

What Was Free about a Free Athenian Woman?*

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If all Athenians were equal, male Athenians were more equal—indeed, it has been denied¹ that women were Athenians at all. Sarah Pomeroy noted with amazement the great Rostovstzeff’s “utter blindness to women [that] led to such absurdities as his noticing only two unenfranchised classes in Greece: the resident aliens and the slaves.”² John Gould considered that “the juridical status of women in Athens is beautifully indicated by the single entry under ‘women’ in the index to Harrison’s *Law of Athens* I: it reads simply ‘women, disabilities’.”³ A student might get the impression that being a woman in Athens was very much like being a slave. After all, many think that even today a woman’s traditional role has much in common with slavery.

I do not think the women of Athens thought they were like slaves, and I am sure that the men did not think so, though only Aristotle says it in so many words.⁴ The distinction between free and slave crossed gender lines, and a free woman was not simply a privileged slave. I shall argue that a free Athenian woman was unlike a slave of either sex, then discuss what freedom meant to her, how Greek gender distinctions were conceived, and why a free Athenian woman, though subject to life-long domination by males, could still consider herself to be not partially free, but entirely free.

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¹By Loraux 111–43; for a thoughtful response see Patterson.

²Pomeroy xii.

³Gould 43.

⁴Φύσει μὲν οὖν διώρισται τὸ θῆλυ καὶ τὸ δοῦλον, Arist. *Pol.* 1252a.34–b.1; καὶ γὰρ γυναικὸς ἄρχει καὶ τέκνων, ὡς ἐλευθέρων μὲν ἀμφοῖν, οὐ τὸν αὐτὸν δὲ τρόπον τῆς ἀρχῆς, ἀλλὰ γυναικὸς μὲν πολιτικῶς, τέκνων δὲ βασιλικῶς, *ibid.* 1259a.40–b.1.

Three dichotomies

The oppositions of male and female, free and slave, were among the most basic parameters of the Greek mental universe. Thales or Socrates was thankful to fortune for three things: that he had been born a human being and not a beast, then a man and not a woman, and, third, a Greek and not a barbarian (D. L. 1.33).⁵ For Aristotle a household consisted of master and slave, husband and wife, father and children (*Pol.* 1253b.5–7). For Saint Paul there was in Christianity neither Jew nor Greek, neither free nor slave, neither male nor female (*Gal.* 3:28);⁶ elsewhere, we must understand, these oppositions held. Each has chosen his pairs somewhat differently, but in sum three dichotomies—free or slave, male or female, Greek or barbarian—described the world of humanity as the Greeks saw it.

The ideology of modern democracies is hostile to status distinctions: we have no legal category of slaves, and noble birth brings precious few prerogatives, if any. The difference between citizens of one country and another is sometimes seen as fortuitous, geographic in origin and changeable almost at will. Even economic and social class differences, which are so glaring as to be undeniable, are often treated as illegitimate or even accidental. Moderns tend therefore to be insensitive to qualitative differences of status, and to subsume them under a general dichotomy of dominant vs. subordinate, a dichotomy which ranges masters, men, and Greeks on one side against slaves, women, and barbarians on the other.⁷ All may tend to be treated linearly, as if being a woman was simply twenty per cent (or fifty, or eighty) of being a slave.

There are undoubtedly parallels between the status of Athenian women and that of slaves. More than that, the experience of a slaveholding society, in which the opposition of ruler and ruled was a fact of everyday life, may well

⁵As readers of social history will be aware, we rely, *faute de mieux*, on evidence that is anecdotal, contextually determined, and often second- or third-hand. I will not presume on the reader's patience so far as to justify explicitly the use made of each source.

⁶For Paul, as the word order shows, the Greek falls on the less favored side of the first pair.

⁷I do not mean here to take sides in the controversy over whether ancient society is best explained, as Finley 68 would have it, as "a spectrum of statuses and orders" or whether we must address economic class, as de Ste. Croix 91–96 claims, as the fundamental explanatory variable. I concern myself here with the difference between freedom (ἐλευθερία) and gender dominance. It is one of the virtues of de Ste. Croix's analysis that he recognizes the existence of different sorts of status divisions within the society, although as a Marxist he insists that all of them are secondary to economic class.

have affected Athenian concepts of gender as well.⁸ For all that, I think that the parallels mislead more than they explain. A free Greek woman was not likely to think of herself as being like a slave. Slavery, after all, was considered shameful and degrading, and it was no honor to be slave-like.⁹ Plato's Socrates considers a man with a slavish soul to be the unhappiest of men (*R.* 577b–78b); Xenophon's Socrates prides himself on being the freest of men (*Ap.* 16). Nor did one have to be a philosopher, or even a man, to harbor such opinions: Euripides' Polyxena says the same.¹⁰ The point bears noting, for the modern attitude is different. Whether from the tradition of the Jews, who were not ashamed to admit that they had once been slaves, or from the abolitionist heritage of the nineteenth century, moderns tend to sympathize with slaves, and if anything to consider *slaveholding* to be shameful. That was not the Greek attitude.

A free Athenian woman was not a slave, nor was she a barbarian. She could thank fortune for being on the right side of two out of the three dichotomies. She was undoubtedly subordinate to free Athenian men, but it is my intention to show that she was very far from being a slave, and that the difference was not one of quantity—fewer restrictions as against more restrictions—but one of quality. Gender differences were not simply a matter of limited freedom.

The free woman

A free person does not have a master (δεσπότης):¹¹ all the different ways in which freedom was acquired or lost can be summarized in this way. A person was free if he was born without a master, or had been born a slave and manumitted. He was a slave if he had been born so, or taken captive, or kidnapped. Whatever the reason, as long as he had a legal master, he was a slave, and as soon as he had none, he was free.

Not having a δεσπότης did not necessarily mean total independence. The first words of Aristophanes' *Plutus* (lines 1–7) are instructive:

⁸As is argued persuasively by Just.

⁹It was shameful for a man to be womanish, but not for a woman; to be a slave was shameful even for the slave himself. For a woman to think or act like a man was preternatural, either monstrous (like Aeschylus' Clytemnestra) or glorious (like Sophocles' Antigone).

¹⁰E. *Hec.* 551–52, quoted below, p. 9.

¹¹Arist. *Rh.* 1367a.33: "It is characteristic of a free person that he does not live for some one else."

Zeus and the gods, what a troublesome thing it is
 to be the slave of a demented master (δεσπότης)!
 For even if a servant should happen to give the best advice,
 if his owner doesn't decide to *do* it,
 the servant has to share his misfortunes.
 For the divinity¹² does not let the κύριος,
 but rather the buyer (τὸ ἐωνημένον), control the servant's body.

The slave who speaks these lines is a man, and were he free, he would be his own κύριος, but that is apparently beside the point. The difference between freedom and slavery is that a κύριος controls the free man, a buyer the slave. Van Leeuwen (*ad loc.*) glossed the term κύριος here as “the one whom nature herself has made a master,” and he seems, as usual, to have understood Aristophanes' intention.

A free woman certainly had no δεσπότης,¹³ though she always had a κύριος. But here our terminology fails us, for the word κύριος is itself often translated as “master.”¹⁴ The Greeks knew the difference; in the classical period, at least, they never called a δεσπότης a κύριος, or vice versa.¹⁵ Herodotus' slaves have δέσποται, not κύριοι; the oriental despots are all δέσποται. Aristophanes' slaves call their master δέσποτα, never κύριε; κύριος is used, properly, for the head of a household.¹⁶

¹² Even when complaining, the slave (at least as imagined by a master) does not blame his condition on society or on the law, but on ὁ δαίμων. It took an Aristotle (*Pol.* 1253b.33–1254a.1) to conceive of conditions (unreal to him) that would permit a society without slaves.

¹³ Though she might in anger speak as though she did: see below, n. 23.

¹⁴ This was the suggestion of Wolff 46–47 n. 22. I do not find the expression “my lord and master,” which Wolff cited in support, very helpful: the everyday term κύριος had nothing of the self-sacrifice that the Victorian phrase could have when used sincerely, nor anything of the sting that it could have when used, as often, ironically.

