citizen, so that it was justifiable homicide for her protector to kill her seducer, it is clear that concubinage was often more temporary and casual; the man fulfilled normal expectations if he provided her with her wardrobe, jewelry, and maids; he was free to discard her at any time in favour of a new or younger woman. She, on the other hand, was legally her own mistress and owner of her personal property, which she could take with her if either partner chose to separate.

Young and accomplished women often supported themselves by the gifts they elicited from one or more lovers: the self-employed *hetaera* with her own household and slaves, was not restricted from cultivating as many lovers as she could juggle without incurring their protests; it would seem that these were often men too young for marriage, and the *hetaera* was useful to them as a source of sexual satisfaction during the years before marriage, a means of acquiring experience, and a social centre, where friends who shared her favours might meet and be entertained. Another category of client was the transient merchant or mercenary soldier, foreigners visiting the city for a short period. These women had to extort enough money from their lovers while young to support themselves in later years, perhaps by purchasing and training attractive young slave-girls and running their own "House"<sup>19</sup>—although no such establishments feature in comedy, where the *pornoboskos* is usually a male pimp.<sup>20</sup> Most often the *hetaera* would cut her losses and enter into concubinage before she grew too old to please. The frequenting of *hetaerae* by young married men was frowned on by society as expensive and

<sup>19</sup>Compare Neaera's childhood (Dem. 59. 18–19). She was one of seven little girls acquired by Nicarete, the freedwoman of an Elean citizen and "wife" of his cook. Nicarete trained them as courtesan-entertainers, and made her living from their hire, calling them her daughters so as to get a higher fee from lovers on the grounds that they were free. These girls were, even if she had not purchased them, in the position of her slaves, and sold by her as such.

<sup>20</sup>There is one reference to a *pornoboskos* in Menander: in *Epitr.* 136 Charisios is said to give the pimp 12 drachmas a day for the hire of Habrotonon, which, as the speaker comments, is 36 days maintenance for a man at the level of the 2 obols a day state maintenance pay (The *diobelia*: see Gomme/Sandbach 298 on *Epitr.* 140). There are male slave-owners dealing in *hetaerae* in Terence's *Phormio* and *Adelphoe* (though Sannio's stage-appearance derives most probably from the second original used for the *Adelphoe*, Diphilus' *Synapothneskontes*), and in Plautus' *Curculio*, *Persa*, *Poenulus*, *Pseudolus*, and *Rudens*. These should however be distinguished from brothel-keepers; see below, n. 23.

detracting from their obligation to beget heirs at home; it was normal in older married men,<sup>21</sup> and such affairs were no doubt as common then as their modern equivalent.

In one sense the *hetaera* was the only woman in Greek society who enjoyed a freedom comparable to that of men, running her own household and finances, with the right to choose the company she admitted to her home, and to attend the symposia and dinner parties of the men-folk. At the same time she had little or no protection against unwelcome advances, and her status would limit the fairness of her treatment in a court of law.

Most free *hetaerae* had begun as slave-entertainers; children sold or kidnapped were trained by their slave owners as music-girls, taught to play the flute or lyre at *symposia* at their master's expense. These were hired out for parties, or to individuals by the month or year as temporary concubines. In comedy these girls are often described as virgins at the moment when they were put up for sale, but it is unlikely that a pimp would lose money by preserving the virginity of his slave-girls, and this practice should be seen in the contexts of plot-requirements, which we discuss presently. It is clear that lovers did, singly or collectively, buy these girls from their masters,<sup>22</sup> and, under the influence of infatuation, might set them free. As freedwomen the girls could then return to the career of an entertainer, set up as *hetaerae* with their own household, or live as freedwomen concubines, with the first or subsequent lovers.

One last category, the slave-prostitute, resident in a brothel and compelled to transient sexual activity, must have existed in life, and is attested for the Roman bourgeois world at least by episodes in Plautus' *Pseudolus* and *Poenulus*,<sup>23</sup> but their encounters with men, by nature casual and

<sup>21</sup>An impossible statement to verify, but economically *hetaerae* could only survive if there was a sizable clientele of financially independent mature men. The trade could not have flourished on young men's pocket money.

<sup>22</sup>For the joint purchase and sharing of a *hetaera*, compare the early history of Neaera: two lovers "gave Nicarete 30 minae for Neaera's person, because she was expensive to hire, demanding the upkeep of the entire household from them, and they bought her as their slave according to Corinthian law." When they wanted to marry, they told her they did not want to see their *hetaera* on the streets, or exploited by a pimp, and so they would willingly accept from her a smaller sum than they had paid for her, and settle for 20 minae. She raised a subscription from her former lovers, and handed it over, with some of her own savings, to Phrynion, who agreed to supplement the fund up to the 20 minae, and purchase her freedom (29-32). Later she deserted Phrynion, taking some of his property, and a new lover, Stephanos, tried to establish her freedom as a *xene* before the polemarch. Private arbitrators between the claims of Stephanos and Phrynion made a settlement that the men should share her, each having her with him for an equal number of days in the month (47); there were witnesses to testify that this arrangement lasted for some time.

<sup>23</sup>*Poen.* 3.3: Collybiscus goes to the pimp for entertainment, including a girl, in his house; *Pseud.* 1.1; the famous display scene in which Ballio parades, instructs, and



anonymous, were unsuited to form the basis of a continued relationship in life or literature.

The plots of Greek New Comedy and its Roman adaptations, almost invariably based on a sexual relationship frustrated by social obstacles, misunderstandings, or mistaken identities, depend on the two separate patterns of behaviour for the categories of women which I have outlined above. The plots assume the existence of love or infatuation between the male protagonist and a girl, and set out to reconcile its demands with those of respectable society.

We might start with the comedy of citizen love and marriage, as the most orthodox form of romance. In the normal circumstances of bridal selection by the young man's father, the motive is often a desire to seal a friendship between the two families by the marriage alliance (compare the linking of *amicitia* and *adfinitas* in Terence's *Andria* 538–543, and *Hecyra* 252, 533). The young man is told that he is to marry X's daughter, whom he has never or barely seen;<sup>24</sup> in such circumstances love might indeed grow out of marriage but could hardly precede it; it was virtually impossible to generate a plot based on romance from such material. The one counter-example in comedy is the love of Charinus in Terence's *Andria* for old Chremes' daughter (a respectable girl never seen on stage), but this may itself prove the rule in that Charinus was added by Terence to the plot of *Andria*, either from Menander's *Perinthia*, or of his own invention;<sup>25</sup> his love for Chremes' daughter is accordingly Terence's

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threatens to beat all his girls. But in these as other plays, the specific girls seem to be virgins; both girls in *Poenulus* are destined for sale, and attested as untouched. If we define a brothel as a house employing a number of girls for short-term hire *on the premises*, *Poenulus* seems to offer the only clear example in comedy. See Fraenkel, *Elementi Plautini in Plauto* (Florence 1960) 140 f., who argues that Plautus has converted the Greek situation of *Pseudolus* into the brothel (*lupanar*) more familiar to his Roman audience.

<sup>24</sup>In *Andria*, Pamphilus believes Chremes' daughter must be deformed (*aliquid monstri alunt*, 250), since they are so eager for him to marry her. At the end of *Heautontimoroumenos*, Chremes offers his errant son a friend's daughter, but he has seen her and refuses ("What, that red-headed spinster with green eyes, freckles, and a hooked nose—I can't do it, father" [1061–1062]), and proposes the daughter of another friend whom he must also have seen (1065). The fathers of Antipho in *Phormio*, and Alcesimarchus in *Cistellaria* wanted to marry their sons to girls they themselves had not seen; in each case by dramatic coincidence the girls are already living with the young men, and the marriage is no hardship. The only marriage in the text of Menander which is not the result of existing love is that offered to Gorgias in the *Dyskolos*; here he may already have seen the girl at the sacrifice; in any case the decision is his own, since his father is dead.

<sup>25</sup>The evidence for Terence's introduction of Charinus comes from Donatus' comment on *And.* 301: *has personas Terentius addidit fabulae; nam non sunt apud Menandrum*. Ludwig, "The Originality of Terence," *GRBS* 9 (1968) 173 and n. 8, believes they are derived from Menander's *Perinthia*, but all the minor awkwardnesses of their scenes (e.g., Byrrhia's unseen entry, eavesdropping, and exit in 2.5) suggest the *ad hoc* invention

invention, in order to provide her with a husband at the end of the play; there is no need to attribute the young man's love for the girl to Menander's Greek world. For a young man to fall in love with a decent citizen girl, more unusual circumstances were required. In the *Dyskolos* of Menander the divine intervention of Pan (Prol. 34–44) combines with the misanthropy and economy of Knemon to leave his daughter unattended on their rural farm where a rich young man, Sostratos, may see and love her: early in the play, returning to the scene to speak to her father, Sostratos actually meets the girl when in an emergency she has to go to the shrine of the Nymphs for water. She blushes to leave the house in case she should meet anyone at the shrine (198 f.), accepts modestly when Sostratos steps forward and offers to fetch the water, and rushes back into the house for fear of a beating if her father returns. Even so, her step-brother's slave, watching the episode, blames her father for leaving her unguarded (223) and reports it to his master Gorgias, who in turn accosts young Sostratos and accuses him of dishonourable intentions, "Trying to corrupt a *free-born* girl."<sup>26</sup> Only the honesty of both young men, and further divine intervention, carries this theme of love at first sight through to marriage; a further exceptional feature of this play is the generosity of Sostratos' father Kallipides, who not only agrees to the unprofitable marriage, but, after some sophistic persuasion by his son, reinforces the alliance with the marriage of Gorgias to Sostratos' sister. *Dyskolos* stands alone in the simplicity of its romance, and makes fewer demands on modern concept of love than the bulk of New Comedy.

