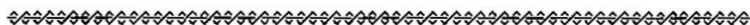


59. AGAINST NEAERA



INTRODUCTION

The author of this speech is almost certainly Apollodorus, father-in-law (also brother-in-law) of the man who delivers the first sixteen sections. The style of *Against Neaera* is repetitious and sprawling and shows other signs that the speech is not by Demosthenes himself (see the Introduction, pp. 12–15). Yet *Against Neaera* holds exceptional interest for its picture of aspects of Athenian life seldom touched on with such detail in other texts. We see in particular how *hetairai*, deluxe prostitutes, played a part in the erotic and public lives of many Athenians, some of them very prominent.

Prostitution itself was not a crime in Athens, and men were at no risk of prosecution for employing prostitutes. Moreover, just beneath the surface of the speakers' contempt for prostitutes and their righteous denunciations of Neaera's alleged offenses against the city of Athens and her gods, we can see the possibility that some element of genuine affection and concern might have coexisted with the inherent brutality of paid sex with slave women and with manumitted women at risk of losing their freedom. Lysias was eager to bestow on his favorite the benefits of initiation into the Mysteries (21). Phrastor, when an invalid, felt closer to Neaera and her daughter than to his own relatives, despite the trick the women played on him (55–56). Epainetus, once Neaera's lover, though blackmailed and humiliated, was willing to contribute to a dowry for her daughter (69–70). In addition, in the often-quoted passage distinguishing wives from what we might call "kept" women (122), the speaker assigns the latter group the domains of "pleasure" and "tending," leaving wives only the role of mothering legitimate children and serving as "guardians" of the household.

The legal issue, then, is not prostitution and dissolute living but the integrity of Athenian citizenship. The prosecution has brought a *graphē xenias* against Neaera, a public action charging the fraudulent exercise of rights belonging exclusively to Athenian citizens. Athenian citizenship was highly valued by the Athenians for both its practical and symbolic advantages. Pericles' citizenship law of 451 restricted citizenship to those born to an Athenian father and mother, whereas the earlier practice recognized as citizens men born to an Athenian father and foreign mother. Dwindling manpower during the Peloponnesian War led to lax enforcement of that law. Once the war was over, the Athenians not only reinstated the Periclean law but went on to introduce further restrictions, as can be seen in the law quoted at 16. The procedures for enfranchising a foreigner, known mostly from this speech, were remarkably complex.¹ The prosecution's appeal to a sense of outrage at the alleged offense against citizen rights was certainly a plausible strategy. But it is quite apparent—in fact all but explicit in the opening sections—that the prosecution's real motive is revenge against Stephanus, the man with whom Neaera was living.

In 348, some five to eight years before the trial for which this speech was written, Stephanus had successfully charged Apollodorus with proposing an illegal decree (*graphē paranomōn*), though the jury opted for a fine far smaller than Stephanus had proposed (3–8). Later Stephanus tried, without success, to have him convicted of homicide (9–10). Considering the damage they would have suffered if Stephanus fully succeeded in these court actions, it is hardly surprising that Apollodorus and his family were eager to strike back in the same forum. The prosecution, then, was really aiming at Stephanus, though its legal action was formally lodged against Neaera. If she was convicted, Stephanus would have been fined one thousand drachmas, a large but not crushing sum, and his children's status as Athenians might have been challenged; Neaera would have returned to slavery and lost all her property (16).²

¹"The procedure outlined [in *Against Neaera*] is self-consciously defensive with a series of unnecessary hurdles, as if the aim is to restrict eligibility at all costs" (Todd 1993: 176).

²Stephanus retreated from a greater risk to his property when threatened by Phrastor with prosecution for marrying off Neaera's daughter to him as if she were a citizen (52).

There is only one other surviving example of a speech written for a trial in which a woman was the defendant: Antiphon I *Against the Stepmother*. A few other such trials are mentioned in the course of Demosthenes' speeches (25.57, 57.8). But if our surviving speeches are at all representative of litigation in general, legal action against women was very rare.³ Athenian men were hardly chivalrous, so we may assume that legal and cultural restrictions on women's power and property rights normally made them not worth prosecuting. Neaera, one of those rare female defendants, was almost certainly in the courtroom to hear the charges against her; at least the speech refers to her as present (esp. at 115). Like other women, even those who enjoyed unchallenged Athenian citizenship, Neaera was not permitted to present her own defense but had to rely on men to speak for her.⁴

By dint of Neaera's profession, the speech received relatively scant attention until classical scholars became interested in the lives of ancient women and could publish their research on sexuality in frank English. English-speaking readers can now consult a rich bibliography, including that in Carey 1992 and the full-scale commentary with translation by Kapparis 1999.

59. AGAINST NEAERA

[1]⁵ Gentlemen of the jury, many things have spurred me on to bring this action against Neaera and come before you in court. You see, Stephanus has done us—my brother-in-law, myself, my sister, my wife—great harm, and it is because of him that we came into extreme danger. Therefore, I am not taking the initiative in bringing this case, but am seeking retribution. In fact, I am acting in self-defense: he was

³Note, however, that a woman involved in an inheritance dispute could easily be one of the claimants in a *diadikasia*, a procedure in which, properly speaking, there were no prosecutors and defendants. For an instance in the Demosthenic corpus, see Dem. 43.8, where the speaker mentions serving as his wife's advocate in an earlier *diadikasia*.

⁴Some readers may see Neaera as a sort of Moll Flanders, but Defoe's heroine could at least speak for herself in court.

⁵Theomnestus, the prosecutor, speaks first. Apollodorus, in the role of "co-speaker" (*synēgoros*), takes over at 16 and completes the speech. For discussion, see Rubinstein 2000 (above, p. 11, n. 3), 133–135.

the one who started the quarrel, though he had not had any trouble from our side—not in words, not in action. I want to start by telling you what he has done to us and how we have fallen into the great risk of exile and disenfranchisement. That way you will be more sympathetic to me as I present my defense.

[2] Now then, when the Athenian Assembly⁶ voted to make Pasion and his descendants Athenian citizens, in gratitude for the good things he had done for the city,⁷ my father agreed with the Assembly's gift of citizenship. He gave his daughter, my sister, in marriage to Pasion's son Apollodorus; and Apollodorus had children by her. Apollodorus was good to my sister and the rest of us and thought of us truly as family, as people who should share all that was his; and I took Apollodorus' daughter, my niece, to be my wife.

[3] Time went by, and Apollodorus was assigned by lot to serve in the Council (*boulē*). He passed the preliminary scrutiny (*dokimasia*) and swore the oath required by law.⁸ Then⁹ the city found itself in a military emergency, which presented two possibilities. One was that you would prevail and be the greatest city of the Greeks: you would, without question, get your own possessions back in your hands and defeat Philip decisively. The other was that you would be too slow with your help and would forsake your allies; in that case, your army, lacking resources, would be disbanded, which would mean ruining those allies and appearing untrustworthy to the other Greeks; and it would mean also running the risk of losing your remaining possessions: Lemnos, Imbros, Scyros, and the Chersonese. [4] When you were on the verge of marching in full force to Euboea and Olynthus, Apollodorus, as a Council member, introduced a bill in the Council, and it passed,

⁶"Assembly" translates the Greek word *dēmos*. Besides this institutional sense, equivalent to *ekklesia*, the word can also mean "the people" or "the poor people."

⁷Much is known about Pasion's career and the vicissitudes of his family from several speeches of Demosthenes (35, 36, 45) and from Isoc. 17. See p. 112. Pasion's benefactions recognized by the Assembly's decree included the gift of one thousand shields and voluntary service as a trierarch (Dem. 45.85).

⁸Members of the Council of Five Hundred swore that they would act in the best interest of the city and expose any other man selected for this service whom they knew to be "unsuitable" (Lys. 31.1).

⁹In the spring of 348; Apollodorus had entered the Council in the Athenian archon year that started the summer before (349).

an agenda item (*probouleuma*) to be taken to the Assembly, providing for that body to make a choice by its vote whether the leftover funds of the financial administration were to be applied to the military fund or the theoric¹⁰ fund. The laws required that in wartime the funds go to the military, but he thought that the Assembly should have the right to do whatever it wanted when it came to its own resources. He swore he would offer the people of Athens his best counsel, and all of you¹¹ were witnesses at that critical time. [5] The vote was held, and *nobody* voted against using the funds for the military. In fact, even now, if the matter ever comes up for discussion, everybody agrees that the man who gave the best advice on that occasion was treated unfairly. It's right to be angry at a man who tricks the jurymen with his words—but not at those who got tricked. What happened was that Stephanus, this man here, indicted this decree as illegal;¹² in court he introduced false witnesses to claim that Apollodorus had been in debt to the Public Treasury for twenty-five years¹³ and brought up lots of other charges irrelevant to the indictment; and he got the decree declared illegal. [6] If Stephanus thought he had done well to bring this about, we have no complaint. But when the jurors turned to voting on the penalty,¹⁴ we begged him to compromise; he refused and proposed a fine of fifteen talents, meaning to take citizen rights away from Apollodorus and

¹⁰A fund whose name (*theoric* = pertaining to festivals) points to its original function: to help poor Athenians pay for tickets to the theatrical events during the Dionysia and Lenaeon festivals. In time, the fund's disbursements extended beyond drama to become a more general subvention for the state festivals and then for other purposes altogether.

¹¹Athenian orators often speak as if the jurors in a particular case also participated in or observed certain actions by the Assembly or a lawcourt, even if they were not alive at the time.

¹²See the Introduction to 57.

¹³The Oxford Classical Text, like most other editions of the speech, have transposed this clause ("to claim that . . . twenty-five years") from 9; in the manuscripts it follows "false charge against him." Kapparis (1999) believes that it is not genuine.

¹⁴This procedure, *timēsis* or *timēma*, was followed if the law did not specify a penalty. Once a jury had convicted a defendant, both he and the prosecutor proposed a penalty, and the jury would in a second vote decide between the two. *Timēsis* is best known from Plato's account of Socrates' trial.

his children, and to put my sister and all of us into the deepest poverty, with absolutely nothing to our names. [7] Apollodorus' total property, from which such a big fine would have to be paid, came to not quite three talents; and if he didn't pay off the fine before the ninth *prytany*,¹⁵ the fine would be doubled, and Apollodorus would be listed as owing the treasury thirty talents. Then his belongings would be put on the list of public property, and once they were sold off, he and his children and wife and all of us would end up completely ruined. [8] On top of that, he would not be able to marry off his other daughter. After all, who would marry a girl who had no dowry and whose father was in debt to the treasury and penniless? So Stephanus gave us all such great trouble, though he had not yet been harmed by us. I really do feel grateful to the jurors who decided that case in one point at least, that they did not let him be ruined but instead fined him one talent. That much he could pay off, though it was hard. To Stephanus, though, we have tried—as is only just—to give a dose of the same medicine he was giving to others.