¹⁵ The translators of the Septuagint, on the other hand, regularly use the term κύριος to translate the Hebrew *adon*, even for the master of a slave, such as *Gen.* 24:9–10, 39:2. The term δεσπότης occurs only twice in the five books of Moses, both times together with κύριε where two consecutive divine names must be rendered (*Gen.* 15:2, 8). Symmachus and Aquila seem to have followed the *LXX* on this point. For Hebrew *ba'al*, the translators prefer to avoid either term when referring to a husband (*Gen.* 20:3, *Exod.* 21:3, 22; cf. *Hos.* 2:19–20, where the translator, sensitive to a double allusion in the Hebrew, simply transliterates the Hebrew term) or to “the people of” a city (*Josh.* 24:11, *Judg.* 9:2). For *ba'al ha-bayit*, “master of the household,” they used κύριος (*Exod.* 22:7, *Judg.* 19:22–23, and in the feminine, *1 Kings* 17:17). This is the closest equivalent to the classical use of κύριος. In the Hebrew papyri from the Judaean desert, *adon* is used of a woman's κύριος: Yadin 246–47.

¹⁶ *Eq.* 969 and *Ra.* 1168; in *Ec.* 1024–25 the men are no longer κύριοι for more than a *medimnus* (see below, p. 181). For the way in which a woman could be called a κυρία see

Athens was made up of households—οἶκοι. Of each household, at least in theory, a man was κύριος. He was κύριος of the land, of the house, of his wife, of his children, and for that matter of his parents, if they could not take care of themselves, or his maiden sister, even if she could. If we look at status on a one-dimensional scale we shall have to define him as “a master less powerful than a δεσπότης” or some such, and those under his authority as “subordinates with more independence than a slave.” This is, in a sense, true;¹⁷ but its extreme simplicity hides more than it describes.

A slave, from the master’s viewpoint, existed to serve the master; the free person did not exist to serve anyone. The rights of the κύριος were thus not simply those of a δεσπότης with restrictions added; they expressed a different relationship. A man was expected to educate his sons, and to marry off his daughters and provide them with a dowry. It was presumed that affection bound husband and wife together.¹⁸ None of these presumptions characterized the relationship between master and slave.

Of course a κύριος did not always have his wife’s interests or his children’s in mind. Presumably the household as a whole took precedence, and that will often have meant his own interests. But being under the charge of a father, husband, brother, or son, who was expected, for reasons that were considered natural and human, to have your interests at least somewhat in view, was still very different from being the “animate instrument” of a master. In fact, where the Athenians could see that the interests of a κύριος conflicted with those of the person under his care, special laws protected the subordinate: penalties for abuse of orphans and *epikleroi*, a law forcing the next-of-kin of a poor *epikleros* either to marry her or to dower her and another enjoining her

Schaps 1979: 14–16, 55–56. Foxhall 1989 pays me the compliment of disagreeing with me by name, but in fact the opinions she expresses seem to me very close to what I thought I had written myself. The reader may judge.

¹⁷Whether the difference between an οικονόμος and a δεσπότης was qualitative or quantitative was already a point of contention between Plato (*Plt.* 258e–59c) and Aristotle (*Pol.* 1252a.7–16, cf. 1255b.16–40). Plato, however, was speaking of the quality necessary for performing the function well, not of the nature of the relationship.

¹⁸Odysseus longed to see his wife, τῆς τ’ αἰὲν ἐέλδαι ἡματα πάντα, Hom. *Od.* 5.210 (though he continued to sleep with Calypso, *ibid.* 154–55). In Hdt. 3.119, a brother is ἥσσοις κεχαρισμένος τοῦ ἀνδρός. In E. *Alc.*, Admetus grieves for his wife in extravagant terms—all the more revealing if insincere (and hence what people expected to hear). Aeschylus’ Greeks (*Pers.* 404–5) went into battle to free their children, wives, seats of their fathers’ gods, and their ancestors’ graves; cf. Th. 7.69. Examples could be multiplied, without having to mention the starry-eyed lovers of New Comedy. See further Lefkowitz.

husband to sleep with her, a law requiring a person to provide a home and regular food for his parents on pain of loss of his civic rights. A married woman could appear before the eponymous archon and announce that she was dissolving her marriage. For a slave to announce that he was leaving his master was not only impossible, but unthinkable.

The rights of the κύριος did limit a woman's freedom of action. She could not, in most places, transact business without the agreement of her κύριος; in Athens she probably could, but only for small amounts, beyond which her κύριος could probably act alone. He represented her in court; only in exceptional cases, where her κύριος was likely to be on the other side, could she be represented by ὁ βουλόμενος, anyone who pleased. Most importantly, it was her κύριος who chose her husband. This was a fateful decision for a woman, and she did not make it herself.¹⁹

Still, court cases and major purchases were not a major part of her daily life. What she did all day was spin, raise her children, and manage her household, and the difference between her position and that of her maids was as stark as can be. Plutarch tells of a Spartan woman who was taken captive and sold. "What do you know how to do?" asked a prospective buyer. "To run a house well" was her answer (*Mor.* 242c). This was the profession of a free woman. The answer, whether or not it was ever given,²⁰ merited retelling because it was insolent—that is to say, an answer not befitting a slave. Plutarch next tells of another Spartan, asked in the same situation what she knew how to do. "To be free," she said (*ibid.* 242d). The two answers were similar.

First, then, freedom was a status: a free woman was not, certainly, entirely mistress of herself—no woman was—but she was not there simply to serve another. Her goal in life was to be a wife and mother, the mistress of the house and not its servant.²¹ I am not inclined to make light of this distinction.²² Others

¹⁹Of course this was a more straightforward matter for a young girl with a father than for a wealthy widow represented by a son or nephew: although the reconstructions of the cases discussed in Foxhall 1996 are fanciful (which is not to say impossible or implausible: see Hunter 1989), her point is surely correct. Even the father of a young girl would normally have her interests in mind; consult Schaps 1979: 93.

²⁰Or given by a Spartan: Plutarch or his source may have presumed, or asserted, that a laconic answer was Laconian, and there is nothing particularly Spartan about the attitude expressed.

²¹Except insofar as being a master or a mistress always obligates a person; as an unknown character in Menander ruefully states, Εἷς ἔστι δούλος οἰκίας, ὁ δεσπότης (*Mon.* 241). No real slave would be very impressed by the poor master's "slavery."

with a more cynical view of the family may consider it an illusion. For them, the difference between working for one's husband and children and working for a δεσπότης is just a difference in masters.²³ We shall have to describe more closely what it was that characterized a free woman.

A free woman cannot be sold, if she remains free; the sale of a slave is a normal part of his life. Slaves changed hands as easily as any other commodity, and regular markets were held for their sale.²⁴ Even slaves born into the family were routinely sent with a daughter to her new husband's household. The Athenians presumed that a nurse would be as loyal to her young mistress as to her own child, and that is the way tragic nurses are portrayed.²⁵ We cannot know whether a real slave's attachment to her mistress outweighed the pain of separation from her husband and possibly her own children, who, if not included in the dowry, remained the property of her former master. A free Athenian woman may not have had the right to choose her husband, but she could expect to remain married to him as long as she bore him children and the two of them remained satisfied with each other;²⁶ and if she left him, she had a home to go back to. A slave, although she might indeed marry another slave,²⁷ had no such expectation and no such refuge.

²²New Comedy takes it for granted that every slave wants to be free, and Habrotonon at *Men. Epit.* 548 expresses herself very warmly on the point. Real slaves were willing to undergo considerable dangers to escape, whether by flight like those (Th. 7.27.5 says twenty thousand, an unverifiable figure) who fled from the Athenians to the Spartans at Decelea or by extremes of loyalty, like those who fought for Athens at Arginusae.

²³This was the way Medea claimed to see the situation (*E. Med.* 232–34): even worse than a slave, a woman had to spend money to buy herself a δεσπότης.

²⁴On the sale of slaves in general see Garlan 53–55.