In other plays love has to be compounded with rape and pregnancy for the young man's choice of a girl not known to his family to become acceptable. This "rape" motif is essential to provoke the marriages of *Aulularia* and *Adelphoe*, adapted from Menander, and Plautus' *Truculentus*; a variation is employed in *Epitrepontes* and *Hecyra* discussed below, and in both plays the violence of the young man (described in terms of the girl's torn clothes, dishevelled hair, and weeping at *Epitr.* 487 f.) is attested; we may recoil at this feature of rape, rather than seduction, but the latter would probably have prejudiced the audience irremediably

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of characters, rather than borrowing of fully-rounded roles from the second Menander-play. If so, I would suggest that the marriages of both Charinus and the boy Clitipho in *Heautontimoroumenos* are Roman additions, and their knowledge of the girls reflects Roman society.

<sup>26</sup>πείσειν νομίζων ἑξαμαρτεῖν παρθένον/ἐλευθέραν. Gorgias even accuses Sostratos of intending outright rape, πρᾶγμα θανάτων ἄξιον/πολλῶν (290–293). The alternatives would imply the long-term planning of a seduction, with gifts, secret meetings, and perhaps an abduction, or the immediate brutality of rape, as in Chaerea's behaviour in *Eunuchus*. It is interesting that the girl's free birth receives the same emphasis in the words with which Terence's Thais reproaches Chaerea: *an paullum hoc esse tibi videtur virginem/vitiare civem?* (*Eun.* 858–859).

against the girl, while they seem to have found rape a human error, when mitigated by darkness, drink, and youthful desire. The *Samia*, in which the young lover himself reports his affair to the audience in the prologue,<sup>27</sup> is more ambiguous. The neighbour's wife and daughter are friends of his father's mistress and visited his home, so he clearly knew the girl and probably claimed to love her (a lacuna prevents us knowing) before the crucial incident, the roof-top feast of Adonis at which he makes her pregnant; "I don't like to say what followed—perhaps—I'm ashamed, but it's no use; all the same, I'm ashamed. The girl got pregnant." (*Sam.* 47–49) He conscientiously approaches the girl's mother and admits responsibility, asking her hand in marriage, but the ceremony has to await confirmation by his father and hers when they return from a long voyage to the Black Sea—so long that the girl gives birth before the play has begun. In this case there is no obstacle from the fathers, who had separately agreed upon the marriage (113), and the plot-complications depend on a further series of misunderstandings based on the concealed parentage of the baby. *Aulularia* illustrates a blend of the themes of *Dyskolos* and *Samia*; the respectable girl whose piety wins the support of the prologue deity (*Lar Familiaris* in Plautus' version) is motherless and neglected by a mean father; she has been raped by a rich young man who knows her identity, while she is ignorant of his, and her father is ignorant of her pregnancy. The background to the conception is not given by the prologue but emerges in later dialogue (689, and 745, "I did it overcome by wine and love"). Nine months have elapsed, and by a recognised stage-convention the girl gives birth with an offstage scream of pain during the play, before the young man has had the courage to tell her father or his guardian, and formally ask for marriage—a piece of timing reflecting conventions of continuous action and a small time-scale in comedy, rather than a pattern from life. By a further twist the prologue god has impelled the young man's rich uncle to ask for the girl's hand in marriage, so that the young man will be driven to telling his family; in due course his intervention enables the young man to rescue the stolen treasure of the girl's father so that he will belie his nature and give her the treasure as dowry.<sup>28</sup> We note in passing that there were motives to

<sup>27</sup>On the *Samia* Prologue, compare H. Lloyd-Jones, "Menander's *Samia* in the light of new evidence," *YCS* 22 (1972) 125–127 (a translation with comment), and Christina Dedoussi in *Menandre. Entretiens de la Fondation Hardt* 16 (Geneva 1970) 159 f. Theme, characterisation, and dramatic techniques are discussed in J. M. Jacques, *La Samienne* (Paris 1971) xxviii–xxxvi and Eva Keuls, "The *Samia* of Menander," *ZPE* 10 (1973) 1–20.

<sup>28</sup>W. Ludwig, "Aulularia-Probleme," *Philologus* 105 (1961) 48, argues that the girl's dowry was essential to her prestige as a wife. Certainly, even though Harrison (45–48) believes that a bride had no legal claim to a dowry, and that it "was not an essential ingredient of marriage," he shows that the convention was so strong in the fourth century that a dowry was socially obligatory. However, the exception would surely arise precisely

prompt men, if not necessarily young ones, to chose a wife without a dowry, and that the uncle sees in a poor and dowerless girl a more submissive and therefore desirable wife.

Legally most interesting is the seduction-plot of the *Adelphoe*. The rich young man Aeschinus violated the girl next-door, daughter of a poor but respectable widow, under the influence of love, drink, and probably festival circumstances, but he identified the girl and went straight to her mother promising to marry her (333–334, 471–472) and rear the child as his own son. When he appears to have taken up a music girl, and deserted the pregnant citizen, her mother thinks of legal redress and plans to consult a male kinsman, despite the risk of disrepute if Aeschinus denies responsibility for her condition. This scene (Act 3 sc. 2) is revealing of the social and legal situation. The mother points to their poverty: the girl has no dowry; now she has lost her chastity, her second dowry, and been made ineligible for marriage to any other (345–346; the Greek word for such a girl is *anekdotos*); if they wish to sue Aeschinus they have on their side his ring,<sup>29</sup> and the fact that they have accepted no money or maintenance from him. By acknowledging his act he has made himself liable to a *graphe hubreos* (prosecution for criminal assault) or a *biaion dike* (a civil suit for violence)<sup>30</sup> entailing at least a severe financial penalty; he could counter by denial of the act (but the ring is evidence), or by discrediting the relationship as mercenary, which would release him from

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in a context such as that of *Aulularia*, where the seducer had forfeited the right to expect a settlement on his wife. While it was open to the bride's father to give a dowry in her interest, the seducer may have come to accept loss of dowry as a penalty; see specifically *Truc.* 845, where Callicles deducts six talents from his daughter's dowry *pro ista inscitia*.

<sup>29</sup>Reading *miserat* in 347, the ring is a gift sent by Aeschinus as a token of his engagement to the girl. O. Rieth, *Die Kunst Menanders in den Adelphen des Terenz* (Hildesheim 1964) 64 f. and 75, shows that the custom of giving a betrothal ring was Roman, and has been added by Terence to supplement the Greek oath of betrothal with the ring required by Roman practice. (The alternative reading *amiserat* would imply a ring lost during the rape; it would then have been retained by the girl and used to identify her assailant, as in *Epitrepontes* [387 f., 499 f.] and Terence's *Hecyra* [820 f.]. But in those plays the ring is needed for the recognition of an unidentified ravisher; in *Adelphoe* no recognition is necessary, since Aeschinus voluntarily admitted his responsibility [cf. 334 f.].)

<sup>30</sup>See Rieth (above, note 29) 63. So long as the citizen girl had received no money she was entitled to the protection of the law, and her seducer could be prosecuted for sexual assault, within a thirty day period after the act. Aeschinus' early promise of marriage had forestalled such a lawsuit, so now the girl's patron would have the further problem of establishing the offer of marriage, in order to explain why the suit had not been filed earlier. There is a further difficulty in defining the status of Hegio, acting for the girl. In Menander this character was the girl's maternal uncle (Donatus on *Ad.* 351): Terence converted him into her dead father's friend and unspecified *cognatus* of the family. Thus in the Greek play he was himself eligible to marry the girl (Harrison 23), perhaps even committed to do so if he could not find her a husband: he would have been her *kyrios*, not merely a *patronus* as in Ter. *Ad.* 456.

the obligation of marriage, and dishonour the girl's family. Since no money has passed, he can only avoid the penalty by offering marriage to avert legal action. This is the simplest explanation of the words used by the mother's advocate, Hegio, at 490, when he tells Aeschinus' natural father, Demea, that he hopes the girl will obtain voluntarily from Aeschinus' family "what the law compels".<sup>31</sup> In fact, in this play as in *Samia* and *Aulularia* the only obstacle to the marriage has been the cowardice of the young man, and the union is sealed by marriage as soon as the facts are known. How society actually viewed such shot-gun marriages to poor girls is perhaps better represented by the comments of Demea than by the magnanimity of his adoptive father Micio. Demea's first reaction is fury that the boy has assaulted a virgin, and a citizen (725); when the marriage is confirmed he complains that the girl is penniless (728) and will have to be taken without a dowry (729). I would argue that the last comment is not an automatic inference from her poverty, but an additional liability incurred by Aeschinus' admission of rape (see n. 28 above). Strange intrigues, these, for a comedy, but such tortuous, and in some ways shocking, plots were necessitated by the romantic ideal of a love sealed by marriage, in a society which all but excluded the combination of the two elements in everyday circumstances.

