

Callirhoe's Choice: Biological *vs* Legal Paternity

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ONE OF THE CORNERSTONES of ancient law was the principle that the true father of a child was the one who was married to the mother. This principle is problematized in Chariton's *Chaereas and Callirhoe*. This novel was written at some time between the first century B.C. and the mid-second century A.D. by an author who identifies himself as the secretary of a *rhêtor*.¹ His familiarity with the law and the construction of legal dilemma is apparent throughout the plot of his novel.² This

¹Char. 1.1.1: Χαρίτων Ἀφροδισιεύς, Ἀθηναγόρου τοῦ ῥήτορος ὑπογραφεύς, πάθος ἐρωτικὸν ἐν συρακούσαις γενόμενον διηγήσομαι. References are to the Greek text in the Loeb Classical Library, ed. G. P. Goold, *Chariton: Callirhoe* (Cambridge [Mass.] 1995). For a summary of views of the novel's date, see B. P. Reardon, "Chariton," in G. Schmeling, ed., *The Novel in the Ancient World* (Leiden/New York 1996) 312–319. The later dating of Chariton is beginning to gain wider acceptance. E. L. Bowie, "The Readership of Greek Novels in the Ancient World," in J. A. Tatum, ed., *The Search for the Ancient Novel* (Baltimore 1994) 435–459, esp. 442, shows signs of revising his previous date of "mid-first century B.C./A.D." in favor of "a date as late as the reign of Hadrian"; cf. Bowie, "The Greek Novel," *CHCL* 1 (1985) 683–684. Goold (1–2, 207 n. e) adheres cautiously to a date of 25 B.C.–A.D. 50.

²The text indicates that he was well acquainted with both procedural law (the trials in Babylon and Syracuse show this) and substantive law. For example, in the episode of the sale of Callirhoe, the pirate who sells her to Dionysius' estate manager flees before the sale is properly registered. The fact that Dionysius cannot prove how he came to possess Callirhoe later haunts him as he is preparing his case in the court of the Persian king. See F. Zimmermann, "Kallirhoes Verkauf durch Theron: eine juristisch-philologische Betrachtung zu Chariton," in *Aus der byzantinischen Arbeit der Deutschen Demokratischen Republik I, Berliner byzantinistische Arbeiten* 5–6 (Berlin 1957) 72–81, and E. Karabélias, "Le roman de Chariton d'Aphrodisias et le droit: Renversements de situation et exploitation des ambiguïtés juridiques," in G. Nenci and G. Thür, edd., *Symposion* 1988 (Cologne 1990) 369–396. The overlap between the

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is clear in the story of Callirhoe's child, conceived during her first marriage and born during her second. It will be argued that the heroine's decision to leave the child with her second husband when she returns to her first husband is consistent with norms that stressed the primacy of the legally and culturally constructed relationship between father and child over simple biological paternity.

The central dilemma that drives the plot of the novel is that two different men claim to be the lawful husband of Callirhoe. She is, to use Graham Anderson's wonderful oxymoron, a "virtuous bigamist."³ Both Chaereas and Dionysius make socially acceptable husbands: they are men of *paideia*, from the uppermost stratum of their respective *poleis*. Indeed, as the first man of the city of Miletus and wealthiest of the Ionian Greeks, Dionysius is a more politically suitable match for the daughter of Hermocrates, the first man of the Syracusans and victorious general in the war against Athens, than is Chaereas, the son of Hermocrates' rival.⁴

In order to compel his heroine to betray her first husband and marry another man and thereby contravene the novel's core ideology of *sôphrosynê*, Chariton invents a very effective and

far-fetched legal situations envisioned in rhetorical exercises (e.g. Sen. *Controv.*) and ancient fiction has been noted since the time of Petronius (*Sat.* 1–2). See E. Rohde, *Der griechische Roman und seine Vorläufer*³ (Leipzig 1914) 361–388; D. A. Russell, *Greek Declamation* (Cambridge 1983) 21–39, esp. 38 n. 100.

³G. Anderson, *Ancient Fictions: The Novel in the Graeco-Roman World* (London 1984) 108.

⁴For the parallelisms between Chaereas and Dionysius, see R. K. Balot, "Foucault, Chariton, and the Masculine Self," *Helios* 25 (1998) 139–162. Balot reads the novel as a dramatization of "the conflict between self-mastery and erotic passion in the souls of all its leading male characters" (139). The plots of Chaereas and Dionysius are inverses of one another. Chaereas' immaturity causes him to lose Callirhoe; by the end of the novel, he has become a general and a more appropriate model of masculinity. Dionysius, on the other hand, is first introduced as a man of *paideia*. Balot agrees that Dionysius in many respects seems to be a better husband for Callirhoe (158); over the course of the narrative, however, Dionysius loses his mastery over his jealousy and so loses the heroine.

clever device: that is, her pregnancy.⁵ In brief, the pregnancy plot is as follows: Callirhoe and Chaereas meet, fall in love, and are married at the opening of the novel. In a fit of jealousy, Chaereas accidentally kicks Callirhoe, causing her to appear to be dead. She is buried with great ceremony, only to wake up as robbers are prying open the doors of her tomb. They take her to Ionia, where she is sold to the estate of Dionysius. As soon as he encounters Callirhoe in a shrine of Aphrodite, Dionysius (predictably) falls in love.

Callirhoe is resigned—even committed—to slavery; however, her magnificent beauty broadcasts her essential nature as a freeborn member of the urban elite. Despite her insistence upon being treated as a slave, all the slaves on the estate treat her as their mistress. Plangon, a slave woman who has been charged with finding a way to bring the lovely Callirhoe to the master's bed, notices in the bath one day that Callirhoe's belly is swollen, and informs the innocent heroine that she is pregnant. It seems that her wedding night was fruitful.

⁵*Sôphrosynê*, very roughly "self-restraint," is often, but not exclusively, used in a sexual sense. In Chariton's novel, Callirhoe is the character most frequently associated with this quality (1.14.10, 2.8.4, 2.9.1, 2.10.7, 2.11.5, 5.6.7, 6.4.10, 7.6.12), which usually suggests faithfulness to her husband (as opposed to her love for her child: 2.9.1, νικήσει σωφροσύνην γυναϊκὸς μητρὸς φιλοστοργία; cf. 2.10.7, 2.11.5). Of the male characters, Dionysius' *sôphrosynê* is the most noteworthy; in his case it refers to his reluctance to force himself upon the heroine (2.6.3, ἐγὼ τυραννήσω σώματος ἐλευθέρου, καὶ Διονύσιος ὁ ἐπὶ σωφροσύνη περιβόητος ἄκουσαν ὕβριώ, ἦν οὐχ ὕβρισεν οὐδὲ Θήρων ὁ ληστής; cf. 2.4.5, 2.10.1, 5.6.1). Others to whom this quality are attributed are Polycharmus (sensitive to his friend's misfortune, 3.6.5; able to withstand hardship, 4.3.3), Chaereas (also able to endure hardship, 4.3.3; able to keep calm in the thick of battle, 7.4.9), the Persian king (in zeugma with *dikaïosynê*, 5.4.8), and Mithridates (as he himself claims, responsible for serving in the imperial administration, 5.7.2). On the role of *sôphrosynê* in the ideology of the genre of the Greek ideal novels, see D. Konstan, *Sexual Symmetry* (Princeton 1994) 14–59, esp. 48–55. For a discussion of the emphasis placed upon "conjugalitv" as an extension of *sôphrosynê* in the ethics of the Greek elite in the Roman period, S. Swain, *Hellenism and Empire: Language, Classicism, and Power in the Greek World, AD 50–250* (Oxford 1996) 118–131, esp. 128. For a more general study of the history of this term see H. North, *Sophrosyne: Self-Knowledge and Self-Restraint in Greek Literature* (Ithaca 1966), esp. 243–257. North's monograph omits the Greek novels, but is useful for the broad range of connotations of the term.

Callirhoe's apparently unusual position as a pregnant free-born woman who has been sold into slavery also appears in the legal sources. A third-century opinion in the *Digest* speaks of precisely this situation: "If a woman conceives as a free person then gives birth as a slave, it has been decided that her child is born free."⁶ As opposed to this, in the novel there is no question but that the child of Callirhoe will be born a slave, an unacceptable alternative for a woman of such exalted social status as the heroine. She contemplates abortion.

