

HOUSEHOLD, GENDER AND PROPERTY IN CLASSICAL ATHENS

INTRODUCTION

The idea that the household was the fundamental building block of ancient Greek society, explicit in the ancient sources,¹ has now become widely accepted.² It is no exaggeration to say that ancient Athenians would have found it almost inconceivable that individuals of any status existed who did not belong to *some* household; and the few who were in this position were almost certainly regarded as anomalous.³ In ancient Athens, as elsewhere, households 'are a primary arena for the expression of age and sex roles, kinship, socialization and economic cooperation'.⁴ It has been suggested for modern Greece that our own cultural biases, along with the Greek ideology of male dominance, have led to the assumption that the foundations of power in Greek society lie solely in the public sphere, and that domestic power is 'less important'.⁵ In a less simple reality the preeminent role of the household cannot be underestimated. Here I hope to question similar assumptions about ancient Greece, focusing in particular on the relationships that existed between Athenian households and the property of the individuals, particularly women, within these households.

The most extensive treatment of the subject is David Schaps' book, *Economic Rights of Women in Ancient Greece* (1979). He portrays the household as male-dominated, with women playing little part in decisions about its resources because they were unable to own property. Since Schaps wrote, this viewpoint has entered the mainstream of classical scholarship.⁶ Here I shall argue that it is inappropriate to consider property solely as a function of individual ownership, important though that is in some circumstances. More often, in everyday life, property was used by households, not individuals. In order to assess the economic consequences of this, especially for women, an examination of the ancient Greek household as a social and symbolic entity is necessary for the arguments which follow.

Anyone observing another culture, either past or present, does so as an outsider, his perception encumbered by different cultural paraphernalia of his own. For the ethnographer who studies contemporary, living cultures it is vital to come to grips with how the inhabitants of a culture construe their own world and how they express this understanding, that is their cognitive systems and categories of meaning. For the historian who approaches his subjects through a documentary filter it is just as vital

¹ E.g. Aristotle, *Politics* 1.1.3–6; Xenophon, *Oikonomikos*.

² E.g. Lacey 1968: 15ff.; Fisher 1976: 2, 5ff.; Humphreys 1978: 200ff.; Schaps 1979: 7; Hunter 1981: 153; Hallett 1985: 72–6.

³ Cf. Lacey 1968: 129 and n. 21: men seem to have been registered in Athenian demes as members of a household (*οἶκος*). Even Plato, for his ideal state, ultimately settled on the household as the basic principle of social organisation, and the establishment of households was the 'first law': Plato, *Laws* 4.720e–721e. (Even in the *Republic*, where he suggests alternatives to the household, it is still his starting point, and the touchstone of normality.) This is also true in modern Greece, see du Boulay 1974: ch. 1. On households as basic social and economic organisational units in other societies see, Netting, Wilk and Arnould 1984.

⁴ Netting *et al.* 1984: xxii. Cf., for modern Greece, du Boulay 1974: ch. 1, where the household (*οικονομία*) 'is treated by [the] community as a single social reality' (19).

⁵ Dubisch 1986: 13–16; Hirschon 1984: 19.

⁶ E.g. Powell 1988: ch. 8; Garner 1987: 83–7.

to come to terms with cognition and meaning, since the documents themselves are a product of the writers' perceptions and interpretations of their world from within their own culture.

In ancient Greek culture, broadly speaking, it can be argued that pairs of complementary oppositions are a fundamental aspect of cognition, intruding into every corner of social interaction from $\mu\acute{\epsilon}\nu$ and $\delta\acute{\epsilon}$ to men and women.⁷ As cadres of the system of meaning, complementary oppositions generate specific cultural concerns: thresholds (the boundary between the two sides of an opposition), liminality (sitting on this boundary) and transition (crossing from one side to another and back again). All of these concerns heighten the perception of the original opposition as meaningful. For Mediterranean cultures in general⁸ and ancient Greek culture in particular many such oppositions have been pointed out as significant: public/private; wet/dry; male/female; hot/cold, etc.⁹ But some of these oppositions are more significant for imputing cultural meaning than others. And they cannot be permanently or inextricably linked into a continuous chain of meaning: they simply do not coalesce tidily into a structuralist framework.¹⁰

Gender is probably the most vigorous expression of meaning available to ancient Greek culture: its very pervasiveness attests its vitality. Consequently gender often serves as a metaphor for expressing other relationships. And it becomes a kind of lens through which Greeks perceived and thus defined the world around them. On the other hand, context also plays a crucial part in defining the particular relationship between the two sides of a balanced opposition (and thus its metaphorical significance). The most usual contexts for gender are provided by the poles of another complementary opposition: the private world of the household and the public world of the community.

The household embodies the unification of the male/female opposition. This is analogous to the idea, prevalent in Greek medicine and philosophy, that the bodily health of an individual resulted from the presence in equal balance of a collection of complementary opposites: wet and dry, hot and cold elements had to be present in equal amounts.¹¹ The balance of the opposites in a household, manifest in the genders, ages and statuses of its individual members, is similarly expressive of its health and well-being as a properly constituted social body. The household is the context in which male and female individuals operate as a single social entity.

In the context of the community, however, male and female are separate, opposing and unequal, and thus serve to define other parts of the culture in the same terms. Inevitably, gender relationships become a focus of cultural ambiguity when the context changes. That is, when gender relationships of the household impinge on gender relationships as an accepted category of meaning in the context of the community, social ambiguity and stress may result. So, for example, male and female household members had particular roles and duties in family funerals.¹² But these roles spilled over into the context of the community in which gender roles were

⁷ On the importance of meaning see Sahlins 1981, 1986; Hertzfeld 1985, especially 18, 45ff. On polar oppositions see Lloyd 1966; Garner 1987: 75–83.

⁸ Bordieu 1977: 87–95; Hertzfeld 1986, 1985: ch. 2, especially 53ff., cf. 90–1.

⁹ Lloyd 1966; Garner 1987: 75–83 (who, remarkably, passes over the significance of the opposition of gender); with regard to gender see Clark 1982: especially 183.

¹⁰ *Contra* Bordieu 1977: 142.

¹¹ Lloyd 1966: 20–2. The balance is even described as *ἰσονομία* in one source! On the household as the integrated balance of male and female see pp. 26–31.

¹² Garland 1985: 21–37. A funeral is itself an event expressing liminality and transition, thus enhancing the use of opposition metaphor.

differently construed (with the emphasis on separation and hierarchy), since a funeral had both a private/household and a public/community aspect. One of the manifestations of the resulting cultural ambiguity and social stress was the persistence of sumptuary legislation from Solon onward. Significantly, much of this legislation was concerned precisely with the role of women in the public part of the funeral.¹³

As a social entity the household is an agglomeration of individual intentions, desires and behaviours which contend and compromise with those of other individuals to produce household decisions and actions. In some senses the household also has a life of its own, and can be said to pursue strategies which transcend the interests of its personnel. But, individual interests are never completely submerged. Further, household interests and solidarity may gain and recede in importance in relation to individual interests depending upon the particular circumstances. What we see in the documents is almost certainly the result of decisions made by a number of individuals within the household.¹⁴

Nor is 'household' a tidy, fixed or closed category. The specification of who or what is contained in a household and the boundaries between households are often hard to pin down. This is partly because household structure is not static. In the course of even one lifetime roles, statuses, economic resources and even personnel change. Sex does not change, though gender roles may. Who or what is included within the sphere of a household often depends upon perspective and context: e.g., the state may account household membership differently from the participants; or some individuals such as slaves or freedmen may be household members in an economic but not in a religious or political sense.¹⁵

¹³ On sumptuary legislation, Garland 1985: 21–2, 24–5, 29–30, 33–4, 37. On changes in the meaning of gender with context see n. 24.

¹⁴ For example, in [Demosthenes] 41.17–19 the circumstances surrounding the disposition of the property belonging to the household of which Polyeuktos was the head are given. Clearly, all the family was expected to be present: Polyeuktos' two daughters, and one of his sons-in-law were there (the other son-in-law, Spoudias, had been invited to attend). Each member of the family apparently had some say in how the property was distributed: hence the reason the speaker claimed that Spoudias should have protested (*and* been present) on that occasion, rather than complaining of unfairness later. Spoudias was, in fact, represented by his wife, who was acting as a member of two households: that of Polyeuktos and that of Spoudias. The final result – the will of Polyeuktos – might have appeared to have been simply an individual's decision if we did not possess the information contained in this speech. As it is, it is clear that the will was more or less a consensus decision reached with the agreement of individual family members. (That it was not a secure consensus is indicated by the very fact of the lawsuit.) However, it also emerges from this speech that gender, age and status of the individuals concerned must have been crucial to the quantity and quality of input each one had towards the final decision.

¹⁵ See, for example, in [Demosthenes] 47, the case of the nurse who had been freed by the head-of-household's father, but who as an old widow had come back to live with the family in which she had been a slave (47.55–6). When she was beaten by men trying to seize property for payment of a debt and died of the wounds she received, the ambiguity of her status with regard to the household became a problem. The family treated her as a member of the household: they called in their own doctor to treat her (47.67) and made arrangements for her funeral (47.69). But when the Exegetai (acknowledged experts in the interpretation of religious procedure and customary law) were consulted, it became clear that, as far as the state was concerned, the nurse was *not* a household member. The household head, therefore had no access to legal or ritual retribution (47.72): 'but this person did not belong to my family, she had only been a nurse; nor again was she a slave, for she had been freed by my father and was dwelling separately and had a husband'. Similarly, slaves, who were certainly accounted household members, were probably not allowed to be present at certain religious festivals, to which it was expected that all households send representatives, e.g. the Thesmophoria, see Burkert 1985: 242 and nn. 7, 8.

