

**[DEMOSTHENES] LIX  
THEOMNESTUS AND APOLLODORUS  
AGAINST NEAERA**

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**Cast of Characters:**

**Apollodorus:** the likely author and principal speaker in the oration. He was the son of Archippe and Pasion, a former slave who, upon being freed, acquired ownership of a bank and was subsequently awarded Athenian citizenship. Upon Pasion's death, both the bank and his widow (Apollodorus' mother) passed to Phormio, a former slave of Pasion's who, like him, had been freed and acquired Athenian citizenship.

**Theomnestus:** the brother-in-law of Apollodorus and speaker of the first section of the oration. He married his niece, the daughter of Apollodorus and Theomnestus' sister.

**Stephanus:** husband of Neaera and an enemy of Apollodorus. He was also a cousin of Theomnestus, since Stephanus' mother was the sister of Theomnestus' father. Stephanus and Apollodorus were fellow-demesmen, from Acharnai. Theomnestus was from the nearby deme of Athmonon. To see the [location of these demes](#), follow this link, and then click on the circled section of the map to see a detail showing the relationship between Acharnai and Athmonon, and both of them in relation to Athens.

**Neaera:** the principal defendant in the case, who is prosecuted on a charge of being a foreigner posing as an Athenian citizen. One question about her frequently asked is whether she herself was in court for these proceedings. As you read through the speech, ask yourself what indications you can detect that this was or was not the case.

The date of the oration is 349 BCE. The translation of the speech is the same one as on Perseus, by A.T. Murray.

As you read through the oration, refer to the explanatory notes for the linked items.

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(Theomnestus, who brings the indictment, speaks.)

1. MANY indeed are the reasons, men of Athens, which urged me to prefer this indictment against Neaera, and to come before you. We have suffered grievous wrongs at the hands of Stephanus and have been brought by him into the most extreme peril, I mean [my father-in law, myself, my sister, and my wife](#); so that I shall enter upon this trial, not as an aggressor, but as one seeking vengeance. For Stephanus was the one who began our quarrel without ever having been wronged by us in word or deed. I wish at the outset to state before you the wrongs which we have suffered at this hands, in order that you may feel more indulgence for me as I seek to defend myself and to show you into what extreme danger we were brought by him of losing our country and our civic rights.

2. When the people of Athens passed a decree granting the right of citizenship to Pasion and his descendants on account of services to the state, my father favoured the granting of the people's gift, and himself gave in marriage to Apollodorus, son of Pasion, his own daughter, my sister, and she is the mother of the children of Apollodorus. Inasmuch as Apollodorus acted honourably toward my sister and toward all of us, and considered us in truth his relatives and entitled to share in all that he had, I took to wife his daughter, my own niece.

3. After some time had elapsed Apollodorus was chosen by lot as a member of the senate; and when he had passed the scrutiny and had sworn the customary oath, there came upon the city a war and a crisis so grave that, if victors, you would be supreme among the Greek peoples, and would beyond possibility of dispute have recovered your own possessions and have crushed Philip in war, but, if your help arrived too

late and you abandoned your allies, allowing your army to be disbanded for want of money, you would lose these allies, forfeit the confidence of the rest of the Greeks, and risk the loss of your other possessions, Lemnos and Imbros, and Scyros and the Chersonese.

4. You were at that time on the point of sending your entire force to Euboea and Olynthus, and Apollodorus, being one of its members, brought forward in the senate a bill, and carried it as a preliminary decree to the assembly, proposing that the people should decide whether the funds remaining over from the state's expenditure should be used for military purposes or for public spectacles. For the laws prescribed that, when there was war, the funds remaining over from state expenditures should be devoted to military purposes, and Apollodorus believed that the people ought to have power to do what they pleased with their own; and he had sworn that, as member of the senate, he would act for the best interests of the Athenian people, as you all bore witness at that crisis.

5. For when the division took place there was not a man whose vote opposed the use of these funds for military purposes; and even now, if the matter is anywhere spoken of, it is acknowledged by all that Apollodorus gave the best advice, and was unjustly treated. It is, therefore, upon the one who by his arguments deceived the jurors that your wrath should fall, not upon those who were deceived.

This fellow Stephanus [indicted the decree as illegal](#), and came before a court. He produced false witnesses to substantiate the calumnious charge that Apollodorus had been a debtor to the treasury for twenty five years, and by making all sorts of accusations that were foreign to the indictment won a verdict against the decree.

So far as this is concerned, if he saw fit to follow this course, we do not take it ill; but when the jurors were casting their votes to fix the penalty, although we begged him to make concessions, he would not listen to us, but fixed the fine at fifteen talents in order to deprive Apollodorus and his children of their civic rights, and to bring my sister and all of us into extremest distress and utter destitution.

7. For the property of Apollodorus did not amount to as much as three talents to enable him to pay in full a fine of such magnitude, yet if it were not paid by the ninth prytany the fine would have been doubled and Apollodorus would have been inscribed as owing thirty talents to the treasury, all the property that he has would have been scheduled as belonging to the state, and upon its being sold Apollodorus himself and his children and his wife and all of us would have been reduced to extremest distress.

8. And more than this, his other daughter would never have been given in marriage; for who would ever have taken to wife a portionless girl from a father who was a debtor to the treasury and without resources? Of such magnitude, you see, were the calamities which Stephanus was bringing upon us all without ever having been wronged by us in any respect. To the jurors, therefore, who at that time decided the matter I am deeply grateful for this at least, that they did not suffer Apollodorus to be utterly ruined, but fixed the amount of the fine at one talent, so that he was able to discharge the debt, although with difficulty. With good reason, then, have we undertaken to pay Stephanus back in the same coin.

9. For not only did Stephanus seek in this way to bring us to ruin, but he even wished to drive Apollodorus from his country. He brought a false charge against him that, having once gone to [Aphidna](#) in search of a runaway slave of his, he had there struck a woman, and that she had died of the blow; and he suborned some slaves and got them to give out that they were men of Cyrene, and by public proclamation cited Apollodorus before the [court of the Palladium](#) on a charge of murder.

10. This fellow Stephanus prosecuted the case, declaring on oath that Apollodorus had killed the woman with his own hand, and he imprecated destruction upon himself and his race and his house, affirming

matters which had never taken place, which he had never seen or heard from any human being. However, since he was proved to have committed perjury and to have brought forward a false accusation, and was shown to have been hired by Cephisophon and Apollophanes to procure for pay the banishment or the disfranchisement of Apollodorus, he received but a few votes out of a total of five hundred, and left the court a perjured man and one with the reputation of a scoundrel.