The *serva callida* manipulates Callirhoe's maternal instincts and convinces her that the only way to save Chaereas' baby is to sleep with Dionysius and pass it off as his child. Callirhoe, fearing that her child might be considered less than fully legitimate, insists that Dionysius marry her "according to the Greek laws" (3.2.2). Callirhoe is married to Dionysius in a wedding as glamorous as her first. Seven months later, the women's plan works and Dionysius believes that Callirhoe has given birth to his son.

A literary depiction of a woman weighing her options in a matter that was considered a private decision in antiquity is unusual (indeed unique), though the availability of abortion is nothing shocking. In antiquity, midwives, doctors, and ordinary women had knowledge of a variety of techniques to avoid unwanted pregnancies.⁷ But what has especially perplexed modern readers is what happens afterwards. Chaereas travels to Ionia to find his wife, who he discovers is now the wife of

⁶*Dig.* 1.5.5.2 (Marcian *Inst.* bk. 1); transl. A. Watson (*The Digest of Justinian* [Philadelphia 1985]). The later date of the legal opinion, at least a century (or more) after Chariton's novel, precludes argument that Chariton was influenced by the law or that it indicates his fidelity to external legal realia.

⁷The technicalities of abortion are extensively discussed by J. M. Riddle, *Contraception and Abortion from the Ancient World to the Renaissance* (Cambridge [Mass.] 1992). The ancient evidence, however, limits discussion of women's subjective experiences of abortion. Renate Johnne calls attention to the uniqueness of Callirhoe's internal dialogue about the fate of her child: "Women in the Ancient Novel," in Schmeling, ed. (*supra* n.1: hereafter JOHNNE) 151–207, at 180.

another man. The news that she is also now a mother causes him to despair of ever reclaiming her. Ultimately, the two men find themselves locked in an irresolvable dilemma over the claim to be the legitimate husband of Callirhoe. Their contest extends from the court of the Persian king to the battlefield. Chaereas regains his beloved wife by the fortuitous capture of the royal harem, within which Callirhoe was being kept by the king. In the end, she returns to Syracuse with Chaereas, the biological father of her child, but leaves their son with Dionysius, her second husband.

Stories of abandoned children were familiar to readers of the ancient novels;⁸ nevertheless, Callirhoe's abandonment of her child to Dionysius has shocked modern scholars. Bryan Reardon has called her action "facile," "cold-hearted," and even "ignoble";⁹ Renate Johne has gone so far as to call Callirhoe a "defective human being" (180). How could Callirhoe, whose maternal instinct was taken for granted when she was pregnant, so easily give up the child whom she loved so much that she was willing to compromise her fidelity to her husband?

It is here that the danger for projecting modern values onto the affective relationships of antiquity arises.¹⁰ An under-

⁸See F. Kudlien, "Kindesaussetzung im antiken Roman: ein Thema zwischen Fiktionalität und Lebenswirklichkeit," *Groningen Colloquia on the Novel* 2 (1989) 25–44. Among the main protagonists of the five extant Greek novels, Daphnis and Chloe in Longus *Daphnis and Chloe*, Charicleia in Heliod. *Aethiop.* were exposed as infants. These two novels are later than Chariton's; however, it is clear that the novelists were borrowing a theme which was already well-established in other genres. References to exposed or abandoned children in Greek and Roman literature are too numerous to catalogue here; for examples from Near Eastern and Greek myth, see D. B. Redford, "The Literary Motif of the Exposed Child," *Numen* 14 (1967) 209–228. The Greek and Roman literary evidence for exposure is also discussed by W. V. Harris, "Child-Exposure in the Roman Empire," *JRS* 84 (1994) 1–22.

⁹B. P. Reardon, "Theme, Structure and Narrative in Chariton," in J. J. Winkler and G. Williams, ed., *Later Greek Literature* (Cambridge 1982) 1–27, at 22–23 ("facile" and "cold-hearted"); Reardon (*supra* n.1) 330 ("ignoble").

¹⁰The differences between modern and ancient notions of parental affection is a topic of much discussion. See for example K. R. Bradley, *Discovering the Roman Family* (Oxford 1991) 125–155; D. B. Martin, "The Construction of the Ancient Family: Methodological Considerations," *JRS* 86 (1996) 40–60.

standing of the normative assumptions of Greek and especially Roman laws provides a corrective to modern prejudices, and clarifies the function of the child in the plot of Chariton's novel. The argument of this article is that Callirhoe does not "abandon" her child so much as gracefully and willingly conform to the patriarchal structures of her society. Simply put, she is legally powerless to do anything else. Under Roman law, legitimate sons who would inherit their father's property—*filii*—did not belong to their mothers but to their fathers. The child does not belong to her: it belongs to Dionysius. According to all criteria, Dionysius is the father—that is, all criteria, except biological; but in ancient society the biological relationship was less important than the culturally constructed relationship between father and son. The image of family relationships presented in this novel indirectly reflects not only Roman law, but also the marriage strategies of the Roman elite during the Principate, as most clearly represented in the Julio-Claudian dynasty.

Before demonstrating this, it is helpful to review the other solutions that have been offered to explain Callirhoe's apparently cold-hearted decision. Each has its merits, but none offers a wholly satisfactory explanation of the problem. There are four basic solutions: these may be called the "Lost Source Thesis," the "Poetic Justice Thesis," the "Narrative Device Thesis," and the "Gender-Specific Thesis." In response to these, I propose a solution informed by an analysis of the legal and social context of the novels, the "Legal Thesis."

Lost Source Thesis

A century ago S. A. Naber posited that the historical figure Dionysius I, tyrant of Syracuse, lay behind Chariton's choice of names for the putative father of Callirhoe's child. The child would have been named Dionysius; Callirhoe's visions of her son's triumphant entrance to Syracuse led Naber to guess that Chariton was confusing the fictional Hermocrates' grandson

with the historical Dionysius, who was the son-in-law of the historical Hermocrates.¹¹

The idea that a mother could give her infant to another man when it was simpler for her to take him home with his father struck Naber as one of many “obscure and perplexing” details in Chariton’s novel.¹² Thirty years later, Ben Edwin Perry viewed this incident as “so contrary to Chariton’s tender idealism, so unlike Kallirhoe, and so purposeless as far as the story is concerned, that we cannot regard it as pure invention.”¹³ Particularly struck by “the conduct of the lovers—especially of Chaereas, who is not even consulted about the sending away of his child,” Perry confidently asserted in his seminal 1967 study of the novels that Chariton was using “a pre-existing popular or historiographical tradition which is not elsewhere attested.”¹⁴ Perry deemed this “peculiar or unnatural” episode uncharacteristic of the sober, non-sophistic Chariton.¹⁵ The hypothetical source is too convenient a solution: since the source is lost, it is possible to claim that it contained whatever one might imagine. Although Chariton clearly borrowed details from history, recent studies have shed light on the sophistication of Chariton’s historiographical pose.¹⁶ Perry’s claim that “by being closer to

¹¹S. A. Naber, “Ad Charitonem,” *Mnemosyne* 29 (1901) 92–99.

¹²Naber (*supra* n.11) 99: “Atque hoc quidem Charitoni, qui tam multa improbabilia fingit, fingere licuit, nam in Hermocratis historia multa obscura sunt et perplexa...”

¹³B. E. Perry, “Chariton and his Romance from a Literary-Historical Point of View,” *AJP* 51 (1930) 93–134, at 101–102 n.11.

¹⁴*The Ancient Romances* (Berkeley/Los Angeles 1967) 138.

¹⁵In his earlier article Perry (*supra* n.13: 101) contrasted Chariton with later, sophistic novelists who, as he puts it, take “irresponsible plasmatic license.” This remained an important theme in his later study; cf. Perry (*supra* n.14) 108–148, esp. 113, on the discussion of “literary propriety” which constrained writers in the classical tradition.

¹⁶On Chariton’s use of historiographical details to provide a plausible backdrop for the action of his novel, see T. Hägg, “Callirhoe and Parthenope: The Beginnings of the Historical Novel,” *ClAnt* 6 (1987) 184–204; C. Ruiz Montero, “Caritón de Afrodísias y el mundo real,” in P. Liviabella Furiani and A. M. Scarcella, edd., *Piccolo mondo antico: Le donne, gli amori, i costumi, il mondo reale nel romanzo antico* (Naples 1989) 109–149; A. Billault, “De

legend Chariton is closer to nature and reality"¹⁷ seems now too deterministic to post-modern sensibilities.