Finally, it is important to stress that legal expectations (the norms most readily, if not always easily, culled from the documents) cannot be studied in isolation from social behaviour, or absurdity results.¹⁶ That is to say, courses of action that may appear equally possible under the law, may not be equally feasible in terms of cultural acceptability. And legal and social structures often interlock to form something different in character from its component parts. In fact, the extent to which a legal system can be separated from other social structures in any pre-modern society, including ancient Athens, is dubious.¹⁷ Public and community values and meanings are the ones historians see via the documents, since the documents themselves have emanated from this context. Processes generating from within the household, particularly those involving women, may not fit comfortably into the world of the lawcourts, and some aspects may never operate in the public sphere at all. Hence they can easily vanish from sight since the texts we study may rarely reveal them.¹⁸

INDIVIDUAL, HOUSEHOLD AND PROPERTY: RELATIONSHIPS OF PEOPLE AND PROPERTY

'Ownership' in ancient Greece has always been difficult to understand. Harrison is typical of many scholars in saying that 'there was an extremely fluid concept of ownership in Greek thought'.¹⁹ Some, such as Wolff, have even tried to claim that the Greeks had no proper notion of ownership.²⁰ Of particular importance for the present argument, it has normally been asserted that women in ancient Athens could not and did not own property, putting them at the mercy of their male guardians. Recently, Schaps has promulgated this argument most extensively.²¹

There is no doubt that Greek ideas of property ownership were quite different from our own. But merely to assert that ownership in modern, western terms was non-existent (or barely existed) is unhelpful. What we mean by 'ownership' is really a collection of rights, privileges, duties and other relationships between people and property. These are of course, culture-specific. Over the whole range of human societies there are, potentially, an enormous number of relationships which may be an integral part of or attached in some way to the idea of ownership, e.g. possession, management, kinship attachments, patronage attachments, rights of disposal and usufruct. But the particular ingredients included, their relative importance, their mutual integration and, consequently, the *conditions* of ownership vary greatly from culture to culture.²²

Though it is not within the scope of this paper to consider Greek ideas of ownership in detail, some discussion is imperative, if only to make an attempt at clarifying the

¹⁶ As Harrison 1968: 47; Schaps 1979: 14–15, 24, 75; Garner 1987 (who still concentrates on legal, but not social institutions) and others have generally done. Cf. Laslett 1984: 364.

¹⁷ See, e.g., Osborne 1985: 52–3; Gould 1980: 42ff.; and on the importance of context, Humphreys 1986: 90.

¹⁸ The Attic orators, writing speeches for the lawcourts, are, in fact, the main source of data on people and their property, supplemented by other literary and epigraphical evidence. See Humphreys 1986: 58 on the orators as a source for kinship strategies. The information provided in these often polemical speeches must be used with extreme caution, but there is occasionally some insight into the decision-making processes that led up to the dénouement of a public final transaction. Cf. Laslett 1984: 354.

¹⁹ Harrison 1968: 52, cf. 200ff.

²⁰ Wolff 1944: 63.

²¹ Schaps 1979: 5–14, 75, 91–2. Kränzlein 1963: 45, 51–2, 99–100 is a notable exception, though he does not discuss female property-holding in detail.

²² Cf. Hirschon 1984: 2.

relationships that Athenians perceived between people and property. Schaps considered that 'family/household' and 'private person' (= 'man') represented 'two concepts of ownership [which] competed with each other'.²³ But the reality is more complicated. I hope to show that in ancient Athens the concepts of management, disposal and use could join together in several different ways, depending on social context, to form what we call 'ownership'. Ironically, this is chiefly because gender provided the predominant framework for interpreting person/property relationships. Within the household, where male and female persons and perspectives combined in counterpoint (if not always unison or harmony) property was usually treated as if it 'belonged' to the household, e.g. in the generalised reciprocity of normal, every-day consumption. This relation must normally have prevailed because of the sheer frequency with which it was activated in everyday life. Despite the fact that individuals may have had special or even exclusive attachments to particular items of property, 'property is part of the household'.

✓ However, when person/property relationships transcend the context of the household and spill over into the context of the community, the interpretative framework, based on gender, changes as the meaning of gender itself changes in a public context.²⁴ Thus the property used by the whole household at other times, may be treated as 'belonging' exclusively to one individual within the household, for example, in the transmission of property from one generation to another. The resulting ambiguity in person/property relationships, sketched with insight by van Bremen²⁵ for the Hellenistic and Roman periods, is undeniable: in many circumstances it is impossible to say who 'really owns' something. Thus the heart of the difficulty for us in considering ancient Athenian ideas of the nature of 'ownership' is that rights of management and/or disposal were not synonymous with what we might call 'ownership', but merely an aspect of it, the significance of which could change contextually in relation to other aspects.

✓ There is almost no direct discussion of ownership in Greek literature, with the result that one of the few relevant passages, Aristotle, *Rhetoric* 1361a (1.5.7), has been regularly cited as a 'definition' of ownership:²⁶

²³ Schaps 1979: 4.

²⁴ Aristotle, *Politics* 1.9.3. Cf. Schaps 1979: 55ff. For similar values in modern Greece see du Boulay 1974: 15–17: 'The house is still thought of as a unit enclosing a group which includes animals and inanimate property as well as the family in the centre...' (16–17). On generalised reciprocity see Sahlins 1972.

²⁵ Cf. Hirschon 1984: 5. A striking example of such a change in the framework of gender is provided by Aristotle's (*Rhetoric* 1360b–1361a [1.5.6]) explanation of *εὐτεχνία* and *πολυτεχνία*: the blessing and abundance of children. In the context of the community (*τῷ κοινῷ*) this means the birth and successful rearing of perfect young men. However, 'privately' (*ἰδίᾳ*, i.e. in a household context), it means the birth and rearing of *both* male and female children, with many of the same virtues: *μέγεθος*, *κάλλος*, *σωφροσύνη*, magnitude, beauty, discretion. Significantly, the virtues attributed only to young men are those exemplifying strength and power: *ἰσχύς*, *δύναμις ἀγωνιστική*, *ἀνδρεία* – strength, ability at games, manly courage. These are replaced for young women by the virtue of industry, *φιλεργία*, activity without control. Interestingly, this is specified as *φιλεργία ἀνευ ἀνελευθερίας*, industry without slavishness. Is the notion implicit here that women are essential to the household's reputation and status? The framework proposed here incidentally provides an alternative explanation for Hertzfeld's (1985: ch. 2, especially 53ff., 90–1) 'two modes of kinship'. The tension between the agnatic idiom and the bilateral idiom could be understood as the result of the changing meaning of gender (which profoundly affects kinship strategies) with context.

²⁶ Van Bremen 1983: 230, on the problem of exactly what benefactions *ek ton idion* entailed and whether individuals or families 'owned' the resources used for such euergetism.

²⁷ Aristotle, *Rhetoric* 1361a (1.5.7): *πλούτου δὲ μέρη νομίσματος πλήθος, γῆς, χωρίων κτήσις, ἔτι δὲ ἐπίπλων κτήσις καὶ βοσκημάτων καὶ ἀνδραπόδων πλήθει καὶ μεγέθει καὶ*

Wealth consists of an abundance of coin and land; the possession of agricultural land and the possession of moveables, cattle and slaves, distinguished in number, magnitude and beauty. And these are all <'owned'> (<οικεία>), secure, 'free' and useful. Things which are productive are more useful; things which are 'free' are those which give enjoyment. By productive I mean those things from which income is derived; enjoyable things are those from which nothing worth mentioning is derived beyond the use. The definition of security is the possession of things in such a place and in such a way so that the use of them is in the hands of the possessor (literally, 'oneself'). The definition of 'ownership' (του οικεία είναι) or lack of it is when disposal (ἀπαλλοτριώσαι) is in the hands of the possessor (literally, 'oneself'). By disposal I mean gift and sale. Generally, wealth is in the use more than in the possession. For the activation and the use of such things as these is wealth.

• Several commentators have interpreted this passage to mean that 'ownership' equals the ability to dispose of property. Thus it can be argued that women, who had no legal right to dispose of property, also had no rights of ownership.²⁸ Over and above the textual problems²⁹ it is difficult, if not impossible, to derive a definition of 'ownership' as we understand it from this passage because it is concerned with 'ownership' (τὸ οικεία είναι) only as an aspect of wealth. Wealth, the central theme, is itself elucidated here as one element among many of happiness (εὐδαιμονία). What does emerge from this passage, however, is several different aspects of person/property relationships, highlighting their complex and dynamic nature.

The primary contrast is between 'use' and 'possession'. Possession alone does not result in wealth nor yet in happiness, it is only the *potential* for wealth. *Real wealth* (and thus happiness) comes with the actualisation of this potential, that is *use*.³⁰ Consequently, the first three conditions of wealth that Aristotle considers ('ownership', security and 'freedom') are tied into the last one (use) in different ways. That is, a possessor, who really only has the potential for wealth, actualises his property into wealth by activating a range of different relationships to that property, resulting in different kinds of use. Most interestingly, different person/property relationships dwell at the heart of each of Aristotle's conditions.