²⁵Medea's nurse wishes that the Argo had never sailed, but not because of her own troubles (*ibid.* 1ff.). Phaedra's nurse says she should not love Phaedra as incurably as she does (*E. Hipp.* 250–66), and cannot imagine a greater sorrow than not having Phaedra (*ibid.* 328).

²⁶It has generally been thought that at least under certain circumstances her former *kyrios* was able to dissolve the marriage, a claim put forward forcefully by Lewis. Rosivach now suggests that the right of the *kyrios* was not legal, but practical: her father could exercise considerable moral authority over her to leave, and could prevent her leaving by refusing to take her back. (Cohn-Haft 5–8 is unconvinced.) If she became an *epikleros* she could be claimed by her next-of-kin, at least if no children had been born; see Schaps 1979: 28–29 and 143 n. 33. The restriction to the childless case is best explained by MacDowell 96: children would be heirs, and their mother not an *epikleros*. Between the explanations of MacDowell and Rosivach, we may no longer need Wolff's theory that among the Athenians marriage was considered provisional until the birth of children (53), an idea of which no Greek source betrays any inkling.

²⁷Unlike the legal situation in Rome: Plaut. *Cas.* 67–78.

Freedom was not an entirely secure status. Kidnapping, though punishable by death at Athens²⁸ and elsewhere,²⁹ was a danger to individuals, and war could enslave entire populations. Even in peacetime a free person could be sold as a punishment for various offenses, and the list, though not long,³⁰ was longer for the non-citizen free population than for the Athenians.³¹ Prostitution was, and is, a form of slavery, and the law recognized that it might be practiced by free women.³² None of these matches the chronic insecurity of the slave. One speaker claims to know of a prosecution brought against a brother for the sale of his sister, and although the passage is so overblown that we cannot know what, if anything, actually happened, it does at least indicate that such a sale would not be legal.³³ In other cities the law may have been less particular;³⁴ but even there the sale of a daughter or sister is not likely to have been an everyday matter.³⁵

A free woman could not be detained, either. “Have you people gone crazy, by the gods?” asks one Menandrian slave of another. “Do you dare to lock up and hold a free woman by force against the will of her κύριος?” (*Pk.* 375–77 Sandbach). Although it was also illegal to lock up and hold somebody else’s slave—that, after all, would be robbery—in some cases it could be done. A slave could be seized for a debt, and might be demanded for torture. A comedy is not a legal text, and this one takes place in Corinth, whose laws might have been (or might have been supposed to be) different from those of Athens.³⁶ But it would

²⁸X. *Ap.* 25, *Mem.* 1.2.62, cf. D. 4.47. A slave, too, could be kidnapped, and the death penalty applied in this case as well: Lycurg. *fr.* 62 Blass (= Harp. s. v. ἀνδραποδιστής).

²⁹Lys. 13.67, apparently at Corinth.

³⁰Longer, however, for women than for men: cf. Plut. *Sol.* 23.2. In [D.] 59.16, on the other hand, a male foreigner who marries an Athenian is enslaved just as a woman would be.

³¹Garlan 46, who adds that a foreigner might even be enslaved for reasons of external politics.

³²See below, n. 66.

³³[D.] 25.55. The speaker does not bring any witnesses. Cf. Pl. *Lg.* 879a and 955a for some interestingly broad interpretations of what might be called kidnapping.

³⁴Nicarete, in Corinth, claimed to be selling her daughters (below, n. 66), but this was a case of prostitution. The Megarian of Ar. *Ach.* 729–835 cannot, of course, be taken as positive or negative evidence: on the one hand, the more outrageous the idea of selling one’s daughters the funnier the farce, and the more impressive the Megarian’s distress, but on the other, there is plenty of farce in the scene even if the sale itself were perfectly legal.

³⁵A baby exposed by her parents might be enslaved, but that was a danger that every free woman or girl past infancy had passed safely. Ael. *VH* 2.7 mentions a Theban law ὀρθῶς ἄμα καὶ φιλανθρώπως κείμενος that forbade exposure but permitted sale of a newborn because of poverty. The sale required explicit state approval of the particular case. We have no idea of when this law may have obtained, nor who Aelian’s source might be.

³⁶Glycera is not known to be a citizen, though she will be before the play is over. Harrison II: 241–42 was uncertain whether non-citizens were protected against arbitrary detention: [D.]

seem that a free woman could expect to be free to go where she pleased—or more correctly, where her κύριος pleased. Greek men did think that women should stay at home, and enforced that ideal in various ways, with various levels of success.³⁷ Still, being kept at home is different from arbitrary seizure.

Wife-beating is not something the Greeks wrote about. Whether they considered it totally unacceptable or totally unremarkable,³⁸ Greek comedies were at any rate no Punch and Judy shows, in which husbands beat up on their wives and the audience laughs. *Lysistrata* does say that when she went beyond asking leading questions and criticized her husband to his face, he warned her that if she didn't spin her warp she would bawl her head off.³⁹ Pessimists will note that he threatened to hit her, optimists that he did not do so. Even a free male child might be struck,⁴⁰ and a woman was legally in no better position: but nobody but her κύριος could lay a hand on her nor, apparently, threaten to do so.⁴¹ In Euripides' *Hecuba* Polyxena insists that the heralds not compel her physically: "Let nobody touch my skin," says she, "for I will offer my neck quite willingly; but by the gods, set me free and kill me, so that I may die a free woman. For I am a queen, and would be ashamed to be called a slave among the dead" (548–52). Demosthenes considers freedom from corporal punishment to be the greatest distinction between a free person and a slave.⁴² A slave's body

59.66 indicates that they were, but *IG II*².32.9–14 raised doubts in his mind. But the relevant lines of the inscription are very fragmentary, and not a reliable legal source.

³⁷For parallels that show the difference between this and house arrest, see D. Cohen 1989.

³⁸Perhaps wife-beating carried with it such censure that both parties would normally hide it. This suggestion has no more evidence to support it than the other two possibilities.

³⁹*Ar. Lys.* 520, with Henderson's note *ad loc.*

⁴⁰Pheidippides in Aristophanes' *Clouds* argues that it is all right for him to beat his father: πῶς γὰρ τὸ μὲν σὸν σῶμα χρὴ πληγῶν ἀθῶον εἶναι, / τοῦμόν δὲ μή; καὶ μὴν ἔφυν ἐλεύθερός γε ἀγῶ (1413–14). This is sophistry, but it presupposes that a father's right (and responsibility) to strike his child was an exception to a general rule that free people should not be struck.

⁴¹See *Men. Sam.* 576–78:

(Νι.) πρότερος ἄπτει μου σὺ νυνί: ταῦτ' ἐγὼ μαρτύρομαι.
 (Δη.) σὺ δ' ἐπ' ἐλευθέραν γυναῖκα λαμβάνεις βακτηρίαν
 καὶ διώκεις.
 (Νι.) συκοφαντεῖς.
 (Δη.) καὶ σὺ γάρ.

⁴²*D.* 22.55, 24.167. There were exceptions to this, as the latter passage admits (τοῖς δ' ἐλευθέροις ὕστατον τοῦτο προσήκει κολάζειν). See Hunter 1994: ch. 6 and 173–76.

could be touched at will,⁴³ and there was no limit to what it might have to suffer.⁴⁴ He could be demanded to give evidence—but only under torture.⁴⁵ How far the torture might go is shown clearly enough by Pantaenetus' challenge: "He read me a long challenge, demanding that a slave who, he said, knew all about it should be tortured, and if these things were true, I would owe him the maximum penalty, but if they were false, the torturer Mnesicles would appraise the boy's cost" (D. 37.40).⁴⁶ No free woman had to fear this nightmare. Beatings, and particularly whippings, were the fate of the slave; in a story very revealing of the masters' mentality, Herodotus 4.3–4 tells of the sons of the Scythians' slaves who stood up to their returning masters when attacked with spear and bow, but fled when the Scythians appeared on the field with horsewhips.⁴⁷ Nothing like this was often, if ever, the experience of an Athenian woman.