The use of the terms "unnatural" and "nature" should be a red flag. Underlying Naber's and Perry's puzzlement is an assumption that mothers always accompany their children, that mother and baby form a natural dyad; therefore, they erroneously presumed that Callirhoe had the child in her possession when she was reunited with Chaereas, and then sent him back to be with Dionysius—a much more extreme gesture than merely sending a letter, and absolutely contrary to modern sentimentality.¹⁸ A close look at the text shows that this is not the case: Chariton made a special point of noting that the child remained with Dionysius in Babylon while Callirhoe was sequestered in the royal palace.¹⁹ While it is unquestionable that Chariton used historical figures to give his narrative the appropriate ambience, the reliance upon a hypothetical source to

l'histoire au roman: Hermocrate de Syracuse," *REG* 102 (1989) 540–548; C. P. Jones, "Hellenistic History in Chariton of Aphrodisias," *Chiron* 22 (1992) 91–102; R. L. Hunter, "History and Historicity in the Romance of Chariton," *ANRW* II.34.2 (1994) 1055–1086.

¹⁷Perry (*supra* n.13) 101.

¹⁸Naber (*supra* n.11) 98: "Cur autem Chariton Chaereae et Callirhoes filiolum Mileti reliquit? Mater eum secum duxerat Babylonem et Statira regina infantem libenter videbat... Rex autem secum traxit ad bellum καὶ γυναῖκας καὶ τέκνα ... Itaque urbe Arado capta statim cum matre patri reddi potuerat, sed Chariton maluit puerum Dionysio Milesio tradere educandum." Cf. Perry (*supra* n.14) 138: "But it is strange that this child should have been sent to Miletus to be brought up by Dionysius (VIII 4), when his parents, after the capture of Arados, could just as well have taken him with them to Syracuse."

¹⁹Later, when Dionysius receives Callirhoe's good-bye letter, he is with the king in Tyre and still has the child with him; cf. 8.5.3 (the king in Tyre), 8.5.9–10 (the king summons Dionysius, who comes immediately), and 8.5.15 (Dionysius gazes at the child). This error was pointed out by K. Plepelits, *Chariton von Aphrodisias: Kallirhoe* (Stuttgart 1976) 30–32; nevertheless, confusion persists in the scholarship. Reardon (*supra* n.1: 330) joins Naber and Perry in presuming that it would have been easier for Callirhoe and Chaereas to take the child back with them to Syracuse. John (180) suggests that Callirhoe "left the child behind in Miletus to go back to her native country with her first husband." This paraphrase is misleading because it elides the chain of events between the physical separation of the mother and child, and the decision to return to Syracuse without the child—events which the narrative itself treats as distinct and important.

explain a perceived anomaly tells us more about the modern interpreters' assumptions concerning the "nature" of motherhood than about the text itself.

Poetic Justice Thesis

Some critics read the custody of Callirhoe's child as a consolation prize to the kind and noble Dionysius. Callirhoe's bestowal of the child on Dionysius is couched in a letter she writes independently of Chaereas out a sense of justice and gratitude (8.4.4, ἐδοξε δὲ καὶ Καλλιρόη δίκαιον εἶναι καὶ εὐχάριστον Διονυσίῳ γράψαι). She opens by addressing Dionysius as her benefactor and begs him not to be angry. She assures him that she is still with him "in spirit" through the son they share (8.4.5, εἰμὶ γὰρ τῇ ψυχῇ μετὰ σοῦ διὰ τὸν κοινὸν υἱόν). The poetic justice thesis is most succinctly expressed by Johne (181): "Kallirhoe is willing to leave the child with the lonely Dionysios out of gratitude and loyalty."

Yet, Callirhoe's use of her son as a token of her appreciation still leaves some readers cold. Psychological motivations, such as "second thoughts,"²⁰ "pangs of guilt,"²¹ and "heartbreaking agony,"²² have been read into the text. Reardon sees the episode as indicative of an last-minute attempt by Chariton to resolve the awkwardness of the character of Dionysius:

Chariton is embarrassed by his treatment of Dionysius; he has represented him throughout as a noble soul, and as *sym-*

²⁰G. Schmeling, *Chariton* (New York 1974) 128: "Callirhoe also had second thoughts about her earlier actions and felt now a certain responsibility toward Dionysius whom she had abhorred previously."

²¹Reardon (*supra* n.1) 330: "Readers have been worried by this apparent cold-heartedness on her part—and, it must be said, on the part of Chaereas too, since he seems singularly undisturbed at losing a son he has never seen; it is the more puzzling in that Chariton could easily have had Callirhoe bring the child back to Syracuse, and does not attribute to Callirhoe any reason for her action (he might, for instance, have adduced pangs of guilt on her part for the way she treated Dionysius)."

²²M. Kaimio, "How to Manage in the Male World: The Strategies of the Heroine in Chariton's Novel," *AAntHung* 36 (1995) 119–132, at 132.

pathique, and cannot bear to leave him out in the cold altogether. Sophocles could have borne it. But in this story, everyone must have a prize (except Theron). Dionysius gets a whole clutch of consolation prizes: military glory, a pre-eminent position in the King's entourage—and a son. 'And they all go down to the beach and have a lovely time.' It doesn't seem very cathartic to us.²³

In other words, relinquishing her child is the price Callirhoe pays for her earlier resistance to the gentle and benevolent Dionysius. This act facilitates the "happily ever after" conclusion of the novel, an ending which strikes modern readers as, in Reardon's words, "discordant" (*supra* n.1: 330).

This view that the child is some sort of compensation for Dionysius is not completely without merit; however, the letter serves a more important purpose than alleviating Callirhoe's putative guilt. This becomes clear when it is considered in its entirety (8.4.5–6):

Καλλιρόη Διονυσίῳ εὐεργέτῃ χαίρειν· σὺ γὰρ εἶ ὁ καὶ ληστείας καὶ δουλείας με ἀπαλλάξας. δέομαί σου, μηδὲν ὀργισθῆς· εἰμὶ γὰρ τῇ ψυχῇ μετὰ σοῦ διὰ τὸν κοινὸν υἱόν, ὃν παρακατατίθημί σοι ἐκτρέφειν τε καὶ παιδεύειν ἀξίως ἡμῶν. μὴ λάβῃ δὲ πείραν μητρυϊᾶς· ἔχεις οὐ μόνον υἱόν, ἀλλὰ καὶ θυγατέρα· ἀρκεῖ σοι δύο τέκνα. ὦν γάμον ζευξόν, ὅταν ἀνὴρ γένηται, καὶ πέμψον αὐτὸν εἰς Συρακούσας, ἵνα καὶ τὸν πάππον θεάσῃται. ἀσπάζομαί σε, Πλαγγών. ταῦτά σοι γέγραφα τῇ ἐμῇ χειρὶ. ἔρρωσο, ἀγαθὲ Διονύσιε, καὶ Καλλιρόης μνημόνευε τῆς σῆς.

Callirhoe greets Dionysius her benefactor—for you are the one who released me from piracy and slavery. I beg you, do not be angry, for I am with you in spirit through our common son, whom I entrust to you to raise and educate in a manner worthy of us. Do not let him experience a stepmother: you have not only a son, but also a daughter. Two children suffice for you. Join them in marriage when he becomes a man and send him to Syracuse, so that he may also see his grandfather. My greetings to you, Plangon. This I have written in my own hand. Farewell, good Dionysius, and remember your Callirhoe.

²³Reardon (*supra* n.9) 23.

In the letter, her formal transfer of custody is marked by the verb παρακατατίθημι, which echoes the words Chaereas uttered to her in a dream when she first discovered she was pregnant (2.9.6, “παρατίθεμαί σοι” φησίν, “ὦ γύναι, τὸν υἱόν”). The middle παρατίθεμαι means “set before oneself, or have set before one”; or in the case of items of value, “deposit” or “commit into another’s hands” (LSJ *s.v.* B.1–2). In effect Chaereas authorizes Callirhoe to care for the child, and she in turn authorizes Dionysius to care for the child. The transfer however is not absolute. She attaches three conditions: that Dionysius provide sustenance (*trophê*) and a worthy education for the child; that he not remarry and so cause the child to experience a stepmother;²⁴ and that he marry his two children to one another.²⁵

The *oikos* of Dionysius is doubly preserved, first by Callirhoe’s choice to leave her son in the custody of Dionysius, and second by her request for the marriage of the two half siblings to one another. It is indeed a satisfying ending (*pace* Reardon) because Dionysius’ *oikos* is renewed: this is where poetic justice is enacted.

Narrative Device Thesis

Another explanation considers the pregnancy as nothing more than a narrative device—and a very economical one, at

²⁴Cf. Eur. *Alc.* 304–319. Callirhoe’s wish reflects the conventional antipathy towards stepmothers in Greek and Roman literature; see P. A. Watson, *Ancient Stepmothers: Myth, Misogyny and Reality* (New York 1995). Note too that Callirhoe’s request is consistent with Pl. *Leg.* 930B, where a widower with both male and female children is encouraged not to remarry but to raise the children he already has.