'Use', in its solely material sense, and 'freedom' represent two aspects of use in a more general sense: using property to produce revenue is contrasted with using property to produce, explicitly, no income. Though Aristotle does not say this, the latter kind of use produces social benefits (which themselves can generate both material and political benefits – see below p. 40). The implicit distinction is between mules and chariot horses; agricultural slaves and personal attendants.

κάλλει διαφερόντων, ταῦτα δὲ πάντα <οικεία> καὶ ἀσφαλῆ καὶ ἐλευθέρια καὶ χρήσιμα. ἔστι δὲ χρήσιμα μὲν μᾶλλον τὰ κάρπια, ἐλευθέρια δὲ τὰ πρὸς ἀπόλαυσι· κάρπια δὲ λέγω ἀφ' ὧν αἱ πρόσδοι, ἀπολαυστικά δὲ ἀφ' ὧν μηδὲν παρὰ τὴν χρῆσιν γίνεταί, ὅτι καὶ ἄξιον. ὄρος δὲ ἀσφαλείας μὲν τὸ ἐνταῦθα καὶ οὕτω κεκτήσθαι ὡςτ' ἐφ' αὐτῶ ἐῖναι τὴν χρῆσιν αὐτῶν· τοῦ τε οικεία ἐῖναι ἢ μὴ ὅταν ἐφ' αὐτῶ ἢ ἀπαλλοτριώσαι, λέγω δὲ ἀπαλλοτριώσιν δόσον καὶ πρᾶσιν. ὅλως δὲ τὸ πλουτεῖν ἔστιν ἐν τῷ χρῆσθαι μᾶλλον ἢ ἐν τῷ κεκτήσθαι· καὶ γὰρ ἡ ἐνέργειά ἐστι τῶν τοιούτων καὶ ἡ χρῆσις πλούτου.

²⁸ See Harrison 1968: 202 and n. 1 for references to the discussions of this passage. Kränzlein 1968: 33, 51–2 is exceptional in separating ownership and the power of disposal, and refusing to consider this passage (with a similar one in Plato, *Euthydemus* 301e–302a) as a definition of ownership.

²⁹ On the text see Grimaldi 1980. Many editors insert *οικεία* after *ταῦτα δὲ πάντα* since Aristotle considers the elements he lists here in reverse order in the following explanation. The definition of *οικεία*, stuck at the end, only really makes sense in terms of the structure of the passage if it had come at the beginning of the list. All the manuscripts have *ἢ μὴ* following *τοῦ τε οικεία*, though some modern editors insert it after *ἀπαλλοτριώσαι*.

³⁰ This concern for use as the most important relationship to property is shared by other discussions of property in Greek philosophy, see below in Xenophon, p. 30. Cf. Kränzlein 1963: 31–3, 51.

‘Security’ and ‘ownership’ are then similarly contrasted. Security is making use of property by keeping hold of it, ‘ownership’ is making use of property by getting rid of it. As defined by Aristotle, both of these are things that the possessor must make a positive effort to do. Indeed, all of the aspects of use that Aristotle discusses are, at the most fundamental level, simply the power to make certain kinds of decisions about property. Precisely who makes these decisions and in what context does not concern him.³¹

It is because the context of interactions between people and property is not specified by Aristotle that ‘ownership’, in the sense in which we define it is not explained. Since the overall context of the *Rhetoric* itself is explicitly public (instructions on how to write persuasive public speeches), it would not be surprising if property relationships within the household were ignored. In any case, it should be clear that τὸ οἰκεία εἶναι, as Aristotle uses the term, does not mean the kind of all-encompassing relationship to property that we mean by ownership, but rather the right of disposal (τὸ ἀπαλλοτριῶσαι). For Aristotle disposal was only one among several other important relationships that people might have to property. In fact the very use of the word οἰκεία may imply that alienation of property, in whatever way, was normally a household decision, rather than an individual one.³¹

Certainly other evidence can be adduced to support this position. On the whole, Greeks seem to have regarded their property as ‘held in trust’ for a recreated future household, as it had been received on similar terms from their predecessors.³² Hence the laws of Athens stipulating that a man could be prosecuted for squandering or misappropriating his inheritance.³³ The inherent right of personal disposal of property, which is an essential characteristic of ownership in our own culture, was therefore limited for *everyone* in Athens. Similar in inspiration to the ethic that property should be preserved (or preferably augmented) for future generations was the idea that parents were obliged to provide their children with a livelihood. Most often this was done via inheritance and dowry (see below pp. 32ff.). This is at the heart of the Solonian law quoted by Plutarch,³³ that a father must provide his son with a skill or he could not claim maintenance from the son in his old age.

Most crucial for the organisation of Athenian society and economy, if a man had legitimate children, he could not dispose of household property by testament away from them to anyone else, certainly as late as the 4th century and probably even

³¹ LSJ, s.v. οἰκείος; see, for example, Xenophon, *Oikonomikos* 9.18. The term ἴδιος might better be thought to represent the relationship between individuals and property, as in the benefaction formula, ἐκ τῶν ἰδίων, see van Bremen 1983: 230.

³² E.g. Hesiod, *WD* 376–8; Lysias 19.32.8–9, 52 on the process of marriage and inter-generational property transmission; Plato, *Laws* 6.776b: ‘like a torch (i.e. in a torch race) they hand down life and its means from one generation to another’ (βίος means ‘livelihood’ as well as ‘life’ here). This is similar, as well, to Hertzfeld’s (1985: 9–11) observations on self-identification with (past) agnatic kin in modern Crete. In ancient Athens (from the point of view of *ego*, in an anthropological sense), the household is effectively recreated every two generations, as a man develops from being a child to seeing his own grandchildren (who often bear his name) growing up. It is the *recreation* of households, not the *continuation* of households which is perceived as essential. In both ancient and modern Greece the concept of long stretches of linear generations is largely irrelevant, Humphreys 1986: 88. Kinship relations can rarely be traced back further than three generations (to great-grandparent), and third cousin (i.e. sharing the same great-grandparent) was the practical and legal limit of the extended family.

³³ Aristotle, *Ath. Pol.* 56.6; Lacey 1968: 125 and n. 2; cf. Harrison 1968: 79–80.

³⁴ Plutarch, *Solon* 22; cf. Harrison 1968: 78; Hesiod, *WD* 378; Xenophon, *Mem.* 2.2.5–6.

later.³⁵ Most Athenians had children, either natural or adopted.³⁶ The implication is that children, even before their majority, were considered to have a material interest in household property.³⁷ Furthermore, it seems to have been quite difficult to disinherit children, at least socially if not legally, for there are almost no documented instances of the *apokēryxis* of a child.³⁸ Therefore, the common assertion that the introduction of the will by Solon was extremely important in changing relationships between property and family³⁹ is probably over-enthusiastic at best. Such an idea does not account for the fact that all the Athenians who had legitimate children – probably most despite high infant mortality – effectively had little or no recourse to testamentary disposition. Isaios (10.9) makes this very clear indeed:

If, therefore, anyone says that Aristarchos himself made a will, he will not be telling the truth. For since he had a legitimate son, Demochares, neither would he have wished to do these things, nor would he have been permitted to give his property to someone else.↵

• It is when property is transmitted from one generation to another that individual relationships with property are most apparent. The fourth-century records of the *poletai* contain an interesting example, where some fields bordering silver mines are listed as belonging to ‘the children of Charmylos’,⁴⁰ while another exists which belongs to ‘the wife of Charmylos’.⁴¹ Presumably, Charmylos himself is dead, having left a wife and minor children (or children by a former wife).⁴² Had he been alive, these properties would surely have been listed under *his* name, as household head. The only reason it is possible in this case to see that property is ‘owned’ by different individuals within the family is that the household itself is in transition and its private transactions have become public information. •

Examples of the same phenomenon can be found in the fourth-century orators. In Demosthenes 36, for instance, we are informed of what Archippe personally owned – as opposed to anyone else in the household – only because her elder son, Apollodoros, had sued for his share of her dowry when she died. It is interesting too, that the estate of Pasion, i.e. the patrimony of Apollodoros and his brother Pasikles, was supposed to remain undivided while Pasikles was still a minor. This would have been the period before both brothers would have been capable of establishing households of their own.

• Xenophon’s *Oikonomikos*, offers valuable insights on the relationships of

³⁵ Lane-Fox 1985: 224–5; Lacey 1968: 88; Isaios 3.1, 6.9.29, 10.9; [Demosthenes] 46.14.14; Plutarch, *Solon* 21.2. In contrast, consider the disastrous effects that Plutarch (*Agis* 5.2–3) alleges when Sparta passed a law permitting people to leave large amounts of property to non-kin even if there were legitimate children.

³⁶ See Thompson 1981 on contingency adoptions by testament to ensure an heir, and Isager 1981–2: 82–4 on the rarity of permanent bachelors and spinsters.

³⁷ Cf. Harrison 1968: 79–80.

³⁸ Harrison 1968: 75–6; Lacey 1968: 125–6.

³⁹ E.g. Lacey 1968: 88, 131ff. See, however, Thompson 1981, who cogently argues that wills in fourth-century Athens served primarily to allow the childless household to adopt or otherwise incorporate an heir and arrange for the marriages of female kin who were part of the household, not for individuals to bestow legacies. Interestingly, even in circumstances where there was a will, if it was challenged by the next-of-kin in the line of succession, an Athenian jury was very likely to override the will in favour of the family, see Aristotle, *Problemata* 29.3; also, Isaios 11/[Demosthenes] 43.