There was a way out of the dramatist's dilemma: love between a youth and girl was easier to contrive if the girl, though born a citizen and eligible for marriage, had lost her identity through kidnapping or been rescued as a foundling, and was already living as a non-citizen. Plots involving what we might call a concealed citizen are far more common in surviving plays than the first type, whereas the reality, even in the troubled times of the *Diadochi*, was probably less frequent than rape; loss of status might frequently result from evacuation in wartime or the occupation of a city and enslavement of its people, but the happy reunion which resolves so many comedies was bitterly unlikely in the real Hellenistic

<sup>31</sup>In what sense did the law compel him to marry her? Did the magistrate express the obligation of marriage as a legal decision, or merely punish dereliction by a severe sanction? Harrison, 19, adds to the recognised option of the *dike biaion* or *graphe hubreos* a less well-attested procedure, for which the only clear evidence derives from Roman declamations. According to Seneca Rhetor (*Contr.* 2.3) and Quintilian (*Inst.* 9.2.90) the unmarried seducer could be compelled to choose between marriage, if it were accepted by the girl and both her and his fathers, and death! The evidence of comedy only speaks generally of compulsion: *Aul.* 793, *eamque uxorem mihi des*, ut leges iubent; *Andr.* 780, *coactus legibus eam uxorem ducet*. In *Epitr.* 568–571, Onesimus assumes that if his master is found to have produced a child by the unmarried daughter of a free-born father (*πατρός κόρη/ἐλευθέρου*) he will marry her and divorce his present wife, but since he has already deserted the first wife, the mere statement that he *will* marry need not entail compulsion to divorce. No doubt in bourgeois society, where a young man was ruled and kept by his father, the combination of public disapproval and a threatened fine was sufficient to compel a marriage.

world. The recognition of the foundling is a theme of most mythologies, and it was the divinely fathered heroes, and exposed royal princes of tragedy, not bourgeois life, which inspired the recognition of long-lost children in comedy. The audience of a Greek tragedy based on myth had the advantage of knowing the secret identity of its hero; and what they (or some of them) might not know was told them, especially in the recognition-plays of Euripides, by a prologue figure, often a god concerned with the outcome of the myth. So comedy too, when plays were based on recognition, regularly explained the parentage of the concealed citizen to the audience, in a divine prologue<sup>32</sup> before the action unfolded: the last act—or even earlier—brought the identification of the girl as of citizen birth, and respectable, even desirable, parents; quite often the very family with which the young lover's father was seeking the marriage alliance. But for the girl to achieve security and happiness in marriage it was legally essential that she should have been kept chaste, and comedy invariably emphasises her decency of character and sexual innocence;<sup>33</sup> in Terence's versions of Menander which suppress the expository prologue and do not formally tell the audience about the girl's birth, allusions to her modesty and breeding are one of the main clues to the happy ending.

At the worst the girls might be kidnapped and bought by a pimp (Plautus' *Curculio*, *Poenulus*, *Rudens*), in which case they had to be recognised and saved before they were sold into concubinage; it is this requirement which explains the literary phenomenon of the girl-slave kept chaste by her master; thus in *Curculio* the lover answers his slave's inquiry (50–51) "she's as chaste on my account as if she were my sister, except that she's a little bit debauched by kissing," and the pimp rather implausibly tells her purchaser "I brought her up decently and chastely at my place" (518). After this it is no surprise, despite the lack of a surviving prologue, that she turns out to be a citizen and sister of the army

<sup>32</sup>See Leo, *Plautinische Forschungen*<sup>2</sup> (Berlin 1912) ch. 4; Wilamowitz, *Das Schiedsgericht* 50, Schadewaldt, "Bemerkungen zur Hecyra des Terenz," *Hermes* 66 (1931) 20 ff. Examples of recognitions foreshadowed in the prologue are Menander, *Perikeiromene* and *Sikyonios*, Plautus, *Casina*, *Cistellaria*, *Poenulus*, and *Rudens*. The opening of *Epitrepontes* is lost; Plautus' two short recognition comedies, *Curculio* and *Epidicus*, have no prologues, perhaps as a result of deliberate abridgement. Terence never used expository prologues.

<sup>33</sup>A significant word in this context is ἐλευθέριος, Latin *liberalis*, the adjective associating breeding with citizen status. Compare Men. *Heros* 39, ἐλευθέριος καὶ κοσμία; Ter. *Andr.* 122–123, *forma praeter ceteras*/honesta ac liberali; *Pho.* 815, *perliberalis mihi visa est*. More general statements of virtue and chastity: Ter. *Ht.* 226, *bene et pudice educta*, cf. 265–295; *Eun.* 116, 748; *Pho.* 104–108, 113–116. Plautus' versions place more stress on the girl's actual virginity than her ladylike demeanour; besides the excerpts from *Curculio* quoted below, cf. *Cas.* Prol. 83 f., *Cist.* 86–87, *Poen.* 98–101, 1185–1186.

captain who wanted to buy her, who promptly betrothes her for lawful marriage to her admirer.

If the girl was adopted by a poor woman she would perhaps be prepared for the life of a concubine; in Menander's *Perikeiromene* ("she who gets shorn") and *Synaristosae* adapted as Plautus' *Cistellaria*, and in the Terentian adaptation of Menander's *Andria*, girls actually living as concubines when the play opens are enabled by the discovery of their citizen birth to marry their present lovers, who have, the dramatists assure us, treated them with the love due to a wife.<sup>34</sup> *Cistellaria*, a play set in Sicyon, is particularly interesting legally; Selenium believes herself to be the daughter of a *meretrix*, conceived in a casual encounter,<sup>35</sup> whereas we are told by the delayed prologue that she was the exposed child of a citizen girl raped at the Dionysia-festival by a visiting Lemnian merchant—"by force, drunk as he was, late at night and in the open street" (159). Rescued from exposure she was brought up "decently and chastely" by the *meretrix* as if she was her own daughter, while the original parents, now reunited and married, have begun to look for their lost baby. Selenium has been established as concubine in her own house by her rich young lover Alcesimarchus, who, since his father is alive, is subject to his father's authority and has now been ordered to marry a rich heiress. The young man is explicit that he promised to marry Selenium, and his language about her resembles the professions of the young lover in *Andria*; she was intended to live out her life in marriage with him (243); she had been commended to him, and entrusted to his honourable protection (245); so Pamphilus in *Andria* speaks of the scene in which the dying 'sister' of his beloved entrusted her and all her property to his honourable protection (295-6). What is surprising is that Selenium's lover, believing her to be the illegitimate daughter of a woman of low status, offered her actual marriage;<sup>36</sup> such a promise could not have been kept at Athens unless her citizen birth were established, whereas in *Cistellaria* the promise is first made before she is acknowledged as daughter of a Sicyonian citizen girl and the merchant from Lemnos, and is ratified in the last act.

<sup>34</sup>*Perik.* 488 ἐγὼ γαμετὴν νενόμικα ταύτην = *Andr.* 273 *quam ego animo egregie caram pro uxore habuerim*. The references to *fides* in *Cist.* 245 and *Andr.* 296, below, add the concept most highly valued by a Roman to convey the same sense of honourable devotion.

<sup>35</sup>*Cist.* 39-40: *illa te, ego hanc mihi educavi/ex patribus conventiciis*.

<sup>36</sup>See Fredershausen, "Weitere Studien über das Recht bei Plautus und Terenz," *Hermes* 47 (1912) 207 (the setting in Sicyon means that such a marriage may be legal). Ludwig, "Die Plautinische *Cistellaria*," *Entretiens Hardt* 16, 45-71 accepts the oath of marriage (48) without comment on the legal question, noting, however (52), that the relationship between the young gentleman and the girl from a *hetaera*'s household is closer and more binding here than in any other New Comedy. Paoli, 67, fails to notice that the play involves Sicyonian, not Athenian, law.

Both her actual and her assumed status seem to assume a more generous citizenship law in Sicyon: since she finally holds citizenship by virtue of her mother alone, it is reasonable to argue that she and Alcesimarchus believed, when the play began, that her assumed mother also entitled her to citizenship. Alternatively, if she was eligible for legal marriage in Sicyon, and the procreation of citizens, *without* formal citizenship, her real origin affects only her social acceptability to the boy's father, and not her legal standing. But though the law of Sicyon may have been indulgent in permitting mixed marriage or parentage to citizens, and this was probably the reason for Sicyon as the scene of the play, we cannot infer from the play whether it only accepted children of citizen fathers into its citizen body<sup>37</sup> or included children of citizen mothers by foreign fathers.

