

IN DEFENCE OF FEMALE CITIZENSHIP: APOLLODORUS, *AGAINST NEAERA* 113*

ABSTRACT

In a passage from Apollodorus' Against Neaera ([Dem.] 59.113), the manuscripts have unanimously transmitted the feminine plural genitive of 'citizen', πολιτίδων. Since Reiske's 1770 emendation, however, editions of the text have printed the considerably more common masculine form, πολιτῶν. Emphasizing the importance of female citizenship in Athens, this note proposes restoring the manuscript reading of the text.

Keywords: women; citizenship; Apollodorus; Neaera; Athenian democracy

ὥστε καὶ ὑπὲρ τῶν πολιτίδων σκοπεῖτε, τοῦ μὴ ἀνεκδότους γενέσθαι τὰς τῶν πενήτων θυγατέρας. νῦν μὲν γάρ, κὰν ἀπορηθῆ τις, ἰκανὴν προῖκ' αὐτῇ ὁ νόμος συμβάλλεται, ἂν καὶ ὀπωσιποῦν μετρίαν ἢ φύσις ὄψιν ἀποδῶ. προπηλακισθέντος δὲ τοῦ νόμου ὕψ' ὑμῶν ἀποφυγούσης ταύτης, καὶ ἀκύρου γενομένου, παντελῶς ἤδη ἡ μὲν τῶν πορνῶν ἐργασία ἤξει εἰς τὰς τῶν πολιτῶν [Reiske: πολιτίδων codd.] θυγατέρας, δι' ἀπορίαν ὅσα ἂν μὴ δύνωνται ἐκδοθῆναι, τὸ δὲ τῶν ἐλευθέρων γυναικῶν ἀξίωμα εἰς τὰς ἐταίρας, ἂν ἄδειαν λάβωσι τοῦ ἐξείναι αὐταῖς παιδοποιεῖσθαι ὡς ἂν βούλωνται καὶ τελετῶν καὶ ἱερῶν καὶ τιμῶν μετέχειν τῶν ἐν τῇ πόλει. ([Dem.] 59.112–13)

So you must also show concern for female citizens, to prevent the daughters of poor men becoming unmarried. For as matters stand, even if a girl is needy, the law contributes an adequate dowry for her, if nature gives her even a remotely moderate appearance. But if the law is brought into contempt by you with this woman's acquittal and becomes powerless, then without a doubt the trade of whores will fall to the daughters of **citizens**, all those who because of poverty cannot be married, while the status of free women will fall to the courtesans, if they receive permission to be able to bear children however they wish and to share in the civic rituals and ceremonies and rights.¹

In the lines above from Apollodorus' *Against Neaera*, the manuscripts have unanimously transmitted the feminine plural genitive of 'citizen', πολιτίδων.² Since Reiske's 1770 emendation, however, editions of the text have printed the considerably more common masculine form, πολιτῶν. In the following, I propose restoring the manuscript reading of the text.

Before Reiske's edition, πολιτίδων was retained. The suggestion of the masculine plural appears earlier than Reiske, however. Wolf prints πολιτίδων, but suspects that 'forte scriptum fuit εἰς τὰς πολιτίδας, quod aliquis interpretatus est, εἰς τὰς τῶν

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¹ Translations are from C. Carey, *Apollodoros Against Neaira [Demosthenes] 59* (Warminster, 1992), with modifications.

² The text comes to us in the Demosthenic corpus but is universally acknowledged to be by Apollodorus, who also serves as the co-speaker and delivers the speech from §16 onward.

πολιτῶν θυγατέρας' (ad loc.).³ In his mind, a manuscript may have read πολιτίδας, which was then elaborated as the pleonastic 'daughters of male citizens'. Both Wolf's own decision to print the feminine genitive plural and his explication of an alternative reading recognize female citizens as what is specified in the passage. None the less, the editions after Reiske prefer his emendation, including Blass, Rennie, Kapparis and Dilts in the most recent edition of the text.⁴ The edition immediately following Reiske stands as the exception. Bekker was the first to collate the newly discovered Parisinus gr. 2934 (S), along with F, Y and twelve other manuscripts, to produce his text.⁵ His edition stands alone after Reiske's in retaining the πολιτίδων of the manuscripts.

