

‘DONATUS’ AND ATHENIAN PHRATRIES

My purpose in this paper is to reassert the traditional view that Athenian women of the classical period regularly had an association with phratries (and incidentally to clarify the nature of that association). As part (though not an essential part) of my argument I adduce an overlooked piece of evidence, a much discussed passage from the Donatus commentary on Terence; for this I provide a new interpretation.

There is some evidence that Athenian women were introduced to their fathers’ *phrateres* at birth, or to their husbands’ *phrateres* at marriage, or both. The speaker of Isaeus 3 repeatedly asserts (73, 75, 76, 79) that a certain Pyrrhus would have presented his daughter to his *phrateres* if she had been legitimate (which he denies). A scholium on Aristophanes, *Acharnians* 146 (= *Suda* s.v. *Apatouria*) may refer to such a practice. Euxitheus calls as witnesses of his mother’s citizenship *phrateres* for whom his father celebrated the wedding feast, the *gamelia*, on her behalf (Dem. 57.43, 69, Isaeus 3.79); celebration of the *gamelia* is regarded as proof of the legitimacy of the speaker’s mother at Isaeus 8.19. Neither Demosthenes nor Isaeus says that women were formally registered among the *phrateres* or even present at the feast; but notices in the lexicographers do connect the *gamelia* with registration among or introduction to the *phrateres* (Harpocration s.v. *gamelia*, *Suda* s.v. *gamelia*, *Etym. Magn.* 220.50 s.v. *gamelia*, Pollux 8.107, *Anec. Bekk.* 228.5, Schol. Dem. 57.43). Many scholars have accepted these passages as evidence for normal practice at Athens in the classical period.¹

However, in the course of a long article on the status of women at Athens, John Gould has recently argued that Athenian girls were introduced to their fathers’ *phrateres* only in exceptional circumstances.² Gould terms the evidence of ancient scholars ‘schematic and muddled’ (42),³ notes that speakers never call a woman’s

¹ So, for example, A. Ledl, *WS* 29 (1907), 214–24 (with the earlier scholars cited on 215–16), and G. Busolt–H. Swoboda, *Griechische Staatskunde*³ (Munich, 1920–6), 241 n. 2, 245, 960, 963, say that daughters and wives were both introduced to *phrateres*; U. Kahrstedt, *Staatsgebiet und Staatsangehörige in Athen* (Stuttgart, 1934), 237, C. Hignett, *A History of the Athenian Constitution* (Oxford, 1952), 56, and W. K. Lacey, *The Family in Classical Greece* (London, 1968), 107, 279 n. 51, accept the introduction of daughters; P. Schmitt, *Annales ESC* 32 (1977), 1059–73 discusses the significance of the introduction of wives.

² *JHS* 100 (1980), 40–2.

³ Gould’s presentation of one piece of ancient scholarship, Harpocration s.v. *gamelia*, is itself not altogether clear. Though he earlier implies (correctly) that this text is relevant to the introduction of wives to their husbands’ *phrateres* (41 n. 25), he later refers to it as a ‘puzzling passage’ of little value as evidence for the introduction of daughters (42). Nor is his discussion satisfactory. Harpocration cites two statements of the grammarian Didymus. In the first, from his commentary on Isaeus, Didymus said that the *gamelia* was given to the *phrateres* on the occasion of marriage and cited Phanodemus (*FGrH* 325 F 17) as his authority. In the second, from his commentary on Demosthenes, Didymus explicitly explained the *gamelia* as the introduction of women to the *phrateres*; the *Suda* apparently refers to this same statement. Harpocration comments on the first statement that Phanodemus wrote no such thing, on the second that Didymus offered no evidence. Gould concludes that Harpocration finds Didymus’ explanation ‘unacceptable’ (41 n. 25), but in fact Harpocration does not commit himself either way. Indeed, he seems more interested in Didymus’ use of Phanodemus than in the *gamelia* itself; cf. W. E. Thompson, *Hermes* 111 (1983), 121.

phrateres to testify to legitimacy or citizenship, and argues that Isaeus 3 refers to a special case, an *epikleros*.⁴ But his argument is not convincing.