⁴⁰ Crosby 1941: no. 1, 14ff. (= *SEG* xii.100), lines 44–7, 79–81; this inscription can be dated to 367/6. Crosby 1950: 189ff., no. 5, lines 4–5.

⁴¹ *SEG* xii.100, lines 67–71.

⁴² I.e. children who were too young to hold property in their own names, so that the property was administered by a guardian, and was probably held in common by all the children.

individuals and property that could be expected to occur within the household. It is repeatedly stressed that the household is founded on the partnership between husband and wife.⁴³ At 7.30, for example, there is the culmination of a discussion of the distinctive male and female contributions to the augmentation (in all senses: social, material and biological) of the household (cf. 7.16ff.):

'Custom approves [of the cooperation of male and female]', he said, 'for it joins together man and woman. And just as god has made them partners (*κοινωνούς*) in their children, custom makes them partners (*κοινωνούς*) in the household.'

That this partnership extends to the material resources of the household is made plain (7.12–13):

This is now a household (*οἶκος*) shared (*κοινός*) between us. For I pay into the partnership (*κοινόν*) everything that is mine and you deposited into the partnership (*κοινόν*) everything that you brought. And it is not necessary to calculate which of us has contributed the greater amount ...

But soon the perfect partnership becomes less straightforward when the implications of shared material resources are examined in terms of decision-making. Generalised reciprocity between man and wife gives way to status hierarchy (9.16–19).

'In addition', he said, 'I taught her that she would be wrong to be annoyed if I assigned more business concerning possessions (*κτήματα*) to her than to the slaves. I pointed out that the extent of the slaves' share in the masters' property (*τῶν δεσποσύνων χρημάτων*) is to carry it or to tend it or to guard it. But no one of them is empowered to use it, unless the head of the household (*κύριος*) gives him leave. Everything is the master's (*δεσπότου*), he may use each thing as he wishes. Indeed, the one to whom the greatest benefit accrues by preserving property and the greatest harm by destroying it, this one I declared to be also most responsible for its care.'

'Well, Ischomachos', I said, 'when your wife heard this what heed did she take?'

'Why Sokrates', he said, 'she just replied that I misunderstood if I thought I was giving her difficult instructions, to look after the property, for, she said, it would have been harder if I had bade her to neglect her own things than if it were necessary to take care of the household goods (*τῶν οἰκειῶν ἀγαθῶν*). For', he said, 'just as it is naturally easier for a sensible woman to take care of her own children than to neglect them; so too of those possessions which are nice to have as one's own, she said she thought it pleasanter for a sensible woman to take care of those which belonged to her (*τῶν ἐαυτῆς*) than to neglect them.'

The primary theme is the contrast between master and slave (cf. Aristotle, *Politics* 3.4.5). As in Aristotle's *Rhetoric* 1361a (1.5.7), discussed above, *use* is the crucial variable. The distinguishing feature of the masters' relationship to property is that they can use property as they wish, that is, make decisions about it. But gender too poses a problem of status. Here, the wife, on one level, belongs on the 'master', rather than on the 'slave' side of the dichotomy. This is precisely why she must take responsibility for the care of household property, some of which came with her into the household in the first place.⁴⁴ But there are many ambiguities. These are exacerbated by the fact that as part of a philosophical/literary treatise operating in a public context, the polarising gender framework of the public world, rather than the

⁴³ The word used to describe this relationship (*κοινωνία*, and other derivatives of *κοινῶν*) is also the word used for community, in a public sense. The significance of this is difficult to assess – is the idea implicit that the household is in some way a microcosm of the community? Cf. Aristotle, *Politics* 3.4.5, discussed below, n. 48.

⁴⁴ It is interesting to note the connexion made both here, at 9.16–19 and at 7.30 (quoted above), between the nurture of children and the nurture of property: both are integral components of the *οἶκος*, which contribute to its maintenance and reproduction.

integrative one of the household, forms the meaningful context of the work itself.⁴⁵ Thus Ischomachos talks of the property of the *δεσπότης*, 'master' (masculine singular), while the wife (as her words are reported) talks of 'her own things' (*τῶν ἑαυτῆς*). What both parties *mean*, in fact, are *τὰ οἰκεία ἀγαθὰ*, 'the household goods'. I would argue that the language is equivocal because the key relationships between individuals, household, and property are themselves equivocal in shifting contexts. Further, uncertainty of expression may indicate uncertainty of appropriate behaviour: there is cultural ambiguity for the actors themselves, since context and meaning are liable to change both synchronically (between public and private spheres) and diachronically. Though it is not relevant in this passage, age is also a factor of status, thus individuals' relationships to property within a single household will change over time. There are well-known instances of older women who held great power within their own families.⁴⁶ And we hear of the difficulties of elderly household heads who no longer have the authoritative position that they had previously held once their children have grown up or married and taken a leading role in domestic affairs.⁴⁷

The main conclusion of this examination of ownership then, is that the household use of resources may conceal, and in practice override, their ownership by individuals. Concomitantly, in a public context, 'ownership' by individuals may conceal relationships to the property in question which other individuals also have within the context of the household. Hence the male head of household held a special and powerful role in mediating between the changing contexts of public and private life, and between the different ways in which gender imparted meaning in either context. This is manifest in Ischomachos' words at 9.13–16: the 'master' and the head of household are, publicly at least, identified as synonymous.

But was the position of the head of household (*kyrios*) that of an absolute ruler? Part of the power (and the ambiguity) of his position emanates from the system of meanings of bipolar oppositions, in which (see p. 23) boundaries, thresholds and liminality acquire extraordinary significance. Since women's roles were most productively played out in the private world of the household, where male and female were integrated, it was only men who could operate effectively in the public world with its polarised and hierarchical system of gender roles. The head of household was the individual empowered to cross the boundary between household and community, but his role changed as he did so. He operated both within the household and for the household in the community, in connexion with property. And in most cases he worked on behalf of his household or in consensus with them – he was not a

⁴⁵ Cf. Gould 1980: 38–9 on the problems of a public 'vantage point'. Being on the 'outside' of household affairs is problematic even for modern ethnographers in Greece, see Forbes 1982: 8; du Boulay 1974: 11–13, cf. 17–20 on the greater importance of 'house/household' over 'family'.

⁴⁶ See Lacey 1968: 175 for the majority of the references, and see p. 36.

⁴⁷ There is enough evidence to suggest that the relationship between adult sons and their fathers could be very difficult and strained over the issue of who was in charge (both socially and economically). Sons often assumed a measure of control over property on marriage, with a consequent increase of status within the household, see p. 33 and Lacey 1968: 106, 116–17. The plots of both Aristophanes' *Clouds* (1–125) and *Wasps* (85ff.) hinge on the tension between father and son over the direction of the household and the use of resources. Along the same lines, the speaker in Lysias 19.55 states that he *hasn't* quarreled with his father, implying that such disagreements were relatively common. And a similar dispute is at the heart of the revealing (though probably historically inaccurate) story about the elderly playwright Sophokles being taken to court by his son, who wanted to take over the household officially (Apuleius, *Apologia* 37.1–3; Plutarch, *an sit ger. respub.* 3.785b).

tyrant,⁴⁸ If the views outlined here are accepted, the common argument that the *kyrios* was the owner of all household property dissolves.⁴⁹

We have only fleeting glimpses of the possible range and character of the relationships between individuals and their property within households. It is the complex reality, embodying the interaction of semiotic, social and legal structures that is most difficult to document. It will form a central focus of the next section.⁵⁰

WOMEN AND PROPERTY

The most significant category of property which belonged to women in Athenian households was that of dowry. There is an enormous and acrimonious literature on ancient Greek dowries⁵¹ and I do not intend here to become enmeshed in discussions of legal detail. But a quick look at a few of the functions fulfilled by the dowry will, I hope, clarify my argument about female property: that individual ownership is often concealed by household use on the one hand and the public meaning of gender on the other.⁵²

A dowry is the property which goes with a woman when she is married. Fundamentally, it is the basis of her maintenance and livelihood. In the Attic orators (the best source of information about dowries) and elsewhere women are normally described as 'bringing in' (*εἰσφέρειν*) a dowry to the household.⁵³ In fact, dowries served as a woman's patrimonial inheritance, received at marriage; a function which has been quite extraordinarily unrecognised even in recent studies.⁵⁴ Girls' dowries are the equivalent of (though not usually equal in value to) what their brothers receive as inheritance on their father's death. In *Isaios* 5.27, four sisters and an adopted son split the estate of the deceased: two thirds to the four women, one third to the adopted son. One of the sisters has been given a house in lieu of dowry money while the estate was in dispute. On the re-division of the property, it is requested by the man acting as surety that this property be thrown back into the pool, to be replaced with her share of the estate. Here dowry is clearly equated with (and entangled with) inheritance. In practice, the timing of the transmission of property was not so

⁴⁸ This is further demonstrated in Aristotle's discussion of different types of authority (*ἀρχή*) in the *Politics* (3.4.5). Here he contrasts absolute authority such as that of a master over a slave with the authority that a head of household has over a wife and children: 'But the rule of children and of a wife, that is on behalf of either the ruled or of some interest common to both...' See Clark 1982: 184, 190.