A free woman's property in Athens was not her own; but wealth was attached to her in ways that gave her a certain benefit, and even some control. To her marriage she brought a dowry: the value of each item was estimated, and if the marriage ended in divorce or childless death, it had to be repaid to her κύριος. Since she could herself initiate divorce, she could in effect force her husband to disgorge the dowry; and that knowledge may have made husbands hesitant about abusing it or her. Even without threats, men felt that a dowry obligated its recipient towards his wife, and that the larger the dowry, the

⁴³Though not, at Athens, by anybody but his master: [X.] *Ath.* 1.10–11, who adds that that was not the case everywhere: in Sparta "my slave would fear you." And even at Athens, a farmer who caught a slave stealing his crops could strike him on the spot (MacDowell 81).

⁴⁴Although *hybris* against a slave was criminal (D. 21.47), it would seem that simple physical violence would not have counted as *hybris*—certainly not against one's own slave.

⁴⁵It has been doubted, most recently by Gagarin 1996, whether judicial torture was ever applied by the fourth century, as no known challenge was accepted; I agree with Mirhady 122 that, if there had been no torture for decades, the courts would hardly have taken the challenges seriously. The most likely explanation, favored by Mirhady and by Hunter 1994: 93, is that where a slave was in fact delivered, his evidence was decisive, so that the party against whom the slave spoke would not then hire a *logographos* to try to argue a hopeless case. On judicial torture in general the standard work is that of Thür.

⁴⁶That is, appraise the cost to be paid to me. This need not mean that the "boy" (not necessarily immature; slaves were always παῖδες) was expected to be dead, but enough damage would have been done to reduce his value significantly. Cf. the more explicit expression in [D.] 59.124: καὶ εἴ τι ἐκ τῶν βασάνων βλαφθείσσαν αἰ ἀνθρώποι, ἀποτίειν ὅ τι βλαβείσσαν.

⁴⁷For the whip in American slavery see Genovese 63–67.

larger the obligation.⁴⁸ Her clothing and jewelry were attached to her person by custom, though not by law, and would be likely to follow her if she left the household.⁴⁹ A collateral inheritance passed into her household; it is not certain whether it would follow her.⁵⁰ If her father died without sons, she did not inherit: she became an *epikleros*, marrying the nearest relative who claimed both her and the estate in court. Her new husband became κύριος, but only temporarily: her sons inherited two years past maturity. The laws recognized that a husband or guardian might manage the estate for his own advantage, and offered a special indictment for “wronging an *epikleros*,” a prospect which could make her even stronger within the family than a dowered wife.⁵¹ In some places outside of Athens,⁵² the legalism was removed, and a woman’s clothing, inheritance, and probably her dowry were simply her own. The Athenians retained their patriarchal rules, and her legal control over her money was never such that the men in her life, if they were all in accord, might not overrule her; but usually money went with her, and she got at least a woman’s share of it. Not, surely, what we would think proper, but light-years beyond whatever a slave might possess.⁵³

One of the most striking freedoms that a free woman enjoyed was *the freedom to speak her mind*. “The tongue of free people is free,” said Sophocles (*fr.* 927a Radt), and “speaking freely”—ἐλευθέρως—meant to the Greeks what it means to us.⁵⁴ If we have any doubts, the chorus of the *Lysistrata* disabuses us: “Do you hear their nerve?” ask the old men, and the women answer straightforwardly: ἐλευθέρα γάρ εἰμι, “Because I am a free woman” (379).⁵⁵ It is a woman, Jocasta, who says: “You have mentioned there the lot of a slave, not to say what one thinks” (*E. Ph.* 392).⁵⁶ In the same vein, though of later date

⁴⁸See Schaps 1979: 75–77.

⁴⁹*Ibid.* 101–5.

⁵⁰Probably not: *ibid.* 57–58.

⁵¹*Ibid.* 36–38.

⁵²Particularly at Gortyn; *ibid.* 58–60.

⁵³Not that a slave at Athens was necessarily devoid of property: on holdings of both slaves and wives see E. E. Cohen 61–110. But there were no institutions like the dowry or the *epiclerate* to guarantee the slave a share in the household’s wealth, nor is it easy to imagine such a thing.

⁵⁴Edmunds and Martin 189–90.

⁵⁵Note the continuation: the men say that they will stop the women’s βοή, and the women reply ἀλλ’ οὐκέθ’ ἠλιάζει “but you’re not in the *heliaea* any more” [sc. “where you *could* shut us up”].

⁵⁶The person here who must suffer “the lot of a slave” is the exile Polyneices.

and less certain provenance, is Plutarch's story of Timocleia. Captured and violated during the sack of Thebes, she managed to trick her captor into a well and stone him to death. "But when she was arrested by the Thracians and brought before Alexander," says Plutarch (*Alex.* 12),⁵⁷ "it was immediately apparent from her appearance and her gait that she was a dignified and a high-minded woman, following her captors undaunted and unafraid. Then, when the king asked what woman she was, she answered that she was the sister of Theagenes, who had stood in battle against Philip for the freedom of the Greeks, and fallen as general at Chaeronea." Alexander, "impressed by her answer and what she had done," ordered her and her children set free. No slave would have gotten away with that, but for a free woman it was precisely her spunk that saved her. Freedom of speech was not only permitted to a free woman; it was expected of her.⁵⁸

Freedom of speech implies *freedom of judgment*. Lysistrata's husband silenced her at home, but she had her own opinion. (*Ar. Lys.* 509: "You wouldn't let us grumble. But we surely weren't happy with you.") Lysistrata is a comic character, but the scholars of Alexandria found such behavior believable. When Medea asks the chorus to hide her murderous plans "if you are a woman" (*E. Med.* 823), the scholiast comments that "we should not be surprised if the chorus, who are women of Corinth and should take Creon's side, choose to help hide her plans; because being free women, they prefer what seems right to them (τὸ παριστάμενον αὐταῖς δίκαιον)."

Indeed, "what seemed right to them" was often sisterhood: "We are women," says Iphigeneia to the chorus, "a race sympathetic to each other (φίλοφρον ἀλλήλαις γένος)" (*E. IT* 1061).⁵⁹ Medea and Iphigeneia are guarding secrets, but feminine solidarity might be expressed openly, too: the chorus speaks similarly in volunteering to accompany Helen on a visit she fears (*E. Hel.* 329).⁶⁰ All of these alliances among women are products of the male imagination; it is interesting that they are presented sympathetically.

⁵⁷The story is told at more length, but with no difference in import, in *Mor.* 259d–60d.

⁵⁸Not that it was always welcome: cf. above, n. 39, and immediately below.

⁵⁹Cf. *id. fr.* 108 N: γυνή γυναικί σύμμαχος πέφυκε πῶς. Another scholiast on *Med.* 823 says παρόσον <γυνή> γυναικί πέφυκεν ἐπίκουρος καὶ μάλιστα εἰς εὐνήν ἀδικουμένη.

⁶⁰The women are alone; but in the *Iphigeneia* it is Orestes who suggests enlisting the women. Cf. Hdt. 1.146.2–3, where an ancestral grudge is passed from mother to daughter, so that the daughters of both parents punish their husbands for their fathers' crime. An aetiological myth, no doubt, but one that again presumes feminine solidarity.

Free speech could be taken beyond good taste. “You’ve passed the limit for a married woman, by your jabbering. For a free woman, the courtyard gate is the end of the house. But to chase after a person into the street still scolding—that’s behavior fit for a dog, Rhode” (Men. frag. 592 Koerte). We do not know what made Rhode run into the street, still scolding, nor whether we (or Menander) would have thought her justified. A woman’s sense of what the situation demanded surely did not always match her husband’s. The words used against Rhode are strong words. But what would her master have said or done to her if she had been a slave? We cannot know; but the slaves of comedy, who fool their masters, cheat them, lie to them and steal from them, nevertheless do not scold them in the streets.