11. Now, men of the jury, I would have you ask yourselves, considering in your own minds the natural course of events, what I could have done with myself and my wife and my sister, if it had fallen to the lot of Apollodorus to suffer any of the injuries which this fellow Stephanus plotted to inflict upon him in either the former or the latter trial, or how great were the disgrace and the ruin in which I should have been involved.

12. People came to me privately from all sides exhorting me to exact punishment from my opponent for the wrongs he had done us. They flung in my teeth the charge that I was the most cowardly of humankind, if, being so closely related to them, I did not take vengeance for the injuries done my sister, my father in law, my sister's children, and my own wife, and if I did not bring before you this woman who is guilty of such flagrant impiety toward the gods, of such outrage toward the commonwealth, and of such contempt for your laws, and by prosecuting her and by my arguments convicting her of crime, to enable you to deal with her as you might see fit.

13. And as Stephanus here sought to deprive me of my relatives contrary to your laws and your decrees, so I too have come before you to prove that Stephanus is living with an alien woman contrary to the law; that he has introduced children not his own to his fellow clansmen and demesmen; that he has given in marriage the daughters of courtesans as though they were his own; that he is guilty of impiety toward the gods; and that he nullifies the right of your people to bestow its own favours, if it chooses to admit anyone to citizenship; for who will any longer seek to win this reward from you and to undergo heavy expense and much trouble in order to become a citizen, when he can get what he wants from Stephanus at less expense, assuming that the result for him is to be the same?

14. The injuries, then, which I have suffered at the hands of Stephanus, and which led me to prefer this indictment, I have told you. I must now prove to you that this woman Neaera is an alien, that she is living with this man Stephanus as his wife, and that she has violated the laws of the state in many ways. I make of you, therefore, men of the jury, a request which seems to me a proper one for a young man and one without experience in speaking--that you will permit me to call Apollodorus as advocate to assist me in this trial.

15. For he is older than I and is better acquainted with the laws. He has studied all these matters with the greatest care, and he too has been wronged by this fellow Stephanus; so that no one can object to his seeking vengeance upon the one who injured him without provocation. It is your duty, in the light of truth itself, when you have heard the exact nature both of the accusation and the defence, then and not till then to reach a verdict which will be in the interest of the gods of the laws, of justice, and of your own selves.

(Apollodorus, as co-pleader, speaks.)

16. The wrongs done me by Stephanus, men of Athens, which have led me to come forward to accuse this woman Neaera, have been told you by Theomnestus. And that Neaera is an alien woman and is living as his wife with Stephanus contrary to the laws, I wish to make clear to you. First, the clerk shall read you the law under which Theomnestus preferred this indictment and this case comes before you.

THE LAW

If an alien shall live as husband with an Athenian woman in any way or manner whatsoever, he may be indicted before the Thesmothetae by anyone who chooses to do so from among the Athenians having the right to bring charges. And if he be convicted, he shall be sold, himself and his property, and the third part shall belong to the one securing his conviction. The same principle shall hold also if an alien woman shall live as wife with an Athenian, and the Athenian who lives as husband with the alien woman so convicted shall be fined one thousand drachmae.

17. You have heard the law, men of the jury, which forbids the union of an alien woman with an Athenian, or of an Athenian woman with an alien in any way or manner whatsoever, or the procreation of children. And if any persons shall transgress this law, it has provided that there shall be an indictment against them before the Thesmothetae, against both the alien man and the alien woman, and that, if convicted, any such person shall be sold. I wish, therefore, to prove to you convincingly from the very beginning that this woman Neaera is an alien.

18. There were these seven girls who were purchased while they were small children by Nicarete, who was the freedwoman of Charisius the Elean and the wife of his cook Hippias. She was skilled in recognizing the budding beauty of young girls and knew well how to bring them up and train them artfully; for she made this her profession, and she got her livelihood from the girls.

19. She called them by the name of daughters in order that, by giving out that they were free women, she might exact the largest fees from those who wished to enjoy them. When she had reaped the profit of the youthful prime of each, she sold them, all seven, without omitting one--Anteia and Stratola and Aristocleia and Metaneira and Phila and Isthmias and this Neaera.

20. Who it was who purchased them severally, and how they were set free by those who bought them from Nicarete, I will tell you in the course of my speech, if you care to hear and if the water in the water clock holds out. I wish for the moment to return to the defendant Neaera, and prove to you that she belonged to Nicarete, and that she lived as a prostitute letting out her person for hire to those who wished to enjoy her.

21. [Lysias, the sophist](#), being the lover of Metaneira wished, in addition to the other expenditures which he lavished upon her, also [to initiate her](#); for he considered that everything else which he expended upon her was being taken by the woman who owned her, but that from whatever he might spend on her behalf for the festival and the initiation the girl herself would profit and be grateful to him. So he asked Nicarete to come to the mysteries bringing with her Metaneira that she might be initiated, and he promised that he would himself initiate her.

22. When they got here, Lysias did not bring them to his own house, out of regard for his wife, the daughter of Brachyllus and his own niece, and for his own mother, who was elderly and who lived in the same house; but he lodged the two, Metaneira and Nicarete, with Philostratus of Colonus, who was a friend of his and was as yet unmarried. They were accompanied by this woman Neaera, who had already taken up the trade of a prostitute, young as she was; for she was not yet old enough.

23. To prove the truth of my statements--that the defendant belonged to Nicarete and followed in her train, and that she prostituted her person to anyone who wished to pay for it--I will call Philostratus as witness to these facts.

## THE DEPOSITION

Philostratus, son of Dionysius, of Colonus, deposes that he knows that Neaera was a slave of Nicarete, to whom Metaneira also belonged, that they were residents of Corinth, and that they stayed at his house when they came to Athens for the mysteries, and that Lysias the son of Cephalus, who was an intimate friend of his, established them in his house.

24. Again after this, men of Athens, Simus the Thessalian came here with the defendant Neaera for the great Panathenaea. Nicarete came with her, and they lodged with Ctesippus son of Glauconides, of Cydantidae; and the defendant Neaera drank and dined with them in the presence of many men, as any courtesan would do.

To prove the truth of my statements, I will call witnesses to these facts.

25. (To the clerk.) Please call Euphiletus, son of Simon, of Aexone, and Aristomachus, son of Critodemus, of Alopece.

#### THE WITNESS

Euphiletus son of Simon, of Aexone, and Aristomachus son of Critodemus, of Alopece, depose that they know that Simus the Thessalian came to Athens for the great Panathenaea, and that Nicarete came with him, and Neaera the present defendant and that they lodged with Ctesippus son of Glauconides, and that Neaera drank with them as being a courtesan, while many others were present and joined in the drinking in the house of Ctesippus.