Just as Dilts and Kapparis have used studies of Attic inscriptions and law to improve the text, in many cases by keeping a reading from the manuscripts that had been incorrectly emended, I argue that advances in understanding female citizenship suffice to defend the feminine form in §113. Kapparis encapsulates his approach to the text in his introduction ([n. 4], 79): 'I have tried to defend the manuscripts, if an adequate explanation can be given, and here again every case has to be considered individually.' I offer this note as the 'adequate explanation' for defending the manuscript reading: a small and specific example of how erroneous ideas about female citizenship in antiquity persistently affect modern scholarship, from historical analysis to textual criticism.

The speech prosecutes the metic Neaera for being 'married' to Stephanus, an Athenian citizen. By the time of the speech's delivery in the late 340s, it was illegal for citizens to marry non-citizens. Thus, to secure a conviction, the prosecution must prove both that Neaera is not a citizen and that she is acting as if she is married to a citizen.⁶ Much of the speech is an ad hominem attack on Neaera's character based on her status as a former slave and sex-labourer, intended to prove that she is not a citizen. Since cohabitation alone was not illegal, Apollodorus must also show evidence of marriage. In his famous tripartite division of women, Apollodorus claims that marriage is defined by the production of legitimate citizen offspring (§§118–22). Passing a child off as a citizen is the means by which to prove that Neaera is married to a citizen.

Accordingly, a significant part of the speech is dedicated to the illegitimate citizenship of Neaera's alleged daughter, Phano (§§49–84). Neaera as mother gives Phano both her counterfeit civic status and her character (for example §50).⁷ Phano's perverse realization of citizenship scandalously results in marriages to two different Athenian men and in her participation in a prestigious religious office as the wife of the *archōn basileus*. The prosecution highlights her capacity to introduce more illegitimate children into the

³ H. Wolf, *Demosthenes* (Frankfurt, 1604).

⁴ F. Blass, *Demosthenis orationes* (Leipzig, 1908); W. Rennie, *Demosthenis orationes Tomus III* (Oxford, 1931); K.A. Kapparis, *Apollodoros Against Neaira [D 59]* (Berlin and New York, 1999); M.R. Dilts, *Demosthenis orationes Tomus IV* (Oxford, 2009).

⁵ I. Bekker, *Demosthenis orationes* (Leipzig, 1855).

⁶ The actual charge is disputed. Kapparis (n. 4) understands the charge as illegal marriage, citing A.R.W. Harrison, *The Law of Athens* (Oxford, 1968), 1.24–9 and D. MacDowell, *The Law in Classical Athens* (Ithaca, NY, 1978), 87 in support. *Contra*, S. Todd, *The Shape of Athenian Law* (Oxford, 1993), 208 and D.L. Hamel, *Trying Neaira: The True Story of a Courtesan's Scandalous Life in Ancient Greece* (New Haven, CT, 2003), 135, who argue that the suit is brought under the charge of posing as a citizen (γραφή ξενίας). Carey (n. 1), 3–4 is equivocal. Either way, the case is focussed on alien usurpation of citizenship.

⁷ For the relationship between Neaera and Phano, see C. Patterson, 'The case against Neaira and the public ideology of the Athenian family', in A.L. Boegehold and A.C. Shapiro (edd.), *Athenian Identity and Civic Ideology* (Baltimore, 1994), 199–216; and A. Glazebrook, 'The making of a prostitute: Apollodoros' portrait of Neaira', *Arethusa* 38 (2005), 161–87.

citizen body and her usurpation of an extremely visible public role for a citizen woman. The context of the speech thus asks the jurors to consider female citizenship explicitly and implicitly, through formal and informal terms. Neaera and Phano are shown to fail on all counts, while the women in the jurors' lives are idealized in equal measure. What a πολίτις *is* and what she *does* are central to the text.