²⁵This was not considered incest because they had different mothers; see A. R. W. Harrison, *The Law of Classical Athens* (Oxford 1968–71: hereafter HARRISON) I 22–23. On endogamy as a strategy of preventing the extinction of families in Greece, see S. B. Pomeroy, *Families in Classical and Hellenistic Greece: Representations and Realities* (Oxford 1997) 121–123. Roman endogamy is discussed by S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford 1991) 107–119, esp. 112 n.170, where a remark in Plut. *Mor.* 289D–E is adduced as evidence that marriage between half siblings was more common in Greece than in Rome.

that—whose chief function is to force the paradox of the faithful wife who is also a bigamist. Later references to the child are just exploitations of an available motif when the scene calls for heightened pathos. The virtue of this explanation is that it recognizes that, despite its illusion of reality, *Chaereas and Callirhoe* is first and foremost a work of fiction. Indeed, the child is not really a character in this fiction. Chariton never mentions the child's name, nor his age.²⁶ There is no concern to explain who cared for the child in the mother's absence.²⁷ Consistent with the general representation of children in ancient sources, Callirhoe's child simply blends into the background.²⁸

Chariton exploits the detail of the child only when it suits the dramatic situation. He makes great use of the ambiguity inherent in the fact that Greek does not normally require a possessive pronoun or adjective to modify nouns expressing close relations.²⁹ When the child is referred to as υἱός, it may be con-

²⁶Other vocabulary for the child (frequency is in parentheses) includes: τέκνον (20), παιδίον (7), βρέφος (5), τὸ κατὰ γάστρος or τὴν γαστέρα (5). On the legal fiction of treating the womb as a person in Roman law, see Y. Thomas, "Le 'Ventre': Corps maternel, droit paternel," *Le genre humain* 14 (1986) 211-236.

²⁷This omission is easily explained by the prevalent use of wet nurses among the upper classes. The practice was so much taken for granted that the author did not think it worthy of comment. Dionysius' reference to the child's pedagogue (5.10.5, τί λέγεις, παιδαγωγέ;) might suggest that Chariton imagines an older child rather than an infant; however, it is unclear how literally we are to take this reference. The context is a scenario, imagined by Dionysius, in which the child goes to the Persian king's palace as an ambassador (πρεσβευτήν) of his father to his mother. Even if Chariton meant to represent the child as being cared for by a pedagogue, it cannot necessarily be taken as an indictment of the author's consistency. Bradley (*supra* n.10: 37-75), in an epigraphic study of Roman tombstones, has identified a category of male child minders, interchangeably called *nutritores* and *paedagogi*. Bradley argues that the *nutritor* assisted the *nutrix* in the care of nurslings. Male child minders are associated with the imperial family (Nero, Lucius Verus, Julia Livilla, and Drusus Caesar) and other upper-class families (Bradley 38-42), but are not limited to the upper classes.

²⁸S. Dixon, *The Roman Mother* (Norman 1988), particularly 104ff.

²⁹Even when possession is indicated, ambiguity remains. For example, Dionysius tells his child to go to Callirhoe and say, "Mother, my father loves you" (5.10.5, Μητέρα, ὁ πατήρ μου φιλεῖ σε)—which could equally apply to Chaereas as well as to Dionysius. Similarly, the pro-Dionysius faction among the women urges Callirhoe to respect her child's father: 6.1.5, μὴ προδώς τὸν υἱόν· τίμησον τὸν πατέρα τοῦ τέκνου.

strued as the son of Chaereas, Dionysius, or both.³⁰ If the occasion calls for particularly heightened pathos, Chariton does not hesitate to have his heroine call her child an orphan, a designation which always comes at the climax of a lament over Chaereas' supposed death (2.8.7, 3.8.9, 3.10.5). Its status as orphan is determined by the absence of Chaereas, and so it underscores the separation of the lovers.

The child is a living reminder of an absent lover. When Callirhoe decides to continue the pregnancy, she does so in the hope of giving birth to a likeness of the child's father (2.11.2). After the child is born, she offers a private prayer of thanks to Aphrodite for giving her an image of her beloved husband (3.8.7). The child is called an εἰκών, equivalent to the portrait ring of Chaereas that she had clutched to her belly in her moment of deliberation (2.11.1, cf. 3.8.7). But the child also serves as a reminder of Callirhoe to Dionysius: after he is left by Callirhoe, Dionysius clings to the child and is comforted by the thought of the artistic images (εἰκόνες) of Callirhoe in Miletus.³¹

First and foremost, the child is an heir. In fact, it is as a son that the child is most significant: the possibility that the fetus might be a son causes Callirhoe to second-guess her initial decision to abort it (2.9.4). Plangon appeals to Callirhoe not to abort her fetus but "to give birth to the inheritance (κληρονόμου) of the most brilliant *oikos*" (2.10.4). Dionysius uses terms appropriate to his characterization as a propertied aristocrat of Ionia, the type of person who would have been most concerned with ensuring that his estate be duly bequeathed to a

³⁰Chaereas, 2.9.4, 2.9.6, 2.11.3, 3.2.13, 3.8.8, 3.10.5; Dionysius, 3.2.2, 3.8.4, 5.10.2, 5.10.5, 6.1.5, 8.4.5 (twice). Both men: 3.7.7, υἱὸν ἔτεκε τῷ μὲν δοκεῖν ἐκ Διονυσίου, Χαίρεου δὲ ταῖς ἀληθείαις.

³¹Note that the memory of Callirhoe is intertwined with Dionysius' newly gained political power: 8.5.15, μέγα νομίζων παραμύθιον πολλὴν ὁδὸν καὶ πολλῶν πόλεων ἡγεμονίαν καὶ τὰς ἐν Μιλήτῳ Καλλιρόης εἰκόνας. On Chariton's use of visual images, see F. Zeitlin, "Living Portraits and Sculpted Bodies in Chariton's Theater of Romance," in M. Zimmerman, S. Panayotakis, and W. Keulen, edd., *The Ancient Novel in Context* (Groningen 2000) 119–120.

legitimate heir. He calls the child "the inheritance (κληρονομίαν) of your mother and a monument (ὑπόμνημα) to an ill-fated love" (5.10.2). The child thus is envisioned as a part of the cityscape. He is not a person but a monument in Miletus, a city whose fictional topography is marked by personal landmarks.³²

But the child is also a part of the Syracusan landscape. Callirhoe calls him a "monument" (ὑπόμνημα) of her marriage to Chaereas (2.9.4). The child is an heir, of Dionysius—and of Hermocrates through Callirhoe. The child is referred to as "the descendant of Hermocrates," τὸν Ἑρμοκράτους ἔκγονον, and his successor, διάδοχον—but never the ἔκγονος Χαίρεου.³³ At the novel's denouement, Chaereas tells the assembled Syracusans about the pregnancy (in order to absolve Callirhoe) and announces, "There is a Syracusan in Miletus being brought up by a wealthy and renowned man; let's not begrudge him his great inheritance" (8.7.12). The inheritance to which Chaereas refers can only refer to the one to which the child is entitled through his mother, since Chaereas' lineage is consistently eclipsed throughout the novel by Callirhoe's. In effect, Callirhoe is an *epiklêros*: as the only daughter of the city's *stratêgos*, her marital status concerns the entire city.³⁴ Indeed, Hermocrates overshadows Dionysius as well: upon marrying Callirhoe, Dionysius joyfully looks forward to the birth of a child who has a grandfather greater than his father (3.2.2). In sum, the child is

³²On the prominence of personal landmarks in the topography of Chariton's Miletus, see S. Said, "The City in the Greek Novel," in Tatum (*supra* n.1) 216–236, esp. 225–226.

³³τὸν Ἑρμοκράτους ἔκγονον: spoken by Callirhoe, 2.9.2, 2.11.2, 3.8.8; by Dionysius, 3.2.2; by Chaereas, 8.8.11; διάδοχον: by Callirhoe, 3.1.6, 3.8.8.