26. After this, you must know, she plied her trade openly in Corinth and was quite a celebrity, having among other lovers Xenocleides the poet, and Hipparchus the actor, who kept her on hire. To prove the truth of my statement I cannot bring before you the testimony of Xenocleides, since the laws do not permit him to testify.

27. For when on the advice of Callistratus you undertook to aid the Lacedaemonians, he at that time opposed in the assembly the vote to do so, because he had purchased the right to collect the two per cent tax on grain during the peace, and was obliged to deposit his collections in the senate chamber during each prytany. For this he was entitled to exemption under the laws and did not go out on that expedition; but he was indicted by this man Stephanus for avoidance of military duty, and being slanderously maligned in the latter's speech before the court, was convicted and deprived of his civic rights.

28. And yet do you not count it a monstrous thing that this Stephanus has taken the right of free speech from those who are native born citizens and are lawful members of our commonwealth, and in defiance of all the laws forces upon you as Athenians those who have no such right? I will, however, call Hipparchus himself and force him either to give testimony or take the oath of disclaimer, or I will subpoena him.

(To the clerk.) Please call Hipparchus.

#### THE DEPOSITION

Hipparchus of [Athmonon](#) deposes that Xenocleides and he hired in Corinth Neaera, the present defendant, as a courtesan who prostituted herself for money, and that Neaera used to drink at Corinth in the company of himself and Xenocleides the poet.

29. After this, then, she had two lovers, Timanoridas the Corinthian and Eucrates the Leucadian. These men seeing that Nicarete was extravagant in the sums she exacted from them, for she demanded that they should supply the entire daily expenses of the household, paid down to Nicarete thirty minae as the price of Neaera's person, and purchased the girl outright from her in accordance with the law of the city, to be their slave.

30. And they kept her and made use of her as long a time as they pleased. When, however, they were about to marry, they gave her notice that they did not want to see her, who had been their own mistress, plying her trade in Corinth or living under the control of a brothel keeper; but that they would be glad to recover from her less than they had paid down, and to see her reaping some advantage for herself. They offered, therefore, to remit [one thousand drachmae](#) toward the price of her freedom, five hundred drachmae apiece; and they bade her, when she found the means, to pay them the twenty minae. When she heard this proposal from Eucrates and Timanoridas, she summoned to Corinth among others who had been her lovers Phrynion of Paeania, the son of Demon and the brother of Demochares, a man who was living a licentious and extravagant life, as the older ones among you remember.

31. When Phrynion came to her, she told him the proposal which Eucrates and Timanoridas had made to her, and gave him the money which she had collected from her other lovers as a contribution toward the price of her freedom, and added whatever she had gained for herself, and she begged him to advance the balance needed to make up the twenty minae, and to pay it to Eucrates and Timanoridas to secure her freedom.

32. He listened gladly to these words of hers; and taking the money which had been paid in to her by her other lovers added the balance himself and paid the twenty minae as the price of her freedom to Eucrates and Timanoridas on the condition that she should not ply her trade in Corinth.

To prove that these statements of mine are true, I will call as witness to them the man who was present.

(To the clerk.) Please call Philagrus of Melite.

#### THE DEPOSITION

Philagrus of Melite deposes that he was present in Corinth when Phrynion, the brother of Demochares, paid down twenty minae as the price of Neaera, the present defendant, to Timanoridas, the Corinthian, and Eucrates, the Leucadian; and that after paying down the money Phrynion went off to Athens, taking Neaera with him.

33. When he came back here, bringing her with him, he treated her without decency or restraint, taking her everywhere with him to dinners where there was drinking and making her a partner in his revels; and he had intercourse with her openly whenever and wherever he wished, making his privilege a display to the onlookers. He took her to many houses to gay parties and among them to that of Chabrias of Aexone, when, [in the archonship of Socratidas](#), he was victor at the Pythian games with the four horse chariot which he had bought from the sons of Mityls, the Argive, and returning from Delphi he gave a feast at [Colias](#), to celebrate his victory, and in that place many had intercourse with her when she was drunk, while Phrynion was asleep, among them even the serving men of Chabrias.

34. To prove that these statements of mine are true, I will bring before you as witnesses those who were present and saw for themselves.

(To the clerk.) Please call Chionides of [Xypete](#) and Euthetion of [Cydathenaeum](#).

## THE DEPOSITION

Chionides of Xypete and Euthetion of Cydathenaeum depose that they were invited to dinner by Chabrias, when he celebrated with a banquet his victory in the chariot-race, and that the banquet was held at Colias, and that they know that Phrynion was present at the banquet, having with him Neaera, the present defendant; that they themselves lay down to sleep, as did Phrynion and Neaera, and that they observed that men got up in the night to go in to Neaera, among them some of the serving men who were household slaves of Chabrias.

35. Since, then, she was treated with wanton outrage by Phrynion, and was not loved as she expected to be, and since her wishes were not granted by him, she packed up his household goods and all the clothing and jewelry with which he had adorned her person, and, taking with her two maid servants, Thratta and Coccaline, ran off to Megara. This was the period [when Asteius was archon](#) at Athens, at the time you were waging your second war against the Lacedaemonians.

36. She remained at Megara two years, that of the archonship of Asteius and that of Alcisthenes, but the trade of prostitution did not bring in enough money to maintain her establishment--she was lavish in her tastes, and the Megarians were niggardly and illiberal, and there were but few foreigners there on account of the war and because the Megarians favoured the Lacedaemonian side, while you were in control of the sea; it was, however, not open to her to return to Corinth, because she had got her freedom from Eucrates and Timanoridas on the condition that she would not ply her trade in Corinth;

37. --so, when peace was made in the [archonship of Phrasicleides](#), and the battle was fought at Leuctra between the Thebans and the Lacedaemonians, this man Stephanus, having at the time come to Megara and having put up at Neaera's house, as at the house of a courtesan, and having had intercourse with her, she told him all that had taken place and her brutal treatment by Phrynion. She gave him besides all that she had brought away from Phrynion's house, and as she was eager to live at Athens, but was afraid of Phrynion because she had wronged him and he was bitter against her, and she knew he was a man of violent and reckless temper, she took Stephanus here for [her patron](#).