[9] In fact, he not only tried to ruin us but actually tried to run Apollodorus out of his own country. You see, he brought a false charge against him, claiming that once, when he had gone to Aphidna¹⁶ on the trail of a runaway slave of his, he hit a woman, who in the end died of her wounds. Stephanus bribed some slaves and coached them to say they were from Cyrene¹⁷ and then announced that he was bringing a homicide charge against him in the Court of the Palladion.¹⁸ [10] Then

¹⁵A *prytany* was one tenth of the Athenian year, corresponding to the term of office of each of the Athenian tribes (*phylai*).

¹⁶A town in Attica northeast of Athens.

¹⁷On the coast of north Africa (modern Libya).

¹⁸Though this account of the prosecution is far from clear, it seems likely that the woman who died was a slave owned by Stephanus. First, Apollodorus' assault was presumably intentional, and the trial was held not in the Areopagus, the venue when the victim of intentional assault was a citizen, but in the Palladion, the court that heard cases when the victim was a slave, foreigner, or *metic* (resident alien). Second, the woman is not identified as a relative of Stephanus', hence he would be excluded from prosecuting unless she was a slave and Stephanus was her owner. Theomnestus' claim that Stephanus was disguising the slaves as Cyreneans suggests that this was a ploy to allow them to testify without being subject to torture.

Stephanus, the man before you, presented his case. He swore on his own head, on his family, and on his house that Apollodorus killed that woman with his own hands. But that never happened; and he did not see it happen; and he never heard it from anybody else. It was proved that Stephanus perjured himself and brought a false charge, and it was clear that he had been paid off by Ctesiphon and Apollophanes¹⁹ to drive Apollodorus into exile and take away his citizen rights. He got only a few of the five hundred votes,²⁰ and people thought he had committed perjury and was a scoundrel.

[11] Gentlemen of the jury, please think over in your minds what makes sense. How could I face myself, my wife, and my sister if Apollodorus was injured by Stephanus' plots against him in either the first or second trials? Imagine my shame and misfortune! [12] Everybody was coming to me in private and urging me to try to get back at him for what he had done to us. They were scolding me, saying I was no man if I didn't get justice for people who were so close to me — my sister, and brother-in-law, and nieces, and my own wife; and I was no man at all if I didn't bring before you in court the woman who was openly defiling the gods, insulting the city, and scorning your laws, and show you that she is guilty. That way I would put *you* in charge, and you could deal with her as you wanted. [13] Just as Stephanus here tried to ruin my people, violating your laws and decrees, so I have come here to show you that he is living with a foreign woman against the law, has brought other men's children before the phratries and deme²¹ assemblies, and has married off the daughters of *hetairai* as if they were his own; also that he has committed impiety against the gods and has robbed the people of their power to decide whom *they* want to make Athenian citizens. After all, who will try to get this gift of citizenship from the people, spending money and

¹⁹There are two men named Ctesiphon known from the sources as politicians associated with the sort of action here described, but no candidate has emerged for identification as Apollophanes.

²⁰Some manuscripts of the speech have the word "drachmas" after "five hundred." This translation follows those editors who regard the word "drachmas" as a mistaken addition to the original text.

²¹See the note on 57.23.

going to trouble, if it's possible to get citizenship from Stephanus, at a smaller price?—that is, if the same power to grant citizenship falls into his hands.

[14] I have now told you how Stephanus did me wrong before I brought this suit. Next, I will move on to other things you must understand: that Neaera is a foreigner, that she lives with Stephanus as married,²² and that she has committed many legal offenses against the city. So now I'll ask you, gentlemen of the jury, something that I think proper for someone both young and without experience in public speaking to ask: please let me call Apollodorus up here to help me do the speaking.²³ [15] He is older than I am, more experienced in the law, and has looked into these matters with great care. Stephanus here has done Apollodorus wrong, so you must not be angry with him for taking vengeance for what has happened. And you are obliged, after you have listened to the details in both the prosecution's speech and the defense speech, to cast your vote on the basis of the truth—for the sake of the gods and the laws, justice, and yourselves.

[SPEECH BY APOLLODORUS, THE *SYNĒGOROS*]

[16] Theomnestus has told you, gentlemen of Athens, of the wrongs I have suffered at Stephanus' hands that have led me to rise and accuse Neaera, this woman here. I want to show you clearly that Neaera is a foreigner, and that she is living as married with Stephanus in violation of the law.²⁴ But first the law that is the basis of Theomnestus' present suit and the reason why this case has come before you in court will be read out.

²²"Lives with" literally translates the Greek word *synoikein*, which in Athens generally connoted legal wedlock. The words "as married" are not explicit in the Greek. See below, 16n and 122, where Apollodorus tries to insist that *synoikein* suggests the intention to present sons produced by the union as eligible for citizenship and daughters as his own.

²³As the jury did not need to assent to the calling of a *synēgoros*, Theomnestus' request is probably a ploy to win some sympathy for his inexperience and at the same time anticipate and disarm antagonism to Apollodorus on the part of some of the jurors.

²⁴The date of this law is uncertain. Kapparis 1999: 202 concludes that it was introduced in the 380s.

[LAW] *If a foreign male by any manner or means lives as married²⁵ with an Athenian woman (astē), let anyone who is entitled to do so and wishes bring an indictment (graphē) before the Thesmothetae of the Athenians.²⁶ If he is convicted, let him be sold into slavery and his property sold. A third part of the proceeds is to go to the successful prosecutor. And if a foreign female cohabits with an Athenian man (astos), the same applies; and the man who cohabited with the foreign woman who has been convicted is to owe [the treasury] one thousand drachmas.*

[17] You have heard the law, gentlemen, which forbids a foreign woman from living with an Athenian man (*astos*), and an Athenian woman (*astē*) from living with a foreign man, and absolutely forbids such couples from having children,²⁷ by any manner or means. But if someone does so, despite the law, it provides that a public action (*graphē*) be brought against them before the *Thesmothetae*, against both male and female foreigners, and the law orders that they be sold into slavery if convicted. That Neaera here is a foreigner is what I want to lay out for you, from the beginning of the story and in detail.

[18] A woman named Nicarete acquired seven little girls to raise from early childhood.²⁸ Nicarete was a freed slave of Charisus from Elis; her husband was Hippias, Charisus' cook.²⁹ She was very shrewd

²⁵ See 14n. Since this law envisions false claims of citizenship on behalf of children born to couples who live together but are not both Athenian citizens, the connotation comes close to "cohabit."

²⁶ The right of any fully enfranchised Athenian citizen "who wishes" to prosecute is one of the hallmarks of a *graphē*; see the Series Introduction, p. xxvi. The Thesmothetae were six of the nine archons annually elected by lot to administer many of the city's functions; see the Series Introduction, p. xxii. Their judicial responsibilities included the convening of the *dikastēria* ("People's Courts"); see *Ath. Pol.* 59.

²⁷ This would be understood to mean children who would be falsely presented as the legitimate offspring of two citizen parents and therefore entitled to Athenian citizenship.

²⁸ These were presumably girls either knowingly handed over to Nicarete by mothers or intermediaries, or exposed and then brought to her for possible adoption.

²⁹ This speech provides the only contemporary evidence on the woman, her husband, and her former owner.

at sizing up the physical attributes little girls would develop, an experienced expert at raising and educating them. That was the craft she had developed, and from it she made her living. [19] She called these girls her "daughters," so as to get the largest possible fees from men who wanted to be intimate with supposedly free women. She milked the profit of each girl's youthful years, then sold them outright, all seven of them: Anteia, Stratola, Aristocleia, Metaneira, Phila, Isthmias³⁰—and Neaera, this woman right here. [20] Just how each man acquired each of the women, and how they won their freedom from the men who bought them from Nicarete, I will tell you in the course of my speech—if you want to hear about it and I have enough time.³¹

But I want to go back to when Neaera belonged to Nicarete and worked with her body, getting paid by those who wanted to have sex with her. [21] Now then, Lysias, the sophist,³² was a lover of Metaneira. Besides the other money he paid out for her, which he thought all went to Nicarete, her owner, he wanted to pay for Metaneira to be initiated in the mystery cult at Eleusis.³³ The expenses connected with that festival and the rites would be for Metaneira's benefit alone, so she would be grateful to him. He asked Nicarete to come to the ceremony, bringing Metaneira along, so the girl could be initiated, and he promised that he himself would get her initiated. [22] When the women arrived, Lysias did not take them to his own house, since he was embarrassed to do so in front of his wife, Brachyllus'³⁴ daughter, who was

³⁰ Except for Stratola, who is not otherwise attested, women with these names were notorious courtesans several decades before this speech. Metaneira is reported to have been employed by the orator Isocrates.

³¹ As at 14, the speaker acts as if he will respond to the jury's wishes but in fact does not return to the subject.

³² Almost certainly the celebrated orator. The term "sophist" could be applied to people who received payment (or were thought to do so) for a wide range of intellectual activities (cf. Aes. 1.173, where Socrates is so designated).

³³ Initiation in the Eleusinian Mysteries was not restricted to Athenian citizens: any Greek speaker, male or female, slave or free, was eligible to participate in a ritual that evidently held out some hope for a better lot after death. For a general discussion of mystery religion, see Walter Burkert, *Ancient Mystery Cults* (Cambridge, MA, 1987).

³⁴ Nothing else is known about Brachyllus. For the consequences of less discreet arrangements, see And. 1.124–125 and 4.14–15.

also his niece, and his elderly mother, who lived there too. Instead, he put up Metaneira and Nicarete with Philostratus of the deme Colonus, a friend of his, still a young man.³⁵ This woman Neaera came along with them, already working as a prostitute though she was not fully grown.³⁶ [23] I call Philostratus himself as a witness that I am telling the truth when I say that Neaera belonged to Nicarete, went along with her, and worked as a prostitute for any man willing to pay.

[DEPOSITION] *Philostratus, son of Dionysius, of the deme Colonus, testifies that he knew that Neaera was the property of Nicarete, who also owned Metaneira, and that since their home was in Corinth, they stayed with him when they were in Athens for the Mysteries. Lysias, son of Cephalus, his good friend, put them up with him.*

[24] Well then, men of Athens, after this, Simus the Thessalian³⁷ came to Athens with Neaera to attend the Great Panathenaea.³⁸ Nicarete accompanied her, and they stayed with Ctesippus, son of Glaucoides, of the deme Cydantidae;³⁹ Neaera joined the large company of men eating and drinking, just as a *hetaira* does.⁴⁰ I will call witnesses to the truth of my statements. [25] Please call up Euphiletus, son of Simon, of the deme Aexone,⁴¹ and Aristomachus, son of Critodemus, of the deme Alopece.⁴²

[WITNESSES] *Euphiletus, son of Simon, of the deme Aexone, and Aristomachus, son of Critodemus, of the deme Alopece testify that they know that Simus the Thessalian came to Athens for the Great Panathenaea,*

³⁵He is known to have been from a rich family and active in politics.

³⁶This text is uncertain, but the implication seems to be that she was too young to be engaged in prostitution.