The freedom most often mentioned is *freedom from sexual abuse*. Greek men considered modesty the hallmark of a free woman, promiscuity the sign of a slave. We cannot know what the women thought, but elsewhere the community of women may be more censorious of female sexual misconduct than are the men. Another Spartan captive, asked what she knew how to do, said, “To be faithful” (*Mor.* 242c). Demosthenes (19.196–98) makes much of Aeschines’ alleged abuse of an Olynthian captive whom he describes as being “free and modest (ἐλευθέρων...καὶ σώφρονα)” because she refused to recline and sing at a party.⁶¹ The bashfulness of one Milto was said to have elicited from Cyrus the Younger the comment, “she is the only free and uncorrupted one you have brought” (*Plut. Art.* 26.5).⁶² Over and over we find tyrants and rakes being accused of “corrupting free women” in terms which leave no room for doubt that it was because they were free that the women’s virtue mattered.⁶³

To hear Plutarch tell it, an affair with a free woman was not an achievement but a disgrace for the man as well. When he says (*Demetr.* 14.3) that Demetrius Poliorcetes “had affairs indiscriminately with many *hetaerae*, and with many free women, and had a worse reputation in respect of pleasures than any of the kings of that time,” his placement of words suggests that the abuse of free women was more scandalous than the traffic with *hetaerae*. A *mot*

⁶¹Aeschin. 2.4 denies the story and claims that the judges tried to shout Demosthenes down.

⁶²Whatever her initial bashfulness, she did become Cyrus’ concubine—he called her Aspasia—and later passed to Artaxerxes and to Artaxerxes’ son. Her existence and captivity are attested by *X. An.* 1.10.2–3 and her original name by *Plu. Per.* 24.7, but no source earlier than Plutarch reports Cyrus’ alleged comment.

⁶³*FGrH* 115 (Theopomp.) *fr.* 143, quoted by *Ath.* X 436c; *Lys.* 3.23, 13.66; *Din.* 1.19; *Men. Dys.* 289–93.

that he attributes to Alexander the Great⁶⁴ (“It isn’t our way to force her, since she is a free woman,” where Alexander is technically speaking of forcing her to stay instead of returning home, but the king—or the author—is playing on another meaning of the word βιάζεσθαι) carries the same implication.

More illuminating is Theophrastus’ “disgusting fellow” (βδελυρός, *Char.* 11.2), whose habits include exposing himself to free women. As recently as 1960 Ussher (*ad loc.*) shied away from the implication “that such an action would be less disgusting done in front of slaves,” but that is precisely what Theophrastus implies. It is entirely likely that free men and women in Athens, as in other societies, behaved in the presence of slaves as if they were alone.⁶⁵ Exposing oneself was βδελυρόν, but only free women were not expected to put up with it. One pleader is accused of having urged a bride not to consummate the marriage: Is it likely, he asks, that I would have spoken such words *about a free woman* for all to hear, without being afraid that her relatives, who were among the strongest athletes in Greece, would have strangled me on the spot? (*Hyp.* 1.6). The outrageousness is obvious enough, but it is obvious to the Greek only with the addition that it was done to a free woman. Or a third case: Periander of Corinth, haunted by his dead wife because he had buried her naked, collected the women of Corinth in one place and stripped them, *both the free women and their attendants*, then burned their clothes to his wife’s memory (*Hdt.* 5.92η.3).

A free woman, too, might behave promiscuously, or even prostitute herself. A law attributed to Solon punished anyone who prostituted a free woman “except for those who are sold openly” (*Plu. Sol.* 23.1), and some specific cases are known to us.⁶⁶ But that was not the way free women were

⁶⁴*Mor.* 180f–81a; cf. *Alex.* 21 and *Mor.* 339d.

⁶⁵Hunter 1994: 81–83 with endnotes. For the same behavior with children, which can still be seen today, note *Theoc.* 15.8–17, where Praxinoa disparages her husband without noticing that her child is listening—then goes on anyway as if the child were not there.

⁶⁶I hesitate to mention Aspasia, whose position as an ἑταίρα, though famous, is by no means certain: see Judeich in *RE* II, particularly cols. 1716–18. But Apollodorus in [D.] 59.18–19 tells us that Nicarete called her young slaves “daughters” in order to sell them at a higher price ὡς ἐλευθέραις οὔσαις, and it is one of the central claims of the speech that Neaera continued in the trade after being freed. Similar claims are made about her daughter Phano (see in particular the last clause of the agreement, *ibid.* 71). Nicarete was herself a married freedwoman (*ibid.* 18), and *Is.* 6.19 shows another freedwoman in the same profession.

usually thought of; and in fact, the term ἐλευθέρρα is occasionally used as if it were the opposite of ἑταίρα.⁶⁷

This solicitousness about a free woman's virtue can be seen as a restriction on her. Such a view suggests that the women would have preferred promiscuity, an opinion that even Aristophanes (*Th.* 467–539), no great believer in women's virtue,⁶⁸ imagined would get its propounder lynched by the women themselves. For some, certainly, moral standards were restricting, and the woman who violated them ran a different risk from the man who joined her. A male adulterer might be killed if caught in the act,⁶⁹ while a woman almost certainly could not;⁷⁰ but if the man was not despatched immediately, his punishment ended with a public humiliation, whereas the woman's was such as to exclude her forever from the normal society of free women.⁷¹

The crime of adultery was defined by the woman's status. A married man who carried on with other women was behaving churlishly,⁷² but he was not an adulterer unless the woman was another free man's wife;⁷³ and this meant that a married man looking for extra-curricular pleasures found them much more

⁶⁷*Men. fr.* 566 Koerte, Ath. XIII 571c–d. Alex. 255 KA (= Ath. XIII 574b–c) informs us that Corinth had two festivals of the *Aphrodisia*, one for *hetaerae* and one for free women.

⁶⁸For the argument “that a traditional Greek view of femininity...informs the portrayal, construction, and meaning of female figures in Aristophanic comedy,” see Taaffe 138.

⁶⁹The *locus classicus* is Lys. 1, the defense of a man who has murdered his wife's lover.

⁷⁰The murder law (D. 23.53) exempted men caught in adultery from its protection but did not mention the woman involved: this omission must have been hard for a pleader to get around.

⁷¹Not, apparently, by any judicial procedure (Todd 279). The law is quoted in [D.] 59.87: she had to be divorced, and was forbidden to take part in religious ceremonies. These restrictions, as Todd notes correctly, meant to a woman what *atimia* would mean to a man. Nothing in the law prevented her from marrying another man, if she could convince one.

⁷²See above, n. 63.

⁷³Or, perhaps, his mother, sister, daughter, or free concubine (παλλακῆ ἦν ἄν ἐπ' ἐλευθέροις παισὶν ἔχη, D. 23.53). The common view has been that relations with any of these were adultery (μοιχεία), but D. Cohen 1984, restated with slight changes in id. 1991: 98–132, points out correctly that no known law defines it so, that such a definition would be unusual, and that Athenians spoke of μοιχεία as a violation of marriage, not of the rights of a κύριος. Cantarella 1991 expresses reservations, and her final question—“If moicheia was committed only with married women, how was the crime consisting in having intercourse with virgins defined?”—is well put. But not every use of a word is its legal meaning, and definitions were notoriously hazy in Athenian law. I think Cohen is right that no νόμος μοιχείας defined adultery to include a man's mother, etc.; it is not so clear that any other legal definition explicitly excluded them. Like ὕβρις, ἀσέβεια and, in our days, pornography, μοιχεία may have been a term that everyone thought he understood (and he would have thought it meant sleeping with another man's wife), until two pleaders began to dispute its meaning in court.

easily and safely than a married woman would. He was not entirely free himself: we may think of Odysseus' father Laertes, who paid twenty oxen's worth for the young Eurycleia and then never touched her, "because he feared his wife's anger" (Hom. *Od.* 1.432–33), or the young wife in Lysias 1.12 who, told by her husband to go downstairs and nurse the baby, locked him in so that, she claimed playfully, he should not play around with the maid.⁷⁴

Lastly, freedom was not only a set of rights; it was a *social class*. To some, this may have been what freedom meant: "If I am going to live free," says Electra's sister Chrysothemis, "it is necessary to do everything that the rulers say" (*S. El.* 339–40). That is not what we should have considered living free, surely not for Agamemnon's daughter in the house of Aegisthus. Sophocles is being ironical: later Electra gets her back with the promise that if Chrysothemis helps her, she "will be called free, as [she was] conceived, and get a marriage worthy of [her]" (*ibid.* 970–92). But there must have been women whose ideas were closer to Chrysothemis' than to Electra's.