38. He on his part encouraged her there in Megara: with confident words, boastfully asserting that if Phrynion should lay hands on her he would have cause to rue it, whereas he himself would keep her as his wife and would introduce the sons whom she then had to his clansmen as being his own, and would make them citizens; and he promised that no one in the world should harm her. So he brought her with him from Megara to Athens, and with her her three children, Proxenus and Ariston and a daughter whom they now call Phano.

39. He established her and her children in the cottage which he had near the Whispering Hermes between the house of Dorotheus the Eleusinian and that of Cleinomachus--the cottage which Spintharus has now bought from him for seven minae; so the property which Stephanus owned was just this and nothing besides. There were two reasons why he brought her here: first, because he would have a beautiful mistress without cost, and secondly, because her earnings would procure supplies and maintain the house; for he had no other income save what he might get by pettifoggery.

40. Phrynion, however, learned that the woman was in Athens, and was living with Stephanus, and taking some young men with him he came to the house of Stephanus and attempted to carry her off. When Stephanus took her away from him, as the law allowed, declaring her to be a free woman, Phrynion required her to [post bonds](#) with the polemarch.

To prove that this statement is true, I will bring before you as a witness to these facts the man himself who was polemarch at the time.

(To the clerk.) Please call Aeetes of Ceiriadae.

### THE DEPOSITION

Aeetes of Ceiriadae deposes that while he was polemarch, Neaera, the present defendant, was required by Phrynion, the brother of Demochares, to post bonds, and that the sureties of Neaera were Stephanus of Eroadae, Glaucetes of Cephisia, and Aristocrates of Phalerum.

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41. Now that Stephanus had become surety for her, and seeing that she was living at his house, she continued to carry on the same trade no less than before, but she charged higher fees from those who sought her favours as being now a respectable woman living with her husband. Stephanus, on his part, joined with her in extorting blackmail. If he found as a lover of Neaera any young alien rich and without experience, he would lock him up as caught in adultery with her, and would extort a large sum of money from him.

42. And this course was natural enough; for neither Stephanus nor Neaera had any property to supply funds for their daily expenditures, and the expenses of their establishment were large; for they had to support both him and her and three children whom she had brought with her, and two female servants and a male house servant; and besides Neaera had become accustomed to live comfortably, since heretofore others had provided the cost of her maintenance.

43. This fellow Stephanus was getting nothing worth mentioning from public business, for he was not yet a public speaker, but thus far merely a pettifogger, one of those who stand beside the platform and shout, who prefer indictments and informations for hire, and who let their names be inscribed on motions made by others, up to the day when he became an underling of Callistratus of Aphidna. How this came about and for what cause I will tell you in detail regarding this matter also, when I shall have proved regarding this woman Neaera that she is an alien and is guilty of grievous wrongs against you and of impiety towards the gods;

44. for I would have you know that Stephanus himself deserves to pay no less heavy a penalty than Neaera here, but even one far heavier, and that he is far more guilty, seeing that, while professing to be an Athenian, he treats you and your laws and the gods with such utter contempt that he cannot bring himself to keep quiet even for shame at the wrongs he has himself committed, but by bringing baseless charges against me and against others he has caused my colleague to bring against him and against this woman a charge so grievous that it necessitates inquiry being made into her origin, and his own profligacy being brought to light.

45. So, then, Phrynion brought suit against Stephanus for having taken this woman Neaera from him and asserted her freedom, and for having received the goods which Neaera had brought with her from Phrynion's house. Their friends, however, brought them together and induced them to submit their quarrel to arbitration. On behalf of Phrynion, Satyrus of Alopece, the brother of Lacedaemonius, sat as arbitrator, and on behalf of Stephanus here, Saurias of Lamprae; and they added to their number by common consent Diogeiton of Acharnae.

46. These men came together in the temple, and after hearing the facts from both parties and from the woman herself gave their decision, and these men acceded to it. The terms were: that the woman should

be free and her own mistress, but that she should give back to Phrynion all that she had taken with her from his house except the clothing and the jewels and the maid servants; for these had been bought for the use of the woman herself; and that she should live with each of the men on alternate days, and if they should mutually agree upon any other arrangement, that arrangement should be binding; that she should be maintained by the one who for the time had her in his keeping; and that for the future the men should be friends with one another and bear no malice.

47. Such were the terms of the reconciliation effected by the arbitrators between Phrynion and Stephanus in regard to this woman Neaera.

To prove that these statements of mine are true, the clerk shall read you the deposition regarding these matters.

(To the clerk.) Please call Satyrus of Alopece, Saurias of Lamptrae, and Aristogeiton of Acharnae.

#### THE DEPOSITION

Satyrus of Alopece, Saurias of Lamptrae, and Diogeiton of Acharnae depose that, having been appointed arbitrators in the matter of Neaera, the present defendant, they brought about a reconciliation between Stephanus and Phrynion, and that the terms on which the reconciliation was brought about were such as Apollodorus produces.

#### THE TERM OF RECONCILIATION

They have reconciled Phrynion and Stephanus on the following terms: that each of them shall keep Neaera at his house and have her at his disposal for an equal number of days in the month, unless they shall themselves agree upon some other arrangement.

48. When the reconciliation had been brought about, those who had assisted either party in the arbitration and the whole affair did just what I fancy is always done, especially when the quarrel is about a courtesan. They went to dine at the house of whichever of the two had Neaera in his keeping, and the woman dined and drank with them, as being a courtesan.

To prove that these statements of mine are true, (to the clerk) call, please as witnesses those who were present with them, Eubulus of Probalinthus, Diopeithes of Melite, and Cteson of Cerameis.

#### THE DEPOSITION

Eubulus of Probalinthus, Diopeithes of Melite and Cteson of Cerameis, depose that after the reconciliation in the matter of Neaera was brought about between Phrynion and Stephanus they frequently dined with them and drank in the company of Neaera, the present defendant, both when Neaera was at the house of Stephanus and when she was at the house of Phrynion.

49. I have, then, shown you in my argument, and the testimony of witnesses has proved: that Neaera was originally a slave, that she was twice sold, that she made her living by prostitution as a courtesan. that she ran away from Phrynion to Megara, and that on her return she was forced to give bonds as an alien before the polemarch. I wish now to show you that Stephanus here has himself given evidence against her, proving her to be an alien.

50. The daughter of this woman Neaera, whom she brought with her as a small child to the house of Stephanus, and whom they then called Strybele, but now call Phano, was given in marriage by this fellow Stephanus as being his own daughter to an Athenian, Phrastor, of Aegilia; and a marriage portion of [thirty minae](#) was given with her. When she came to the house of Phrastor, who was a labouring man and one who had acquired his means by frugal living, she did not know how to adjust herself to his ways, but sought to emulate her mother's habits and the dissolute manner of living in her house, having, I suppose, been brought up in such licentiousness.