The girl in *Andria* knows of her citizen birth and can hope that proof of it will bring ratification of her union, as it does with the arrival of the Andrian witness Crito; as a dramatic convenience she is found to be not just a respectable citizen, but daughter of the man whose friendship Pamphilus' father was hoping to cement by the enforced marriage which precipitates the intrigue of the play; hence her marriage to Pamphilus satisfies the original intentions of both fathers and presents them with an instant grandson (the babies are always gratifyingly male, and heirs to the family).

But a citizen girl left in poor circumstances had little to distinguish her from a non-citizen. In the complex situation of *Phormio* (based on Apollodorus' *Epidikazomenos*) young Antipho sees a lovely girl at her mother's funeral, attended only by an old woman. His assumption is that she is a potential mistress, and he approaches the old woman with a

<sup>37</sup>By Athenian standards the child of a citizen mother was more foreign than that of a male citizen, since until 451 sons of citizen fathers had been full citizens, even when born to foreign mothers. Hence Aristotle *Pol.* 1278a25–34 argues as follows: "even foreigners are absorbed into the citizen body of some states; the child of a female citizen has citizenship in some democracies, and such is the law about bastards in many societies; of course they make such people citizens from a shortage of legitimate children (employing these laws because of a decline in manpower), but when they are well-populated, they gradually disqualify first the children by a male or female slave, then those (who are of native descent) in the female line, and finally they make citizens only those whose parents are both citizens." This implies four degrees of severity in giving citizen status: the most severe confines it, as in Athens after 451, to children of two citizens; more generously it will include those born to citizen fathers, but *not* those deriving their claim from their mothers, who are admitted at a third degree of tolerance; the most permissive will accept children of citizens by not only a foreign but even a slave consort. There is ambiguity in the phrase ἀπὸ γυναικῶν which I have rendered by "who are of native descent in the female line," but Aristotle clearly intends to distinguish this relationship from simple parenthood denoted by ἐκ in the adjacent phrases. (I am indebted to Prof. Douglas MacDowell for elucidation of this point, and others in notes 38 and 40.)



proposition (113). Her reply first affirms the girl's status—a citizen, a respectable girl of respectable parents—and argues from it that she is legally entitled to marriage, but not available on other terms. To help Antipho, Phormio the parasite exploits the principle of *epidikasia* applicable to a penniless girl without father or brothers, and prosecutes him as alleged next of kin,<sup>38</sup> so that he will be legally compelled to do what he desires, and marry her; as a result, he actually marries without his father Demipho's consent, and without confirmation of her parentage (136). It is treated as obvious that his father would never have let him marry a girl without dowry and of humble origin, and in fact Demipho on his return instantly sets about repudiating her, without attempting to deny her citizenship; the girl is to be rejected on social grounds, and not in terms of her status. Since the marriage is legally valid without his consent, he will hope to achieve a repudiation by moral and economic pressure, probably the threat of disowning his son.<sup>38a</sup> Only later in Terence's play (567 f.) does the audience discover the positive reason for Demipho's resolve to end the marriage—the plan of the two old men to marry Antipho to the bigamously<sup>39</sup> conceived daughter of Uncle Chremes. But very quickly, by the sort of coincidence in which comedy improves on life, Antipho's girl is revealed to be the long-sought daughter, unaware of her relationship because the philandering Chremes was known to her mother under an assumed name. Phormio's prosecution was not so far from the mark; apart from her half-brother Phaedria,<sup>40</sup> who would have

<sup>38</sup>The title of Apollodorus' play is given by Terence *Pho.* 25 as *Epidikazomenos*, leading readers to assume that Phormio himself was conducting an *epidikasia*, but, as Donatus shows in his comment on *Pho.* 25 (Wessner 2.355), the Greek play was in fact called *Epidikazomene* (passive participle) "she who gets adjudged in marriage," after the girl. As daughter of a father of unknown or minimum census, she should have been claimed in *epidikasia* by one of her kinsmen to ensure her support. In default it was open to Phormio, or any volunteer, to lay a charge (*graphe*, see Harrison 136) against an identified kinsman. The legal decision would entail the adjudging of the girl to the defeated kinsman, while leaving him the option of finding her a dowry and a husband.

<sup>38a</sup>On the validity of such marriages see Harrison 18 n. 5; other scholars are more inclined to believe that the father's consent was legally necessary. Gomme/Sandbach, 32, do not exclude this, but emphasise that "it was in practice required." *Apokeruxis*, the father's ultimate sanction, entailed eviction from the family home, so that Antipho would have no roof or support for his bride; in addition the disowned son was debarred from participating in the family rites, and excluded from the paternal estate on his father's death (Harrison 75 and n. 3).

<sup>39</sup>Harrison, 16, argues that Athens had no legislation positively enforcing monogamy. Since the girl was a citizen, her mother must have held *epigamia*—Athenian marriage rights (cf. Paoli 67 n. 1), and her Lemnian marriage with Chremes will have been recognised in Attic law: so he had entered into two marriages; but the second, under an assumed name, is clearly no evidence for legalised bigamy. Once registered as a citizen, the daughter presumably retained her status.

<sup>40</sup>See Harrison 22: "Marriage between brothers and sisters by the same father, but

been favoured in Athenian law if it had not been inconvenient for the dénouement, and Demipho, who was too old (cf. 422, "for your age has already passed the time for marriage"), Antipho was indeed her most eligible kinsman. The same principle invoked by Phormio in his legal action "so that no citizen girl should commit any impropriety out of poverty" (415–416) was the cause of Chremes' voyage, sending him back to Lemnos to find his daughter. She is no *epikleros*, since he is living, and could not become one, since she has a healthy half-brother, but the need for her respectable maintenance—the reverse side of the *epikleros*-principle—set the old fathers to planning this intrafamilial marriage.

Comedy reflects fairly the economic situation of a household consisting of women alone. In *Adelphoe*, Aeschinus' beloved, her mother, and her old nurse were all able to survive in unprofitable domesticity because they owned the working slave Geta; "he keeps them; single handed, he supports the whole household" (481–482); without such a possession, a woman was faced with the choice of chaste penury from wool-working, or the greater rewards of a *hetaera*'s life. The Andrian Chrysis after attempting the former (75–78) changed to the profits of *quaestus*<sup>41</sup> ("the Profession"), no doubt because she was also supporting a young "sister," and hoped by sacrificing her own honour to preserve that of the younger girl; a motif brought out in the playwright's treatment of the courtesan Thais in *Eunuchus* (145 f., 748, 869–870). One might add that, without citizenship or dowry, no other hope of companionship extended itself to these girls.

Clinia's beloved, Antiphila, since she was in fact a citizen, and would be restored to her respectable parents and betrothed to him during the play, conformed to the comic pattern and maintained herself in chaste poverty during his absence, as his slave reports, to Clinia's relief, *Ht.* 285–291. (It should be noted parenthetically that no individual in comedy

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a different mother was allowed," and 23 n. 1: "the Athenian made provision for an undowered girl by allowing a brother by the same father to marry her." In *Phormio* the fact of Antipho's cohabitation precludes any serious thought of marrying the girl to Phaedria when her parentage is discovered. But the legitimacy of marriage between non-uterine siblings, if it was recognised outside Athens, raises an interesting problem in *Epidicus*, set in Thebes, where Stratippocles loves Telestis, but has to renounce her (cf. 651) when he discovers that she is his father's daughter by the girl Philippa, "born in Thebes but begotten in Epidamnus" (*Epid.* 636). The renunciation is an anticlimax, which may have been imposed on Plautus by the Roman prohibition of such a marriage. The analogy of *Phormio*, and the weak ending, strongly suggest that in the Greek play adapted as *Epidicus* the young man married Telestis, to the satisfaction of everyone.