A free woman was not only superior to slaves: she herself would *normally have slaves*. These slaves may technically have been her husband's property,⁷⁵ but they called her "mistress" (δέσποινα), and did what she told them to. This surely included the household drudgery: a scholiast finds it noteworthy that free women in Homer would go themselves to fetch a piece of clothing,⁷⁶ and it is obvious that in his day they would not. The difficulty of ascertaining precisely how common slaves were in Athens is notorious, and the poorest apparently had none at all; but slaveholding surely was not just the prerogative of the very rich. Most households had a few slaves; few, it would seem, had very many, except those who employed slaves in mining or manufacturing.⁷⁷ Being free usually would have meant being a moderate slaveowner, a position that we—and Xenophon, at least—can only call managerial.⁷⁸

⁷⁴She was apparently going to meet her lover, and so had good reason to lock her husband in.

⁷⁵See Schaps 1979: 7–9.

⁷⁶Erbse 184 (*ad. Z* 293).

⁷⁷Garlan 60–62 concludes "that 'average' peasants, who made up the social backbone of Periclean democracy, owned on an average at least three slaves" (61). This is based, however, on Lévy's tally (33) of the number of slaves of each major character in Aristophanes, not necessarily a representative sample. For a summary of the wildly varying estimates of the number of slaves in classical Athens (from 20,000 to 400,000) see Brockmeyer 114–15.

⁷⁸X. *Oec.* 7.35–43, 9.14–17 goes to some lengths to describe the importance of the wife's management of the slaves, which he considers ὡσπερ βασιλισσῶν (9.15).

A free woman was recognizable by her deportment.⁷⁹ She did not think like a slave;⁸⁰ did not scheme like a slave;⁸¹ did not gesticulate like a slave.⁸² These distinctions did not necessarily disappear with captivity, and sometimes a victorious general would let the free population of a conquered city go away unharmed, taking only the “true” slaves for himself.⁸³ A free woman also had the hope of ransom, which was neither likely nor meaningful for a slave. After Philip of Macedon had reduced Olynthus and enslaved its population, the Athenians continued to consider their enslavement unnatural and shameful, and executed a man who had the audacity to put an Olynthian boy in a brothel.⁸⁴

What was not free, and why

By now, I hope, the reader will grant I have demonstrated that a free woman had much to be thankful for, in that she was not a slave. For all that, there was still a good deal of difference between a free woman and a free man. A free woman in Athens had no δεσπότης, but she did have a κύριος. A free male might have a κύριος as well, if he was too young, too old, or too simple, but for most of his life he will normally have been his own κύριος, something a woman, technically, could never be.⁸⁵ If she managed property, it was only with the consent of her κύριος. Any transaction but the most moderate could be challenged and invalidated in a proceeding in which she could depose but not

⁷⁹The Old Oligarch complains that at Athens, unlike other places, one could not easily distinguish citizens from slaves by their dress or their appearance ([X.] *Ath.* 1.10.). He clearly thought that an undesirable (though, at Athens, unavoidable) situation.

⁸⁰Of a male, τὸν δοῦλον ὧ τᾶν προσλαβῶν ὃν ὠνήσω / τύχην ἔχοντα δούλην, γνώμην δ' ἐλευθέραν (*Comp. Men. et Philist.* 264–65). For what they are worth, Plutarch's anecdotes about Spartan women (above, p. 6), suggest what we should presume: that the distinction held for women as well.

⁸¹Animals that scheme are ἀνελεύθερα, Arist. *HA* 488b.16. A free person pursues a goal forthrightly, while a slave is (naturally, the Greeks would say; necessarily, we should say) devious.

⁸²See Arist. *Po.* 1462a.10 with Lucas' note, cf. *ibid.* 1461b.30–32 and *Pol.* 1340b.7–10, and cf. Timocleia (above, p. 11), recognized as “dignified and high-minded” by the way she walked.

⁸³This might be done for a general ransom, as at *Plb.* 2.6.6; at *X. HG* 2.1.19, on the other hand, no ransom is mentioned. In other cases no distinction was made, as at *Th.* 8.28.4. These are mere random examples; for a full discussion of the fate of captives see Pritchett 203–313, with a table of cases of released captives on 306.

⁸⁴*Din.* 1.23, cf. *D.* 19.309.

⁸⁵See above, n. 16. For other cases where the reality was at variance with what the Athenians, or we, might perceive to be the law see Schaps 1979: 75–77 and E. E. Cohen 101–10.

speaking for herself. She could not contract her own marriage.⁸⁶ She was not entirely free to come and go as she pleased. Her opinions could be expressed, but would not necessarily be taken seriously. Perhaps most galling of all, her ways of ensuring her husband's fidelity—her charm and the threat of involving her father—may often have been clumsier than the very direct legal action available to her husband in the corresponding case of her infidelity.⁸⁷ Probably least importantly, she had no part in the male world of politics, law courts, gymnasia and symposia.

Recent work has made it clear what factors limited a woman's freedom, or, at least, how men understood them. They were, to speak broadly, (a) a woman's capabilities: believed to be weaker than a man, less intelligent and less able to control her appetites, she could not be sent to war nor entrusted with the management of the state, although she was intelligent and self-controlled enough to manage the household and even its finances; (b) a woman's purpose in life: created by the gods or by nature differently from a man, she was fitted for different tasks;⁸⁸ (c) a woman's proper sphere of activity, within the οἶκος; (d) a woman's proper virtues, including (among others) modesty, temperance, silence,⁸⁹ and fidelity, virtues appropriate to her purpose in life. Though these ideas are very close to those associated with contemporary European males, there are some differences. Greek stereotypes included women who enjoyed sex more than men and were particularly given to drunkenness. Women's tendency to exorbitant displays of grief was dangerous and sometimes required state intervention; Holst-Warhaft's recent study has shown the depth of this fear. As Just 187 observes, we cannot tell whether these differences in perceptions reflect differences in the perceived (the women) or in the perceivers (the men).

These are matters of gender, not sex;⁹⁰ but this was not a distinction that an Athenian male would have recognized. For him, an ἐλευθέρα was simply a

⁸⁶I know of no classical Athenian exceptions to this rule, in spite of the fact that marriages contracted directly between husband and wife are common in the papyri from the very earliest documents of the Hellenistic period.

⁸⁷This is recognized correctly by Foxhall 1996: 137, who admits that law "does shape lived life," despite the many limitations that she describes.

⁸⁸Arist. *Pol.* 1260a.15–17 and *EN* 1162a.22–23 observes that men and women have different jobs (ἔργα), without specifying what those jobs are; X. *Oec.* 7.22–28 develops at length the idea that men are naturally fitted for outdoor occupations and women for indoor ones.

⁸⁹Arist. *Pol.* 1260a.28–31.

⁹⁰There may be readers for whom it is necessary to point out the distinction between sex and gender customarily observed by modern scholars. Sex is a physical matter, readily determined for almost all higher animals by simple inspection; gender is the entire complex of

female ἐλεύθερος; the difference between her status and his seemed not only sanctioned, but required, by nature—and this despite the fact that there was room for debate about precisely what was and was not properly male or female.⁹¹

One obvious question demands to be answered but cannot be: did Greek women share the same cultural construction of gender? Although it might seem that comparative studies could shed some light on this question, we cannot see much by that light. Given a nearly absolute lack of testimony from Greek women themselves,⁹² we can only project upon them the attitudes of women in other societies with no independent control upon the accuracy of our projections.

We can say a little. In some extreme cases, women are actually documented as engaged in mass action; we know from this that they did identify with their own *polis* against all others. Although Aristophanes could imagine a union of all Greek women against the aggressive policies of men, that was not the way that women behaved under real conditions of war. Sisterhood was not *that* powerful.⁹³

Another certainty is that women *did* have a social life, even if it is absent from our sources. They may have been kept away from men, but they were nevertheless doing something. Athenian society was characterized by extreme separation between the sexes. Houses were divided into women's and men's quarters, and the passage between them might be locked. Men and women rarely worked together and probably talked together, even after marriage, much less than is common today (*X. Oec.* 3.12). Men spent much of their time outdoors; women were expected to be inside the courtyard, at least, unless they had a reason for going out.⁹⁴

social relations that surrounds differences of sex. The physiology of Jack and Jill is a matter of sex; that Jack's home is his castle, that it is more despicable to hit Jill than to hit Jack, and that when they fight with others Jack punches Jim but Jill pulls Jane's hair are matters of gender.