51. Phrastor, seeing that she was not a decent woman and that she was not minded to listen to his advice, and, further, having learned now beyond all question that she was the daughter, not of Stephanus, but of Neaera, and that he had been deceived in the first place at the time of the betrothal, when he had received her as the daughter, not of Neaera, but of Stephanus by an Athenian woman, whom he had married before he lived with Neaera --angered at all this and considering that he had been treated with outrage and hoodwinked, he put away the woman after living with her for about a year, she being pregnant at the time, and refused to pay back the marriage portion.

52. Stephanus brought suit for [alimony](#) against him in the Odeum in accordance with the law which enacts that, if a man puts away his wife, he must pay back the marriage portion or else pay interest on it at the rate of [nine obols](#) a month for each mina; and that on the woman's behalf her guardian may sue him for alimony in the Odeum. Phrastor, on his part, preferred an indictment against Stephanus before the Thesmothetae, charging that he had betrothed to him, being an Athenian, the daughter of an alien woman as though she were his own. This was in accordance with the following law.

(To the clerk.) Read it, please.

#### THE LAW

If anyone shall give an alien woman in marriage to an Athenian man, representing her as being related to himself, he shall lose his civic rights and his property shall be confiscated, and a third part of it shall belong to the one who secures his conviction. And anyone entitled to do so may indict such a person before the Thesmothetae, just as in the case of usurpation of citizenship.

53. The clerk has read you the law in accordance with which this fellow Stephanus was indicted by Phrastor before the Thesmothetae. Stephanus, then, knowing that, if he were convicted of having given in marriage the daughter of an alien woman, he would be liable to the heaviest penalties, came to terms with Phrastor and relinquished his claim to the marriage portion, and [withdrew his action](#) for alimony; and Phrastor on his part withdrew his indictment from the Thesmothetae.

To prove that my statements are true, I will call before you as witness to these facts Phrastor himself, and will compel him to give testimony as the law commands.

54. (To the clerk.) Please call Phrastor of Aegilia.

#### THE DEPOSITION

Phrastor of Aegilia deposes that, when he learned that Stephanus had given him in marriage a daughter of Neaera, representing that she was his own daughter, he lodged an indictment against him before the Thesmothetae, as the law provides, and drove the woman from his house and ceased to live with her any longer; and that after Stephanus had brought suit against him in the Odeum for alimony, he made an

arrangement with him on the terms that the indictment before the Thesmothetae should be withdrawn, and also the suit for alimony which Stephanus had brought against me.

55. Now let me bring before you another deposition of Phrastor and his clansmen and the members of his gens, which proves that the defendant Neaera is an alien. Not long after Phrastor had sent away the daughter of Neaera, he fell sick. He got into a dreadful condition and became utterly helpless. There was an old quarrel between him and his own relatives, toward whom he cherished anger and hatred; and besides he was childless. Being cajoled, therefore, in his illness by the attentions of Neaera and her daughter

56. --they came while he lay sick and had no one to care for him, bringing him the medicines suited to his case and looking after his needs; and you know of yourselves what value a woman has in the sick room, when she waits upon a man who is ill--well, he was induced to take back and adopt as his son the child whom the daughter of this woman Neaera had borne after she was sent away from his house in a state of pregnancy, after he had learned that she was the daughter, not of Stephanus, but of Neaera, and was angered at their deceit.

57. His reasoning in the matter was both I natural and to be expected. He was in a precarious condition and there was not much hope that he would recover. He did not wish his relatives to get his property nor himself to die childless, so he adopted this boy and received him back into his house. That he would never have done this, if he had been in good health, I will show you by a strong and convincing proof.

58. For no sooner had Phrastor got up from that sickness and recovered his health and was fairly well, than he took to wife according to the laws an Athenian woman, the legitimate daughter of Satyrus, of Melite, and the sister of Diphilus. Let this, therefore, be a proof to you that he took back the child, not willingly, but forced by his sickness, by his childless condition, by the care shown by these women in nursing him, and by the enmity which he felt toward his own relatives, and his wish that they should not inherit his property, if anything should happen to him. This will be proved to you even more clearly by what followed.

59. For when Phrastor at the time of his illness sought to introduce the boy born of the daughter of Neaera to his clansmen and to the Brytidae, to which gens Phrastor himself belongs, the members of the gens, knowing, I fancy, who the woman was whom Phrastor first took to wife, that, namely, she was the daughter of Neaera, and knowing, too, of his sending the woman away, and that it was because of his illness that Phrastor had been induced to take back the child, refused to recognize the child and would not enter him on their register.

60. Phrastor brought suit against them for refusing to register his son, but the members of the gens challenged him before the arbitrator to swear by full grown victims that he verily believed the boy to be his own son, born of an Athenian woman and one betrothed to him in accordance with the law. When the members of the gens tendered this challenge to Phrastor before the arbitrator, he refused to take the oath, and did not swear.

61. To prove that these statements of mine are true, I will bring before you as witnesses the members of the Brytid gens who were present.

#### THE WITNESS

Timostratus of Hecale, Xanthippus of Eroadae, Evalces of Phalerum, Anytus of Laciadae, Euphranor of Aegilia, and Nicippus of Cephale, depose that both they and Phrastor of Aegilia are members of the gens

called Brytidae, and that, when Phrastor claimed the right to introduce a son of his into the gens, they, on their part, knowing that Phrastor's son was born of the daughter of Neaera, would not suffer Phrastor to introduce his son.

62. I prove to you, therefore, in a manner that leaves no room for doubt that even those most nearly connected with this woman Neaera have given testimony against her, proving that she is an alien -- Stephanus here, who now keeps the woman and lives with her, and Phrastor, who took her daughter to wife--Stephanus, since he refused to go on trial on behalf of this woman's daughter when he was indicted by Phrastor before the Thesmothetae on the charge that he had betrothed the daughter of an alien to him who was an Athenian, but had rather relinquished the claim to the marriage portion, and had not recovered it;

63. and Phrastor, since he had put away the daughter of this Neaera after marrying her, when he learned that she was not the daughter of Stephanus, and had refused to return her marriage portion; and when later on he was induced by his illness and his childless condition and his enmity toward his relatives to adopt the child, and when he sought to introduce him to the members of the gens, and they voted to reject the child and challenged him to take an oath, he refused to swear, but chose rather to avoid committing perjury, and subsequently married in accordance with the law another woman who was an Athenian. These facts, about which there is no room for doubt, have afforded you convincing testimony against our opponents, proving that this Neaera is an alien.