<sup>41</sup>*Quaestum facere*, "to earn a living," applied to a woman, always denotes the life of a *hetaera* or prostitute. In the same way *meretrix*, "she who earns," refers to the most likely way for a woman to support herself; in Greek similar words, appropriate to male artisans, *ἐργασία*, *ἐργάζομαι*, *ἐργαστήριον*, were used for prostitution (e.g., Dem. 59. 23, 31, 67) but are not found in this sense in Menander.

was ever too poor to employ one slave, and that the mark of utter penury was a single old woman attendant.) But while Chrysis was free to make her own choice, Antiphila at least was at risk as long as she lived with her "mother" the old Corinthian woman, "her nasty mother, under whose rule she lives, and who cares for nothing except profit" (233-234); indeed her actual father Chremes, who originally ordered his wife to expose the new-born girl, reproaches her with handing the baby to the Corinthian, because she had saved the child's life, but committed her to a future of dishonour, "either taking up the Profession or being sold into slavery" (640). Sale into slavery was a risk for any minor or young girl separated from her kinsmen, and provides the background in *Eunuchus* of Thais' "sister," whom she is hoping to recover from the boorish Thraso; the girl, originally a citizen, had already been sold once when Thais' mother adopted her; in Thais' absence, her uncle had sold her again, rather than maintain her and dower her, and only coincidence had prevented her being sold to a stranger and lost for ever.<sup>42</sup>

The discovery of a girl's citizenship could affect radically not only her future, but the position in law of any man who like young Chaerea presumed on her alien status, and assaulted her sexually; in *Eunuchus*, when the girl's birth is established, Chaerea's accomplice Parmeno is convinced that he will be seized as a *moechus* and made to suffer awful physical indignities, even mutilation<sup>43</sup> (992; cf. 951-957). Luckily Chaerea no sooner hears of her citizen birth than he begs Thais to help him marry the girl and extends hope that his father will agree to the marriage "so long as she is a citizen" (890). His father is so terrified by Parmeno's tale of the rape and supposed summary justice that he readily agrees to

<sup>42</sup>According to Thais (*Eun.* 107-138) the girl was an Athenian citizen, stolen by pirates from the coastal deme of Sunium when she was too young to know anything but her parents' names. The pirates sold her to a merchant, repeating the information (unlikely in life, but a prerequisite for Thais' tale); he in turn, when he came to Rhodes gave her as a gift to the Samian (surely a courtesan?) who was Thais' mother. She respected the girl's citizen birth and brought her up chastely. Thais meanwhile left for Athens with her soldier lover Thraso, and when her mother died, the wicked uncle sold the girl; Thraso, on his way back from campaigning in Caria, was present at the sale and bought the girl as a gift for Thais (not knowing that she had another lover, Phaedria). At the beginning of the play this girl of fifteen has been kidnapped, sold, given to a *hetaera*, resold, and is about to be given to another *hetaera*, who is exceptional in her desire to protect the girl's honour.

<sup>43</sup>The adultery law presupposed here conforms to Attic law in detail. Paoli, 58, lists as elements of Attic law (1) the extension of *moicheia* to cover unmarried girls; (2) the right of her brother to kill or physically punish the offender caught in the act (*Eun.* 953); (3) his right to bind the offender (954); (4) the application to a sexual offence committed within the home (943-4). Parmeno's disbelief, because *moicheia* does not apply in the house of a *meretrix*, also conforms to Attic law, cf. Dem. 59.67. For the instant vengeance, binding and threatened mutilation, compare the faked adultery of Pl. *Mil.* 1400 ff.; for trespass as an ingredient in the offence cf. *Mil.* 1166-1168.

Chaerea's marriage, and affords his patronage to Thais in her liaison with his older son Phaedria.

In general the concealed citizen offered comedy a great range of plot-types, by virtue of the different degrees of knowledge the girl or others might have of her status and parenthood, and the variety of situations in which she could be placed by her loss of identity.

There was little scope for a romantic plot in comedy based on the free *hetaera* and her lovers. Besides *Eunuchus* two Plautine versions involve a courtesan as leading lady: *Menaechmi*, in which the *hetaera* Erotium is more important as a source of incident than as a character, and *Truculentus*, which is closer to *Eunuchus* in theme. We have seen that Thais earned recognised concubinage with Phaedria and his father's protection because of her generosity to young Chaerea; in Terence this is combined with the retention of Thraso as a subsidiary lover.<sup>44</sup> Since Thraso is derived from Terence's secondary source, the *Kolax* of Menander, it is possible that the relationship with him condoned in the finale is merely Terentian modification, in the attempt to marry his two plots; but Phronesium, the dubious heroine of *Truculentus*, retains two of her three lovers, contriving to keep the soldier Stratophanes alongside the new favourite Strabax.<sup>45</sup> (The third, Diniarchus, has fathered a son by the respectable daughter of Callicles, and so ends the play as her future husband [see n. 28 above].) The analogy of *Truculentus* suggests that despite the difference in ethos between the two women (and the two plays), we should not exclude a double ménage for Thais as the conclusion of the Menandrian *Eunuchus*.

Plays centred round a slave-*hetaera*, loved, purchased, and freed by young men, offer little of legal interest except as evidence for the law of sale. The plots almost always (cf. *Asinaria*, *Epidicus*, *Mostellaria*,

<sup>44</sup>On the recognised sharing of a *hetaera* between *synerastae*, see above, n. 22. Paoli 22 n. 2, argues that *rivalis* in *Eun.* 1072 translates *synerastes* and argues against Pasquali (*StItal* 13 [1936] 117 f.) that the compromise which ends the plays is normal Greek practice, and so should be assumed for Menander's Thais, despite our modern feeling that she has shown herself too fastidious for such a bargain.

<sup>45</sup>What is the chronology of Phronesium's lovers? Diniarchus' dismissal as fiancé of Callicles' daughter was probably caused by the beginning or discovery of his affair with Phronesium. During his absence in Lemnos (Prol. 91 f.) his fiancée had his baby, which was smuggled away by a maid and given to Phronesium as hers. The Babylonian soldier, her lover a year earlier, before Diniarchus (390), has been on campaign and newly returned; hence Diniarchus, like Phaedria in *Eunuchus*, is asked to recede for the length of time needed by Phronesium to get money from the soldier. Once she receives it, however, she exploits both the soldier and Diniarchus, in favour of her new lover; at the end of the play, although Stratophanes clearly thinks she is rearing his son, and sees her as his formal concubine, he is forced to accept her proposal—*utrique mos geratur amborum ex sententia*—of shared favours, and the tougher attitude of the rival makes it clear that Stratophanes, like Thraso, will get rather less than equal terms for his money.

*Pseudolus*, and the subplots of *Phormio* and *Adelphoe*) hinge on financial trickery at the expense of the youth's father, or the girl's owner. The convention of freeing the girl on purchase attested at *Epid.* 47–52, 508–509, *Mo.* 297–302 (cf. 244, 1139), *Ps.* 1311, and promised at *Cu.* 209, is probably unrealistic; at an average of 30 minae (9000 times the two obols per day of state pay for a poor man's maintenance) they were too expensive for most young men to buy, and it was sheer absurdity for them to give away their investment by instant manumission; this is both a symbol of their infatuated folly, and a mark of the escapism and pie-in-the-sky of this type of comedy. Terence allows his boys to keep but not liberate their slave-mistresses (*Pho.* 1040 ff., *Ad.* 845–849). Although Onesimus in *Epiirepontos* is convinced that Habrotonon would be bought and freed by Charisios if he believed she was mother of his child (*Epiitr.* 539), she does not seem to have been freed as a reward for her help in the reconciliation. The story of Neaera, from life, should be proof that the generosity of comic lovers was unrepresentative; although girls might be given their freedom, they had to earn it over a period of time, or buy it at a reduced price, like Neaera or Bacchis in the Plautine adaptation of *Dis Exapaton*.<sup>46</sup>

The last category of sexual relationships to provide a dramatic intrigue returns to the more settled world of marriage, and its shadow, monogamous concubinage. This type of plot did not appeal to the Roman audience: Plautus offers no example; and Terence's only comedy within marriage was his greatest public failure; as a result the examples of this type of play come from Menander himself, and there is no risk that elements of law or custom in the action are not Athenian. This group of plays takes an established relationship, presupposing real love between man and woman, and sets up a source of misunderstanding in the suspected infidelity of the woman. She has to be innocent, to retain the sympathy of the audience, and there must at the same time be strong cause for the man's suspicions, to make them acceptable; thus in *Peri-keiromene* Polemon saw his concubine Glycera accept the kiss of a young man, whom she knows to be her unacknowledged brother: in fury he publicly shamed her by shaving her head, and when the play begins she has fled to the house of her brother and his "mother;" he believes she has left him for the "seducer" and wants to take her back by force. In an important passage (496–503) the neighbour Pataecus explains the legal position to Polemon; she was not his wife, and so is now legally independent. If Moschion has seduced her, Polemon has grounds for an *enklema* (lawsuit), if he wishes to go to arbitration; but if he uses violence, he will himself be liable to prosecution (*dike*). Vengeance is the privilege of

<sup>46</sup>*Ba.* 1184. Nicoboulos settles for half the money of which Chrysalus cheated him, to buy her freedom (see Paoli 27–28).

husbands, or at most the patrons of the special class of concubines listed in the Draconian homicide law. The plot is resolved by Polemon's remorse and the discovery that Glycera (and Moschion) is a citizen, child of Pataecus; she is then free to marry Polemon, and formally betrothed by her new-found father.