⁴⁹ E.g. Ste Croix 1970: 277; Wolff 1944: 46–7; Schaps 1979: 54–7. For another view, see Kränzlein 1963: 34–5, 45.

⁵⁰ One might go further to speculate (though it is beyond the scope of this paper) that such a model of household/property: person/property relationships helps to explain the range of variation in property holding that existed in other times and places in the ancient Greek world (see Schaps 1979; van Bremen 1983; Lane-Fox 1985; Hodkinson 1986). I would postulate, similarly to van Bremen, that the overall system was broadly similar throughout Greece, and that regional and chronological differences are primarily the result of differential strategies which developed in specific political, social, economic, natural and historical circumstances. Such a position obviates the necessity to assume a rather unsatisfactory evolutionary development in relations between persons and property from the Archaic to the Hellenistic and Roman periods (see van Bremen 1983: 230–3).

⁵¹ See Lane-Fox 1985 and Schaps 1979 for the references.

⁵² Just 1985: 169–70.

⁵³ E.g. Demosthenes 40.19.

⁵⁴ Lane-Fox 1985: 227–9; Schaps 1975: 1979; ch. 6, who, remarkably, recognises this fact for Gortyn (86–7), but not for Athens (74–5)! Consequently I also disagree that women were barred from direct inheritance. In fact women could be adopted into a childless *oikos*, and if they could not inherit in some sense this would have been a nonsense (*Isaios* 11.8).

straightforward. Men frequently received some of their 'inheritance' while their fathers were still alive, sometimes a substantial portion of it on marriage.⁵⁵ Similarly, not all of a woman's dowry was always handed over when she was married. Considerable sums might be retained by her own family for many years, or even until the deaths of her parents.⁵⁶

•Dowry property among upper-class Athenians normally consisted of money, furniture and other moveable goods.⁵⁷ This surely indicates a preferred strategy in the allocation of resources, rather than that women were legally prevented from owning land, as is normally asserted.⁵⁸ Even in the explicitly public and masculine documentary record there are a few cases in which land is explicitly in the hands of women.⁵⁹ Interesting light is shed on this in Xenophon's *Memorabilia* 3.11.4, when Sokrates asks an (admittedly not respectable) woman if her income comes from land. The credibility of the argument that follows depends on the fact that women *could* own land, even if they did not usually do so. Indeed, had women been incapable of owning land (like metics), dowry secured by land, or female adoptees would have been a legal nonsense.⁶⁰ In such cases, land might well have come into female hands or, more often, under female management by demographic accident, if only temporarily. Athens was, perhaps, not so different from other Greek states as regards the system of female property rights. What differences there were lay in the practices and arrangements which were most acceptable and probably most common (at least among the upper classes). Why certain property transmission strategies became more regular in Athens than elsewhere will be discussed in the next section.

•Whatever the situation under the law, dowries were neither optional frills, nor enticements to suitors, as has usually been argued (in particular by Schaps, see notes 51, 64). On the contrary, it was almost impossible, in social terms, *not* to dower a daughter or sister.⁶¹ One speaker in a law suit (Demosthenes 40.25) claims that since his mother's brothers were rich, they would not have 'robbed their own sister' and refused her a dowry. The strength of the language here indicates the extent to which women were felt to be owed dowries. As in this case, allegations that a wife was undowered could be used to suggest that she was *not* properly and legitimately married. Accordingly, dowries were also part of *φιλοτιμία*, the competitive struggle

⁵⁵ Lacey 1968: 129–30; e.g. Lysias 19.36–7.

⁵⁶ E.g. [Demosthenes] 41; Isaios 5.26.

⁵⁷ Schaps 1979: 9–16; Wolff 1944; Lacey 1968: 109–10.

⁵⁸ Schaps 1979: 5; similarly, Ste Croix 1970; Gould 1980: 44 n. 41, for the more extreme position that women could not own *any* property. In poorer families than those for whom documentary evidence survives, agricultural land may often have been almost the only economic resource, and dowries consisting of land may consequently have been more common.

⁵⁹ See Schaps 1979: 4–6 for the references, all of which he attempts to argue away. Kränzlein 1963: 45 finds no difficulty with the ownership of land by women in Athens.

⁶⁰ Sokrates (Xenophon, *Mem.* 3.11.4) of course means to be funny, since Theodote's profession is obvious. There is no indication of whether or not she is Athenian, very likely her status is as dubious as that of Neaira ([Demosthenes] 59). Nevertheless the argument still holds: why ask about houses and lands if women could not and did not own them? On dowries secured by land see, Finley and Millett 1985 [1952]: 49–42. The whole point of a boundary stone on land secured for a dowry must have been that the husband could not (legitimately, at least) sell it, but that it remained a tangible guarantee that a wife (and, ultimately, her children) would get what belonged to her if the marriage dissolved. Sometimes, this must have resulted in women managing land, see the accusations of Aischines below, p. 36, and cf. Kränzlein's (1963: 51–2, 100) idea that *epiklēroi* owned their property until their sons reached adulthood. On female adoptees see note 54.

⁶¹ E.g. Demosthenes 30.12; 40.25; Isaios 3.25, 29; 11.40. See also Schaps 1979: 75 and n. 13.

for 'honour', among upper class Athenians. Dowries were thus generally in proportion to the expected patrimony of the husband.⁶² To give a large dowry increased the honour (and power) of the giver, but to receive a dowry too large in proportion to the patrimony diminished the honour and power of the receiver.⁶³ It is clear that marriage was seen as a partnership, including the full financial implications of the word (see above, p. 30), and the dowry was regarded as the woman's material contribution to the establishment of the new household.⁶⁴ The larger a wife's dowry (especially in proportion to her husband's patrimony) the greater her economic stake in the household enterprise and therefore the more potential power she had.⁶⁵ Along the same lines, to dower daughters of poorer friends was an accepted kind of benefaction leading to honour and to other, more concrete benefits in terms of alliances, for the benefactor.⁶⁶

• On the other hand, at least *de jure*, an Athenian woman's ability to dispose of property on her own was considerably restricted.⁶⁷ And it is this aspect of female property holding which has been emphasised in the modern scholarship. But disposal of property was almost always effected in the public sphere, to which women did not belong. Moreover, a married woman, especially before the birth of children, always had a stake in two households simultaneously: her husband's and her father's (or a brother's). Herein lies a partial explanation for the ambivalence which causes such problems in interpreting the economic roles of Athenian women. Such unresolved contradictions emanating from gender ideologies and quotidian realities created tensions among the actors themselves and have spread confusion among modern scholars. They have also resulted in some of the peculiar features of Athenian social and political organisation.

• The ownership of the dowry is not immediately obvious in the ancient sources; in consequence the question of who owned the dowry has been debated at length.⁶⁸ The fact that the answer has been so elusive probably indicates that the question is the wrong one.⁶⁹ In the orators the dowry is sometimes referred to as being in the charge of the husband or in the process of being handed over to him in his capacity as head of household.⁷⁰ Sometimes it is referred to as belonging to the wife (usually by means of a possessive genitive).⁷¹ Only rarely is the dowry referred to as if it might belong to the husband, and the circumstances in which this occurs are such that it would be

⁶² Isaios 11.40, and see Schaps 1979: 75.

⁶³ See, for example, Lysias 5.15 in which it is said that girls were *not* married dowerless to wealthy men of poor birth, see also below p. 39.

⁶⁴ Xenophon, *Oikonomikos* 7.13, 30; Plato, *Laws* 4.721a; Aristotle, *Politics* 1.1.4–6. *Contra*, Schaps 1979: 78; Lacey 1968: 107–8 and others who maintain that the main purpose of the dowry was to attract a husband.

⁶⁵ See e.g. Plato, *Laws* 6.774c, discussed below, p. 39 and cf. Schaps 1979: 76.

⁶⁶ Lysias 19.59. Wealthier relatives were compelled to dower poorer *epiklēroi*, in proportion to their means, to make sure these girls were provided for, and thus appropriately married: [Demosthenes] 43.54; Isaios 1.39.

⁶⁷ The much discussed passage Isaios 10.10 is the main authority for this.

⁶⁸ Schaps 1979: 57; Harrison 1968: 52 for the relevant references.

⁶⁹ Cf. Harrison 1968: 52; Fisher 1976: 8–9. Cf. Finley 1985: 52; '...one may question incorrectly, then the whole becomes untrue regardless of the accuracy of the individual facts within (or underlying) the whole'.

⁷⁰ E.g. Isaios 2.9.

⁷¹ E.g. Demosthenes 30.1.12–13; 31.56; 40.2.25; [Demosthenes] 47.57. This has always posed a problem for those who maintain that dowries did not belong to women themselves: '...it is strange to see the dowry being referred to regularly as if it were the woman's', Schaps 1979: 75.

rash to infer, in the face of contradictory evidence, that the husband owned the dowry.⁷²

The apparent conflicts in the documentation fade when examined within the framework of property relationships set out in the previous section. As long as the household operated as a single economic unit, and the household used the dowry corporately and benefited jointly from the income, the question of which household member owned it was irrelevant. I think there is no doubt (in so far as it usually mattered) that a woman's dowry 'belonged' to her alone and that it was her share of the patrimony of her original household. Her husband, as *kyrios*, may sometimes have been the manager while the marriage lasted. In any case, as household head he was the intermediary between the private world in which his wife lived and the public world of financial transactions in which the dowry might be used.