³⁷A member of the principal aristocratic family in Thessaly, Simus played an important role in the complex relations of his clan with Philip II of Macedon.

³⁸A festival held every four years, by far the most spectacular celebrated at Athens. The Panathenaic Procession is depicted in the Parthenon frieze, much of which is currently displayed in the British Museum.

³⁹Not known from other sources.

⁴⁰Respectable women were normally excluded from this sort of social contact with men to whom they were not related.

⁴¹He is known to have been a member of a rich Athenian family.

⁴²A rich man, active in Athenian politics. Cf. Dem. 58.35, Lys. 19.16.

and with him Nicarete and Neaera, the woman now on trial. Also, that they stayed with Ctesippus, son of Glauconides, and that Neaera drank with them, in the manner of a hetaira, and that many other men were present and participated in the drinking in Ctesippus' house.

[26] Afterwards, when she brazenly plied her trade in Corinth and became a celebrity, Neaera had other lovers, including Xenocleides the poet⁴³ and Hipparchus the actor;⁴⁴ these men paid to keep her as their mistress. As far as Xenocleides goes, I cannot provide his testimony that I am telling the truth, since the laws do not permit him to be a witness. [27] You see, when at Callistratus' urging you were rescuing the Spartans, Xenocleides spoke in the Assembly in opposition to giving them assistance.⁴⁵ He had bought the two-percent tax on grain in peacetime⁴⁶ and was required to take his payments to the Council building each prytany, and so was exempt under the laws from going out on that military expedition. But Stephanus here indicted him for not taking part and slandered him in his speech in the lawcourt. Xenocleides was convicted and disfranchised. [28] Now, don't you think this is scandalous, that this Stephanus has robbed men of their right to speak in public, men who are citizens by birth and have had a legitimate role in the city's affairs, while he thrusts men who are not part of the city into citizenship—in violation of all the laws? But I will call Hipparchus himself and force him, in accordance with the law, to testify or to swear he knows nothing of the business. If he does not come, I will subpoena him.⁴⁷ Please call Hipparchus.

⁴³He is also mentioned at Dem. 19.331.

⁴⁴An inscription attests that he was six times victorious in competitions as an actor.

⁴⁵Callistratus (see also 44 and Dem. 57.37) had been prominent in Athenian politics for nearly a decade at the time of these events. Though once an advocate of a vigorous anti-Sparta policy, by this time (369) he had come to view Thebes as the far greater threat.

⁴⁶Under this tax-farming arrangement, a man or group of men making the highest bid would be granted the exclusive right to collect the duty on all grain entering or leaving Attica. How well or poorly the tax-farmer would do would depend on the amount of grain subject to the duty as well as his efficiency in making collections.

⁴⁷A man who declined to testify or swear that he knew nothing was liable to a fine of one thousand drachmas. See Harrison 1968–1971, Vol. 2: 143.

[DEPOSITION] *Hipparchus of the deme Athmonon testifies that in Corinth he and Xenocleides hired Neaera, the woman now on trial, as a prostitute (hetaira), one of those who hire themselves out. Neaera would drink with him in Corinth and also with Xenocleides the poet.*

[29] After this, she had two lovers, Timanoridas the Corinthian and Eucrates from Leucas.⁴⁸ Since Nicarete was extravagant in her demands—she felt entitled to get all her daily household expenses out of these men—they paid thirty minas⁴⁹ to buy Neaera from her, in accordance with the city's laws, and make her, without qualification, their own slave. Then they kept her and used her for as long as they wanted. [30] But when they were about to marry, they told Neaera that since she had been their own mistress, they didn't want to see her working in Corinth or under the thumb of a brothel-keeper.⁵⁰ Instead, they would gladly get back less money than they had paid for her and also see her get something good out of it. Accordingly, they told her they would free her from slavery for one thousand drachmas less than the purchase price, five hundred for each man. They told her to find the other twenty minas and pay it to them. When Neaera heard what Eucrates and Timanoridas had to say, she called several of her ex-lovers to Corinth, in particular Phrynion of the deme Paeania, the son of Demon, and brother of Demochares.⁵¹ Phrynion lived a wild life and was a very big spender, as the older men among you will remember. [31] When Phrynion visited her, she told him what Eucrates and Timanoridas had said. She gave him the money she had collected from her other lovers as a contribution toward winning her freedom, together with whatever money she had put aside for herself; and she asked him to add in the rest needed to make up the twenty minas and pay it on her behalf to Eucrates and Timanoridas so she could be free. [32] Phrynion heard this with pleasure. He took the money contributed by her other lovers, added the remainder himself, then gave the twenty minas to Eucrates and Timanoridas for her freedom, on the

⁴⁸Nothing is known about these men from other sources.

⁴⁹An impressive sum, given the prices reported for other slaves, e.g., three, five, and six minas for craftsmen mentioned at Dem. 27.9.

⁵⁰Evidently the men regarded the arrangement as incompatible with the more settled life into which they were entering.

⁵¹From a rich family. He was Demosthenes' cousin.

condition she not work in Corinth. To attest the truth of what I am saying, I call as a witness a man who was there: please call Philagrus of the deme Melite.⁵²

[DEPOSITION] *Philagrus of the deme Melite testifies that he was present in Corinth when Phrynion, Demochares' brother, paid twenty minas to Timanoridas of Corinth and Eucrates of Leucas for Neaera, the woman now on trial; and that after he paid the money, he took Neaera with him to Athens.*

[33] Next, Phrynion came here to Athens, with Neaera. He carried on with her in an unruly and reckless way. He would take her along everywhere to eat and drink, and he was always partying with her. He would openly take his pleasure with her⁵³ whenever and wherever he wanted, showing off to onlookers just how loose he was with her. He visited many men for entertainment with the woman, including Chabrias of the deme Aexone, when he threw a party to celebrate his victory in the four-horse chariot race at the Pythian Games in the archon year of Socratides.⁵⁴ He had bought the team of horses from the sons of Mitys of Argos, and when he came back from Delphi, he gave a victory dinner in Colias.⁵⁵ There she got drunk, and many men were intimate with her while Phrynion slept—even Chabrias' slaves who were present to serve the refreshments. [34] As witnesses to the truth of what I am saying, I will provide men who were there and saw what happened. Please call up Chionides of the deme Xupete⁵⁶ and Euthetion of the deme Cydathenaeum.

⁵²Aside from this document, all that is known of Philagrus are the names of his father, one or two sons, and his wife.

⁵³The Greek can be understood as suggesting sexual intercourse.

⁵⁴Chabrias had by the time of this victory in 374/3 long since distinguished himself as a general, and his winning the chariot competition at these games indicates wealth and prestige. Questionable behavior on Chabrias' part, however, is suggested not only by this passage but also by Dem. 19.287, where his name is associated with various miscreants.

⁵⁵The party took place near, or just possibly in, a famous temple of Aphrodite.

⁵⁶There is some doubt whether the deme name is correctly transmitted in the manuscripts. Nothing else is known about Chionides or Euthetion.

[DEPOSITION] *Chionides of the deme Xupete and Euthetion of the deme Cydathenaeum testify that Chabrias invited them to dinner when he gave a party celebrating his victory in the chariot race, and they were entertained at Colias. They know that Phrynion was present at that dinner and had with him Neaera, the woman now on trial; that they themselves fell asleep, and also Phrynion and Neaera; and that they noticed, during the night, that men got up and went to Neaera, including some of the attendants, slaves of Chabrias.*

[35] Now, since she was badly mistreated by Phrynion, and not loved as she expected she would be, and since he did not do her bidding, Neaera gathered things from his house and as much clothing and jewelry as he had given her, and also two slave girls, Thratta and Cocaline, and escaped to Megara. This was in the year when Asteius was archon, when you were for the second time at war with the Spartans.⁵⁷

[36] She spent two years in Megara, the year of Asteius' archonship and the next year, when Alcisthenes was archon. Her work as a prostitute was not bringing in enough money for her to run her household, since she was a big spender, and the Megarians are cheap and fussy; also, there wasn't much foreign traffic because the Megarians had sided with Sparta, and you had control of the sea. Neaera could not return to Corinth, since the terms of her being set free by Eucrates and Timanoridas⁵⁸ prohibited her from working there.

[37] But when peace came, during the archonship of Phrasicleides⁵⁹ and the Spartans and the Thebans fought the Battle of Leuctra,⁶⁰ Stephanus went to Megara and established relations with Neaera as his mistress (*hetaira*) and had sex with her. She told him everything

⁵⁷In 373/2. Athenian relations with Sparta went sour in the aftermath of an unprovoked, unauthorized, and unsuccessful attack on Athens engineered by Sphodrias, a Spartan *harmost* (governor). To the horror of the Athenians, a Spartan court acquitted Sphodrias; subsequently, Athens allied herself with Thebes and inaugurated the Second Athenian Confederacy. The first war with Sparta is of course the conflict in the period 431–404.

⁵⁸See above, 32.

⁵⁹371/0.

⁶⁰In this battle, fought in Boeotian territory, Thebes dealt Sparta a decisive blow from which it never recovered.

that had happened, including how Phrynion had mistreated her, and she gave him what she had taken from Phrynion when she left him. She was eager to have her home here in Athens but was afraid because she had wronged Phrynion: he was angry with her, and she knew his violent and disrespectful manner. She made Stephanus her protector (*prostates*).⁶¹ [38] In Megara, Stephanus inflamed her emotions with his braggadocio, saying that Phrynion would be sorry if he touched her, that he would take her himself as his wife, that he would introduce the children she already had to the *phratries* as his own sons and make them citizens,⁶² that nobody would do her wrong. So he brought her from Megara to Athens, along with her three children, Proxenus, Ariston, and a daughter, whom they now call Phano. [39] And Stephanus set Neaera and the children up in a small house near the statue of the Whispering Hermes, between the houses of Dorotheus the Eleusinian and Cleinomachus.⁶³ That's the house that Spintharus just recently bought from him for seven minas. Seven minas, then, was the extent of Stephanus' wealth, and no more. He brought Neaera to Athens for two reasons, to get himself a good-looking mistress for free and to have her provide for daily expenses by her work as a prostitute and keep the house going. You see, he didn't have any other income, except for what he made as a *sykophant*.⁶⁴

[40] When Phrynion learned that she was at Athens, with Stephanus, he took along some young men, went to Stephanus' house, and tried to take her away. Stephanus took legal action asserting that she was free,⁶⁵ and Phrynion made him post bond with the Polemarch. I

⁶¹ The term, which literally means "one standing in front," might here carry a technical sense. If so, Neaera was entering Athens as a freed slave required to have an Athenian citizen acting as her official patron (*prostātēs*). The same requirement applied to resident aliens (*metics*). But the term might be used informally to mean merely that Stephanus was looking out for her interests.

⁶² See above, 57.23n.

⁶³ The statue and houses cannot be located, but Stephanus' neighbors are both men of some prominence. Dorotheus was rich enough to have served as a trierarch. For Cleinomachus, see Dem. 58.42.