64. Now observe the base love of gain and the villainous character of this fellow Stephanus, in order that from this again you may be convinced that this Neaera is not an Athenian woman. Epænetus, of Andros, an old lover of Neaera, who had spent large sums of money upon her, used to lodge with these people whenever he came to Athens on account of his affection for Neaera. Against him this man Stephanus laid a plot.

65. He sent for him to come to the country under presence of a sacrifice and then, having surprised him in adultery with the daughter of this Neaera, intimidated him and extorted from him thirty minae. As sureties for this sum he accepted Aristomachus, who had served as Thesmothete, and Nausiphilus, the son of Nausinicus, who had served as archon, and then released him under pledge that he would pay the money.

66. Epænetus, however, when he got out and was again his own master preferred before the Thesmothetae an indictment for unlawful imprisonment against this Stephanus in accordance with the law which enacts that, if a man unlawfully imprisons another on a charge of [adultery](#), the person in question may indict him before the Thesmothetae on a charge of illegal imprisonment; and if he shall convict the one who imprisoned him and prove that he was the victim of an unlawful plot, he shall be let off scot free, and his sureties shall be released from their engagement; but if it shall appear that he was an adulterer, the law bids his sureties give him over to the one who caught him in the act, and he in the court room may inflict upon him, as upon one guilty of adultery, whatever treatment he pleases, provided he use no knife.

67. It was in accordance with this law that Epænetus indicted Stephanus. He admitted having intercourse with the woman, but denied that he was an adulterer; for, he said, she was not the daughter of Stephanus, but of Neaera, and the mother knew that the girl was having intercourse with him, and he had spent large sums of money upon them, and whenever he came to Athens he supported the entire household. In addition to this he brought forward the law which does not permit one to be taken as an adulterer who has to do with women who sit professionally in a brothel or who openly offer themselves for hire; for this, he said, is what the house of Stephanus is, a house of prostitution; this is their trade, and they get their living chiefly by this means.

68. When Epaenetus had made these statements and had preferred the indictment, this Stephanus, knowing that he would be convicted of keeping a brothel and extorting blackmail, submitted his dispute with Epaenetus for arbitration to the very men who were the latter's sureties on the terms that they should be released from their engagement and that Epaenetus should withdraw the indictment.

69. Epaenetus acceded to these terms and [withdrew the indictment](#) which he had preferred against Stephanus, and a meeting took place between them at which the sureties sat as arbitrators. Stephanus could say nothing in defence of his action, but he requested Epaenetus to make a contribution toward a dowry for Neaera's daughter, making mention of his own poverty and the misfortune which the girl had formerly met with in her relations with Phrastor, and asserting that he had lost her marriage portion and could not provide another for her.

70. "You," he said, " have enjoyed the woman's favours, and it is but right that you should do something for her." He added other words calculated to arouse compassion, such as anyone might use in entreaty to get out of a nasty mess. The arbitrators, after hearing both parties, brought about a reconciliation between them, and induced Epaenetus to contribute [one thousand drachmae](#) toward the marriage portion of Neaera's daughter.

To prove the truth of these statements of mine, I will call as witnesses to these facts the very men who were sureties and arbitrators.

#### THE WITNESSES

71. Nausiphilus of Cephale and Aristomachus of Cephale depose that they became sureties for Epaenetus of Andros. when Stephanus asserted that he had caught Epaenetus in adultery; and that when Epaenetus had got away from the house of Stephanus and had become his own master, he preferred before the Thesmothetae an indictment against Stephanus for illegal imprisonment; that they were themselves appointed as arbitrators, and brought about a reconciliation between Epaenetus and Stephanus, and that the terms of the reconciliation were those which Apollodorus produces.

#### THE TERMS OF RECONCILIATION

The arbitrators brought about a [reconciliation](#) between Stephanus and Epaenetus on the following terms: they shall bear no malice for what took place regarding the imprisonment; Epaenetus shall give to Phano one thousand drachmae toward her marriage portion, inasmuch as he has frequently enjoyed her favours; and Stephanus shall put Phano at the disposal of Epaenetus whenever he comes to Athens and wishes to enjoy her.

72. Although this woman, then, was acknowledged beyond all question to be an alien, and although Stephanus had had the audacity to charge with adultery a man taken with her, these two, Stephanus and Neaera, came to such a pitch of insolence and shamelessness that they were not content with asserting her to be of Athenian birth; but observing that Theogenes, of Cothocidae, had been [drawn by lot as king](#), a man of good birth, but poor and without experience in affairs, this Stephanus, who had assisted him at his scrutiny and had helped him meet his expenses when he entered upon his office, wormed his way into his favour, and by buying the position from him got himself appointed his assessor. He then gave him in marriage this woman, the daughter of Neaera, and betrothed her to him as being his own daughter; so utterly did he scorn you and your laws.

73. And this woman offered on the city's behalf the sacrifices which none may name, and saw what it was not fitting for her to see, being an alien, and despite her character she entered where no other of the whole

host of the Athenians enters save the wife of the king only; and she administered the oath to the venerable priestesses who preside over the sacrifices, and was given as bride to Dionysus; and she conducted on the city's behalf the rites which our fathers handed down for the service of the gods, rites many and solemn and not to be named. If it be not permitted that anyone even hear of them, how can it be consonant with piety for a chance comer to perform them, especially a woman of her character and one who has done what she has done?

74. I wish, however, to go back farther and explain these matters to you in greater detail, that you may be more careful in regard to the punishment, and may be assured that you are to cast your votes, not only in the interest of your selves and the laws, but also in the interest of reverence towards the gods, by exacting the penalty for acts of impiety, and by punishing those who have done the wrong.

In ancient times, men of Athens, there was sovereignty in our state, and the kingship belonged to those who were from time to time preeminent by reason of their being children of the soil, and the king offered all the sacrifices, and those which were holiest and which none might name his wife performed, as was natural, she being queen.

75. But when Theseus settled the people in one city and established the democracy, and the city became populous, the people none the less continued to elect the king as before, choosing him from among those most distinguished by valour; and they established a law that his wife should be of Athenian birth, and that he should marry a virgin who had never known another man, to the end that after the custom of our fathers the sacred rites that none may name may be celebrated on the city's behalf, and that the approved sacrifices may be made to the gods as piety demands, without omission or innovation.