The evidence suggests that it was when difficulties befell the household that the personal ownership of private property became most important. If a man's property was confiscated, his wife's dowry was not included. In Lysias 19.32, for example, the brother-in-law of a man whose property has been confiscated by the state is, as part of his legal action, attempting to recover his sister's dowry from the estate.⁷³ Needless to say, we do not have the whole story here in the defendant's speech. But presumably the 40 minas that went with her in the first place were completely enmeshed in household finances and not readily extractable.⁷⁴

It is not entirely clear whether a dowry could be seized by private creditors for the repayment of the husband's debts. The situation described in [Demosthenes] 47 bears interestingly on this question.⁷⁵ Here the estate has not been confiscated, nor does the dispute concern a debt incurred in the course of regular household financial transactions. Rather, an opponent who was awarded damages by the court in a complex assault case, seized property from the plaintiff's abode in lieu of the money he was owed. The plaintiff was away from home at the time, but his wife attempted to prevent the removal of various items of furniture or household equipment,

⁷² E.g. [Demosthenes] 45.74. This is a difficult case because the speaker, Apollodoros, is trying to make his opponent, Phormion, look as if he were viciously robbing him of his rightful estate. The reference here to his mother's dowry belonging to her second husband, Phormion, is made for its polemical effect. Archippe, his mother, seems to have been a powerful character in her own right. She was already in control of a substantial portion of the estate (45.27). And it is clear from Apollodoros' own testimony that his mother was *not* on his side in this case (nor incidentally was his cousin, Stephanos), but both were fully cooperating with Phormion (45.4). Indeed, Archippe's dowry is elsewhere referred to as belonging to her ([Demosthenes] 36.14–5; [Demosthenes] 45.28). The only other similar instance I have so far been able to find is in Menander's *Epitrepontes* 1065–7, where a father speaks of his daughter's dowry as 'his' when he is about to attempt to make her leave her husband. It is hard to know exactly what to make of this case, for the context is both fragmentary and comic. But the passage may be contrasting his residual right of guardianship with that of the husband, especially if there were no children. I.e. the father of an *epiklēros* remained head of the household to which her property belonged at least until legitimate heirs were produced, and so in some sense such a dowry could be said to be 'the father's' as opposed to 'the husband's'.

⁷³ This example also confirms the description found in the lexicographers of the legal procedure concerned with preferential claims on encumbered estates (*ἐνεπισκήψασθαι*): *An. Bekk.* 250; cf. Pollux 8.61, and see Harrison 1968: 54 and n. 3.

⁷⁴ It was probably secured for its return, but the speaker would naturally not mention that.

⁷⁵ Schaps 1979: 75 and n. 18 uses this speech to 'prove' that a dowry could be confiscated for the husband's debts. The case as related, in fact, seems to show just the opposite. The point of the speaker's argument is that if it really was dowry property that had been seized for the debt, then it had been taken unlawfully.

claiming that they were part of her dowry and that they therefore *belonged to her* (at least as the plaintiff reported his wife's words on the occasion [Demosthenes] 47.57):

... but they carried off the furniture from the other part of the house, though my wife forbade them to lay hands on it and said that it was hers, having been assessed in her dowry...

This woman, at least, was apparently convinced that her dowry was her own, and belonged first and foremost to herself!

It is significant that it is stated in this case that much of the family's furniture/equipment had already been sold or pawned to meet the expenses of taxes, liturgies and other payments ([Demosthenes] 47.54):

For they thought they were going to get not just this lot, but far more, for they thought to seize the stock of household equipment I once had. But by liturgies and taxes and, by striving for your esteem (*philotimia*), some stands as security for loans and some has been sold.

If this is really true, much of what was left in the house had come with the speaker's wife as dowry. And presumably the reason why it remained was because her husband did not have permission to dispose of it.

Moreover, the plaintiff's wife seems to have been well acquainted with the state of the household finances. She knew the approximate value of the property that the intruders had seized. She also knew the amount that the defendant had been adjudicated in damages, and that the money was waiting for him at the bank ([Demosthenes] 47.57).

'You have the fifty sheep and the boy and the shepherd, worth more than you have been adjudicated'... and further she said that the money was lying in the bank for them, for she had heard from me.

Other anecdotal evidence also suggests that women were regularly well-informed about domestic finances and family fortunes. One of the major themes of the introduction to Xenophon's *Oikonomikos* (3.10, 12, 15) is that by winning and maintaining a wife's cooperation in managing household resources the estate can be augmented for the benefit of all members. There is no reason to think that other Greeks would have found this unusual or unacceptable. But, the underlying assumption of the work must be that women had substantial role in the economic life of the household. In the case outlined in [Demosthenes] 41 (discussed above, in note 14), Spoudias' wife, not Spoudias himself, served as the representative of his household at the family gathering prior to Polyuktos' death, at which major economic decisions and agreements took place. It also emerges in the description of this meeting, that a number of financial transactions had been made between Polyuktos' late wife and other members of the family, and that the documents recording them were among her private papers. That she *had* private and personal financial records is in itself revealing of the economic importance a woman could have. In [Demosthenes] 45.27, Apollodoros says that much of his deceased father's *χρήματα* ('money, property') was in the keeping of his mother, who sounds from Apollodoros' slander as though she was both a capable woman and a formidable opponent. Along the same lines are Aischines' accusations against Demosthenes (Aischines 1.170):

For Demosthenes, when he had spent his own patrimony, went round the city hunting rich young men whose fathers had died and whose mothers managed the property... For having discovered a rich household that was not well governed, of which the leader was a woman with big ideas, but not very sensible...

In a society where it was the norm for older men to marry younger women, households left in the charge of a female head may not have been unusual, as Aischines insinuates (regardless of the truth of his charges). And many other examples could be attested. The wife is truly 'the trusty guardian of things inside' (Demosthenes 57.122), with all that that implies.

† As far as is known, in Athens a woman could not legally dispose of her own dowry on her own initiative. That is, she could not (or at least would not normally) act in the public sphere even with regard to the manipulation of her own property. But Schaps' conclusion that 'if the woman was not legally competent to dispose of her property, then her *kyrios* probably was'⁷⁶ does not necessarily follow from this fact. Nor can it be logically argued that because a wife could not dispose of her dowry she therefore did not own it: it has been argued in the previous section that power of disposal need not be identical with ownership.⁷⁷ Certainly there is nothing surviving from Athenian law which entitled a husband to sell or otherwise dispose of his wife's dowry on his own initiative.⁷⁸ Indeed, the surviving *horos* stones which mark land acting as security for dowry money paid out by the woman's family rather suggest the opposite (see below, p. 39 and note 60).⁷⁹ Nor does the passage cited by Wolff (Isaios 5.27) support his assertion that the husband had full disposal rights over the dowry (discussed above, p. 32). The husband here is merely fulfilling his duty as head of household, acting as public representative in a major financial transaction. Any property involved would ultimately have been received by the husband *on behalf of* his wife.⁸⁰ Indeed, it is made clear in the same passage that the share of the estate in question was the property of the woman:

As much of the estate belongs to this woman, who is married to Protarchides, as to my mother.

Rather than legislating directly and publicly about the rights of disposal of dowries, the Athenians seem to have taken a different approach. Although the husband as household head apparently had a privileged position with regard to the disposal of household resources as a whole as a result of his empowerment to move back and forth across the boundary between household and community, the wife had the ultimate power of veto regarding her dowry, for if she left the household her dowry went with her.⁸¹ Here, the extent to which legal and social structures in ancient Athens were entwined is strikingly revealed. The desirable *social* norm was that (wealthy) women should not be seen to manoeuvre openly in the public sphere; rather they should be (and probably preferred to be) as little conspicuous as possible.⁸² The *legal* powers of the women of Athens operated in such a way that they were enabled to

⁷⁶ Schaps 1979: 57. Cf. Garner 1987: 84–7, who seems to feel that a woman was in some sense part of the household property.

⁷⁷ *Contra*, Schaps 1979: 75; Gould 1980: 44; Wolff 1944: 60.

⁷⁸ Harrison 1968: 53. Of course, actual practice in such matters may not always have coincided with legal principle. It is clear that husbands sometimes spent their wives' dowries improperly and illegally (e.g. Demosthenes 31; Plutarch, *Alcibiades* 8; perhaps also Menander, *Epitrepontes* 1065–6) and that women sometimes disposed of large amounts of money by themselves (e.g. Demosthenes 36; 41.9; Xenophon, *Mem.* 3.11).

⁷⁹ Finley and Millett 1985 [1952]: 44–52.

⁸⁰ See above, p. 31.

⁸¹ However, what happened to any other property she might have owned apart from her dowry is not clear, and it would be interesting to know its fate if the marriage dissolved, or in other family crises. Ultimately, such property would have gone to the woman's children, if she had any: Isaios 5.12; Demosthenes 36.32; Schaps 1979: 69; Garner 1987: 85.

⁸² See Schaps 1977; Garner 1987: 85–6.

act⁸³ from within the household, largely out of the public eye, and in a context in which gender relationships and their meanings worked more to their benefit. Moreover, such a system upheld the ideal of the enhanced status of men in the hierarchical and polarised gender framework of the public sphere, for however different the reality in any particular case, the man of the house was seen to be 'in control' in public. But if a woman did not approve of the way her husband managed her dowry (or anything else he did) she always had the option of threatening to leave, taking her dowry with her. In most cases this threat alone would probably have been sufficient for her at least to secure a mutually acceptable compromise. In other words, the law gave women covert rather than overt rights, in accord with the public view about the roles of men and women in society. This 'power of veto' provided a wife with at least some economic muscle, beyond the power to run the home that she possessed 'by custom', potentially giving her considerable voice in household economic (and other) decisions.