The role of the concubine in the *Samia* is more complex; Chrysis, Demea's Samian concubine, has been carrying his child during his long absence; before he returns, Moschion, Demea's adopted son, has fathered a baby by the neighbour's citizen daughter. Chrysis, her own child apparently still-born, takes in the illegitimate baby out of pity and to conceal it from the girl's father; she agrees to tell Demea it is her child by him. When he hears this he is angry with her for rearing the baby without his leave, and in an ironic scene complains of her to Moschion: "Apparently I didn't know I had taken this *hetaera* as a wife . . . it seems I have a secret son; let her get out of the house and go to blazes taking it with her."<sup>47</sup> Both on account of the baby and the woman, this shocks a modern reader, but in Demea's eyes the child merely threatens Moschion's economic prospects by imposing expense on him, although it cannot in any way affect his rights as heir. Worse still, Demea discovers Moschion is the child's father, and, seeing Chrysis suckle the baby, naturally is confirmed in his belief that she is the mother; inevitably he assumes that she has betrayed him with Moschion in his absence. In two long monologues he tries to judge the responsibility for the offence and asks the audience (most of them experienced jurors) to join him; instinct and prejudice drive him to exonerate the son he has brought up himself and blame the concubine: after all, she is a *hetaera*. In fury he drives Chrysis from the house; she believes her fault is having reared the child without permission (374); he does not explain, but dismisses her with the child, its old nanny (373), and all her possessions, adding two maids.<sup>48</sup> His

<sup>47</sup>*Sam.* 130, 132 γαμετήν ἐταίραν, ὡς ἔοικ', ἐλάνθανον/ἔχων . . . λάθ]ριο[ς τι]ς ὑ(ός), ὡς ἔοικε, γέγονέ μοι; cf. 354–355, where the rearing of the baby is his pretext for expelling Chrysis. On the irony of *gamete* here, compare the famous distinction made in *Dem.* 59.122: "for we have *hetaerae* for pleasure, concubines for the sake of daily care of our persons, and wives in order to beget legitimate children, and have a trustworthy guardian of our home." Demea speaks of Chrysis as a *hetaera*, not a *pallake*; is he denying her even the status of concubine? The word *pallake* seems to be archaic and technical. Nicaretus applies it in the artificial language of 508, where the tone is contemptuous; it also occurs in a narrative fragment (453 K), but like our "common-law wife" it was probably not used in conversation. On the legal equivalence of *hetaera* and *pallake* in this context see Wolff 73–74.

<sup>48</sup>*Hetaerae* were often given a pair of maids by their lovers (cf. *Eun.* 506, *Tru.* 530–531). Paoli, 26–27, sees them as a mark of the lover's generosity, but since independent *hetaerae* are depicted with a pair of maids at, e.g., *Poen.* 221–222, *Hec.* 793 (*sequimini vos ambae*), and even the exploitative Phrynon provided them for Neaera, it is likely that the two maids were regarded as a routine perquisite, on a par with a woman's wardrobe and

forecast of her future life evokes the social desperation of the *hetaera* who does not find an escape in concubinage: "out in the city, you'll see clearly what you're worth; other women who don't have your luck, Chrysis, run to and fro to dinner-parties earning ten drachmae, and drink strong liquor until they die, or starve unless they take the trade up quick. You'll find this out better than anyone, and realise what you were to go wrong like that." Demea's reaction to her infidelity is intensified by the apparent involvement of his beloved son; both Moschion and Chrysis clearly owe their material comfort to Demea's generosity, and he feels a double betrayal. But when the confusions and errors are resolved, he makes full amends to Moschion in a human and moving speech of apology (695 f.); Chrysis gets nothing more than a gruff "Come over here, Chrysis, . . . run on in, then!" when he lets her into the house to escape the frantic Niceratus. For the dramatist it would seem her problems and her honour were of no more concern; his real interest is the man-to-man relationship of Demea and his adopted<sup>49</sup> son, and Chrysis once back in the household is forgotten.

The most extreme cases are the situations which provoke the near-

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jewelry. For the latter compare *Cist.* 487, *Mil.* 1127 (Pyrgopolynices voluntarily dismisses Planesium with *aurum ornamenta/ quae illi instruxisti*). Both clothes and jewels are implied in the *kosmos* which Polemon gave to Glycera (*Perik.* 516). Neaera, leaving Phrynion took *ὅσα ἦν αὐτῇ ὑπ' ἐκείνου περὶ τὸ σῶμα κατεσκευασμένα ἱμάτια καὶ χρυσία καὶ θεραπαινίδας δύο* (59.35), "the personal possessions with which he had equipped her, clothes, jewelry and two maids," and when Phrynion sued for restitution of his property, the arbitrators adjudged that Neaera was free and legally independent (*αὐτὴν αὐτῆς κυρίαν*), but should return what she had taken *except* the clothes and jewelry and maids which had been bought for her by him (46). (Does Demea give Chrysis her jewelry in 382? While one papyrus reads *χρυσί'* [*chrysia*, "jewelry"], editors rightly prefer to read the vocative *Χρυσί*, as in 378 in the same metrical position. It would be contrary to practice if he specified the jewelry but not the clothes: *τὰ σουτῆς πάντα*, "all your possessions" [381], represents the impatient roughness of his anger, and desire to end the painful scene.)

<sup>49</sup>Cf. Jacques (above, note 27) lxvi, Keuls (above, note 27) 6. Jacques questions Chrysis' status (xlili-xliv) after discussing the theory of Mette (xxxix n. 2) that Moschion physically kidnapped her for his father; perhaps these questions are better considered in reverse order. Demea calls her a free woman in 577; the way in which he dismissed her with her possessions (like Glycera or Neaera), and her social equality with the citizen mother and daughter next door, confirm her free status in Demea's home. Should we assume that she was a slave until he fell in love with her and freed her? If so, he would have reproached her with it in 377 when he recalls her poor clothing at the time he took her in. If she had been a slave-*hetaera* the rich Demea need not have feared the competition of the young men mentioned in 25-26; he could have bought her from her owner. Nor need, or would, he have condoned a kidnapping by his son. Whatever the meaning of *ἐγκρατής* in 25, it is more reconcilable with obtaining the monopoly of a free *hetaera*, than seizing a slave-girl. Moschion's service to his father lay probably in negotiation or persuasion of Chrysis to leave her own accommodation for Demea's household.

tragedies of *Epitrepontes* and *Hecyra*. In both plays the very artificial circumstances of the plot should serve as a warning against taking such episodes as representative of even exceptional marital problems in bourgeois Athens; what matters are the reactions of the participants, and the moral judgments implied.

In *Epitrepontes* young Charisios, drunken from feasting at the Tauropolia, raped an unknown girl and lost his ring in the struggle; later by dramatic coincidence he and this girl Pamphile are married, without recognising each other. He leaves on a business voyage without consummating the marriage, and unaware of her condition. As a result, when the child of the rape is born in his absence, she knows it cannot come from her marriage, and arranges for it to be exposed to die in the hill-country. Before the play begins, he has returned, heard the story of her unknown assailant and the child's birth from his slave, and sadly left the marital home, abandoning her in horror; but love for her is too strong, and although he hires a music-girl Habrotonon as a companion, he leaves her untouched (440). His behaviour is reported to us by the indignant father-in-law Smikrines (133–136) and the slave Onesimos (419 f.), after the exposed baby has been rescued and brought to his notice with his master's ring. In terms of marital offence, the situation is complicated because Pamphile's father clearly knows nothing of his daughter's pregnancy, and sees only that Charisios after a generous dowry of four talents (134) has not seen fit to stay home, but sleeps apart and has paid a pimp twelve drachmas a day for Habrotonon. By 645 f. (Sandbach) he has also credited the false story that Charisios has had a child by Habrotonon: "your fine friend felt no shame to beget a child by a trollop."<sup>50</sup> He goes to take his daughter home and reclaim the dowry. The damaged text permits us to see that his assessment of the marriage is largely financial, and Charisios' extravagances taken more seriously than his infidelity—a feature paralleled in the comments of many fathers of comedy. The audience does not meet Charisios himself until the wife has both defended him to her father, and learnt from Habrotonon that her baby is safe, and Charisios is its father. Indeed the "deceived" husband appears only in this sequence of the play, when, still believing he has fathered a child by Habrotonon, he overhears Pamphile's declaration of loyalty to him and refusal to leave his home. The sequence builds up to a fine climax, leading from the uncomprehending report by Onesimos of his master's gestures of emotion and outcry of remorse to Charisios' stage entry. His attitude towards his wife is one that surpasses the routine morality of his world. Finding his wife pregnant by an unknown, he could even before the play

<sup>50</sup> *παιδάριον ἐκ πόρνῃς* [– –]. The text is damaged, but the missing words probably include *ποιεῖν*, recalling the technical verb *παιδοποιεῖσθαι*, associated with procreating lawful heirs in marriage.



opened have repudiated her and sent her back to her father; even then he chose to keep silence, and if he left home, it was in instinctive shock—a shock conditioned by the obsession of his society with chastity in the family. Now he sees himself and his act of rape as responsible for the marital breakdown (“I am the fatal offender”<sup>51</sup>) and barbaric in his failure to forgive her involuntary fall, because he was obsessed with public opinion and his good name. His position as father of a harlot’s child, separated from the wife he loved, appears to him as divine retribution for his own offence (911–912) and cruelty in dishonouring her misfortune; his resolve to brave her father and assert his desire to keep her as his wife comes before he finds out from Habrotonon that he is the father of his wife’s child, and no other (953). The facts release him from any legal pressure to leave his wife; his decision to reclaim her, made before the facts are known, confirms his new understanding of life, his love for her, and their prospects of a united and happy marriage.