76. This law they wrote on a pillar of stone, and set it up in the sanctuary of Dionysus by the altar in Limnae (and this pillar even now stands, showing the inscription in Attic characters, nearly effaced). Thus the people testified to their own piety toward the god, and left it as a deposit for future generations, showing what type of woman we demand that she shall be who is to be given in marriage to the god, and is to perform the sacrifices. For this reason they set it up in the most ancient and most sacred sanctuary of Dionysus in Limnae, in order that few only might have knowledge of the inscription; for once only in each year is the sanctuary opened, on the twelfth day of the month Anthesterion.

77. These sacred and holy rites for the celebration of which your ancestors provided so well and so magnificently, it is your duty, men of Athens, to maintain with devotion, and likewise to punish those who insolently defy your laws and have been guilty of shameless impiety toward the gods; and this for two reasons: first, that they may pay the penalty for their crimes; and, secondly, that others may take warning, and may fear to commit any sin against the gods and against the state.

78. I wish now to call before you the sacred herald who waits upon the wife of the king, when she administers the oath to the venerable priestesses as they carry their baskets in front of the altar before they touch the victims, in order that you may hear the oath and the words that are pronounced, at least as far as it is permitted you to hear them; and that you may understand how august and holy and ancient the rites are.

#### THE OATH OF THE VENERABLE PRIESTESSES

I live a holy life and am pure and unstained by all else that pollutes and by commerce with man and I will celebrate the feast of the wine god and the Iobacchic feast in honour of Dionysus in accordance with custom and at the appointed times.

79. You have heard the oath and the accepted rites handed down by our fathers, as far as it is permitted to speak of them, and how this woman, whom Stephanus betrothed to Theogenes when the latter was king, as his own daughter, performed these rites, and administered the oath to the venerable priestesses; and you know that even the women who behold these rites are not permitted to speak of them to anyone else. Let me now bring before you a piece of evidence which was, to be sure, given in secret, but which I shall show by the facts themselves to be clear and true.

80. When these rites had been solemnized and the nine archons had gone up on the Areopagus on the appointed days, the council of the Areopagus, which in other matters also is of high worth to the city in what pertains to piety, forthwith undertook an inquiry as to who this wife of Theogenes was and established the truth; and being deeply concerned for the sanctity of the rites, the council was for imposing upon Theogenes the highest fine in its power, but in secret and with due regard for appearances; for they have not the power to punish any of the Athenians as they see fit.

81. Conferences were held, and, seeing that the council of the Areopagus was deeply incensed and was disposed to fine Theogenes for having married a wife of such character and having permitted her to administer on the city's behalf the rites that none may name, Theogenes besought them with prayers and entreaties, declaring that he did not know that she was the daughter of Neaera, but that he had been deceived by Stephanus, and had married her according to law as being the latter's legitimate daughter; and that it was because of his own inexperience in affairs and the guilelessness of his character that he had made Stephanus his assessor to attend to the business of his office; for he considered him a friend, and on that account had become his son in law.

82. "And," he said, " I will show you by a convincing and manifest proof that I am telling the truth. I will send the woman away from my house, since she is the daughter, not of Stephanus, but of Neaera. If I do this, then let my statement that I was deceived be accepted as true; but, if I fail to do it, then punish me as a vile fellow who is guilty of impiety toward the gods."

83. When Theogenes had made this promise and this plea, the council of the Areopagus, through compassion also for the guilelessness of his character and in the belief that he had really been deceived by Stephanus, refrained from action. And Theogenes immediately on coming down from the Areopagus cast out of his house the woman, the daughter of this Neaera, and expelled this man Stephanus, who had deceived him, from the board of magistrates. Thus it was that the members of the Areopagus desisted from their action against Theogenes and from their anger against him; for they forgave him, because he had been deceived.

84. To prove the truth of these statements of mine, I will call before you as witness to these facts Theogenes himself, and will compel him to testify.

(To the clerk.) Call, please, Theogenes of Erchia.

#### THE DEPOSITION

Theogenes of Erchia deposes that when he was king he married Phano, believing her to be the daughter of Stephanus, and that, when he found he had been deceived he cast the woman away and ceased to live with her, and

85. (To the clerk.) Now take, please, the law bearing upon these matters, and read it; (to the jury) for I would have you know that a woman of her character, who has done what she has done, ought not only to have kept aloof from these sacred rites, to have abstained from beholding them, from offering sacrifices,

and from performing on the city's behalf any of the ancestral rites which usage demands, but that she should have been excluded also from all other religious ceremonials in Athens. For a woman who has been taken in adultery is not permitted to attend any of the public sacrifices, although the laws have given both to the alien woman and the slave the right to attend these, whether to view the spectacle or to offer prayer.

86. No; it is to these women alone that the law denies entrance to our public sacrifices, to these, I mean, who have been taken in adultery; and if they do attend them and defy the law, any person whatsoever may at will inflict upon them any sort of punishment, save only death, and that with impunity; and the law has given the right of punishing these women to any person who happens to meet with them. It is for this reason that the law has declared that such a woman may suffer any outrage short of death without the right of seeking redress before any tribunal whatsoever, that our sanctuaries may be kept free from all pollution and profanation, and that our women may be inspired with a fear sufficient to make them live soberly, and avoid all vice, and, as their duty is, to keep to their household tasks. For it teaches them that, if a woman is guilty of any such sin, she will be an outcast from her husband's home and from the sanctuaries of the city.

87. That this is so, you will see clearly, when you have heard the law read.

(To the clerk.) Take it please.

#### THE LAW REGARDING ADULTERY

When he has caught the adulterer, it shall not be lawful for the one who has caught him to continue living with his wife, and if he does so, he shall lose his civic rights: and it shall not be lawful for the woman who is taken in adultery to attend public sacrifices; and if she does attend them, she may be made to suffer any punishment whatsoever, short of death, and that with impunity.

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| <p><b>[DEMOSTHENES] LIX</b><br/><b>THEOMNESTUS AND APOLLODORUS</b><br/><b>AGAINST NEAERA</b><br/><b>III</b></p> |
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88. I wish now, men of Athens, to bring before you the testimony also of the Athenian civic body, to show you how great care they take in regard to these religious rites. For the civic body of Athens, although it has supreme authority over all things in the state, and it is in its power to do whatsoever it pleases, yet regarded the gift of Athenian citizenship as so honourable and so sacred a thing that it enacted in its own restraint laws to which it must conform, when it wishes to create a citizen--laws which now have been dragged through the mire by Stephanus and those who contract marriages of this sort.

89. However, you will be the better for hearing them, and you will know that these people have debased the most honourable and the most sacred gifts, which are granted to the benefactors of the state.