⁹¹"The point," says Just 170, "is that culture not only disguises itself as nature; within the history of human society culture *is* people's nature. Like ideas of witchcraft, the male conception of women can legitimately appeal to the facts. That those facts are themselves the cultural products of the society which observes them does not alter their empirical veracity for the observers." Just's next words ("Nor should it alter it for us") will command agreement only if we restrict them to understanding how a Greek man saw his own situation.

⁹²I say "hardly any" not because of the women poets, who are unilluminating less because they are so very fragmentary than because they are so very exceptional, but because we can occasionally glimpse actions of real women: see next note.

⁹³On this see Schaps 1982.

⁹⁴This is the way D. Cohen 1989 explains the claim, which the Greeks themselves understood to be unrealistic, that women should "always" be indoors.

This segregation must have created separate social worlds. Men associated with men, women with women. Although adultery certainly, and flirtation almost certainly,⁹⁵ took place, normally each group will have had its characteristic concerns and social activities. The life of free men centered around the *agora*, the gymnasium, and politics; free women cared for children, managed servants, and made clothing—the last being an almost universal woman’s occupation.⁹⁶ Their most notable social activities were religious.⁹⁷ Their absence, often noted, from the assembly, the gymnasium, and symposia is thus in a sense unremarkable: it merely reflects the existence of two separate social worlds. Given this separation, indeed, a woman’s presence at a men’s function would be suspect. A woman at a symposium was unseemly; a woman at the gymnasium—“the naked place”—was in Athens unthinkable, though everyone knew that Spartan women exercised nude.⁹⁸ The famous testimony that Neaera appeared at a symposium “like a prostitute”⁹⁹ is no more peculiar than the scandal that erupted at Rome when Publius Clodius was found among the women at the festival of the *Bona Dea*.

The two spheres were not symmetrical. Greek society was patriarchal: it was the men who made the laws, so that all decisions affecting the community were in the hands of the men. The οἶκος itself was patriarchal. Ancient Greece was not egalitarian: not ancient Athens, not even ancient Sparta. This seemed natural to Greek men, at least. If it does not seem natural to us, we must ask the question: how did it get that way? How did the scheme of gender differences, as it is manifested in ancient Athens, arise?

Origins of Greek gender distinctions

Debate on this subject, from Bachofen and Engels to contemporary times, has fluctuated with the fashion or the political or social opinions of the debaters. This could hardly be otherwise, for behind every question of origins lies the

⁹⁵I should not have mentioned this obvious fact had not Roy gone to the trouble of demonstrating it and dignifying it with the name of “an alternative sexual morality.”

⁹⁶See Brown’s insightful article, brilliantly and engagingly developed by Barber.

⁹⁷This explains why women, so lacking from other financial records, are common in dedicatory inscriptions: see Schaps 1979: 71–73. It also explains why, where a husband who remained with an adulterous wife was punished by civil death (i.e., *atimia*), the adulteress herself was punished by religious exclusion ([D.] 59.87), the nearest parallel.

⁹⁸Cf. E. *Andr.* 597–600 for a masculine expression of distaste for the custom.

⁹⁹[D.] 59.25, 28, 48, and cf. Is. 3.13–14.

question of what was there *before* the origins, a question which, in the absence of evidence, turns upon the question of what seems natural to the investigator.

It is not remarkable, then, that the Greeks themselves¹⁰⁰ tended to attribute their own gender structures to nature or to the gods. Their gods themselves inhabited a patriarchal universe, ruled by a vastly powerful father with a sometimes uncooperative wife and a large number of children.¹⁰¹ We surely will not accept this explanation. We do not believe in the gods, and if anthropology has shown us anything about gender, it has shown us that its structures are quite various. Nature alone cannot explain why Athenian men paraded around with phalloi, nor why when a man died without sons they married off his orphan daughter to her uncle, nor why they considered it somewhat risqué for a woman to go out shopping without a chaperon.

On the other hand, gender structures are not entirely arbitrary. It will not do to write, as John Winkler did in a very influential book, “For ‘Nature’, read ‘Culture.’”¹⁰² Although many differences between the sexes may be culturally determined, others trivial, and yet others clearly present but of uncertain effect,¹⁰³ there remain differences that demand some form of social accommodation. Only women get pregnant and give birth;¹⁰⁴ only women nurse; paternity is much easier to hide than maternity; women tend generally, even with training, to be physically weaker than men, at least for certain forms of activity. These differences must be addressed by any society, and they are not cultural constructs.¹⁰⁵ The second thing that we learn from anthropology is that while

¹⁰⁰See in particular, as noted above, X. *Oec.* 7.22–28.

¹⁰¹Although extending the parallels too literally could produce a picture at which even a Greek would laugh, as in *Ar. Av.* 1641–70.

¹⁰²Winkler 17. He was speaking of homosexuality, but even there broad cultural variance hides an essentially asymmetric situation: a society can maintain itself without homosexual sex, but not—except by some form of parasitism on other groups—without heterosexual sex.

¹⁰³Here are simple and (I presume) uncontroversial examples. Culturally determined: dress. Trivial: beards. Clearly present but of uncertain effect: differences in hormonal makeup.

¹⁰⁴A woman in George Bernard Shaw’s comedy *Village Wooing* says, “If you were a woman you’d know.” The man replies, “I am a woman; and you are a man, with a slight difference that doesn’t matter except on special occasions.” Shaw undoubtedly meant to be expressing very liberated opinions; but in fact he offered a very masculine view of sex. A woman may be left with the consequences of such an “occasion” long after the man has forgotten it.

¹⁰⁵For a more detailed list of differences and a more venturesome effort to explain existing sociological facts on the basis of those differences, see Anderson and Zinsler 8–15.

gender structures vary enormously, they do so within limits,¹⁰⁶ and no society is without them. A truly egalitarian society may be a possible and even a desirable goal, but it is not the natural state of human society.¹⁰⁷

This observation implies a third: Greek gender did not arise from a previous state of matriarchy or egalitarianism. There is no reason to believe that either of these states constitutes the “natural” state of society from which Greece for some historical reason deviated. More than that: where we find legislation concerning women in ancient Greece, it does not tend, even in the archaic period, to increase the subjection of women. We have no Athenian law *denying* women the right to vote or to attend the assembly; the assembly was an assembly of men, and had been so, to judge by Homer, from long before there was a democracy.¹⁰⁸ The famous “law of the medimnus” that restricted an Athenian woman’s monetary transactions was merely an Athenian version of a long-standing law generally current in Greece requiring the consent of the κύριος for major transactions.¹⁰⁹ We do find legislation on the subject in Gortyn, and there all the economic rights of the κύριος were abolished, not strengthened.¹¹⁰ The nude exercises of Spartan women were believed to be an innovation, not a survival,¹¹¹ and so they almost certainly were—for that matter, so was male nudity.¹¹² Nothing supports Eva Cantarella’s statement that “Beginning in the seventh century, the Greek city defined itself as a political community by means of the exclusion of two classes of people, slaves and women” (1987: 38). No Greek ever defined a political community as “all free

¹⁰⁶See n. 96 above. Matriarchy is nowhere attested: see Schneider 1961a: viii, Schneider 1961b: 5, 7–8, and Duby and Perrot xx. Feminist studies, however, have not been without effect. “While no cultures have been found where women dominate, there is ample evidence of societies where the sexes are either ‘integrated and equal’ or ‘separate and equal.’ Interest has turned from asserting or denying the universality of female subordination to studying those factors that make it more or less likely” (Anderson and Zinsser 13).