Few scholars now question that Apollodorus was influenced by admiration of this play to compose his *Hecyra*, preserved to us only in Terence’s Latin adaptation. Again a premarital rape, committed without recognition by husband or wife, again delayed consummation and an enforced voyage are part of the basic situation; again there is a baby apparently fathered by another, and the play focusses on the young husband’s reaction, and decision about the future of his marriage. But there are major differences; Pamphilus, the husband was formerly in love with a *hetaera*, Bacchis; he loved her at the time of the rape, which he confessed to her in his immediate shock after the event (*Hec.* 820–829). Compelled to marry, he continued from love of Bacchis to ignore his wife, until her gentle ways won him over; as a result only the girl, her mother, and his

<sup>51</sup>ἐγὼ . . . ἀλιτήριος (894). In using the word *aliterios*, Charisios is comparing himself with the evil spirit (ἀλάστωρ in tragedy) which destroys an *oikos* through the wickedness of its members. Polemon, in calling himself an *alastor*, for his drunken abuse of Glycera (*Perik.* 986), takes on the same guilt. Compare for this use of *aliterios* the gossip about Callias son of Hipponikos in Andoc. *Myst.* 130–131: “Hipponikos is bringing up an *aliterios* which is overthrowing him bed and board . . . when he thought he was bringing up a son, it was an *aliterios* that overthrew his wealth, his honour, and his whole life.”

Charisios’ use of ἀτυχούση (898), and ἀκούσιον . . . ἀτύχημα in 914, also has the moral force of acknowledging that she is not responsible for her condition; an *atychema*, misfortune, was distinct from both *hamartema*, a culpable error, for which one was legally responsible, and *adikema*, an actual offence at law. Webster, *Studies in Menander* (Manchester 1950) 18, believes that the distinctions between ἀτυχεῖν, ἀτύχημα, ἁμαρτία (fr. 358 K), and ἀδίκημα (fr. 359 K) made in Menander’s *Rapizomene* reflect a similar plot to *Perikeiromene*, involving a girl accused of unchastity, and absolve her as a victim of rape. By their judgment, Charisios and Polemon are more enlightened than the law, which seems to have imposed the same penalties on married victims of rape as on seduced wives (Harrison 26).

personal slave, Parmeno,<sup>52</sup> know that the child which she gives birth to on his return home after the enforced voyage cannot be the product of their marriage. In order to leave his home she has had to simulate an illness; others assume a quarrel with his mother, and the play opens with the speculations of various persons about the wife's sudden departure. As a result, when Pamphilus returns home at the very moment of her delivery, and stumbles on her confinement, his natural revulsion at the thought of a bastard is compounded by embarrassment as the parent generation crowd around him; first her mother explains the rape and begs his secrecy, promising that the child will be exposed, if he will only conceal his knowledge; then he meets his mother, genuinely solicitous about his wife's "illness." When the news that a boy is born (it is a boy as usual) leaks to the fathers, they seize on the birth of an heir as the best conceivable cause for reunion of husband and wife. The child which is such a joy to them is the worst of griefs to Pamphilus, who sees it as the intruder. The question of his wife's restoration, which he had reluctantly rejected in the first instance (403–406) when it was detached from the issue of the child, is now irretrievably linked with the acceptance of a bastard,<sup>53</sup> whom his pledge of secrecy would drive him to rear as heir to his family. In terms of the *oikos*, to represent such a child as his own at the Apatouria, enrol it in his phratry, and let it participate in the family cult demanded not merely a life of hypocrisy, but actual sacrilege. In this intolerable situation the drama would have reached impasse, if the suspicion of the fathers had not fallen on Bacchis and brought her into the action, to resolve the crisis when the girl's mother sees her daughter's ring on Bacchis' hand. When the separate knowledge of the two women is combined, the baby is seen to be the true child of legal husband and wife. Again, the morality of the play shocks a modern audience; that a young man in love with a mistress (who presumably satisfies his needs) should rape a total stranger, and then present her ring to the mistress, makes it difficult to accept his sincerity as a lover; it might seem that he has little

<sup>52</sup>The report of Parmeno in 143–150 specifies that Pamphilus left her a virgin "because it would be dishonourable for him and harmful to the girl if he did not restore her intact as he had received her." Is there a legal point here? As far as her marriageability was concerned, mere divorce would not make her *anekdotos*, but if she were returned as a virgin, she would not be suspected—as might be the case if he had slept with her—of being repudiated for unchastity. It is almost certain that the audience of Apollodorus' play already knew of Pamphilus' rape of the girl from a divine prologue (Schadewaldt [above, note 32] 20 f., confirmed most recently by Lefevre, *Die Expositionstechnik in den Komödien des Terenz* (Darmstadt 1969) 60 and n. 80); the reported motives of Pamphilus would be rich in irony for the Greek audience.

<sup>53</sup>*Etiam si dudum fuerat ambiguum hoc mihi/nunc non est quam eam sequitur alienus puer* (648–649).

right to feel disgust at his wife's condition, and less intelligence, when he fails to connect it with his own past behaviour: perhaps he commits rape so often that he has forgotten the affair as insignificant? In fact Terence's audience could raise none of these points, since it learns of Pamphilus' own sexual history only at the climax of the play, when the resolution is at hand (822 f.). If the facts of Philoumena's pregnancy were given the audience in an expository prologue to Apollodorus' Greek play, they would have to accept Pamphilus' behaviour before they met him. Both Menander in *Epitrepontes* and Apollodorus needed delicacy to preserve audience sympathy for their young husbands, but Apollodorus' more difficult task would be lightened if he kept in the foreground the two issues of Pamphilus' obligation to his mother,<sup>54</sup> with whom he thought Philoumena had quarreled, and the intruding baby. Where we are shocked that a rapist should reject a wife otherwise virtuous, but victim of physical assault, the contemporary audience would be primarily concerned with the baby; knowing it to be a lawful heir to the family, they would be in suspense until its status was vindicated and survival guaranteed. In neither play is the woman's sexual behaviour a moral issue; both husbands acknowledge the wife's defencelessness and lack of responsibility for the situation; rather it is her condition, polluted and so unusable as a transmitter of the *genos*.

Since Charisios believed the baby had been exposed, his decision to return to his wife might otherwise have seemed easy, but in both plays the fact of the child's premarital conception is at the mercy of a slave; Onesimos who reported the birth and exposure to Charisios (*Epitr.* 422–427; the text is too damaged to give precise information) and Parmeno, who knew that Pamphilus had delayed consummation of the marriage (*Hec.* 145, 409–411), and so must on no account get wind of the baby. The husbands were at the mercy of *doxa* (*Epitr.* 908) or *fama*,<sup>55</sup> which could utterly dishonour them if they were known to have condoned an unchaste wife. Such plots do not seem the stuff of popular entertainment; even if the suffering of the raped girl is kept off-stage, the distress caused to the husband, particularly in the nightmarish *Hecyra*, is so great that a last-minute dénouement is hardly sufficient to dispel audience tension and distress. But real tragedy was dead, and Menander's generation with their intense interest in everyday human behaviour might well

<sup>54</sup>He is genuinely concerned for his mother in 447–449, but uses her in 476–478 as an excuse to fend off the fathers; when his mother offers to withdraw to the country, his aside (601–602) again reflects love for both wife and mother, but as soon as his mother is relegated by Laches (610) the new problem of the baby claims his (and the audience's) attention (638 f.).

<sup>55</sup>Compare the obsession of Demea with public opinion and scandal in *Ad.* 91–93, 112, 721, and the silly boasts of Niceratus, *Sam.* 508–513, that all the gossips of the barbers shops would know he was a man by his punishment of his concubine.

feel that a domestic crisis merited serious treatment, and enabled them to achieve something approaching tragic *pathos*. The greater variety and vigour of *Epiirepontes* might suggest that the intensity of the *Hecyra* was a product of the Roman temperament (or the fault of Apollodorus); but both Apollodorus and Terence could produce a happier treatment of similar romantic themes in the *Epidikazomenos-Phormio* play.

The documentary value of these plays, it seems to me, lies in two features; the illustration of external pressure on marital partners, and the implication that thinking men now looked beyond sexual fact to sexual responsibility.