⁶⁴ See 51.16n.

⁶⁵ The action is called *aphairesis eis eleutherian*, literally "taking away to freedom" (cf. Dem. 58.19–21). Stephanus would have had to take along men prepared to guarantee her appearance in court (see the deposition that follows).

will bring the man then serving as Polemarch to verify that I am telling the truth. Please call Aeetes of the deme Ceiriadae.⁶⁶

[DEPOSITION] *Aeetes of the deme Ceiriadae testifies that when he was Polemarch, Neaera, the woman now on trial, was required by Phrynion, brother of Demochares, to post bond; and the guarantors for her were Stephanus of the deme Eroadae, Glaucetes of the deme Cephisia, and Aristocrates of the deme Phalerum.*⁶⁷

[41] With Stephanus as her guarantor, Neaera lived with him and continued plying her trade no less than before. But now, exploiting the façade of living with a husband, she demanded higher fees from men who wanted to engage her. And together with Neaera, Stephanus would commit legal blackmail⁶⁸ on any rich foreigner he caught having sex with her, claiming that the man was a debaucher (*moichos*)⁶⁹ taken in the act. He would lock him in and demand money, lots of it—as you would expect. [42] Neither Stephanus nor Neaera had enough resources with which to meet their daily expenses. And their lifestyle was lavish, since there were the two of them to support and three young children whom she took along to live with him; also, three servants, two women and one man. The problem was aggravated by her having in the past learned to live luxuriously—at other people's expense. [43] And Stephanus was getting nothing worth mention from his participation in the city's affairs. He wasn't yet a public speaker, only a *sykophant*, one of those men who stand around the podium

⁶⁶No literary text or inscription mentions Aeetes, which is not surprising for an Athenian chosen for office by a random process and thus unlikely to have been part of the small group active in politics or subject to liturgies. Moreover, the spelling of his name is not certain. The Polemarch, one of the nine Archons, was involved because he had jurisdiction in matters involving metics.

⁶⁷Glaucetes and Aristocrates are known to be members of rich families.

⁶⁸Lit. "would act as a *sykophant*," i.e., he would bring a legal action, or at least threaten to do so, in the hope of being bought off by the victim.

⁶⁹*Moicheia* is usually translated "adultery," a word that in modern English refers to extramarital sexual activity of one or more married persons; here Stephanus' blackmail was based on the pretense that Neaera was his wife. But since *moicheia* is also used in this speech (64–71) for a situation in which the woman is not married, I prefer to translate it "illicit sex," and the person said to be guilty of "illicit sex," a "debaucher."

shouting, and is paid to indict people and brings *phasis* actions⁷⁰ and puts their names on other people's motions. Then he came under the thumb of Callistratus of the deme Aphidna.⁷¹ I will explain how and why⁷² when I show you that this woman Neaera is a foreigner, that she has done you great wrongs, and that she has profaned the gods. [44] Then you will know that on his own, Stephanus deserves a punishment no smaller than Neaera but actually far greater: far greater because he boasts that he is an Athenian, and still he has so much contempt for the laws and for you and for the gods that not even shame for his own crimes restrains him, but he maliciously pursues me and others in the courts. Stephanus has thus brought it about that he himself and this woman have been brought by Theomnestus into court on a very serious charge and caused us to probe into just who she is and expose his wickedness.

[45] Then Phrynion brought suit against Stephanus because he had taken Neaera away from him by asserting her freedom and because Stephanus had received property that she had carried off from his house. But some friends brought the two men together and talked them into letting them arbitrate the dispute. Satyrus of the deme Alopece, Lacedaemonius' brother,⁷³ served as an arbitrator representing Phrynion; representing Stephanus was Saurias of the deme Lamptrae.⁷⁴ They chose Diogeiton of the deme Acharnae⁷⁵ as the impartial arbitrator. [46] These men gathered in the temple and heard what happened from both men and from the woman herself. Then they gave their opinion. They granted her her freedom and control over her own affairs, but she was to return everything she had taken from Phrynion, except the clothes, jewelry, and serving women, which had been bought specifically for her. She was to stay with each man on alternate

⁷⁰Here the *phasis* is used for the formal denunciation of a man for possession of property belonging to the city (cf. note on Dem. 58.5n).

⁷¹See above, 27n.

⁷²In fact, Apollodorus says no more on the subject (cf. above, 14 and 20n).

⁷³Neither man is securely attested in other sources.

⁷⁴Known to be from a rich family.

⁷⁵His service as one of the Treasurers of Athena (attested by an inscription) means that Diogeiton at least officially belonged to the wealthiest property class (the *pentakosioimedimnoi*).

days, but if the men came to some other agreement with each other, that agreement would be valid. The man who had her on any given day was to provide for her needs, and from then on, the men were to be on friendly terms and not bear any grudge. [47] These, then, are the terms of reconciliation in the matter of Neaera decided on by the arbitrators for Phrynion and Stephanus. The clerk will read the deposition to show that I am telling the truth. Please call up Satyrus of the deme Alopece, Saurias of the deme Lamptrae, and Diogeiton of the deme Acharnae.

[DEPOSITION] *Satyrus of the deme Alopece, Saurias of the deme Lamptrae, and Diogeiton of the deme Acharnae testify that, serving as arbitrators, they reconciled Stephanus and Phrynion to each other in the matter of Neaera, the woman now on trial. The terms of the reconciliation are as Apollodorus presents them.*

[TERMS OF THE RECONCILIATION] *Phrynion and Stephanus have settled their quarrel on these terms. Each is to have and enjoy Neaera an equal number of days each month, unless they mutually agree to some other arrangement.*

[48] The reconciliation accomplished, the friends of the two sides left the scene of the arbitration, and something happened that I suppose is common in such matters, especially when a quarrel involves a *hetaira*. They went to dinner at each man's house when he had his turn with Neaera, and she ate and drank with them, just as a *hetaira* does. Please call those who were present as witnesses to the truth of what I am saying: Eubulus of the deme Probalinthus,⁷⁶ Diopieithes of the deme Melite,⁷⁷ and Cteson of the deme Cerameis.⁷⁸

[WITNESSES] *Eubulus of the deme Probalinthus, Diopieithes of the deme Melite, and Cteson of the deme Cerameis testify that when the reconciliation in the matter of Neaera had been arranged for Phrynion*

⁷⁶Eubulus was one of fourth-century Athens' most distinguished politicians. It is startling that he is testifying for Apollodorus, for some five to eight years before he was involved in litigation against him.

⁷⁷Known to have been a rich Athenian.

⁷⁸Cteson has not been securely identified from other documents, but he was probably a member of a wealthy Athenian family.

and Stephanus, they often ate and drank together, along with Neaera, the woman now on trial; sometimes they were at Stephanus' place, sometimes at Phrynion's.

[49] So far, I have shown in my speech and it has been confirmed by witnesses that she was from the start a slave, that she was sold twice, that she used her body working as a *hetaira*, that she escaped from Phrynion and went to Megara, and that when she came here she needed to post bond as a foreigner with the Polemarch. Now I want to show you that even Stephanus himself, this man here, gave testimony against her, saying she was a foreigner. [50] You see, Stephanus gave Neaera's daughter, the one she brought with her to Athens as a little girl, who was then called Strybele but is now called Phano, in marriage to an Athenian, Phrastor of the deme Aegilla,⁷⁹ together with a dowry of thirty minas—making her out to be his own daughter. But when the girl went to Phrastor, a conscientious workman, one who had assembled his wealth by living carefully, she didn't know how to fit in with his way of doing things; instead, she tried to follow her mother's character, including her wildness. I guess that was how she was brought up. [51] Anyway, Phrastor saw that she was not a respectable woman and was refusing to obey him. At the same time, he had learned for certain that she was not Stephanus' daughter, but Neaera's. At first when he agreed to marry the girl, he had been tricked into regarding her as Stephanus' daughter, not Neaera's, a daughter whom Stephanus had with an Athenian woman before he lived with Neaera. Phrastor was furious at this. Feeling insulted and duped, he threw the girl out of his house after she had lived with him about a year and was pregnant. He refused to give back her dowry. [52] Stephanus initiated a private suit at the Court at the Odeion⁸⁰ against him, demanding that he pay to

⁷⁹Otherwise not known.

⁸⁰This passage shows that at the time of the trial, there was a specific venue for specific sorts of litigation. The building where suits for financial support of wives dismissed by the husbands were heard was originally built as a concert hall ("Odeion" literally means a building for songs). Not long after, the system was altered to make the assignment of magistrates (together with the cases over which they presided) to the various sires one of several procedural steps decided by lot the morning of the trial (*Ath. Pol.* 66).

support the girl (*dikē sitou*⁸¹). Stephanus took this action in accordance with the law that if a man sends his wife away, he is to return the dowry; otherwise, he must pay interest on it at an annual rate of eighteen percent,⁸² and the woman's guardian (*kyrios*) can bring suit at the Odeion over the matter of her support. Phrastor initiated a public action (*graphē*⁸³) against Stephanus before the Thesmothetae, claiming, in accordance with the following law, that Stephanus had betrothed to him, an Athenian, the daughter of a foreign woman whom he presented as his own but was in fact the daughter of a foreign woman. Please read out the law.

[LAW] *If a man gives a foreign woman in marriage to an Athenian man, claiming that she is his own relative, he is to lose his citizen rights, his property is to be confiscated, and the man who brings a successful prosecution is to receive one-third of the property. The actions (graphai) are to be initiated before the Thesmothetae, just like actions claiming usurpation of citizen rights (graphai xenias).*

[53] I have had the law read out under which Phrastor indicted Stephanus before the Thesmothetae. Because he knew that he was in danger of being exposed for marrying off the daughter of a foreign woman and incurring the most extreme penalties, Stephanus came to terms with Phrastor, abandoned the dowry, and dropped his suit for the woman's support. Phrastor in turn dropped his action before the Thesmothetae. I will call Phrastor himself as a witness to the truth of what I'm saying and, as the law provides, compel him to testify. [54] Please call Phrastor of the deme Aegilia.

[DEPOSITION] *Phrastor of the deme Aegilia testifies that when he realized that Stephanus had given him in marriage the daughter of Neaera, as if she were his own daughter, he brought a graphē against him before the Thesmothetae in accordance with the law; that he ex-*

⁸¹Lit. "a (private) law case pertaining to grain or in a wider sense to food."

⁸²Lit. "at nine obols," i.e., nine obols per mina (600 obols) per month, amounting to 1.5% per month or 18% per year. This is a typical interest rate (it is assumed in the calculations at Dem. 36.38).

⁸³Phrastor's move represents an escalation, as a *graphē* was generally more serious than a *dikē*.