³⁴On the city's interest in Callirhoe's marriage, see 1.1.11–13. Technically, she is a potential *epiklêros*, as this status is effectuated upon the father's death. Hermocrates is not yet dead, nor is there any expectation that Callirhoe marry a kinsman of Hermocrates. The customs surrounding *epiklêria* in Chariton's fictional Syracuse seem more relaxed than the institution as it is understood through fourth-century Athenian sources. On *epiklêria* see Harrison I 132–138 and D. M. Schaps, *Economic Rights of Women in Ancient Greece* (Edinburgh 1979) 25–47.

a cipher for the joint glory of the Greek cities of Syracuse and Miletus in the future.³⁵

Gender-Specific Thesis

A fourth approach seeks to explain Callirhoe's actions in the context of a patriarchal system where legitimate children "belong" to their father's *oikos*, and the mother is seen as a temporary nurturer of the father's progeny. This gives rise to a chronic male fear that women might introduce supposititious children into legitimate bloodlines. This anxiety fueled plots of New Comedy³⁶ and underlay many of the stipulations in Roman law concerning the details surrounding childbirth.³⁷

From this perspective, Callirhoe's decision to pretend that Dionysius is her baby's biological father represents something beyond the law's purview, the kind of thing men feared women might do when left unsupervised. Operative here is some uniquely feminine rationale which, depending upon the critic's perspective, may be either inscrutable or subversive. Thus, S. Wiersma sees Dionysius' obtuseness about the facts of reproduction as an example of Chariton's "subtle sense of humor," and Callirhoe's decision as a sign of her "frivolity." Karabélias dismisses the entire question of the real paternity of

³⁵Cf. Eur. *Ion*, where the circumstances of Ion's birth and adoption unify the *oikoi* of three men: the adoptive father (Xuthus), the maternal grandfather (Erechtheus), and the biological father (Apollo). Euripides' play culminates with the prophecy (1571ff) that Ion's adoption and recognition will herald the continuation of the maternal grandfather's line, the royal house of Athens. For other references to men creating bonds with other men by sharing wives, see Xen. *Lac.* 1.7-9; Plut. *Cat.Min.* 25, *Lyc.* 15.6. The Roman practices are discussed by M. Corbier "Constructing Kinship in Rome: Marriage and Divorce, Filiation and Adoption," in D. I. Kertzer and R. P. Saller, ed., *The Family in Italy from Antiquity to the Present* (New Haven 1991) 127-144.

³⁶D. Konstan, "Premarital Sex, Illegitimacy, and Male Anxiety in Menander and Athens," in A. Boegehold and A. Scafuro, ed., *Athenian Identity and Civic Ideology* (Baltimore 1994) 217-235.

³⁷*Dig.* 25.4.1.10; discussed by B. Rawson, "Adult-Child Relationships in Roman Society," in B. Rawson, ed., *Marriage, Divorce, and Children in Ancient Rome* (Oxford 1991) 11-12.

Callirhoe's child as "une affaire des femmes," and does not pursue further analysis of her decision.³⁸

This explanation emphasizes the deceptive quality of Callirhoe's actions, both in the initial decision to pass off the child as Dionysius' and in her complacency in continuing to let Dionysius think he is the father. Callirhoe's private prayer to Aphrodite (3.2.12–13), en route to the wedding festivities in the city, can be read as the perfect articulation of what male citizens concerned with the production of an heir most feared. She begs Aphrodite to conceal her *technê*, and to let the child be supposed the child of Dionysius (3.2.13, ποιήσόν μου λαθεῖν τὴν τέχνην. ἐπεὶ τὸν ἀληθῆ τοῦτο πατέρα οὐκ ἔχει, δοξάτω Διονυσίου παιδίον, τραφὲν γὰρ κάκεινον εὐρήσει). Note that Callirhoe's decision is portrayed sympathetically: it is not a *dolos*, a trick, but a *technê*, an artifice. The necessity of preventing the birth of Chaereas' son into slavery forces her to marry and to pass off the child as someone else's. She subverts the integrity of one man's line to preserve that of another's, while leaving open the possibility that the truth will come out after the supposed father has invested in his upbringing, his *trophê*.³⁹

Callirhoe's *technê* has also been seen in a more positive light, as an example of a woman who takes the initiative within the narrow scope for action allowed in a patriarchal society which otherwise expects women to be passive. Patrizia Liviabella Furiani sees this as a sign of "the coming of a new paternity—freer, gentler, and nonconformist," where the woman is in

³⁸S. Wiersma, "The Ancient Greek Novel and its Heroines: A Female Paradox." *Mnemosyne* 43 (1990) 109–123, at 117; Karabélias (*supra* n.2) 380.

³⁹While it is true that Callirhoe never tells Dionysius the truth about the circumstances of her pregnancy, Karabélias assumes that Chaereas is also left in the dark, suggesting that Callirhoe's ruse is complete. This is not true: after their reunion, Callirhoe tells him about the child (8.1.15). That he knows the whole truth is apparent in the final episode of the novel, where Chaereas relates the story of their adventures, including Callirhoe's pregnancy by him, to the Syracusans (8.7.11). The very nature of this announcement places it firmly in the limelight of public discourse, far from the shady dealings among women behind closed doors.

control.⁴⁰ As part of her argument for a female readership of the Greek novels, Brigitte Egger reads Callirhoe's inability to choose between Chaereas and Dionysius in the Babylonian trial as proof that she wants to control both men. Callirhoe's request that Dionysius not remarry thus represents a victory for the heroine, who not only regains her first husband, but keeps her second in limbo. Maarit Kaimio, suggests that the ambiguity of Callirhoe's action would have conveyed meanings which would have resonated with both male and female readers. It is, as Egger puts it, a "literary escape route from patriarchy for Callirhoe and her readers." It is not as "purposeless" as Perry had supposed.⁴¹

Legal Thesis

While the preceding views offer partial explanations of Callirhoe's choice to give up her child, a look at the legal sources will show that Callirhoe's action is not subversive, but precisely the opposite: it is profoundly conservative. When considered in light of the parameters for possible action under Roman law, it becomes clear that Callirhoe's "choice" is hardly a choice at all. She gives up the child because it belongs to Dionysius—and neither to Chaereas nor indeed to her.

⁴⁰P. Liviabella Furiani, "Di donna in donna: Elementi 'femministi' nel romanzo greco d'amore," in Liviabella Furiani and Scarcella (*supra* n.16) 45–106, at 53.

⁴¹B. M. Egger, "Looking at Chariton's Callirhoe," in J. R. Morgan and R. Stoneman, ed., *Greek Fiction: The Greek Novel in Context* (London 1994) 41–42; Kaimio (*supra* n.22) 132. I leave aside the question of the gender of Greek novels' audience. The current consensus is that the intended audience was the Greek urban elite, or at least an audience which identified with the values of the elite. See S. Saïd, "Rural Society in the Greek Novel, or The Country Seen from the Town," in S. Swain, ed., *Oxford Readings in the Greek Novel* (Oxford 1999) 83–107. The collection of essays edited by Tatum (*supra* n.1) contains a number of essays on readership: see Egger, "Women and Marriage in the Greek Novels: The Boundaries of Romance," 260–280; S. Stephens, "Who Read Ancient Novels?" 405–418; Bowie (*supra* n.1). Konstan (*supra* n.5: 218–231) suggests the possibility that the copies of novels were bought by the head of the household to be read in a "family setting" and enjoyed by his wife and children as well (220).

There are two separate but related strands to consider: Callirhoe's power to "possess" the child and Chaereas' power. The first is more easily dealt with. Legitimacy and parentage were intertwined with marriage and property relations. In Athenian and Roman law, women generally were required to have legal guardians. Even when a woman was accorded "honorary male status" in Roman law (*sui iuris*), she was excluded from having *potestas*, i.e., the "control over other free persons."⁴² Ideally—for the sources are written from a gendered perspective that tends to obscure what happened in reality—only the *pater familias* had authority over the children.⁴³ This is most clearly illustrated in cases of divorce: in both Athenian and Roman law, the children remained with the father.⁴⁴ Clearly Callirhoe has no autonomous claim to the child; therefore, an argument that the child "should" be with his biological parents must rest upon the strengths of Chaereas' claims to paternity. This is the more vexed of the two strands of this problem.

The close biological connection between mother and child makes that relationship inherently easier to define than the relationship between father and child. In pre-modern societies, where there were no genetic tests to establish biological relationship, the relationship between father and child had to be defined culturally. And according to all the chief cultural indicators of paternity, Dionysius is the father of Callirhoe's child.

The Roman jurist Paul succinctly articulates the principle that fatherhood is defined culturally rather than biologically: *pater vero is est quem nuptiae demonstrant*, "The father indeed is

⁴²J. F. Gardner, "Gender-Role Assumptions in Roman Law," *EchCl* 39 N.S. 14 (1995) 377–400, at 377.