Finally we might note that adultery finds little place in comedy; adultery by a wife was unpardonable;<sup>56</sup> extra-marital affairs of the husband with *hetaerae* were not regarded as *moicheia*, since they were no offence against either woman. Nevertheless philandering husbands come off badly in New Comedy, and in all the plays known to me are both frustrated and humiliated. The adulterously inclined Demaenetus and Lysidamus of *Asinaria* and *Casina* are mocked and sent home; Lysimachus in *Mercator* is foiled, and the two fathers in *Bacchides* who end the play being entertained by *hetaerae* may be widowers. In Terence the only adulterer, Chremes in *Phormio*, is soundly scolded for an offence now fifteen years old. To some extent what we have here is disapproval of the Dirty Old Man, and this is made explicit in *Mercator*, 1015 f.: "I think we should lay down the law for old men before we leave, for them to observe and adhere to. Whosoever shall have reached sixty, if we know of any man, be he married or single, who goes in for wenching, we shall proceed against him at law, and hold him—a blithering idiot." Menaechmus, the only young adulterer, fares no better; he never succeeds in his rendezvous with Erotium, who is taken instead by his bachelor brother. In extant Graeco-Roman comedy only Jupiter is permitted his fling, on special terms which concede both infidelity and *moicheia* to his divine right.

How are our separate categories—for the respectable citizen, maiden, wife, and widow; for the non-citizen, music-girl, courtesan, concubine, or procuress—reflected in the characterisation of comedy? The diversity of masks listed by Pollux—fourteen types for young women, including 2–3 in each category of little slave-girl, maiden, wronged maiden (our concealed citizen), *hetaerae*, and concubines, with others again for old women,

<sup>56</sup>The two episodes resembling adultery with a married woman in comedy, *Mil.* 1400 f. and *Ba.* 851 f., are confidence tricks, employing a *hetaera* to intimidate an enemy, or extract money by blackmail—a device used by Neaera and Stephanos (*Dem.* 59.54); he would apprehend any rich innocent foreigner acting as her lover and lock him up as a *moichos* with her, and make a great deal of money. They repeated the trick with their "citizen" daughter and Epaenetus in 84 f.

whether honest nannies or grasping procuresses,<sup>57</sup> might suggest immense variety of characterisation. But subtleties apart, what emerges from the plays are two fully-characterised types—the *hetaera* and the established wife—with stereotyped personalities which the dramatist may use literally or may exploit in order to reveal the contrast between the popular image and the more subtle and decent reality; thus characters talk in terms of prejudices which act as a foil to the unselfishness of Thais, or Bacchis in the *Hecyra*;<sup>58</sup> Habrotonon is not yet a *hetaera*, but there is a similar contrast between her behaviour and what is expected of her. Since the stereotypes as described by prejudiced speakers, or portrayed on stage, are more revealing of the attitudes of middle-class society than the dramatist's superior conceptions, I will round off my account by illustrating the antithetical figures of prejudice mostly from the less subtle adaptations of Menander in Roman Comedy. For the grasping *hetaera* no more lurid example can be quoted than Bacchis of *Heautontimoroumenos*, introduced by her lover as "foul-tempered, petulant, flamboyant, extravagant, and notorious" (229). We can add Chremes' pen portrait of her behaviour at dinner; "she's really designed to bring a man to ruin; first she brought with her more than ten maids loaded with her wardrobe and jewelry; if her lover was a Persian Satrap he'd never be able to supply her expenses . . . I only served up one dinner to her and her retinue; if I have to do it again, I'm done for. Not to mention the rest, the sheer volume of wine she wasted with her sippings; 'just so-so'—'this is too rough, old man; pray fetch me a smoother vintage'—I unsealed all the flagons and casks; she had the whole household frantic—and that was just one night." As often, it was the expense that penetrated to the bourgeois heart. Bacchis herself in dialogue with the young citizen Antiphila offers a social analysis of the dichotomy that makes her what she is (381–395):

Upon my word, Antiphila, I admire you and think you're blessed by fortune that you've set yourself to match your good looks with good behaviour. So help me, I'm not surprised if all the men desire you. Your words have shown the sort of person you are; in fact, when I think over your life-style and that of all you girls who keep the crowd at a distance, it's no wonder you're like you are; and we are not: it's worth your while to be good girls, while our business clients won't let us try it; it's our looks that drive the fellows to devote themselves to us; when once they fade, men take their hankerings off elsewhere. But if any man's close to you in character, they attach themselves to you, and both sexes are really bound to each other by mutual kindness, so that no disaster can ever overtake your love.

But let us move to the *matronae*; the *dotatae uxores* who may once have

<sup>57</sup>Pollux 4.143–154, summarised in Pickard-Cambridge, *Dramatic Festivals of Athens*<sup>2</sup> (Oxford 1968) 227–230; compare Webster, *Greek Theatre Production* (London 1956) 62 f., and *Monuments Illustrating New Comedy* (BICS Suppl. 11 [1961]).

<sup>58</sup>Such prejudices are voiced most fully by slaves; compare Parmeno, *Eun.* 50–80, 931–940 (where the audience already knows how wrong he is), and the strictures of Lydus (*Ba.* 1.2), Parmeno (*Cur.* 1.1 and 3), and Messenio (*Men.* 2.3).

been sweet young things like Antiphila; is the comic stereotype all that different from the blousy Bacchis? Plautus in his *Aulularia* and *Miles Gloriosus* provides two general attacks on the rich wife; the brief lines at *Aul.* 166–169 may be a close adaptation of Menander:

I thank the gods I'm rich enough on my own account—I can't stand those mighty social sets, the airs and graces, those dowries spent on luxury, the harangues, the bossing about, the ivory-inlaid carriages, evening gowns and imported cloth, that drive poor husbands into slavery by their extravagance.

In 489–521 Plautus indulges himself in a longer, almost Catonian denunciation of expenditure on luxury goods and services which is probably a considerable expansion of his original. There is a similar picture of the rich wife in *Mil.* 690 f.:

Am I to bring home a bride who wakes me up before cock-crow with "Please, dear husband, give something to make a present to mother on the first of the month, give me some cash for spices, more to pay the medium, the dream-monger, the fortune-teller and the lady diviner: it would be a scandal to send nothing to the palm-reader; then I can't in all decency leave out a present for the wardrobe woman; the candleseller's been cross for months because she's had no tip; then the midwife complained that she hadn't received a big enough fee; aren't you going to send a little something to the wet-nurse that feeds the servant-brats?" It's expenses like these and lots of others brought on by women that keep me from getting a wife.

The rest of the bachelor's narrative in praise of his club-man's life is indisputably Greek in tone, and there is no reason to deny these lines to the Greek play. Many of the Menander fragments show that for the male audience of comedy the worst aspects of women, respectable or otherwise, were their demands for money, reinforced in the behaviour of the *dotata* by a sense of her own status and financial grievances that were often genuine.<sup>59</sup>

While no example of the tyrannical wife survives in a complete play of Menander, the fragments of his *Plokion* preserved by Aulus Gellius (*NA* 2.23) are sufficient to form a portrait of the dominating Crobule, an *epikleros* and not merely a *dotata*:<sup>60</sup> none of the fragments are spoken

<sup>59</sup>Nausistrata, for instance, has lost two talents from her father's Lemnian property in the maintenance of the bigamous wife (789–901, cf. 1013).

<sup>60</sup>Here and elsewhere in Roman comedy *dotata* offers a substitute for the Greek term *epikleros*, which would not be understood by a Roman audience without explanation. An *epikleros* succeeded to the entire inherited estate and was not technically dowered at all, so that Caecilius' version is legally inaccurate in crediting Crobule with a dowry of ten talents (see Paoli 63). With Crobule's wealth of ten talents (*Men.* fr. 333.11, cf. Caecilius) compare the dowry of the wife in *Mercator* 701–702: *em quoi te et tua quae tu habebas, commendes viro/em quoi decem talenta dotis detuli, haec ut viderem*. It is difficult to gauge the size of this fortune; since the mean Chremes of *Heautontimoroumenos* endows his foundling daughter with two talents (*Hi.* 940), and the generous Chremes of *Andria* bestows ten talents on his foundling (and second) daughter (*Andr.* 950–951), it may not have been a very great fortune in Menander's time.

by her, and we cannot be sure that she even appeared on stage, but like Cleostrata (*Casina*) and Nausistrata (*Phormio*) she probably had an active role. What is significant is the description provided by her old and impecunious husband: she is ugly, pretentious, and arrogant, bad-tempered to her children as well as her husband; she has sent away a pretty and hard-working maid, to show everyone that she is the mistress (*despoina*, fr. 333); we hear from another fragment that she has decided on her son's marriage to a kinswoman; in fact her sins are all summed up in the complaint (fr. 334, 2-4) that she is the *kyria* of the household, estate, and everything else. This is not of course her legal position; we have seen that no woman could ever be *kyria* of anything but herself, and marriage automatically transferred *kurieia* from father or male-kinsman to the husband. No—Crobule's offence is that her money has given her the power to behave as head of the household and take on the privileges of a man. Then as now, money could override in practice the rules of law and convention.

Comic convention usually denied to female roles a chance to speak their defence or make counter-charges, and it would no doubt betray a lack of humour on my part if I were to protest on their behalf. Instead I might perhaps recall the words of Nausistrata in Terence's *Phormio* (792-793):

*virum me natam vellem:*

*ego ostenderem . . .*

I would to God I'd been born a man; I'd show them!

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