¹⁰⁷Nor even of chimpanzee society, as was documented years ago by Goodall. There are other apes, no less humanoid, among whom females are dominant (de Waal). I mention these seeming irrelevancies merely to point out that those evolutionists who purport to trace “the rise of male dominance” must first demonstrate, as in the absence of data they cannot, what the gender structure was of the animals from which they consider humans to have arisen.

¹⁰⁸The Achaeans at Troy are not evidence, since only men were in the army; but in the assemblies of the Trojans (*Il.* 7.345–78) and of the Ithacans (*Od.* 2.1–257) the speakers, at least, are all male, nor is there any sign that women were in attendance.

¹⁰⁹Schaps 1979: 48–52.

¹¹⁰*Ibid.* 58–60; cf. Gagarin 1994 for a more thorough discussion.

¹¹¹Plut. *Lyc.* 14.2, cf. *Mor.* 227e.

¹¹²Th. 1.6.5, Paus. 1.44.1; cf. Harris 64–65.

males,” nor was “the exclusion of women” an innovation of the seventh century. What was new in ancient Athens was not the patriarchy, but the attempt to explain it, to justify it, and perhaps even, as Plato wished, to modify it.

We are off the mark, then, in trying to explain the structure of Greek gender as being perfectly natural, perfectly arbitrary, or a revolutionary imposition on a radically different past.¹¹³ We might look to Greek men for an explanation (the women being unavailable): if we do not accept their idea that an Athenian woman’s status was “natural,” their own belief that nature required such a status may itself have been a key reason for the existence of that status. Here, too, however, lies a hidden and probably unjustified presumption, that ideology precedes reality. In any society, children learn basic modes of behavior without an explicit ideology. Every Athenian knew that his mother worked at home and his father spent his time in the field or the agora; not every Athenian wondered why this should be so, and very few of them wrote down their thoughts on the matter. What they did write may indeed be illuminating, but just as they were not necessarily right in their explanations of the facts, their own beliefs were not necessarily the true causes of the situation. Greek male ideology regarding gender may just as likely have been a product of conditions already existing in the society as the other way around.

As often happens when trying to summarize the work of dozens of scholars over decades, we must recognize many causes: the structure of gender in Greece was the product of natural sex differences *and* historical developments *and* Greek culture. Sexual differences imposed upon Greek society, as upon every society, certain parameters within which they should be confronted; Greek men believed, as most people probably believe, that their way of life was the natural way to live. It was, however, the result of historical developments as well. The patriarchal household was an inheritance from the past, shared with other nations of Europe. In some areas of Greece the family was the strongest social institution; in others, its strength was heavily eroded by other communal institutions. It is not surprising that the strength of a patriarchy seems to be correlated with the strength of the family.

¹¹³Rohrlich-Leavitt 634 writes that “it must be emphasized that, before the patriarchal civilizations emerged and gradually expanded their rule over other peoples during a five-thousand-year period which culminated in the Western domination of the entire world, societies were structured to prevent groups and individuals from exploiting each other.” She offers, however, no documentation; on the contrary, her statement, by implying that all known societies are tainted, breathtakingly dismisses all possible historical documentation.

In Sparta military and quasi-military communal organizations fulfilled many of the functions of the family, so that the family was correspondingly weaker. Removal of children from their mother's care at the age of seven restricted, to some extent, the gender distinctions brought about by child care. The family was stronger in Athens, and although we may suppose that it was even stronger in those places, like Thessaly, where a hereditary nobility continued to hold sway, we cannot test this hypothesis.

History, however, may take culture in various directions: a strong family may keep women at home, but precisely in an aristocracy, differences of rank among families may be so great that a woman from a great family will have more political importance than an indifferently connected man. The famous Greek women of the archaic and early classical ages are Ionian princesses and Spartan queens, heiresses to greatness.

Another historical factor in Athens was surely the development of the democracy. In the course of the sixth and fifth centuries, the assembled people made themselves into the government of Athens. The society of men had thus grown greatly in importance without any concomitant growth in the society of women: now every Athenian man saw himself as a ruler, participating regularly in the control of a flourishing city and later an Aegean empire. This had an effect on Athenian ways of thinking about power in general, and is likely to have affected power relations between the sexes: being excluded from the *ecclesia* meant more when the *ecclesia* was making the decisions. We are dealing here not with a battle *between* the sexes, in which the men wrested more power from the women, but with historical developments of varying origin that impinged upon the relationship between the sexes.

Nature and history are two factors; culture remains a third. If Greek gender ideology did not *cause* the particular gender distinctions found in Greece, that statement does not mean that ideology had no effect on them. There is probably no clearer place to see the effects of ideology than in the question of equality itself. The American revolution included among its tenets an explicitly proclaimed ideology of equality: "We hold these truths to be self-evident, that all men are created equal...." Such a formulation, upon even short reflection, raises many questions: *all* men? all *men*? A line of political development runs from the Declaration of Independence not only to the Civil War but also to the Seneca Falls declaration of 1848 stating "We hold these

truths to be self-evident: that all men and women are created equal....”¹¹⁴ Athenian democracy, too, involved an ideology of equality;¹¹⁵ Herodotus called it ἰσηγορίη. More than likely, it was this very ideology of equality that made it necessary for the Athenians to explain, as the males of most cultures did not find it necessary to explain, why women were *not* equal.¹¹⁶ That the men were contented with these explanations, and that their patriarchy remained more stable than that of the United States, may well require explanation in terms not only of their history but of their culture.

What was free about a free Athenian woman?

From her point of view, it would seem, everything. Being a woman restricted her, and we cannot say that she did not object to these restrictions; *a priori* one would think that some women did and some women did not, since that is true of almost any situation. But these restrictions did not make her less ἐλευθέρα, for they were not connected with her free status. They were connected with her gender, a condition that, unlike that of the slave, was inherently asymmetrical and irreversible.

Most Greek gender distinctions, indeed, cut across class distinctions and affected slave women as well as free. Slave women worked at textile production and child care;¹¹⁷ they may have been present at rites from which men were scrupulously excluded,¹¹⁸ though we cannot tell whether that was a matter of their social non-existence or of their gender;¹¹⁹ a male slave might be a manager, which a slave woman would not be. As for sexual behavior, gender issues become more complicated in the case of slaves, but they are not ignored.¹²⁰ The gender distinctions between men and women formed not a

¹¹⁴Stanton, Anthony and Gage 70. The parody was of course intentional, but its precise rhetorical point was that Jefferson’s own words logically implied those of the succeeding declaration.

¹¹⁵On the ideology of the Athenian democracy, see Hansen 73–85.

¹¹⁶That this apologetic was peculiar to Greek society was already noted by Pomeroy 230.

¹¹⁷Herfst 87–88.

¹¹⁸Burkert 442 n. 7 is uncertain whether female slaves attended the Thesmophoria. Habrotonon played at a women’s *pannychis* (Men. *Epit.* 473–78), but as a performer, not a participant.

¹¹⁹Their presence at symposia, surely, was a sign of their social unimportance.

¹²⁰The sex of the free partner is what matters: thus Apollodorus, in accusing Phormio of “marrying his owner” (τὴν δέσποιναν γῆμαι, [D.] 45.74) is playing on prejudices that would not have applied to a citizen man marrying his freedwoman; Lys. 1.12 shows how much more lightly a man’s dallying with his maid could be presented. If other free males were involved, the situation was not so innocuous: in Hom. *Od.* 22.468 Odysseus strings up “like

weaker form of the distinction between free and slave, but another distinction, of a different nature.

Greek men saw the gender distinctions with which they lived as being more or less natural. Philosophers were aware that certain aspects of gender might be changed, and so, for that matter, were lawmakers; but they did not change them lightly, nor often, nor fundamentally. They were the product of nature, and of history, and of culture, and although that did not make them immutable, it made them stable, and meant that changes in gender roles were likely to reflect, and perhaps to cause, other changes in the society. And since it is natural for human beings to live within a culture and to be the products of its history, perhaps in this sense the limitations on a Greek woman, though not inevitable, were natural.

thrushes or pigeons” the maids who had been sleeping with the suitors. These women, who had relied on the protection of free males hostile to the household to defy their owners, were treated very differently from Lysias’ client’s maid.

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