The argument from silence is admittedly disquieting; Gould makes it more telling by demonstrating that in two speeches, Isaeus 8 and Demosthenes 57, speakers seek to prove their mothers' status with 'indirect and informal evidence', including the testimony of the *phrateres* of male family members, rather than by calling their mothers' *phrateres*, surely the most direct and convincing form of proof. Yet the failure to call *phrateres* in these cases need not mean that women were not normally presented to their fathers' *phrateres*, merely that *these* women had not been. It is quite possible that no Athenian citizen, male or female, had to belong to a phratry. *Ath. Pol.* 42.1 does not list membership in or presentation to a phratry as one of the prerequisites for citizenship;⁵ the reform of Cleisthenes may have involved replacing scrutiny by and admission to a phratry with scrutiny by and admission to a deme.⁶ Pericles' law of 451/0, which restricted Athenian citizenship to those born of two citizen parents, probably encouraged fathers to introduce their daughters. But if introduction was not compulsory, individual phratries may have had their own customs in this as in other areas (as Isaeus 3.76 suggests).⁷ And if the choice was left to each father, we would expect introduction to the *phrateres* to be less common for girls than for boys, notwithstanding its advantages. Of course, the failure to introduce a daughter (or a wife) might leave her status open to question; and it is precisely such women whom we would expect to find mentioned in court cases.

Gould thus gives the failure to call the women's *phrateres* in these two speeches a more general relevance than is necessary. Conversely, his insistence that Isaeus 3 is relevant only to women who become *epikleroi* is too restrictive. Nothing in the text requires us to assume that *epikleroi* make up a special case. And even if introduction to the *phrateres* did concern them particularly, the number of girls affected need not have been as small as Gould seems to think. We do not know how likely it was for an Athenian girl to become an *epikleros* (though a rough estimate indicates that something like one father in seven died with no natural sons surviving).⁸ More to the

⁴ Gould also suggests (42 n. 30) that Dem. 59. 122, where a father's introduction of sons to *phrateres* and demesmen is linked with his giving legitimate daughters in marriage, supports his view. This is to mistake the rhetorical nature of the passage, a justification for marrying and giving birth to legitimate children. The speaker wishes to cite occasions of equivalent paternal pride and community importance in a society in which male and female roles are very different. Mention of a daughter's introduction to *phrateres* would be quite out of place, almost bathetic.

⁵ A. R. W. Harrison, *The Law of Athens* (Oxford, 1968), i. 64.

⁶ P. J. Rhodes, *CQ* 28 (1978), 91. Rhodes says that 'it is generally accepted' that after Cleisthenes citizens need not belong to a phratry; cf. A. Andrewes, *The Greeks* (London, 1967), 84; Lacey (above n. 1) 94; M. J. Osborne, *ABSA* 67 (1972), 143; D. M. MacDowell, *The Law of Athens* (London, 1978), 70; Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford, 1981), 70, 76. D. Lotze, *Klio* 63 (1981), 173 n. 51, is non-committal.

⁷ Cf. Lacey (above n. 1) 96, Harrison (above n. 5) 89 n. 2, Lotze (above n. 6) 173 n. 51.

⁸ This estimate was made from A. J. Coale, P. Demeny, *Regional Model Life Tables and Stable Populations* (Princeton, N.J., 1966), South region table level 3 (male life expectancy at birth 24.65 years) with the following assumptions: male age at marriage 30, age at first birth 32, spacing between births 2.5 years, completed family size 6, no population growth. Given these assumptions, 14.5 per cent of fathers would die leaving no surviving natural sons. This figure would be lower if family size were larger or life expectancy greater, higher if family size were smaller or life expectancy lower. It represents a maximum figure for the number of families with *epikleroi*; in some families, no daughters would survive the father, in others, a son would be adopted as heir, and daughters would not be *epikleroi* if their father was survived by a son's son. I am grateful to Professor Ellen Gee, Simon Fraser University, for advice and instruction in making this calculation.