The immediate context of the quoted passage is especially focussed on female citizenship. Near the end of the speech, Apollodorus hyperbolically pleads with the jurors to imagine the repercussions of an acquittal. The speaker asks 'what could each of you actually say when he goes home to his own wife or daughter or mother after acquitting this woman?' (τί δὲ καὶ φήσειεν ἄν ὑμῶν ἕκαστος εἰσιὼν πρὸς τὴν ἑαυτοῦ γυναῖκα ἢ θυγατέρα ἢ μητέρα, ἀπονηρισόμενος ταύτης; 110), priming the jurors to consider the female citizens in their lives and the consequences for them if metic women are allowed to act as citizens. An acquittal is presented as a threat to female citizens' status *in toto*. 'Good' women will be angry, he claims, because their verdict has implicitly authorized courtesans such as Neaera to 'have the same share as they in public life and religion' (ὁμοίως αὐταῖς ταύτην ... μετέχειν τῶν τῆς πόλεως καὶ τῶν ἱερῶν, 111). The language of 'sharing in public life' is a common way to express citizenship and its privileges.⁸ Furthermore, the law itself will be invalidated, allowing 'whores to live in marriage with anyone they please, and to declare anyone at all the father of their children' (ταῖς πόρνοις συνοικεῖν οἷς ἄν βούλωνται, καὶ τοὺς παῖδας φάσκειν οὐ ἄν τύχῳσιν εἶναι, 112). Sex-labourers in these passages should be taken as indicating strictly non-citizen women.⁹ Poor women, with smaller dowries and fewer social connections, will be put at a higher risk of losing status (§112). The idea, then, is that citizenship is a zero-sum game and, when metics rise in the ranks, citizen women are demoted in their private and public lives.

Summed up in the sentence under review, after Neaera's acquittal 'the trade of whores will fall to the daughters of citizens (τῶν πολιτῶν/πολιτιδῶν), all those who because of poverty cannot be married, while the status of free women will fall to the courtesans, if they receive permission to be able to bear children however they wish and to share in the civic rituals and ceremonies and rights' (§113). As in the previous lines, the roles of citizen women encompass both *oikos* and *polis*, intertwined just as men's roles in these spheres are intertwined. That citizenship itself is at stake is highlighted again in the phrase 'shar[ing] in the civic rituals and ceremonies and rights'. The relationship between mother and child is central: the daughters of citizens will become prostitutes precisely when *hetairai* gain the ability to bear children however they wish and usurp citizen status. The children of actual citizens will instead carry on the sexual labour of metics outside of a citizen-reproducing *oikos*. Since the women are the ones losing or gaining status, it is the children of these women that are also gaining or losing status. Thus the 'daughters of citizen women' (πολιτιδῶν) makes sense within the focus on the role of the mother-daughter relationship in creating status. To press the point, the passage afterward asks the men in the court again to consider the multi-generational women in their

⁸ M. Ostwald, 'Shares and rights: "citizenship" Greek style and American style', in J. Ober and C. Hedrick (edd.), *Dēmokratia: A Conversation on Democracies, Ancient and Modern* (Princeton, 1996), 49–61.

⁹ R.F. Kennedy, *Immigrant Women in Athens: Gender, Ethnicity, and Citizenship in the Classical City* (New York, 2014), 97–122 provides a detailed overview of the stereotype of sex-labourers as foreign.

lives: their wives, daughters and finally mothers, to whom their own status is partially indebted (§114). Each juror should take care that these family members and Athenian women more broadly not ‘be held in equal esteem with this whore ... [nor be] shown to have an equal share [as she]’ (του μη ἐξ ἴσου φανῆναι ἐκεῖνας τιμωμένας ταύτη τῆ πόρνη ... ταύτας ἐν τῷ ἴσῳ φαίνεσθαι μετεχούσας, 114). While the nightmare that Apollodorus is describing affects the men in their role as *kurios* of their respective households, women’s status is at the forefront of the concern.

Why, then, is πολιτίδων replaced by πολιτῶν in most editions after Reiske? The emendation implies that the phrase ‘daughters of female citizens’ itself is problematic. In other words, editors assume that ‘daughters of male citizens’ is more fitting and that the only way πολιτίδων could have arisen is from an errant scribal hand. Reiske finds the mention of mothers alone suspect: ‘Malim πολιτῶν. Cur enim matres solummodo, non item patres commemorentur, quorum maius in eiusmodi re momentum est?’ (ad loc.). Perhaps his πολιτῶν is intended to be inclusive of both fathers and mothers. In any case, the father, Reiske reasons, is really the parent that matters when one considers citizen marriage, revealing that he is mostly concerned with the *kurios*’ role in the dowry and betrothal. Kapparis elaborates on his choice to follow Reiske by noting §112 as the probable source of the corruption. In that section, there is another genitive plural of the feminine, when Apollodorus exhorts the *dikastai* to ‘consider the female citizens’ (ὕπερ τῶν πολιτίδων σκοπεῖτε).¹⁰ It also identifies the ‘daughters of the poor’ as especially at risk (τάς τῶν πενήτων θυγατέρας). Kapparis’s suggestion seems to be that this feminine noun has corrupted the transmission of the masculine, and perhaps that the specification of the daughters of πενήτων, meaning poor *men*, should necessarily be echoed in §113. Kapparis has further reservations about the phrase, since female prostitutes are often referred to by their mothers, such as Phano ‘daughter of Neaera’ (for example §55, *passim*), while citizen women are referred to by their fathers.¹¹ If that is the case, the reference to mothers rather than to fathers here might imply something amiss about the citizen daughters, contrary to Apollodorus’ intentions in this passage. Whether from presuppositions about marriage or about propriety in the courtroom, Reiske’s and Kapparis’s hesitations express different levels of resistance to the explicit connection between citizen mother and child.