⁴³R. P. Saller, "Pater Familias, Mater Familias, and the Gendered Semantics of the Roman Household," *CP* 94 (1999) 182–197.

⁴⁴For a discussion of the Athenian laws pertaining to parental authority and a comparison of *κυρία* with the Roman *patria potestas* see Harrison I 70–81; for the Roman laws of divorce, Treggiari (*supra* n.25) 467–470.

declared by the marriage."⁴⁵ According to this criterion, Dionysius is the father: he celebrates his marriage to Callirhoe with public festivities and promises to make Callirhoe his wife "according to the Greek laws."⁴⁶ However, this alone is not sufficient, because Chaereas also married Callirhoe in a public ceremony. What makes Dionysius' claim stronger is the fact that he was married to Callirhoe when she gave birth.

Another opinion of Paul sheds further light on the question of the paternity of the child. Since it was difficult to establish paternity, female chastity both before and after marriage was critical. The Greek novels extol precisely this virtue. However, given the messiness of real life, the law had to be prepared to address the question of what happened when a child was born less than nine months after marriage, as in the case of Callirhoe. The jurist's opinion (which dates to the first half of the third century at the latest, not too much after the latest date for Chariton) refers to precisely such a situation:

Septimo mense nasci perfectum partum iam receptum est propter auctoritatem doctissimi uiri Hippocratis: et ideo credendum est eum, qui ex iustis nuptiis septimo mense natus est, iustum filium esse.

That a child can be born fully formed in the seventh month is now a received view due to the authority of that most learned man Hippocrates. Accordingly, it is credible that a child born

⁴⁵ Dig. 2.4.5 (Paul *Edicts* bk. 4); transl. Watson (*supra* n.6). There is good reason to believe that this was also the case in the laws of the Greek cities. In Attic orations of the fourth century, a common way to undermine an heir's claim to his father's estate was to allege that his parents had never been properly—that is, publicly—married. For example, Dem. 57.40–43, Isae. 6.64; discussed in Harrison I 62–65. D. Ogden, *Greek Bastardy in the Classical and Hellenistic Periods* (Oxford 1996) 84–85, notes that in forensic speeches, the public nature of the wedding ceremony is not invoked as proof of legitimacy, although it seems the wedding ceremony was intended to serve such a function. Ogden offers no explanation for this "curious fact."

⁴⁶ 3.2.2: σὺ γὰρ ἠπίστησας ὅτι ἕξω σε γαμετὴν παίδων ἐπ' ἀρότῳ κατὰ νόμους Ἑλληνικούς. εἰ γὰρ μὴ ἦρων, οὐκ ἂν ἠυξάμην τοιοῦτου γάμου τυχεῖν.

in the seventh month of a lawful marriage is a lawful son of the marriage.⁴⁷

Drawing upon the Hippocratic observation that a fetus could be born after seven months of gestation, the jurist declared such a child legitimate. This is exactly the situation envisioned by Chariton. He is careful to specify that Callirhoe was precisely two months pregnant at the time she married Dionysius. When Callirhoe tells Plangon, the slave woman who is her confidante, that she is two months pregnant, the slave woman says, "Time is on our side; it is possible to appear to have given birth to a seven-month child by Dionysius."⁴⁸ This detail finally clinches Plangon's argument that Callirhoe should marry Dionysius. If the seven-month rule did not apply, there would be no reason for the virtuous Callirhoe to sacrifice her fidelity to Chaereas. The precise interval between marriage and birth is reiterated later in the narrative (3.7.7, ἐβδόμῳ γὰρ μηνὶ μετὰ τοὺς γάμους).

Seven months was a canonical figure in the ancient understanding of gestation.⁴⁹ It was particularly important in Roman culture, where it became enshrined in law. This can be seen by comparing two comedies, one Athenian and one Roman, whose plots revolve around the type of situation which Callirhoe risks facing: the birth of a seemingly illegitimate child less than nine

⁴⁷*Dig.* 1.5.12 (Paul *Resp.* bk. 19); transl. D. M. MacCormick (*supra* n.6).

⁴⁸2.10.5: ἤρετο γοῦν ἡ Πλαγγὼν "πόσον δοκεῖς χρόνον ἔχειν τῆς συλλήψεως;" ἡ δὲ "δύο μῆνας" εἶπεν. "ὁ χρόνος οὖν ἡμῖν βοηθεῖ· δύνασαι γὰρ δοκεῖν ἑπταμηνιαῖον ἐκ Διονυσίου τετοκέσθαι."

⁴⁹The precise duration of the pregnancy is at issue in Herodotus' account of the disputed paternity of the Spartan king Demaratus, born seven months after his parents' marriage. Deposed by his political enemy as not being of royal blood, Demaratus appeals to his mother to clarify. She tells of being seduced by a phantom of her husband, and then defends his legitimacy by explaining that "women give birth during the ninth month or the seventh month, and not all complete the ten month" (Hdt. 6.69, τίκτουσι γὰρ γυναῖκες καὶ ἐννεάμηνα καὶ ἑπτάμηνα, καὶ οὐ πᾶσαι δέκα μῆνας ἐκτελέσασθαι). This, she says, was a fact commonly known among women; her husband was ignorant of it, and so swore it was not his own child. My thanks to the anonymous referee for pointing out this important passage.

months after a marriage. In Terence's *Hecyra* the number seven is significant: the young wife, Philumena, gives birth seven months after marrying Pamphilus.⁵⁰ Philumena's father wonders why his wife is so anxious to hide their daughter's delivery; he remarks that the childbirth was at the "right time."⁵¹ This suggests that a Roman audience, together with a respectable gentleman such as Philumena's father, might have accepted the birth of a child seven months after the wedding as nothing especially alarming.

It is significant that the number seven does not appear to have been specified in the Greek version of this story. The surviving bits of the Greek original upon which Terence's play is based, Apollodorus of Carystus' *Hecyra*, do not specify the interval between wedding and childbirth; however, in the fragmentary *Epitrepontes* of Menander, the play to which the *Hecyra* is often compared, the critical number is five, not seven. The child is born only five months after the wedding of the young couple Charisios and Pamphile.⁵² It is critical to the plot of *Epitrepontes* that the fetus be born so prematurely that it could be credibly passed off as a miscarriage, as a five-month-old fetus would have unquestionably been. Indeed, when the servant Onesimos informs the girl's father that the child was conceived before the wedding, he likens it to a τέρας, which Arnott translates "freak." The child, in reality a full-term infant, had been secreted out of the house and exposed, only to be found by a shepherd, adopted by a slave, and passed off by

⁵⁰Ter. *Hec.* 392–394: *partuire eam nec gravidam esse ex te solus conscius; nam aiunt tecum post duobus concubuisse mensibus; tum, postquam ad te venit, mensis agitur hic iam septimus.* For discussion of the time scale of Philumena's pregnancy see S. Ireland, *Terence: The Mother in Law* (Warminster 1990) 162–165.

⁵¹Ter. *Hec.* 531, *praesertim quom et recte et tempore suo peperit.*

⁵²Men. *Epit.* 1115–1117: *τοιγαροῦν τέρασιν ὅμοια πεντάμηνα παιδιά ἐκτρέφομεν.* See W. G. Arnott, *Menander I Aspis to Epitrepontes* (Cambridge [Mass.] 1979) 517; A. W. Gomme and F. H. Sandbach, *Menander: A Commentary* (Oxford 1973) 308.

Charisios' girlfriend, the *hetaira* Habrotonon, as her own. The dramatic tension revolves around the birth tokens, especially a ring lost by the rapist on the night of the rape. Ultimately the characters discover that Habrotonon's baby is actually Pamphile's baby, and the ring actually Charisios' ring. The conflict is resolved when it becomes clear that the unknown man who raped Pamphile four months before her marriage was in fact Charisios, leaving no doubt that the child is, after all, entirely legitimate.

In Terence's version, a slight shift of the time frame creates a different sort of dramatic tension. In *Hecyra* the child is born seven months after the marriage, within the gray area between legitimacy and illegitimacy. A child born after seven months' gestation was premature, yet according to Roman law, within the window of acceptability. In the drama, the period between birth and marriage was not enough in itself to indict the child's legitimacy. Terence added the twist that the marriage was not consummated until two months after the wedding—a fact to which only Pamphilus' slave Parmeno is privy (that is, besides the spouses themselves). Several critics have attempted to reconstruct the time scheme of the dramatic events, working back from the birth. In summarizing these attempts, S. Ireland explains that the plot "requires the marriage to have taken place no less than seven months previously in order to ensure the appearance of minimum viability for any foetus."⁵³ By eliminating the issue of an indisputably and unrealistically premature birth, Terence is able focus more subtly on the question of legitimacy; that is, he "thickens up" the plot.⁵⁴ The child is no freak; to the

⁵³Ireland (*supra* n.50) 165.