*pelled the woman from his house and did not continue to live with her; and that when Stephanus started a dikē for support of the woman in the Court at the Odeion, he and Stephanus came to an agreement with one another that provided that the graphē before the Thesmothetae be dropped and also the dikē for support initiated against me by Stephanus.*⁸⁴

[55] Now let me present some other testimony, both from Phrastor and his phratry members and clansmen (*gennetai*),⁸⁵ that Neaera here is a foreigner. Not long after Phrastor sent Neaera's daughter away, he got sick. His condition was very poor, and he had simply no way to help himself. He had, long before, quarreled with his relatives, and there was anger and hatred on both sides. Besides that, he had no children. With Phrastor in this condition, Neaera and her daughter worked on his emotions, exploiting his need to be cared for. [56] You see, they had gone to him when he was sick and had nobody to nurse him in his illness, and were taking him the right things and watching over him. I'm sure you all realize how useful a woman is when you're sick, being there when you're doing badly. Anyway, Phrastor was talked into taking back and adopting as his own son the little boy whom Neaera's daughter was carrying when she was expelled from his house, pregnant, because he had found out that she was Neaera's daughter, not Stephanus', and he was angry at being tricked. [57] Phrastor put two and two together, as anybody would, figuring that he was in bad shape and there was not much hope he would survive; and so, to keep his relatives from taking his property and so as not to die childless, he adopted the boy as his son and took him into his house.⁸⁶

He would *not* have done this if he had been in good health, as I will show you with clear and compelling evidence. [58] As soon as Phrastor recovered and had pretty well regained his strength, he married an Athenian woman in accordance with the laws—Diphilus' sister, the legitimate daughter of Satyrus of the deme Melite.⁸⁷ This should count as proof for you that Phrastor did not recognize the boy willingly. No,

⁸⁴The sudden switch from third to first person is one of several peculiarities in this document that have led scholars to question its authenticity.

⁸⁵See 57.23n.

⁸⁶These were common motives for adoption.

⁸⁷Not otherwise known.

he was forced by illness, by his not having other children, by his need to be taken care of by the women, and by his feud with his relatives, whom he wanted to keep from inheriting his property if something happened to him. And what happened next makes the point even better. [59] When Phrastor was sick, he took that boy, the son of Neaera's daughter, to the phratry and the Brytidae—that was Phrastor's clan⁸⁸—the clan members, I suppose, knew that the woman whom Phrastor had first married was Neaera's daughter, and how he sent her away, and that it was because of his illness that he was persuaded to take the boy back. And so, they voted against the boy and would not enroll him in the phratry. [60] When Phrastor brought a suit against them for not enrolling his son, the clan members challenged him to swear, before an arbitrator, over sacrificial offerings that he regarded the son as born to him from an Athenian woman (*astē*), legally married to him. When the clan members made this challenge before the arbitrator, Phrastor refused the oath and did not swear. [61] I will present as witnesses to the truth of my statements members of the clan Brytidae who were in attendance.

[WITNESSES] *Timostratus of the deme Hecale,*⁸⁹ *Xanthippus of the deme Eroadae, Evalces of the deme Phalerum,*⁹⁰ *Anytus of the deme Laciadae,*⁹¹ *Euphranor of the deme Aegilia,*⁹² *Nicippus of the deme Cephale*⁹³ *testify that they and Phrastor of the deme Aegilia are members of the clan called Brytidae; and that when Phrastor asked that his son be enrolled in the clan, since they knew for themselves that the boy's mother was Neaera's daughter, they prevented his enrolling the boy.*

[62] I will show you, very clearly, that even Neaera's closest friends have testified that she is a foreigner, both Stephanus, who now has her, and Phrastor, who took her daughter in marriage. Stephanus, for

⁸⁸ See 13 and 55, with notes.

⁸⁹ Not otherwise known.

⁹⁰ Not otherwise known, unless the manuscripts have misspelled his name and this man is identical with a certain Evalkos of the deme Phalerum whose name is on an inscription.

⁹¹ Not otherwise known.

⁹² An inscription records his service as an arbitrator.

⁹³ Known from inscriptions as a rich man.

his part was unwilling to go to trial in support of his daughter when he was charged by Phrastor before the Thesmothetae with giving him, an Athenian, the daughter of a foreign woman in marriage. Instead, Stephanus relinquished the dowry and would not take it back. [63] Phrastor, for his part, after he married Neaera's daughter, expelled her from his house on learning that she was not Stephanus' daughter and did not return the dowry. Later, when he was persuaded to adopt the boy—owing to his sickness, his childlessness, and his feud with his relatives—he brought him to his *genos*, but the *genos* voted to reject him, and when they challenged him to swear under oath, he refused; instead, he preferred to avoid perjury. Afterward, he married another woman, an Athenian (*astē*), in accordance with the law. These actions were performed in the open, and they give powerful testimony against Neaera and Stephanus that this woman Neaera is a foreigner.

[64] You should also observe Stephanus' shameful, wicked way of turning a profit. That's another way you can know that Neaera here is no Athenian (*astē*). You see, Stephanus plotted against Epainetus, a man from Andros.⁹⁴ Epainetus had been Neaera's lover and had spent a lot of money on her. Whenever he came to Athens he stayed with Neaera and Stephanus, since he was her friend. [65] Stephanus here plotted against Epainetus. He invited him to the country, supposedly for a sacrifice, and then seized Epainetus for illicit sex with Neaera's daughter.⁹⁵ This frightened Epainetus into settling with him for thirty minas.⁹⁶ Stephanus accepted as guarantors Aristomachus, who had served as a Thesmothes, and Nausiphilus⁹⁷ the son of Nausinicus, who had been Archon;⁹⁸ then he let Epainetus go on his promise to deliver the money. [66] After Epainetus left and was back in control of his person, he brought an action against Stephanus (*graphē*) for false

⁹⁴An island in the Aegean, very near Athens. Epainetus is not known from other documents.

⁹⁵This episode shows that the term *moicheia*, normally used in connection with a breach of a husband's rights (see 41n), could also be applied when the woman is not married.

⁹⁶Cf. the offer to settle at Lys. 1.25.

⁹⁷Neither man is known from any other document.

⁹⁸I.e., eponymous archon (in 378/7).

arrest (*adikōs heirchthenai*⁹⁹). This was under the law that provides that if a man falsely arrests someone on the claim that he is engaged in fornication, he is to be indicted before the *Thesmothetae* for illegal restraint; and if the complainant convicts the man for false arrest, and the verdict is that the complainant is the victim of criminal plotting, the complainant is immune, and the guarantors are released from their guarantee. But if it is decided that the complainant is a debaucher,¹⁰⁰ the law provides for the guarantors to hand him over to the man who arrested him, who can then, in a lawcourt, do to the debaucher whatever he wishes, provided he does not use a weapon.¹⁰¹

[67] It was in accord with this law, then, that Epainetus brought a *graphē* against Stephanus. Epainetus admitted having sex with Neaera's daughter but denied that he was a debaucher. He said that she was *not* Stephanus' daughter, but Neaera's. The mother knew her daughter was intimate with him, and he spent much money on the women, supporting the whole household when he was in town. Besides that, he cited a provision of the law that forbids seizing a man as a debaucher if the woman is set up in a brothel or is openly available as a prostitute. Epainetus said that Stephanus' house was a brothel, and prostitution was the business conducted there, and they profited handsomely from that business. [68] Those are the arguments Epainetus made in support of his *graphē*. Now, Stephanus knew that he would be exposed as a pimp and *sykophant*, so he offered to go to arbitration with Epainetus, using those very guarantors as arbitrators. The guarantors would be released from their commitment, and Epainetus would drop his *graphē*. [69] Epainetus was persuaded to accept these terms, and he abandoned the *graphē* he was pursuing against Stephanus. They had a meeting, with the guarantors sitting as arbitrators. Stephanus had no just claim to put forward but said he thought Epainetus should contribute to a dowry for Neaera's daughter. He said she was without means and mentioned the bad luck she had dealing with Phrastor and added that he had lost the dowry and could not provide another one. [70] "You've

⁹⁹ Lit. "for being unjustly restrained," i.e., for entrapment.

¹⁰⁰ In Greek, "one who commits *moicheia*."

¹⁰¹ Some sources (admittedly from the comic stage) speak of pushing a radish into the debaucher's anus.

enjoyed the woman," he said, "so it's right that you do something nice for her." And he added other cajoling arguments, the sort of thing a man says when he's in great trouble. After the arbitrators heard both sides, they brought the two men to an agreement. They persuaded Epainetus to contribute one thousand drachmas for the dowry of Neaera's daughter. I will call as witnesses to the truth of what I have said the guarantors, who also served as arbitrators.

[71] [WITNESSES] *Nausiphilus of the deme Cephale and Aristomachus of the deme Cephale testify that they were guarantors for Epainetus of Andros when Stephanus declared that he had seized Epainetus in an act of illicit sex. Subsequently, when Epainetus left Stephanus' house and resumed control of his person, he brought a graphē against Stephanus before the Thesmothetae, charging him with false arrest. Later, as arbitrators, they reconciled Epainetus and Stephanus. The terms of reconciliation are the ones presented by Apollodorus.*

[TERMS OF RECONCILIATION] *The arbitrators have reconciled Epainetus and Stephanus on the following terms: They are to bear no grudge in the matter of the arrest, and Epainetus is to give one thousand drachmas to Phano for her dowry, since he enjoyed her company many times. Stephanus is to make Phano available to Epainetus whenever he is in town and wishes to be with her.*

[72] This man Stephanus and this woman Neaera were so outrageous and lacking in decency that they had the brass not just to claim that she was an Athenian (*astē*)—this woman openly acknowledged to be a foreigner and with whom he had dared to seize a man on the pretext of performing illicit sex. No, they went further: they saw that Theogenes of the clan of the Coironidae¹⁰² had been appointed by lot to serve as Basileus.¹⁰³ He was well born but poor and inexperi-

¹⁰²The manuscripts assign Theogenes, who is otherwise unknown, the deme name Cothocidae, which is inconsistent with 84, where the demotic is Erchia. The translation follows the conjecture "Coironidae," a venerable family associated with the Eleusinian Mysteries.

¹⁰³One of the nine archons, referred to in Greek simply as "king," he mostly discharged religious duties (see *Ath. Pol.* 47.4 and 57 and the Series Introduction, p. xxii). For Greek civic religion in general, see L. B. Zaidman and P. S. Pantel, *Religion in the Ancient Greek City*, trans. by P. Cartledge (Cambridge, 1992).

enced. Stephanus stood by him when he was undergoing his evaluation (*dokimasia*¹⁰⁴) and helped him meet his expenses when he entered into his office. Then sneaking into Theogenes' affairs, Stephanus bought the office of Assessor (*paredros*¹⁰⁵) from him; finally he married that woman Phano, Neaera's daughter, to him, making out that she was his own daughter. That's how contemptuous he was of you and your laws.

[73] This woman performed the secret sacrifices on the city's behalf. She saw things that were not proper for her, as a foreigner, to see. A foreigner, she entered where no Athenian—and there are a great many Athenians—other than the wife of the Basileus has ever entered. She administered the oath to the elderly priestesses who tend to the sacred rites. She was given as bride to Dionysus. On the city's behalf she performed the many, secret ancestral rituals honoring the gods. If no one is allowed even to hear about these things, it is certainly a profanity if just any woman whatsoever does them, especially a woman like this, who has committed acts like *that*.