However, the phrase itself need not imply anything negative about the citizen women in the passage. While women’s names were often avoided in a public setting, extant texts do specify citizens as related to citizen women and even occasionally forgo the nicety of avoiding a woman’s name especially when descent is at issue. For instance, the identity of one’s mother was explicitly checked at the requisite *dokimasia* for office (Arist. [*Ath. Pol.*] 55.4). Oratory, too, features maternal descent where relevant. Isocrates’ fictional Plataean justifies his plea to the Athenians for aid with the claim that they are of the same stock since not only were the Plataeans enfranchised but they were also born of Athenian citizen women (ἐκ πολιτίδων ὑμετέρων γεγόναμεν, 14.51). In real court-speeches, speakers who claim an inheritance via the maternal line frequently refer to themselves as children of their mother. A speaker might say that the estate belongs to ‘my mother’ (Isae. 10.3, *passim*), indicating the line of descent

¹⁰ Dilts’s (n. 4) apparatus criticus gives no further information beyond attributing the change to Reiske.

¹¹ Kindly discussed with me via personal correspondence. For a list of possible sex-labourers identified with their mothers, see K.A. Kapparis, *Prostitution in the Ancient Greek World* (Berlin and Boston, 2018), 385–453 with references.

from the female side.¹² Outside of inheritance cases, Euxitheus' appeal in defence of his citizenship stresses Athenian descent from both parents (Dem. 57.17, 57.50). Contrary to expectation, he does mention his grandmother and mother by name in the speech (57.37, 57.68). In tracing his maternal lineage, he includes other women in the line and refers to family members through their relationship to those women (57.37–8). Reference to blood relationships to a woman, as a child or otherwise, is thus common when questions of descent and legitimacy are at play. Furthermore, the purpose of using the father's name in court is to identify specific women, like a surname. In *Against Neaera*, the goal is not to specify any one woman but to highlight the threat to citizen women across generations.

The larger issue is the failure to recognize a robust female citizenship in ancient Athens. Indeed, the denial of female citizenship in Classical Athens has been difficult to eradicate from the field. Despite the preponderance of evidence that Athenian women had citizenship status, markedly different from that of female metics or slaves, instances where women appear as citizens are downplayed or marked as exceptions. Labelling women 'citizens' remains controversial for many scholars. For instance, Carey's own introduction to his translation of and commentary on *Against Neaera* notes that, 'since women did not exercise citizen rights in Athens, I use the terms "women/females of citizen status" consistently in preference to "citizen women/females"'.¹³ In a similar move, Hansen's handbook on fourth-century Athenian democracy claims both that women were 'citizens' and that 'the *polis* was a society of citizens. It was a male society from which women were excluded.'¹⁴ Pericles' citizenship law of 451/0, which required a child to have two Athenian parents to be considered an Athenian (Arist. [*Ath. Pol.*] 26.4; Plut. *Per.* 37.3), is explained away by Rhodes as requiring that the Athenian man's wife had to be 'the daughter of a male citizen'.¹⁵ These kinds of evasions are typical and reduce the already qualified female 'citizenship' to their father's status and the ability to 'give birth to the next generation of full citizens', meaning male offspring.¹⁶ Continuing the citizen body is certainly a key feature of female citizenship, as it is of male citizenship. However, it is not the only feature that separates citizen women from slaves or metics. For scholars who put female citizen in scare quotes, participation in the magistracies, the Assembly and the juries remains the unequivocal 'bright-line'.¹⁷

¹² Other instances where the relationship between mother and child is identified include Isae. 3.31, 6.11.