Though covert (and, perhaps, minimal), an Athenian woman's 'rights' were no less real for that. The surviving evidence is unambiguous: whenever and for whatever reasons a marriage broke up, the dowry went with the woman.⁸⁴ Unlike the process of disinheriting children, the process of dissolving a marriage was feasible socially as well as legally. Termination of a marriage by mutual consent was a relatively straightforward procedure; no stigma seems to have been attached to either party merely because the marriage ceased to exist, and normally both parties remarried.⁸⁵ In cases where divorce was initiated by one party, it seems to have been as easy for a wife to leave her husband as for a husband to send away his wife.⁸⁶ Examples both of men and of women initiating divorce are documented.⁸⁷

A woman could use her 'power of veto' when she strongly disapproved of anything that her husband did. It was reported in antiquity, for example, that Hipparete left Alcibiades because she objected to his bad behaviour in bringing home prostitutes. And Alcibiades' reaction – he forcibly carried her home because he apparently could not afford to run his household without her very large dowry – shows what a dire threat this power of veto could be.⁸⁸ Indeed, to overcome it, Alcibiades had to resort to a course of action that was socially unacceptable and thereby face the disapproval of his peers and the consequent diminution of his own honour.⁸⁹ Surely this example demonstrates another reason why it was felt to be so shameful to marry off a daughter or sister without a dowry. The un-dowered wife could even more easily be a powerless prisoner in her husband's house, trapped in a kin group that was not her own, her

⁸³ Though, it must be asked, how effectively in most cases?

⁸⁴ Harrison 1968: 55–7; Wolff 1944: 61–2; Schaps 1979: Appendix IV; cf. Clark 1982: 180.

⁸⁵ E.g. Isaios 2; Plutarch, *Perikles* 24. See Isager 1981–2: 87; Thompson 1972: 211ff., 221–2.

⁸⁶ Isaios 3.35, discussing the return of the dowry upon the dissolution of the marriage: 'as for the law, if a woman leaves her husband or if a man sends away his wife'. Here, both alternatives sound equally possible: in fact the case of the wife leaving her husband is listed first.

⁸⁷ Women initiating divorce proceedings: Plutarch, *Alcibiades* 8 with Andokides 4.14; Demosthenes 30.1; possibly Isaios 3.8. Men initiating divorce proceedings: Lysias 14.1.28; [Demosthenes] 59.51. See also Harrison 1968: 39ff. Perhaps at Athens, and more certainly at Gortyn, a husband could be prosecuted for wrongfully divorcing his wife, Harrison 1968: 43, although no similar course of action was available to the husband who felt himself injured by a divorce. Apparently a wife who left her husband had to register this fact with the archon, see Harrison 1968: 40–2.

⁸⁸ Plutarch, *Alcibiades* 8; Andokides 4.14.

⁸⁹ Decreasing his effectiveness as a social (and perhaps even as a political) competitor.

status unfulfilled. And here too, the importance of having a foot in two households at once is evident. If the new berth proves wholly unsatisfactory, the old one is still there.

Let us examine the hypothetical financial position of a man whose dowered wife left him. If there were minor children, although the wife's dowry had disappeared from his household capital, the husband was still responsible for their maintenance and education.⁹⁰ Moreover, he lost not only the capital value of the dowry, but any income that it produced as well. If it consisted of a resource that was not easily liquidated (such as long-term, outstanding loans), it might be difficult for him to raise the cash (or cash-equivalent) to repay it. If he could not or did not return the dowry he was charged interest on it,⁹¹ and/or was liable to legal action.⁹² Consequently, many, if not most, large dowries were secured by a piece of land of at least equivalent value, so that if a man did not repay a dowry he was still liable to lose a major capital asset.⁹³

Thus, Athenian legal and social institutions seem to have worked together to produce a system in which both wife and husband had to act in consensus in order to effect major household economic decisions, for both had vital financial and symbolic shares in household economic resources. Looking back to Aristotle's (*Rhetoric* 1361a [1.5.7]) expression covering the ability to dispose of property, τὸ οἰκεῖα εἶναι, the expression becomes all the more significant since disposal of property was indeed under normal circumstances a *household*, rather than a personal matter. The question of whether an Athenian woman could dispose of property only with the consent of her *kyrios*⁹⁴ is the wrong question. For a woman's ultimate act of disposal – that of taking a dowry out of her husband's power – she needed no *kyrios*.

The operation of this system can be seen vividly in households where the female partner had a particularly large financial stake. It was for this reason that Plato wanted to abolish dowries altogether in his ideal state (*Laws* 6.774c):

for there would be less arrogance among women, and less slavery and subservience and lack of freedom among married men on account of money (*χρήματα*).

Here he acknowledges the covert power from within the household that a dowry gave to a wife. Hence, too, the warnings that abound in the literary sources not to marry wealthy *epiklēroi* or women with large dowries, and the perils that lay in wait for the man who took a rich wife are dramatically expounded.⁹⁵ It should be emphasised that such difficulties were particularly great should a man marry a wife whose dowry outstripped his own patrimony. Clearly, the larger her financial stake in the household, the louder her voice could be in household decision making (cf. Xenophon, *Oikonomikos* 7.12–13, above p. 30).

⁹⁰ Schaps 1979: 106–7; Harrison 1968: 296ff.

⁹¹ The examples that exist indicate a standard interest charge of 18%: Demosthenes 27.1.17; 59.52.

⁹² E.g. Demosthenes 27.

⁹³ Finley and Millett 1985 [1952]; Harrison 1968; 296ff.

⁹⁴ Discussed at length by Schaps 1979: 53–7. Cf. Wolff 1944: 60. In fact, the extent to which such 'consent' implied *control* by the *kyrios* is not discussed. His role may more often have been that of a public representative in financial transactions involving women than that of 'boss'.

⁹⁵ Discussed by Schaps 1979: 76–7, who gives the important references.

PROPERTY, AGNATIC BIAS AND CIVIC STATUS

Relationships between property and people exist, of course, in contexts other than that of the household. In much of Greece one aspect of life in which wealth and property ownership played a major role was in the interaction of individuals with the state. It is in the conditions of civic participation in Athens that clues may be found to the apparently greater discrimination against women in property relationships than existed elsewhere in the ancient Greek world.⁹⁶ Certainly in Athens the principle existed, and persisted throughout the fifth and fourth centuries, that those with greater wealth held greater civic privileges, and thus more political power within the state.⁹⁷ Indeed Aristotle (*Politics* 3.6.11) is apparently referring to Athens when he notes that in some constitutions

the assembly is in charge of all these things [the election and audits of magistrates], and even those of low property assessment and of any age take part in the assembly and serve as councillors and as jurors; whereas the treasurers and the generals and those who hold the high offices are from those assessed as having large properties.

In Athens, Solon's property qualifications were still technically in operation in the fourth century⁹⁸ and, at least in theory, magistracies were still restricted to those from the wealthier classes. Because of 'inflation' since the early sixth century, other categories of property qualification had been added, such as 'The Three Hundred' and 'The Twelve Hundred';⁹⁹ for those who stood at the top of the Solonian structure were no longer the wealthiest citizens.¹⁰⁰ For a few offices such as the generalships, ownership of land apparently continued to be a prerequisite, even in the time of the orators.¹⁰¹ From the fifth/fourth centuries onward many offices began to be performed by liturgies by wealthier citizens. And even though these may have been burdensome and a financial drain on the bearers, they still carried considerable social and political prestige if they were seen to be performed generously. A strong sense of competition was one of the major motivating forces in Athenian society. The wealthy elite of Athens spent much of their time building and maintaining a personal following by acts of 'goodwill' and 'generosity'. And similar acts of beneficence in the civic arena were necessary to uphold a good public reputation. Men who strove for such honour (*φιλοτιμία*), and who were thus obliged to support allies and outdo peers, lived expensively (Xenophon, *Oikonomikos* 2.5–6):^{*}

First, I see that it is necessary that you hold many big sacrifices, or I think that you would not maintain your position among gods and men; then it is your duty to entertain many strangers and on a grandiose scale. Further, you have to hold banquets for and do well by the citizens or be bereft of allies. Moreover, I perceive the city is already exacting large contributions from you; keeping horses, directing choruses, gymnasiarchies and presidencies. And if war comes, I know that they will impose on you more in trierarchies and taxes than you can easily bear.

But as the speaker in Lysias 19.56–7 makes clear, such expenditure led not only to increased social prestige but also to increased revenue.

⁹⁶ Hodkinson 1986; van Bremen 1983; Willetts 1967.

⁹⁷ Davies 1984: 88ff.: 'the possession of property enlarged the area of the individual's choice in deciding on spheres of activity and course of action' (91).

⁹⁸ [Demosthenes] 43.54; Aristotle, *Ath. Pol.* 55.3; 47.1; cf. [Demosthenes] 59.92, 106. See also Wood 1983 [1986]: 37 n. 41 on fourth-century Athenian property qualifications, the number of thetes, and Antipater's disfranchisement of citizens who did not meet property qualification requirements in 322 B.C.