[74] I want to relate these things one-by-one from the beginning in greater detail so that you may give more care to the punishment and so that you realize that you will be voting not only for yourselves and the laws but also for the sake of piety toward the gods, when you take vengeance for acts of impiety and punish the wrong-doers.

Now, gentlemen of Athens, in olden times there was monarchy in the city, passed down through the generations and held by those who had primacy because they were autochthonous.¹⁰⁶ The Basileus performed all the sacrifices, and his wife performed the most solemn and secret, which made sense, since she was the Queen (Basilinna). [75] But when Theseus united the Athenians into a single city¹⁰⁷ and created

¹⁰⁴The procedure for examining a man's qualifications for public office. Aristotle (*Ath. Pol.* 55.2) speaks of the *dokimasia* of the archons, but he does not say what matters were considered.

¹⁰⁵The Archon, Polemarch, and King each had two *paredroi* to assist them.

¹⁰⁶Historians and orators often refer to the Athenian boast that, unlike others, their ancestors were not immigrants (e.g., Thuc. 6.2; Lys. 2.17; Isoc. 7.29; Dem. 60.4). Here the distinction is attributed only to the kings.

¹⁰⁷Like the claim of autochthony, Theseus' *synoikismos*, the political unification of Attica, is a prominent element in the legends of early Athenian history. It is less usual to credit him with founding the democracy.

the democracy, and the city's population grew larger, they continued as before to choose the King by voting, looking for manly excellence (*andragathia*) from a group of pre-selected candidates. And they made a law that he had to marry an Athenian woman (*astē*) who had not had sex with any other man but was a virgin. The object was that the Queen would perform the secret sacrifices in traditional fashion on the city's behalf and that the customary rites would be performed with due reverence for the gods with nothing left out or altered. [76] They had this law inscribed on a stone pillar, and they set it up alongside the altar in the Temple of Dionysus in the Marshes (*Limnae*). The actual pillar is still standing, even now, with its old Attic alphabet, the inscribed letters now faint.¹⁰⁸ With this law the democracy bears witness to its piety toward the god, and for future generations marks a sacred obligation that we should expect a woman to be like this if she is to be married to Dionysus and perform the sacred rites. For this reason they erected the pillar in the most ancient and august temple of Dionysus in the Marshes, to keep the general run of people from knowing what is written on it, for only once a year is the temple opened, on the twelfth day of the month *Anthesterion*.¹⁰⁹

[77] It is therefore right, gentlemen of Athens, that you give serious attention to these holy and sacred rituals, rituals that your ancestors so nobly and generously tended, and right that you punish those who wantonly dishonor your laws, shamelessly committing impiety against the gods. There are two reasons to do so: to make sure that the violators pay the penalty for their crimes and in order that the others take heed and be afraid to wrong the gods and the city.

[78] I want to call the Sacred Herald who attends the wife of the Basileus when she swears in the elderly priestesses in the ceremony at the baskets by the altar before they touch the sacred objects. This is so you may hear the oath and other things that are said—as much as it is legal to hear—and so you appreciate just how august, sacred, and ancient our observances are.

¹⁰⁸During the archonship of Eucleides (403/2) the city adopted and then consistently used a slightly different alphabet for official documents. The faintness of the letters might refer to actual erosion of the stone's surface or the flaking away of the paint (normally red) applied to the incisions.

¹⁰⁹Corresponding to late February and early March.

[OATH OF THE ELDERLY PRIESTESSES] ¹¹⁰ *I am pure, chaste, and without taint from things that are impure, including intercourse with men. I celebrate the Festival of the Wine God (theoinia) ¹¹¹ and the Bacchic rite (iobaccheia) ¹¹² honoring the god in accordance with the ancestral rule and at the appointed times.*

[79] You have heard the oath and our ancestral practices, to the extent that it is permitted to speak of them. And you have heard that the woman Stephanus gave in marriage, as his own daughter, to Theogenes, when he was serving as Basileus, performed these sacred rituals and swore in the elderly priestesses; also, you have heard that it is not allowed, even for the women themselves who observe the rites, to speak of these things to any other person. And now, let me present testimony to you that is illegal to quote, but that I can still put clearly and truly before you by means of the acts themselves. [80] You see, after these rites had been performed, the nine Archons went up to the Areopagus on the appointed days. The Council of the Areopagus, a worthy body especially in matters of state religion, ¹¹³ immediately conducted an inquiry into the identity of Theogenes' wife. They revealed her for who she was and took care for the sacred rites. They punished Theogenes to the extent they were empowered to do. The proceedings were confidential and orderly. They do not, after all, have the right to punish just any Athenian at their whim. [81] There was discussion, and the Council of the Areopagus was indignant and punished Theogenes for marrying such a woman and permitting her to perform the secret rituals for the city. But Theogenes, throwing himself at the Council's

¹¹⁰ Presumably this testimony was given in the standard fashion, i.e., the clerk would read it and the witness (here the herald) would assent to it.

¹¹¹ Our only source for this festival (Harpocration, first or second century AD) describes it as involving sacrifices to Dionysus performed by clans in each deme.

¹¹² The name apparently derives from the cry, "O Bacchus!" (cf. Euripides, *Bacchae* 528).

¹¹³ Besides exercising jurisdiction in homicide cases and a few other criminal matters, the Areopagus is known to have supervised certain sacred lands and sacred olive trees (see Lys. 7) and to have selected certain officials of the cult of the Eumenides. Its precise competence in other religious matters, including the fining of Theogenes, is controversial. For a broad treatment of this court, see Wallace 1989.

mercy and begging, asked them to relent. He said he did not know that she was Neaera's daughter but had been tricked by Stephanus into accepting her as his legitimate daughter, as defined by law. It was because of his inexperience and naïveté that he made Stephanus his assessor,¹¹⁴ because he thought he would manage that office as a loyal friend, and that was why he became related to him by marriage. [82] "I will show you," he said, "with clear and convincing proof that I am not lying. I will send the woman away, since she is Neaera's daughter, not Stephanus'. If I do that, then you should believe right away what I've told you, that I was tricked. If I do not send her away, then punish me on the spot as an evil man, guilty of impiety to the gods." [83] That was what Theogenes promised when he made his plea. The Council pitied him for his honest ways, and at the same time they thought that he really had been tricked by Stephanus, and so they relented. When Theogenes came down from the Areopagus, he immediately threw the daughter of this woman Neaera out of his house and expelled Stephanus, the man who had fooled him, from his board of assessors. And that is how it happened that the members of the Areopagus ended their trial, and were no longer angry with Theogenes, but instead forgave him because he had been tricked. [84] I now call Theogenes and require him to give testimony that what I say is true. Please call Theogenes of the deme Erchia.¹¹⁵

[DEPOSITION] *Theogenes of the deme Erchia testifies that when he was Basileus he married Phano, thinking she was the daughter of Stephanus; but when he found out that he had been tricked, he dismissed the woman and no longer lived with her. He also expelled Stephanus from his board of assessors and no longer allowed him to serve as his assessor.*

[85] Clerk, please take this law on these matters, and read it, so the jury will know that being the type of woman she was and having done the things she had done, Phano should have kept away not only from seeing these sacred things and performing any of the established, ancestral rites for the city, but also from seeing all other things of this sort in Athens. A woman with whom a debaucher (*moichos*) has been found is not permitted to attend any of the city's rites, which the laws allow

¹¹⁴See above, 72n.

¹¹⁵See above, 72n.

even foreign and slave women to attend as observers or suppliants. [86] The law forbids only those women with whom a debaucher has been taken from entering the city's rites. If they enter in contravention of the law, any man who wishes may with impunity do anything to them, short of killing them. The law grants any man the right to administer punishment for these offenses. The law provides that the woman cannot get legal redress for any treatment she suffers except for death, for this reason: that no pollution or impiety sully the sacred rituals. The law frightens women enough to keep them chaste and law-abiding, staying at home behaving properly. The law teaches them that if they commit this sort of crime, they will be expelled from their husband's home and from the city's sacred areas. [87] Once you have heard the law itself read out, you will know that this is so. Clerk, please take the text.

[LAW ON DEBAUCHERY] *When a man catches a debaucher with his wife, it is not permitted for him to continue to live with her. If he does live with her, he is to be disenfranchised. And it is not permitted for the woman with whom a debaucher has been taken to appear at the city's sacred rituals. If she does so, she may be made to suffer anything short of being killed, immunity being granted to the person who punishes her.*

[88] Next, gentlemen of Athens, I want to provide you testimony of the seriousness with which the Athenian *dēmos* regards these religious matters, and how much thoughtful care it has put into these things. You see, the Athenian *dēmos* holds the greatest authority in the city, and it may do whatever it wishes. It considered Athenian citizenship to be so fine and august a gift that it instituted laws for itself that must be followed if it wants to make someone a citizen. These are the laws that now lie in the mud, thanks to Stephanus and those who have married as he has. [89] Still, you will benefit from hearing about them, and you will know how the noblest and most august gift the city can bestow on its benefactors has been defiled. First, there is an established law that prohibits the Assembly (*dēmos*) from making anyone an Athenian citizen who is not worthy of it by virtue of his upright action on the city's behalf.¹¹⁶ Second, when the city is persuaded to give this

¹¹⁶"Upright action" normally took the form of lavish expenditure on public works or military equipment.

gift, it does not make the decree valid until, at the next meeting of the Assembly, it is approved by a secret vote of more than six thousand citizens.¹¹⁷ [90] The law requires the *Prytaneis*¹¹⁸ to place the ballot urns out for the Assembly before foreigners enter, and the barriers are lifted to make sure that each Assembly member think over entirely by himself whether the man up for citizenship is worthy to receive this gift. Then, the law provides that an indictment for an illegal proposal (*graphē paranomōn*¹¹⁹) can be instituted by any Athenian who wishes. He is allowed to go to court to expose a man as not worthy of the gift of citizenship and holding it in violation of the laws. [91] Already in some cases after the Assembly, hoodwinked by the speeches of the petitioners, granted citizenship, a *graphē paranomōn* was instituted: the man who had received the gift was exposed as unworthy, and the court stripped him of citizenship. Now, it would be a major project to go through the many cases from the past, but you all remember that the court canceled the citizenship given to Peitholas of Thessaly¹²⁰ and Apollonides of Olynthus.¹²¹ [92] These cases are not too ancient for

¹¹⁷The prosecution might be suspected of exaggerating the distinction involved in naturalization (see above, 2), but the gift was in fact rarely bestowed, and the process was in fact difficult to transact. "The double procedure was introduced in about 370, and between 368 and 322 we have knowledge of fifty grants of citizenship, to sixty-four foreigners; since the sources are fragmentary as usual, it may be conjectured that several hundred people obtained citizenship by naturalization in those forty-seven years, but that is no great number, and most of them were foreign princes and statesmen who had no intention of settling in Athens, so that their citizenship was in practice honorary" (Hansen 1999: 94).