¹³ Carey (n. 1), 26 n. 45. In contrast, Kapparis's introduction to *Against Neaera* is a welcome departure. His lengthy section on women in the *polis* highlights that the 'legislation of the radical democracy safeguarded the legal rights of the citizen woman. Judging by the standards of the time and in comparison with non-democratic systems it would be fair to say that the democratic constitution set out in clear lines and protected the individual rights of women offering them a well-defined and firmly established role in the structure of the *polis*' (Kapparis [n. 4], 3–4). His adoption of Reiske's change does not appear to stem from denying female citizenship but rather from the idea that referring to daughters by their mothers might be pejorative (see above).

¹⁴ M.H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology* (Norman, OK, 1991), 62; also 8, 97 and *passim*.

¹⁵ P.J. Rhodes, 'Civic ideology and citizenship', in R.K. Balot (ed.), *A Companion to Greek and Roman Political Thought* (Oxford and Malden, MA, 2009), 60.


¹⁶ Rhodes (n. 15), 60.

¹⁷ Aristotle's assessment in the *Politics* is in large part responsible for the entrenchment of this view (1274b–1278b). For a challenge to Aristotle, see J. Blok, *Citizenship in Classical Athens* (Cambridge, 2017), 1–46.

Lest we apply an anachronistic framework, however, we ought to consider the Athenian context. As scholars for decades have shown, women's cult activity, real property ownership, creation of legitimate children, role in inheritance patterns, and their status expressed by πολίτις and ἄσπῆ demonstrate that, 'while Athenian females may not look like full members of the *polis* to us, because of our own narrowly politicized, individualist notion of "citizenship", their full, integral membership in Demos in Athens would surely have seemed self-evident to any Athenian.'¹⁸ Rather than attempt to explain how women both were and were not citizens, we should take the texts at their word: women were citizens. What does that mean? It does not mean that they were strictly equal or that they were not oppressed, but that they were not slave women and they were not metic women. There is no need to create a fourth-status category of 'citizen-like'.¹⁹ The rejection of female citizenship as a matter of course has interpretative consequences, as in scholars' explanation of Pericles' law above, and also, as I have suggested here, their textual decisions. This is not to argue that πολιτῶν would be utterly impossible in this passage, but rather to emphasize that πολιτῖδων is not impossible either.

The passage under review revolves around the whole of female citizen status. Marriage functions as one aspect of citizenship under attack, a citizenship that depends on mothers as well as on fathers. Reiske's focus on the *kurios*' role in marriage disregards the victims of status loss that are at the core of the passage, the πολίτιδες. The relationship between Neaera and her daughter Phano looms large in the speech as an example of the newly empowered *hetaira* and her children in §113. The displacement of the citizen mother–daughter pair is the inverted parallel to the upgraded foreign *hetaira*. Accordingly, the relationship between citizen mother and daughter is just as important to the speech and to the passage. While the mother would not give the dowry or initiate the betrothal, she is not an uninterested party in her daughter's civic status and concomitant marriageability. The imagined rise of the *hetairai* imperil her and her daughter directly: the daughter demoted to prostitute, the mother unsuccessful in passing civic (and social) status to the daughter. Therefore, in this passage we have agreement of all manuscripts and an 'adequate explanation' for πολιτῖδων in the sentence. Given that scholars have laid the groundwork for a more nuanced, historically appropriate understanding of female Athenian citizenship, a reassessment of interpretations, translations and textual editions is in order. Let us begin with restoring literal erasures.

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¹⁸ G. Anderson, 'Retrieving the lost worlds of the past: the case for an ontological turn', *AHR* 120 (2015), 783–810, at 809. For a defence of female citizenship, see e.g. M.A. Katz, 'Ideology and the "status of women" in ancient Greece', *History and Theory* 31 (1992), 70–97 (a historiography of the question); C. Patterson, '*Hai Attikai*: the other Athenians', *Helios* 13 (1986), 49–67 (terminology) and Patterson (n. 7) (for the role of the *oikos*); J. Blok, 'Becoming citizens. Some notes on the semantics of "citizen" in Archaic Greece and Classical Athens', *Klio* 87 (2005), 7–40 (terminology) and Blok (n. 17) (more fully on terminology and cult participation); D. Kamen, *Status in Classical Athens* (Princeton, 2013), 87–96 (as part of a spectrum of statuses); N. Campa, '*Kurios, kuria* and the status of Athenian women', *CJ* 114 (2019), 257–79 (property ownership and inheritance).

¹⁹ Todd (n. 6), 171 n. 4 suggests that women citizens could be a fourth category, before deciding to limit statuses to three (slave, metic, citizen).