⁵⁴On Terence's style of adaptation see J. C. B. Lowe, "Terentian Originality in the 'Phormio' and 'Hecyra,'" *Hermes* 111 (1983) 431–452, esp. 438–442. Although he does not dwell upon the duration of the pregnancy, he identifies a number of original deviations from Terence's Greek models, such as enlargement of the comic role of Parmeno, as examples of the playwright's "thickening up process" (431).

entire world, except for the couple and the husband's slave, the child is manifestly legitimate. When the birth becomes known to the couple's fathers and then to Pamphilus, the fathers do not understand why Pamphilus continues to reject his wife; Pamphilus' father even offers to take the child and raise it himself (*Hec.* 699–726).

Well before the third century, when the jurist Paul formally recognized the legal status of a *filius* born seven months after the consummation of the marriage, ancient medical writings recognized seven months as a significant milestone in gestation, the earliest date at which a fetus could be born and survive. Not only that—it was also the latest a fetus could be born and still be considered pre-term: ancient medical authorities adhered to the paradoxical notion that eight months was a particularly dangerous time, when childbirth always resulted in death for the fetus.⁵⁵ As Anne Ellis Hanson has shown, this supposition was based upon a numerology which privileged the number seven and its multiples as auspicious; the number eight, however, did not fit into this scheme.⁵⁶ The canonical quality of the number seven in reference to months of pregnancy thus precludes the necessity of reconciling Chariton's figures with the lunar or Julian calendar, or with inclusive versus exclusive

⁵⁵For seven months as the minimum date of viability, Hippoc. *Septim.* 1–2. The assumption that infants born after eight months' gestation never survive childbirth is expressed most clearly in Hippoc. *Oct.* 10: περί δὲ ὀκταμήνου γενέσιος φημι δισσὰς ἔφεξης κακοπαθείας γενομένης ἀδυνάτους εἶναι ποιεῖν φέρειν τὰ παιδιά, καὶ διὰ τοῦτο οὐ περιγίνεσθαι τὰ ὀκτάμηνα· συγκυρεῖ γὰρ αὐτέοις ἔφεξης κακοπαθεῖν τὴν τε ἐν τῇ μήτρῃ γενομένην κακοπαθειὴν καὶ τὴν ὅταν ὁ τόκος γένηται, καὶ διὰ τοῦτο τῶν ὀκταμήνων οὐδὲν περιγίνεται. For a survey of other passages in ancient scientific texts in which this belief appears, see A. E. Hanson, "The Eight Months' Child and the Etiquette of Birth: Obsit Omen!" *BHM* 61 (1987) 589–602.

⁵⁶Hanson (*supra* n.55) 592–595. According to Hanson, this long-lived "fantasy" served as an acceptable excuse to exonerate the birth attendants of blame for the deaths of newborns or mothers in childbirth (598–599). This dogma was held so deeply that instances that did not conform to the model would be considered grounds to impugn the mother's credibility in calculating the date of conception. L. A. Dean-Jones, *Women's Bodies in Classical Greek Science* (Oxford 1994) 210, indicates this misunderstanding as "an extreme example of folk-belief influencing science in defiance of the observed phenomena."

methods of reckoning time.⁵⁷ If the opinion preserved in the *Digest* formalizes a practice that had been generally regarded as legally acceptable for some time, we might expect that the secretary of a *rhêtor* would have been aware of it.

The events of the narrative bear out the theory that Dionysius' paternity, although constructed, nevertheless is to be understood as perfectly legitimate. After the baby is born, Dionysius defers to Callirhoe as his wife in all matters and makes her mistress of his house (3.7.7, *κακέϊνος ὑπὸ τῆς χαρᾶς πάντων παρεχώρησε τῇ γυναικὶ καὶ δέσποιναν αὐτὴν ἀπέδειξε τῆς οἰκίας*). His trust in Callirhoe is a sign that the birth was considered perfectly proper. Dionysius is like Euphiletus, the narrator of Lysias' oration *On the Murder of Eratosthenes*, who explains that it was not until after his new wife gave birth that he relaxed his guard and began to trust her with all his personal affairs. This he judges to be reasonable behavior for a newly wed husband (Lys. 1.6). Similarly, Dionysius, an educated, upper-class gentleman, remains in control despite his intense love for Callirhoe, and waits until after she gives birth to make her the mistress proper of the household. When he intercepts a letter from Chaereas to Callirhoe, he laments to Aphrodite, "Why did you make a father one who was not even a husband?" (5.10.1, *τί δὲ πατέρα ἐποίησας τὸν οὐδὲ ἄνδρα ὄντα;*), and presumes that the very fact that he and Callirhoe have a child together is proof enough that their marriage is valid. The irony is palpable.

The moment of public recognition of a child, and not the moment of conception, formally established paternity. After that, biological paternity was a moot point. In Greek and Roman law, the father did not signify his paternity until after the baby was born. He was free to reject or accept children born into his household, regardless of whether or not he had sired

⁵⁷Cf. Karabélias (*supra* n.2) 379–380.

them. Not only could he reject his own offspring, but through a formal recognition, marked by a ceremony or by official adoption (in the case of older children), he could make a biological stranger his heir, in theory legally indistinguishable from his biological children.⁵⁸

Because he has publicly married Callirhoe, and, furthermore, publicly acknowledged the child, Dionysius' custodial rights as presumed father outweigh both hers and the biological father's. Dionysius' legal paternity is clearly established. Moreover, Chariton never suggests that Dionysius' sentimental relationship to the child is hampered by the fact that he is not biologically related. He is loving and supportive; he is physically demonstrative of his affection and dreads the day when he will have to send his son to visit his mother in Syracuse. If Callirhoe is the paragon of wifely virtue, Dionysius is the paragon of paternal virtue. It is precisely the overdetermined quality of Dionysius' affection for the child that points to the artificiality of the relation. Yet, in this case, artificiality does not necessarily imply inferiority.⁵⁹ He is the father of Callirhoe's child in all the relevant respects.

A paternity suit in which a man claims rights to a child solely on the basis of his biological relationship would have

⁵⁸On the recognition of infants, see J. Rudhardt, "La reconnaissance de la paternité: sa nature et sa portée dans la société athénienne," *MusHelv* 19 (1962) 39–64; Harrison I 70–73; M. Golden, *Children and Childhood in Classical Athens* (Baltimore 1990) 23–24, 142; J. F. Gardner, *Women in Roman Law and Society* (Bloomington 1986) 137–161. The father's power to accept or reject children in relation to the subject of infanticide: e.g., S. Pomeroy, *Goddesses, Whores, Wives, and Slaves* (New York 1975) 69–70; W. V. Harris, "The Roman Father's Power of Life and Death," in R. S. Bagnall and W. V. Harris, edd., *Studies in Roman Law in Memory of A. Arthur Schiller* (Leiden 1986) 93–95. On the Roman law of adoption see *Dig.* 1.7; J. A. Crook, *Law and Life of Rome* (Ithaca 1967) 111–113. In Athenian law, adopted sons were on a par only with any biological sons born after the adoption; see Harrison I 130–131.

⁵⁹The question of the primacy of biological over cultural paternity was not new to Chariton's era; it was also an important question in Greek tragedy as well as other genres. See D. Konstan, "Oedipus and His Parents: The Biological Family from Sophocles to Dryden," *Scholion* 3 (1994) 3–23.

been meaningless to the ancients. Paternity could be challenged: but it required the supposed father to initiate legal action. In such a case, the man would argue that he was *not* the biological father. It would have been most unusual for a man to claim that he was the biological father of a child who is assumed to be the child of another man. To do so would be to incriminate oneself as an adulterer. The more honorable thing would be to forget about that child and focus one's energies on siring another heir.