¹³ This text and its relevance to Athenian phratries was brought to my attention by Professor John N. Grant, University of Toronto.

Terence's play is based on the second *Adelphoi* of Menander, which was produced towards the end of the fourth century.¹⁴ Here, as in several other places in the play, Terence is said to have altered a detail. The Donatus commentary notes, *apud Menandrum Sostratae frater inducitur*. Different explanations have been offered for this note and the change it refers to. O. Rieth, who devoted a monograph to the relationship of Terence to Menander in this play, stresses that the change in Hegio's status from brother to a more distant kinship leaves Sostrata more alone and helpless, and so increases the pathos and tension of the situation.¹⁵ But K. Gaiser notes that there is no evidence of a special tie between Sostrata and Hegio elsewhere in Terence's play. In fact, Hegio is presented elsewhere as if he were connected with her husband Simulus (455–8, 493–8).¹⁶ And he argues that a fragment of Menander's play which refers to the difficulty a poor relation has in getting help (frag. 6 K.–T. = Stob. *Ecl.* 3.10.24) refers to Sostrata's plight and would be less relevant to it if she had a brother, who could hardly refuse his aid. Gaiser therefore concludes that there has indeed been a change to emphasise Sostrata's isolation, but that the Donatus commentary has made a mistake: in Menander, Hegio was Simulus' brother, not Sostrata's.¹⁷

Such an error is certainly possible. Donatus may not always have worked directly from the text of Menander, but from abridgements and plot summaries.¹⁸ Furthermore, what has come down to us under his name is not the work of the fourth-century scholar himself; it is a later abridgement, compiled from more than one source, '... miserable remains, repetitive, dull and incoherent in places...' ¹⁹ And there may be similar slips elsewhere in the commentary on the *Adelphoe*. At 2.2.1.2, we are told that Syrus' words at 209 may be addressed to Ctesipho, though Ctesipho does not appear on stage until 254.²⁰ At *praef.* 3.5.14, Wessner must supply a proper name to make sense of the manuscripts (*conciliationem* <*Sostratae, liberationem*> *Syri*); at 4.5.29.3 (on 663) Klotz corrected the manuscripts' *matrem* to *patrem*. But although it is easy to imagine a lapse on the part of Donatus or his editors, it is more difficult to see just what Terence could intend by the change envisioned in Gaiser's hypothesis. It does not in fact seem to make Sostrata significantly more isolated. Hegio is still presented as both a relative and an old and dear friend of her husband. Pamphila's position would be more affected. If Hegio was Simulus' brother (or any other near relative) in Menander's play, we would expect him to be her *kyrios*, and so better informed. He might even figure as her prospective husband, not merely as her protector. But there is no trace of this in Terence's play, in which a fictitious cousin from Miletus is invented for that very role (651–4).²¹ Might not Terence have removed such references throughout? In that case, however, it is odd that the Donatus commentary says nothing about such changes.

¹⁴ T. B. L. Webster, *An Introduction to Menander* (Manchester, 1974), 11, suggests 305 as a possible date.

¹⁵ O. Rieth, *Die Kunst Menanders in den 'Adelphen' des Terenz. Mit einem Nachwort herausgegeben von K. Gaiser* (Hildesheim, 1964), 72–7. Cf. K. Dziatzko–R. Kauer, *Terentius: Adelphoe*² (Leipzig, 1903), 16–17, R. Martin, *Terence: Adelphoe* (Cambridge, 1976), 158 *ad loc.*; F. Callier, *Latomus* 41 (1982), 519–20 (who adds that Terence wishes to portray Hegio as motivated by a distinctively Roman virtue, *fides*, not by family feeling alone).

¹⁶ Rieth, recognising this, says that Hegio may be distantly related to Simulus as well (ibid. 62).

¹⁷ *ibid.* 72 n. 109, 145.

¹⁸ S. Goldberg, *CW* 75 (1981), 103.