¹¹⁸Fifty members of that tribe currently serving as a sort of executive committee of the Council of 500.

¹¹⁹See the Introduction to 58.

¹²⁰Son of Jason, the tyrant of Pherae who brought all of Thessaly under his control. Peitholas joined Athens in supporting Phocis in the Second Sacred War (a struggle for control of Delphi) that began in 355. This alliance was, presumably, behind the grant of citizenship. Evidently, there followed a breach between him and the city, or possibly an allegation of bribery (see Arist., *Rhetoric* 1410a) that precipitated the cancellation.

¹²¹Olynthus, the main city of Chalcidice, a peninsula in northeast Greece just below Macedonia, was first allied with Philip II, then with Athens (see Dem. 1–3). Apollonides led the faction opposed to Philip and was exiled from Olynthus. There

you to remember them. And although the laws on citizenship regulating how one becomes an Athenian are so excellently and effectively composed, there is another law of the greatest authority that has been enacted in addition to all the others. Such was the care the *dēmos* devoted on its own behalf and on behalf of the gods, to ensure that the sacrifices on the city's behalf are made in piety. The law explicitly forbids those made citizens by an act of the Athenian Assembly from holding any of the nine archonships or participating in any priesthood. The *dēmos* does, however, grant a share in all these privileges to the second generation, adding the qualification, "if they are born to a woman who is an Athenian (*astēr*) and legally married." [93] And I will show that this is true by strong, clear evidence. I want to go back to the beginning in telling you about this law, how it was established and with what sort of people, what upstanding and reliable friends of the *dēmos* it had in mind. From all this you will learn that the *dēmos*' gift, one reserved for the city's benefactors, has been besmirched, and what great benefits are being taken out of your hands by this man Stephanus and those who have married and had children in the same way.

[94] You see, gentlemen of Athens, the Plataeans were the only Greeks who came to your aid at Marathon when Datis, general of King Darius, left Eretria after bringing Euboea under his control.¹²² He entered Attica with a large force and was laying it waste. To this day a memorial, a painting in the Stoa Poikilē,¹²³ memorializes the Plataeans' manly virtue. They are the men in the Boeotian helmets, each one coming to help as fast as he can. [95] And again, when Xerxes marched against Greece and the rest of the Thebans took the Persian side, the Plataeans had the moral strength to remain your friends.¹²⁴

is no specific information on either the grant of citizenship to Apollonides or its later cancellation.

¹²²Events of 490. Marathon is in Attica; Eretria is in Euboea, the large island just off the east coast of Attica.

¹²³The "Painted Porch" on the north side of the Agora in Athens, famous for its fifth-century murals by prominent artists of the time.

¹²⁴Events of 480–479. These naval battles were fought in 480, the first off the northern end of Euboea, the second in the narrow strait between the island of Salamis and the coast of Attica. The Battle of Plataea, a Boeotian town near the border with Attica, took place in 479.

Alone among the Boeotians, they fought on the Greek side. Half of them, standing side-by-side with Leonidas¹²⁵ and the Spartans, fell in the Battle of Thermopylae. The other half embarked on your triremes, since they did not have their own ships, and fought with you at the battles of Artemisium and Salamis. [96] And at the final battle at Plataea against Mardonius, the Persian King's general, they fought alongside you and the other Greeks in the struggle for Greek liberation and won freedom for the other Greeks. Then Pausanias, the Spartan king, tried to insult you and was not content that the Greeks thought the Spartans alone worthy to be their leader.¹²⁶ Although Athens was truly freedom's champion for the Greeks, it did not compete with Sparta from fear that the allies would be jealous. [97] In these circumstances Pausanias, a king of Sparta, puffed up with pride, put the following inscription on the tripod in Delphi erected by the Greeks who fought together at Plataea and won the victory at sea in the Battle of Salamis. The tripod, a memorial of valor from the spoils of war taken from the barbarians, was dedicated to Apollo:

Commander of the Greeks, when he destroyed the army of the Persians,

Pausanias dedicated this monument to Phoebus Apollo.

The implication was that the deed and the dedication belonged to him, not to the allies working in common.

[98] The Greeks were angry, and at the Amphictyonic Council¹²⁷ the Plataeans, on behalf of the allies, instituted a suit against the Spartans for one thousand talents and forced them to chisel out the letters and inscribe instead the names of the cities that shared in the deed. This was the main reason the Spartans and their royal family began to hate the Plataeans. At the time, they had no way to attack the Plataeans,

¹²⁵One of the two Spartan kings at the time. Spartan kings were, above all, hereditary military leaders.

¹²⁶Although Apollodorus calls him "King," Pausanias was in fact serving as regent for his young cousin, King Pleistarchus. Apollodorus' account, although it clearly derives in the main from passages in the first three books of Thucydides' history, deviates from it at a number of points.

¹²⁷A council that administered the affairs of Delphi.

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for two years,¹³⁰ making many attempts to take the city by various means. [103] When the Plataeans were exhausted, and had no resources left and despaired of rescue, they divided themselves up by lot. One group stayed in the besieged city, but the others waited for a night with rain and strong wind, then escaped from the city, then scaled the enemy's siege walls without being detected, killed the men on watch, and against all expectations made their way safely here—though in a terrible state. Plataea was taken by force, and of those who had remained, all the adult men were slaughtered, and the women and children enslaved. But those who did not stay in the city when they realized the Spartans were attacking escaped to Athens.

[104] Now consider again how you gave a share in Athenian citizenship to men who so clearly demonstrated their goodwill toward our *dēmos*, giving up all that was theirs, even wives and children. The law will be clear to all from your decrees, and you will know that I am telling the truth. Clerk, please take this decree and read it to the jury.

[DECREE CONCERNING THE PLATAEANS] *Hippocrates made the motion.*

*The Plataeans are to be Athenian citizens from this day forward, with the rights enjoyed by the other Athenians, and they are to have a share of all that the Athenians share, sacred and secular, except for a priesthood or rite belonging to a clan and service as one of the nine Archons,¹³¹ though their descendants may do so. The Plataeans are to be distributed among the demes and tribes.¹³² Once the distribution takes place, it will not be permitted for any other Plataean to become an Athenian citizen, unless he obtains that right from the Athenian *dēmos*.*

[105] You see, gentlemen, how fine and just a decree the speaker proposed for the Athenian *dēmos*. He required, first, that the Plataeans take the gift only after undergoing the scrutiny (*dokimasia*), man by man, in court, to see whether each one was a Plataean and a friend of the city. This provision guarded against many getting citizenship by false claim. Second, the names of those who passed the scrutiny were

¹³⁰This translates an emendation of the manuscripts, which read "ten years," but some scholars believe that "ten" is correct.

¹³¹Cf. above, 16n.

¹³²Cf. above, 13 with n.

to be inscribed on a stone pillar to be erected on the Acropolis next to the temple of Athena, so that the gift of citizenship would be preserved for the Plataeans' descendants, and it would be possible for any individual to prove his relationship. [106] And the decree does not allow anyone to become an Athenian citizen later who did not become one at this time after scrutiny by the court. The purpose was to prevent a multitude from claiming to be Plataean and thereby concocting citizenship for themselves. Further, in the decree he prescribed the law for the Plataeans, in the interests of both the city and its gods, that effective immediately no Plataean could obtain any of the nine archonships nor any priesthood, though their descendants may, if born to a legally married Athenian woman (*astê*).

[107] Isn't it shocking? On the one hand, when it comes to our neighbors, men acknowledged to be the best of all the Greeks in their dealings with our city, you have legislated with such precise care the conditions under which each individual may enjoy the gift of citizenship; while on the other, you will allow this woman, a whore known to all Greece, to treat our city with disgrace and contempt and get away with profaning the gods, this woman who is not Athenian by her birth and not a citizen by act of the *dêmos*. [108] Is there a place she has *not* sold her body? Is there a place she has *not* gone to earn her daily living? She's been all over the Peloponnese, in Thessaly, and in Magnesia with Simus from Larissa¹³³ and Eurydamas the son of Medeius;¹³⁴ in Chios and in most of Ionia she followed Sotades from Crete around,¹³⁵ rented out by Nicarete, who still owned her. What do you suppose a woman will do when under the thumb of different men, traipsing after any man who pays her? Isn't she going to serve up every sort of pleasure to the men who use her? And *then*, will you vote citizenship for a woman of this character, notorious to all for making her living from three holes,¹³⁶ street-walking the world?

¹³³ See above, 24.

¹³⁴ A member of the same aristocratic family as Simus, he came to a lurid end alluded to by the poets Callimachus and Ovid. Eurydamas killed Simus' brother; Simus then killed him and dragged his corpse around his brother's tomb.

¹³⁵ Another prominent man, Sotades was a victor at the Olympic Games of 384.

¹³⁶ Hermogenes, a second-century AD writer on rhetoric, reports that the words "making her living from three (drilled) holes" appeared in some texts of this

[109] If someone asks you, just what fine deed will you say you have accomplished? What shame and impiety will not rightfully be blamed on you? Before she was indicted and came to trial and everybody learned her true identity and profane acts, the crimes were her doing, and the city was merely negligent. Some of you did not know. Others, when they looked into it, were furious and said so, but there was nothing they could do to her as long as no one brought her to court and gave you the chance to vote on her. But now that you all have the information and the power and authority to punish her, the impiety is *yours*, if you fail to punish her. [110] If you acquit this woman, what will each of you say when you return home to your wife or daughter or mother when they ask you, "Where were you?" You answer, "We were judging a case." The next question will be, "Who was on trial?" Of course you'll answer, "Neaera. The charge was that she is a foreigner who lived with an Athenian as married to him, in violation of the law, and that she gave her daughter, a corrupted woman,¹³⁷ to Theogenes when he became Basileus; and that she performed the secret, holy sacrifices for the city and was made the wife to Dionysus." And you will go through the rest of the accusations against her, recalling how memorably and carefully each of the charges was presented. [111] When they hear this, they will ask, "Well, what did you do?" And you will say, "We acquitted her." At once, the most upright of the women will be angry with you for having thought it proper that this woman share the city and its religion on an equal basis with them. As for the women with less sense, you will plainly be directing them to do whatever they want, since you and the laws have granted them immunity. You will seem to be reckless, lazy, and in sympathy with Neaera's way of life. [112] The result will be that it would be better for this trial not to have taken place at all than for you to acquit her, because in that case there will be complete license for whores to live with whomever they wish and to claim that their children were fathered by just anybody. As far

speech. They are not to be found in any surviving manuscript, and most scholars believe that the expression is too crude for Attic oratory. But since the entire passage passes the normal limits of decorum, Apollodorus probably did venture this gibe.