The issue of biological paternity is practically irrelevant to the narrative, even after Chaereas is told of his paternity. Never is there any thought that the biological parents are more fit to raise their child, and never does Callirhoe suggest in her letter to Dionysius that the child is not really his. After their reunion at the end of the novel, Chaereas becomes jealous when Callirhoe tells him about what happened while she was in Miletus, but is calmed when she tells him about the child.⁶⁰ Despite Chaereas' relief at learning of his son, the two biological parents and their child never become an affective unit.⁶¹ Chaereas' apparent indifference to the baby at the end of the novel accords with the general priorities of Greek men, concerns ultimately based upon ideas of legitimacy and succession. The insights formulated by Nancy Demand in her study of motherhood in classical Greece help to explain Chaereas' apparent indifference:

male doctors treating or supervising the treatment of pregnant women were in a position to counter women's imagined or real propensity to resort to abortion or the introduction of supposititious children. In contrast, men apparently felt no need to increase control over their prepubescent children. This does not imply that they did not care about them, but that they felt

⁶⁰8.1.15: Χαίρειας δὲ τῆς ἐμφύτου ζηλοτυπίας ἀνεμνήσθη, παρηγόρησε δὲ αὐτὸν τὸ περὶ τοῦ τέκνου διήγημα.

⁶¹For a discussion of the question of parents', especially fathers', affection for children in antiquity, see Golden (*supra* n.58) 80–114 and T. Wiedemann, *Adults and Children in the Roman Empire* (New Haven 1989) 25–32.

comfortably in charge of them, as they did not in the case of their wives.⁶²

The story of Callirhoe's choice dramatizes this male discomfort with women's power in the reproductive matters. Her decision to leave the child with Dionysius represents the corollary to this anxiety: that is, once the father acknowledges the child the question of biological paternity is off-limits. Callirhoe's choice reinforces the primacy of culturally determined paternity, as signified by the father's formal acceptance of the child, over simple biological relation.

Accordingly, biological paternity never becomes an important issue at the end of Chariton's novel. Callirhoe gives up the child because she cannot do anything else. Callirhoe behaves precisely as expected of a good mother by leaving the child with the man who has acknowledged him as his son. Her actions conform to the overall depiction of mothers in all the Greek novels, where "separation, not affection" is the norm.⁶³ Dionysius' custodial rights as presumed father outweigh both the mother's and the biological father's. Chaereas, on the other hand, is not troubled by the fact that his offspring "belongs" to another man. Once reunited with Callirhoe, he willingly acquiesces to having another man raise his son as his own, a fair price for winning custody of his wife. His jealousy applies only to his desire to exclusively possess Callirhoe, not her child. He does not suffer any loss when Dionysius is allowed to keep his biological son because the true source of his social power lies in his possession of Callirhoe.⁶⁴ Chaereas does not express regret

⁶²N. Demand, *Birth, Death, and Motherhood in Classical Greece* (Baltimore 1994) 146–147. Although Demand's study focuses on the Greek polis in the classical period, her theory explains the ideology of the family to which Greeks in the imperial period were appealing in their essentially conservative project of restoring the culture of a past age.

⁶³B. Egger, "Woman as Heroine and Reader," in Swain (*supra* n.41) 108–136, esp. 120.

⁶⁴H. Elsom reads Callirhoe as a symbol of male power: "Callirhoe: Displaying the Phallic Woman," in A. Richlin, ed., *Pornography and Representation in Greece and Rome* (Oxford 1992) 212–230.

over the loss of his son; in fact, he envisions the child as a future source of civic pride when he will return to Syracuse.

Chaereas' hope echoes the earlier wish of Callirhoe, expressed during her interior monologue about whether to have an abortion. Her first instinct, upon discovering that she is pregnant, is to destroy the child: giving birth to a slave is abhorrent to her (2.8.6, 2.9.2). She then changes her mind and takes inspiration from heroes of myth and legend who had been born in slavery only to reclaim their rightful inheritance (2.9.5). This option, however, is ruled out by Plangon, who points out that the master's jealousy will prevent her from raising another man's child in his house. She lays out the choice starkly: the child is to die before it is born, or to be born as the heir of Dionysius (2.10.1–4).

Yet, even so, Callirhoe cannot make the choice autonomously. Chariton depicts the critical moment as a three-way conference imagined by Callirhoe among herself, the child, and Chaereas (2.11.1, βουλευσώμεθα περὶ τοῦ κοινῆ συμφέροντος). For her part, she prefers death before everything else, especially before betraying her beloved first husband. She then considers the fact that the child will have two fathers, and may sail home to Syracuse already able to be a general. As Callirhoe imagines it, the child "votes" to live (2.11.3, ἐναντίαν μοι φέρεις, τέκνον, ψῆφον καὶ οὐκ ἐπιτρέπεις ἡμῖν ἀποθανεῖν). The tie, as it were, is broken by Chaereas who, as Callirhoe remembers from a dream in which he appeared, entrusted the child to her. Because of the responsibility which Chaereas has given her, Callirhoe says, "I call upon you as witness, Chaereas, that you escort me in my wedding to Dionysius" (2.11.3, μαρτύρομαι σε, Χαίρεα, σύ με Διονυσίῳ νυμφαγωγεῖς). In short, Callirhoe's decision to pass off the child as Dionysius' does not serve her own interests, as expressed in her wish to die, but the interests of the *oikos* of Hermocrates and by extension the city of Syracuse.

The concern with the perpetuation of the maternal grand-

father's *oikos* through marriage alliance with other members of the Greek elite of Chariton's novel bears a broad similarity to the marriage patterns of first generations of the Julio-Claudian dynasty. Like Hermocrates, Augustus did not have a son or a brother, but he did have a daughter, Julia. As Mireille Corbier has shown, Augustus used his daughter as a vital link in establishing a dynasty where the rule would be passed in a more orderly patrilineal fashion in the following generation (*i.e.*, in his grandsons' generation).⁶⁵ Because so much political power was staked upon the *domus Augusta*, the pool of the eligible marriage partners became highly exclusive. Women were married to a series of different husbands; marriages were terminated in order to form more advantageous alliances. For the purposes of the present argument, Livia illustrates this most clearly. She was pregnant with her second child when she divorced Ti. Claudius Nero in order to marry Octavian. Through adoption, Augustus naturalized his paternal authority over Tiberius, Livia's son and not biologically related to Augustus. Additional adoptions and marriage alliances fused together the Julian and Claudian clans in the service of creating a sufficient set of potential successors. As Corbier notes, such maneuvering was unnecessary for the Flavians because the family already had a sufficient number of males.⁶⁶

Family structures during the early empire, particularly among the elite, were more fluid than the modern conception of the nuclear family as the triad of mother-father-child.⁶⁷ The curious

⁶⁵M. Corbier, "Male Power and Legitimacy through Women: The *domus Augusta* under the Julio-Claudians," in R. Hawley and B. Levick, edd., *Women in Antiquity: New Assessments* (London 1995) 178–193. For a broader study of the phenomenon of "filialfocality"—that is, the high valuation placed upon daughters as links between men in patriarchal society—in monarchic and republican Rome, see J. P. Hallett, *Fathers and Daughters in Roman Society: Women in the Elite Family* (Princeton 1984), esp. 76ff and 211ff.

⁶⁶Corbier (*supra* n.65) 191.

⁶⁷M. Corbier, "Divorce and Adoption as Roman Familial Strategies," in Rawson (*supra* n.37) 47–78. The effects of divorce, remarriage, and adoption on the composition of the Roman family are also discussed by Bradley (*supra* n.10) 125–139.

role of the child in the plot of Chariton's novel is best understood in light of the interests of the *oikoi* of the leaders of the Greek cities. In an elite family, Callirhoe's son's double paternity would have been considered an asset in the political stratagems of the elite, rather than a flaw in the familial structure or as a failure of Callirhoe's maternal instincts.⁶⁸ In winning Callirhoe Chaereas also gains the means for producing more heirs, but the ending of the novel does not point to future children.⁶⁹ This is because the primary *oikos* in this story is not that of Chaereas, but that of Hermocrates. Chaereas' successes in battle enable his reintegration into the family of Hermocrates. Just as Dionysius' *oikos* will be reinforced by the inclusion of Callirhoe's child, so too the novel closes with the expectation that Callirhoe's son will bring future glory to the *oikos* of Hermocrates and by extension to the entire city of Syracuse.⁷⁰

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⁶⁸Other protagonists in the Greek novels are empowered by double paternity. In Longus *Daphnis and Chloe*, Daphnis is recognized as the son of the estate owner Dionysophanes yet keeps his connection with his foster parents. In Heliod. *Aethiop.*, the heroine has two or arguably more fathers; see Egger (*supra* n.63) 121 n.41. See my discussion *supra* n.35.

⁶⁹Of the five extant Greek novels, only Longus 4.39 specifically mentions the children of the couple. The other novels end with a statement that the couple married (Ach. Tat. 8.19.2-3, Heliod. 10.29.3) or, if already married, they spent the rest of their lives in celebration (Xen. Eph. 5.15.3).

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