⁹⁹ See [Demosthenes] 42.14.16.

¹⁰⁰ Aristotle, *Ath. Pol.* 47.1.

¹⁰¹ Deinarchos 1.71; cf. Hignett 1952: 224–6. See also Davies 1984: 122–30 on the monopoly of high military office by the propertied class in the fourth century.

... concerning my father ... I hope you will bear with me if I say what he has spent on the city and his friends, not for the sake of *philotimia*, but as an indication that a man does not spend a great deal without compulsion and at the same time covet community property at the greatest risk. There are some who spend much in advance not only for this reason, but also in order that, being thought worthy by you to hold office, they will gain double [i.e. double what they have paid out].

Philotimia is self-perpetuating.¹⁰²

It is not clear, however, whether a wife's property, especially her dowry, was counted in as part of her husband's assets when the state evaluated his wealth for magisterial, liturgical or taxation purposes. The only evidence is indirect and circumstantial and suggests that this posed a problem for the Athenians themselves. In most circumstances the ambiguous status of such wealth would not have mattered, since household resources were normally used corporately and what belonged to each individual was irrelevant. Moreover, any enhancement of the reputation of the adult male members of the household would be seen to reflect on the rest of the household as well.¹⁰³ In the general jostle to achieve *philotimia* household resources were probably used with a household-wide return expected. But the sources seem to indicate that when it came to official, civic assessment, a woman's wealth was not reckoned as part of her husband's property for assessment purposes. For one thing, the dowry was not necessarily a permanent feature of a man's capital funds since it went with the woman if she left. And, it has already been argued (p. 35) that the dowry could not be confiscated along with a man's property – another indication that the dowry was not considered integral to it.

There is one example of an *antidosis* where a dowry is mentioned ([Demosthenes] 42). This type of case is directly related to the question of property assessment, since the dispute is over whether the defendant is better able to perform a liturgy than the plaintiff. Unfortunately, the context of the dowry is ambiguous and so does not definitively answer the question: did a wife's dowry count towards determining whether a man was wealthy enough to take on a liturgy? In the crucial passage ([Demosthenes] 42.27), Phainippos, the defendant, has listed a woman's dowry as a debt on his estate. That is to say, the amount of the dowry would have to be deducted before his estate was compared with the plaintiff's. It sounds from the plaintiff's comments as though Phainippos was trying to pull a fast one and did not specify whose dowry it was, thus leading unwary listeners (and jurors) to assume that it belonged to a wife or ex-wife or sister. Consequently the plaintiff (whose speech this is) is at pains to point out that the woman in question is Phainippos' (most likely widowed) mother, who lives with him, and that therefore her dowry can be legitimately counted as part of his estate. Whether this argument is as sound as the plaintiff insists, or whether the same would have been true had the dowry belonged to a wife, sister or other close female relative is not clear; though the implication is made that a wife's or sister's dowry would 'count' differently from that of a live-in mother. Nonetheless, the very fact that Phainippos attempted to count a dowry as a debt strongly suggests that women's dowries were *not* necessarily considered to be merely a part of their *kyrios*' estate. Tentatively, then, it would seem that a man's official, civic status (as opposed to his generalised, public status = honour) depended

¹⁰² Also, Lysias 25.12–13; Demosthenes 51; Lykourgos, *Leokr.* 139–40. For fuller references see Dover 1974: 226–42, especially 229–34; Fisher 1976, Carter 1986 and Davies 1984: 84–5, 93–105.

¹⁰³ So, for instance, women from the wealthiest and most eminent households play leading roles in the great religious festivals such as the Thesmophoria and the Panathenaia, Burkert 1985: 242; Gould 1980: 50–1.

largely, probably entirely, on his patrimonial resources, not on what his wife brought.¹⁰⁴

If this was the case, at least one source of pressure towards an agnatic bias in inheritance among bilateral kindred is discernible.¹⁰⁵ Especially when household wealth has to provide for several children, being equally divided among sons,¹⁰⁶ as well as furnishing dowries for daughters,¹⁰⁷ it is clearly advantageous to make sure that sons' portions are as large as possible, thus ensuring for them the highest possible financial status and accompanying civic privileges. It was, of course, sons not daughters who were active in the public world of the state. However, the pressure in this direction was somewhat balanced by pressure from another direction: the prevalent social ethic that women had to be decently dowered, in a fashion appropriate to the household's means.¹⁰⁸ A good dowry was necessary for a good marriage; while a poor marriage to a social or economic inferior would result in loss of honour for the girl's family (see above, pp. 33ff.). Moreover, in Athens in particular, where citizenship was strictly reckoned from bilateral kinship connexions, the wife's status was also crucial in determining the civic status of her children. Hence, perhaps, another incentive to marry off girls as well as possible, leaving no one in any doubt of their social and political good standing?

The two primary roles of property ownership for adult citizen males – earning a livelihood and validating civic status – bring into focus another interesting dichotomy in Athenian society. Although the basic unit of social and economic organisation was the household, the basic unit of political organisation was the individual, more particularly the citizen male. Property operated in both household and public spheres simultaneously: in the former as economic resources, and in the latter in terms both of formal property ownership qualifications and the informal principle that wealth

¹⁰⁴ On this subject I have left many questions unanswered and many more even unasked. Would any accumulated income from a dowry (as opposed to the capital itself) have been counted as part of a man's estate? What would have happened to any accumulated profits if the marriage dissolved? In cases where the wife was accused of adultery, would she and her family have been able to reclaim the dowry in practice? More importantly, what was the status of property owned by the wife that was not part of her dowry (e.g. property inherited from collateral relatives)? Was it counted in her husband's estate for 'civic' purposes, or not? And what happened to it if the marriage was terminated? On the question of a woman's non-dotal property, the situation presented in [Demosthenes] 41 is most interesting. Here, (1) the final division and subsequent litigation over the estate does not seem to have begun until after the deaths of both Polyeuktos and his wife, though a considerable amount had already been handed over to the daughters and their husbands on marriage. (Handing over property to sons on marriage, rather than waiting until the parents' death also seems to have been a regular practice.) (2) Polyeuktos' wife loaned her son-in-law, Spoudias, a large amount of money. And (3) she seems to have left behind at her death carefully prepared accounts of her financial affairs, apparently separate from those of Polyeuktos. The simplest way of explaining these facts is to postulate that she had wealth of her own which did not belong to Polyeuktos and may not have been 'frozen' in the special status of a dowry.

¹⁰⁵ Humphreys 1978: 194; 1986: 58–9; Schaps 1975, on the bilateral aspect of Greek rules of inheritance. The male dominance of a bilateral kinship system can be explained in terms of the dual nature of the gender framework identified in this paper: see Aristotle, *Rhetoric* 1360b (1.5.5), where *εὐγένεια* (good birth) in terms of the community is only male, but privately is bilateral. Cf. n. 25.

¹⁰⁶ Lacey 1968: 125; Schaps 1979: 23; Harrison 1968: 130–2.

¹⁰⁷ See p. 32. Sisters normally seem to have been given equal-sized dowries: e.g. Isaios 2.3–5; 11.40; [Demosthenes] 41 – another indication that the dowry was the female share of the patrimony.

¹⁰⁸ See pp. 33ff. These opposing social pressures might have caused considerable tension in 'respectable' families of only moderate wealth.

increased a man's civic influence and prestige. When the household – as economic unit – needed to operate in the legal/political sphere, it had to be represented by a household member capable of acting in this sphere: an adult male, normally the head of household.¹⁰⁹ The consequence is that the holder of this key position also becomes highly visible in the documents. It is not accidental that thirty, the age of full civic maturity for men, was also the normal age of marriage for them.¹¹⁰ Often this was the time at which the patrimonial property was preliminarily divided and turned over to the sons,¹¹¹ and they became heads of their own households. This timing emphasises the dual significance of property ownership and management for adult men.

Humphreys¹¹² maintains that the political institutions of the *polis* superseded the household in classical Greece. Here I have upheld the case that the household was never outmoded or replaced. Sometimes *polis* and household maintained separate spheres of activity. Occasionally, as for an Antigone,¹¹³ the demands made by each were in outright conflict. But more often, as in the area of property holding and citizenship considered here, political and domestic roles were entwined with each other. The result was tension, ambiguity and dispute. Every Athenian still belonged to both *polis* and household, and the bonds to both were strong.¹¹⁴

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¹⁰⁹ Though not always: see [Demosthenes] 44, where the plaintiff's son is conducting the case on his father's behalf.

¹¹⁰ Lacey 1968: 130, 106–7; Isager 1980–1: 84, though exceptions are, of course, known.

¹¹¹ E.g. [Demosthenes] 43.19. The much younger age of marriage for women incidentally (though not accidentally?) ensured that in most cases even much younger sisters would have been dowered and married before their brothers. And it was their brothers' responsibility to see that sisters were suitably married if their father was dead (e.g. Isaios 2). It may even have been the case, as in modern Greece, that brothers had a moral responsibility not to marry until their sisters were married.

¹¹² Humphreys 1978: 201, but cf. Humphreys 1986: 91.

¹¹³ Antigone's (Sophokles, *Antigone*) tragedy was that she offended custom and family duty by not burying her brothers, but acted in direct disobedience to the *polis* by attempting to bury them.

¹¹⁴ I am grateful for the valuable comments of three anonymous referees who have acted for *CQ* at various stages of this paper's evolution.

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