¹⁹ For the nature of the Donatus commentary and its textual tradition see J. E. G. Zetzel, *HSCP* 79 (1975), 335–54; M. D. Reeve, *Hermes* 106 (1978), 608–18, *CP* 74 (1979), 310–26. The quotation is from Zetzel, 340.

²⁰ See O. Rieth, *Gnomon* 10 (1934), 640–1.

²¹ So Rieth (above n. 15), 62.

A. Borgogno has recently sought to reconcile the Donatus commentary with the evidence Gaiser cites from Terence's play.²² He accepts the statement that Hegio was Sostrata's brother, and suggests, referring to a similar situation in Menander's *Aspis*, that Simulus was adopted into their family as a boy, raised with them, and then married to Sostrata when she came of age. He believes that Menander explained both his complex relationship and the *kyrios* Hegio's apparent lack of involvement with his sister and his niece in a lost prologue to the play. It was the lack of such an explanatory prologue, supposes Borgogno, which led Terence to simplify matters by changing Hegio's status from brother and *kyrios* to some more distant relation. But while the complex family constellation plays a part in the plot of the *Aspis*, it is hard to see what purpose such a complication could have had in the *Adelphoi*, where it would be just background information.

There are therefore difficulties in regarding Hegio as the brother of either Sostrata or Simulus in Menander's play, or indeed as any near relation. We may avoid these difficulties, provide a plausible motive for Terence's change, and still retain the transmitted text of the Donatus commentary, if we take *frater* as a transliteration of the Greek *φράτηρ*, and interpret the comment to mean that Hegio was Sostrata's *phrater*. Such transliterations of Greek words are very common in our manuscripts of the commentary; according to Wessner's text and apparatus, all manuscripts represent an original Greek term by a Latin transliteration in 35 places in the commentary on *Adelphoe* alone. That *frater* is an acceptable Latin transliteration for *φράτηρ* is shown by Varro, *LL* 5.85 (*fratria est Graecum vocabulum partis hominum, ut <Ne>apoli etiam nunc*), where *fratria* must represent Greek *φρητρία*.²³ The reason for the change now becomes evident. Terence can use *tribulis* to represent an original *phyletes* (439).²⁴ But no similarly convenient Latin equivalent is available for *phrater*. There is of course no difficulty in assuming that Hegio is both Sostrata's *phrater* and Simulus' old friend. Indeed, he may be the *phrater* of both, either because Sostrata and Simulus were each introduced to the same *phrateres* by their fathers – likely enough given the tendency of Athenians to marry near relations²⁵ – or because he was one of the *phrateres* to whom Sostrata was introduced by her husband at marriage.²⁶

Even if this explanation for the passage is accepted, it provides only second-hand testimony for the use of the word *phrater* in a late fourth-century comedy, rather than direct evidence on the institution of the phratry in the classical period. But evidence of any kind is hard to come by; even this is worth pressing. It may be used, with caution, to support two propositions. First, Athenian women were associated with phratries. Second, and more important, their ties with their *phrateres* were such that they could appeal to them for help in emergencies.²⁷

University of Winnipeg

MARK GOLDEN

²² *Prometheus* 2 (1976), 87–90.

²³ For *φρητρία* at Naples, see *IG* 14.759. Greek *φράτηρ* represents Latin *frater* in Palladas, *Anth. Pal.* 10. 44 (δόμνε φράτερ).

²⁴ Despite Rieth (above n. 15) 61, it is to *phyletes* and not *demotes* that the note in the scholia *Bembina ad loc.* (p. 92 Mountford) points.

²⁵ Examples and discussion: W. E. Thompson, 'The marriage of first cousins in Athenian society', *Phoenix* 21 (1967), 273–82.

²⁶ Note here that there is no reason to doubt that women could move from one phratry to another at marriage, just as men must often have done when adopted (as perhaps at *Isae*. 7.15–17).

²⁷ I am grateful to Susan G. Cole, John N. Grant, and Mac Wallace for commenting on drafts of this article.