¹³⁷ The Greek suggests that she was irreversibly ruined by *moicheia* (see above, 41n).

as you are concerned, the laws will lose their force, and the lifestyle of *hetairai* will have the authority to bring about whatever those women want. Give a thought to the interest of our female citizens so that the daughters of poor men will not go unmarried. [113] As it is now, even if a girl is without resources, the law contributes a sufficient dowry if her looks are halfway presentable.¹³⁸ If you trample this law in the mud and invalidate it by acquitting Neaera, the business of prostitution will be the lot of the daughters of Athenian citizens who cannot be married off owing to poverty; while the *hetairai* will achieve the dignity of free women if they can with impunity have whatever children they want and share in the city's rituals, religion, and honors.

[114] So each one of you should think of himself as casting his vote in the interests of his wife, or daughter, or mother, or of the city and its laws and its religion. Your purpose is to keep the women in your care from being brought down to the same level of honor as this whore. You must keep women who are brought up in strict chastity and care by their family and given in marriage according to the laws from publicly attaining the same honor as a woman who has spent each day in obscene practices, over and over complying with each customer's desires.

[115] Do not suppose it is I, Apollodorus, who is speaking, nor the citizens who will speak to defend and support her, but imagine that the laws are actually in litigation with Neaera here over the things she has done. When you are hearing the prosecution, listen to the laws themselves, those laws that govern the city and that you have sworn to follow in your judgments. What do those laws require, and how have these people violated them? When you hear the defense, keep in mind the laws' accusations and the speakers' clear proofs. Observe her appearance and consider only this: being Neaera, did she do these things?¹³⁹

¹³⁸ It is not known whether Apollodorus is referring accurately to any real law. The qualifying final phrase perhaps hints at physical characteristics the society deemed outright deformity.

¹³⁹ The meaning of this instruction to the jury is obscure: perhaps Neaera, though a woman well into middle age, was still flaunting her beauty in a way the jurors might find shocking. Or perhaps, just because she strove for a look of decorous respectability, Apollodorus was inducing the jury to look past this disguise

[116] It is also worth considering this, gentlemen of Athens. You punished Archias, who had been the hierophant,¹⁴⁰ when he was shown in court to have committed an impiety by sacrificing in violation of our ancestral practices. There were many charges against him, but the main one was that at the Haloa¹⁴¹ on the altar in the Eleusinian court he sacrificed an animal brought to him by the *hetaira* Sinope,¹⁴² even though it was not legal to sacrifice animals that day, and the sacrifice was not for him to perform, but for the priestess. [117] Would this not be shocking? You punish a man of the Eumolpidae clan,¹⁴³ with ancestors of the highest quality, a citizen of Athens, because he appeared to have violated some element of the laws. The pleas of his relatives and his friends did not help, nor did the liturgies¹⁴⁴ that he or his ancestors had performed for the city, nor his ancestry, nor his position as hierophant. No, you punished him because you decided he had done something wrong. Will you then turn around and *not* punish this woman Neaera, guilty of impiety towards the same god and towards the laws—the woman herself and her daughter?

[118] I, for my part, am wondering what in the world they will say to you in their defense speech. Will they claim Neaera is an Athenian woman (*astē*) and that she lives with Stephanus in conformity with the laws? There has, however, been testimony that she is a *hetaira* and was Nicarete's slave. Will they claim that she is not his wife but is living

by remembering the lurid past associated with her name. Merely that her name is mentioned at all, perhaps aggravated by her presence in court (see the Introduction to this speech), may in the etiquette of the Athenian courts have marked her as a prostitute.

¹⁴⁰The priest who served the special function of exhibiting sacred objects during the rituals of the Eleusinian Mysteries. Archias is known to have taken sides in Theban civil strife, and this action was probably the motive for his political enemies to have instituted his prosecution for a religious offense.

¹⁴¹A fertility festival that took place in early winter. Men were excluded from at least part of the festival.

¹⁴²She is mentioned at Dem. 22.56.

¹⁴³One of the two great clans that supplied the main priests for the mystery cult at Eleusis.

¹⁴⁴Payments made by the richest men to support the city's military, religious, and cultural activities. See the Series Introduction, p. xxiii.

with him as a concubine (*pallakē*)? But Stephanus presented the boys to the phratry as sons of Neaera and gave her daughter in marriage to an Athenian, clearly demonstrating that he did keep her as his wife. [119] I do not think that either Stephanus himself or anyone speaking for him will show that the charges and testimony are not true and that Neaera is an Athenian (*astē*). I hear that he will present a defense going something like this: he did not keep her as a wife but as a *hetaira*, and the children were not hers but were his by another woman, an Athenian (*astē*), a relative of his, whom he will say he had married earlier.

[120] In response to the shamelessness of his speech, and the trickery of his defense, and of the witnesses he had coached, I issued a specific and just challenge, which would have made it possible for you to know the whole truth: he should hand over for torture¹⁴⁵ Thratta and Coccaline, the slave women who remained in Neaera's service when she came from Megara to Stephanus' house, and also the women she acquired later, when she was with Stephanus, Xennis and Drosis. [121] They have accurate information about Proxenus, who has died, and Ariston, who is still alive, and Antidorides the runner, and Phano—I mean the woman called Strybele, the one who lived with Theogenes when he was Basileus—all these are Neaera's children. And if the interrogation under torture showed that Stephanus married an Athenian woman, and the boys were born to another Athenian woman (*astē*), not to Neaera, I was willing to abandon the trial and not pursue this indictment. [122] "Living with a woman" means, after all, that a man has children with her and introduces his sons to the phratry and deme, and he gives his daughters away to be married, presenting them as his own. We have *hetairai* for the sake of pleasure, concubines (*pallakai*) for meeting our bodily needs day-by-day,¹⁴⁶ but wives for having legitimate children and to be trustworthy guardians of our household. So *if* he had married an Athenian woman (*astē*) before, and these sons were born to her, not to Neaera, he could have presented proof

¹⁴⁵For evidence taken under torture, see Dem. 52.22n.

¹⁴⁶This often-quoted statement must be taken in context: Apollodorus' intention is to distinguish sharply between wives and other women, and he therefore does not bother to distinguish clearly between the services provided by *hetairai* and *pallakai*.

coming from the most accurate testimony—by handing over these slave women for torture. [123] To prove that I issued a challenge, the clerk will read out the testimony and the challenge. Please read the testimony and then the challenge.

[DEPOSITION]¹⁴⁷ *Hippocrates the son of Hippocrates, of the deme Probalinthus,*¹⁴⁸ *Demosthenes son of Demosthenes, of the deme Paeania,*¹⁴⁹ *Diophanes son of Diophanes, of the deme Alopecce,*¹⁵⁰ *Deinomenes son of Archelaus, of the deme Cydathenaeum,*¹⁵¹ *Deinias son of Phormos, of the deme Cydantidae,*¹⁵² *and Lysimachus son of Lysippus, of the deme Aigilia*¹⁵³ *testify that they were present in the Agora when Apollodorus challenged Stephanus and demanded that he hand over his slave women for interrogation under torture concerning the charges Apollodorus has brought against Stephanus concerning Neaera. Stephanus refused to hand over the slave women. This is the challenge that Apollodorus made:*

[124] Read the very challenge, the one I presented to this man Stephanus.

¹⁴⁷Probably a trustworthy document, since it contains names of men not mentioned in the text but whose existence is recorded on inscriptions. The authenticity of documents found in the manuscripts is a matter of long-running controversy. Scholars have sought to identify documents that can be confirmed as genuine by external testimonia, often epigraphic, and distinguish that type from those documents that might have simply been composed from internal references long after the speech was written.

¹⁴⁸Not otherwise known.

¹⁴⁹The father's name and deme identification make it certain that this is the very Demosthenes to whom the manuscripts attribute the entire speech (see the Introduction). As with Eubulus (see above, 48 with note), we cannot confidently trace the shifting political alliances that brought it about that the orator who composed (and possibly delivered) a speech in defense of Phormio (36), with whom Apollodorus has been quarreling (see p. 13) appears to support Apollodorus.

¹⁵⁰A stone of the third century includes a man of this name in a list of ephebes; presumably he was a grandson of the man mentioned here.

¹⁵¹The manuscripts give "Diomenes," but most editors read Deinomenes in light of epigraphical evidence (which also demonstrates that the man was rich).

¹⁵²Again, epigraphical evidence indicates a spelling different from what is found in the manuscripts, i.e., Phormides.

¹⁵³Not otherwise known.

[CHALLENGE] ¹⁵⁴ *Apollodorus challenged Stephanus concerning the indictment he had brought against Neaera,* ¹⁵⁵ *charging that she is a foreign woman living with an Athenian (astos). Apollodorus is prepared to take Neaera's slave women for interrogation under torture, both those she brought with her from Megara, Thratta and Coccaline, and those she acquired later when living with Stephanus, Xennis and Drosis. These women have accurate knowledge concerning Neaera's children, that they are not Stephanus'.¹⁵⁶ They are Proxenus, now deceased, Ariston, who is still living, Antidorides the runner, and Phano. And if the slave women agree that these are Neaera's children, Neaera is to be sold in accordance with the laws, and her children are to be classified as foreign. If, however, they agreed that they are not Neaera's children but from another woman, an Athenian (astē), I was willing to abandon my case against Neaera; and if the women were injured in the torture, I was willing to pay compensation for the injuries.*

[125] This, gentlemen of the jury, was my challenge to Stephanus, which he refused to accept. Doesn't it seem to you that Stephanus himself has already delivered the verdict, finding Neaera guilty of the charges I have brought against her? And that I have told you the truth and have presented truthful testimony? And that everything he tells you will be a lie? And that he will convict himself of saying not one

¹⁵⁴The text presents several textual problems and puzzles (for more detailed discussions, see Carey 1992 and Kapparis 1999), but as with the deposition just before, details that cannot be derived from the text strongly suggest an authentic document.

¹⁵⁵A problematic statement, since Theomnestus makes out that he is the prosecutor and Apollodorus only a *synēgoros* (see 1 and 14). Perhaps Apollodorus is relating an action he initiated and then abandoned; more likely he regards himself as the *de facto* prosecutor. In the next two sections Apollodorus again speaks of himself as the principal. There is also a discrepancy between the third person used at the start of the challenge and the first person (except in one manuscript) near the close.

¹⁵⁶This translation follows the Oxford Classical Text, which follows the manuscripts in the order "Neaera's"/"Stephanus'" and adds "not." Other editors, thinking that the children's maternity is the real issue, switch the position of "Neaera's" and "Stephanus'." Others accept the manuscript reading whereby Neaera's children are also Stephanus': this is a stronger claim than is made earlier in the speech.

honest word?—all this by refusing to hand over for interrogation under torture the slave women I requested?

[126] Gentlemen of the jury, it was to avenge the gods against whom these people have committed impiety and to avenge myself that I have brought them to trial and subjected them to your vote. With the understanding that the gods, whom they have offended with their crimes, will observe how each of you will cast his ballot, you must vote for what is right and bring vengeance—in the first place for the gods and then for yourselves. If you do this, all will think that you have well and fairly tried this case that I have brought against Neaera, that she is a foreign woman who lives as though married to an Athenian (*astos*).