In the first place, there is a law imposed upon the people forbidding them to [bestow Athenian citizenship](#) upon any man who does not deserve it because of distinguished services to the Athenian people. In the next place, when the civic body has been thus convinced and bestows the gift, it does not

permit the adoption to become valid, unless in the next ensuing assembly more than six thousand Athenians confirm it by a secret ballot.

90. And the law requires the presidents to set out the ballot boxes and to give the ballots to the people as they come up before the non citizens have come in and the [barriers have been removed](#), in order that every one of the citizens, being absolutely free from interference, may form his own judgement regarding the one whom he is about to make a citizen, whether the one about to be so adopted is worthy of the gift. Furthermore, after this the law permits to any Athenian who wishes to prefer it an indictment for illegality against the candidate, and he may come into court and prove that the person in question is not worthy of the gift, but has been made a citizen contrary to the laws.

91. And there have been cases ere now when, after the people had bestowed the gift, deceived by the arguments of those who requested it, and an indictment for illegality had been preferred and brought into court, the result was that the person who had received the gift was proved to be unworthy of it, and the court took it back. To review the many cases in ancient times would be a long task; I will mention only those which you all remember: Peitholas the Thessalian, and Apollonides the Olynthian, after having been made citizens by the people, were deprived of the gift by the court.

92. These are not events of long ago of which you might be ignorant.

However, although the laws regarding citizenship and the steps that must be taken before one may become an Athenian are so admirably and so securely established, there is yet another law which has been enacted in addition to all these, and this law is of paramount validity; such great precautions have the people taken in the interest of themselves and of the gods, to the end that the sacrifices on the state's behalf may be offered in conformity with religious usage. For in the case of all those whom the Athenian people may make citizens, [the law expressly forbids](#) that they should be eligible to the office of the nine archons or to hold any priesthood; but their descendants are allowed by the people to share in all civic rights, though the proviso is added: if they are born from an Athenian woman who was betrothed according to the law.

93. That these statements of mine are true, I will prove to you by the clearest and most convincing testimony; but I wish first to go back to the origins of the law and to show how it came to be enacted and who those were whom its provisions covered as being men of worth who had shown themselves staunch friends to the people of Athens. For from all this you will know that the people's gift which is reserved for benefactors is being dragged through the mire, and how great the privileges are which are being taken from your control by this fellow Stephanus and those who have married and begotten children in the manner followed by him.

94. The Plataeans, men of Athens, alone among the Greeks came to your aid at Marathon when Datis, the general of King Darius, on his return from Eretria after subjugating Euboea, landed on our coast with a large force and proceeded to ravage the country. And even to this day the picture in the Painted Stoa exhibits the memorial of their valour; for each man is portrayed hastening to your aid with all speed--they are the band wearing Boeotian caps.

95. And again, when Xerxes came against Greece and the Thebans went over to the side of the Medes, the Plataeans refused to withdraw from their alliance with us, but, unsupported by any others of the Boeotians, half of them arrayed themselves in Thermopylae against the advancing barbarian together with the Lacedaemonians and Leonidas, and perished with them; and the remainder embarked on your triremes, since they had no ships of their own, and fought along with you in the naval battles at Artemisium and at Salamis.

96. And they fought together with you and the others who were seeking to save the freedom of Greece in the final battle at Plataea against Mardonius, the King's general, and deposited the liberty thus secured as a common prize for all the Greeks. And when Pausanias, the king of the Lacedaemonians, sought to put an insult upon you, and was not content that the Lacedaemonians had been honoured by the Greeks with the supreme command, and when your city, which in reality had been the leader in securing liberty for the Greeks, forbore to strive with the Lacedaemonians as rivals for the honour through fear of arousing jealousy among the allies;

97. Pausanias, the king of the Lacedaemonians, puffed up by this, inscribed a distich upon the tripod at Delphi, which the Greeks who had jointly fought in the battle at Plataea and in the sea fight at Salamis had made in common from the spoils taken from the barbarians, and had set up in honour of Apollo as a memorial of their valour. The distich was as follows:

Pausanias, supreme commander of the Greeks, when he had destroyed the host of the Medes, dedicated to Phoebus this memorial.

He wrote thus, as if the achievement and the offering had been his own and not the common work of the allies;

98. and the Greeks were incensed at this, and the Plataeans brought suit on behalf of the allies against the Lacedaemonians before the Amphictyons for one thousand talents, and compelled them to erase the distich and to inscribe the names of all the states which had had a part in the work. This act more than any other drew upon the Plataeans the hatred of the Lacedaemonians and their royal house.

For the moment the Lacedaemonians had no means of dealing with them, but about fifty years later Archidamus, son of Zeuxidamus, king of the Lacedaemonians, undertook in time of peace to seize their city.

99. He did this from Thebes, through the agency of Eurymachus, the son of Leontiadas, the Boeotarch, and the gates were opened at night by Naucleides and some accomplices of his, who had been won over by bribes. The Plataeans, discovering that the Thebans had got within the gates in the night and that their city had been suddenly seized in time of peace, ran to bear aid and arrayed themselves for battle. When day dawned, and they saw that the Thebans were few in number, and that only their first ranks had entered--a heavy rain which had fallen in the night prevented them from all getting in; for the river Asopus was flowing full and was not easy to cross especially in the night;

100. --so, when the Plataeans saw the Thebans in the city and learned that their whole body was not there, they made an attack, overwhelmed them in battle, and destroyed them before the rest arrived to bear them further aid; and they at once sent a messenger to you, telling of what had been done and of their victory in the battle, and to ask for your help in case the Thebans should ravage their country. The Athenians, when they heard what had taken place, hastened to the aid of the Plataeans; and the Thebans, seeing that the Athenians had come to the Plataeans' aid, returned home.

101. So, when the Thebans had failed in their attempt and the Plataeans had put to death those of their number whom they had taken alive in the battle, the Lacedaemonians, without waiting now for any pretext, marched against Plataea. They ordered all the Peloponnesians with the exception of the Argives to send two thirds of their armies from their several cities, and they sent word to all the rest of the Boeotians and the Locrians and Phocians and Malians and Oetaeans and Aenians to take the field with their entire forces. Then they invested the walls of Plataea with a large force, and made overtures to the Plataeans on terms that, if they would surrender their city to the Lacedaemonians, they should retain their

land and enjoy their property, but that they should break off their alliance with the Athenians. The Plataeans refused this offer and made answer that they would do nothing without the Athenians, whereupon the Lacedaemonians besieged them for two years, built a double wall about their city, and made repeated assaults of every conceivable sort.

103. When the Plataeans were quite worn out and were in want of everything, and despaired of safety, they divided themselves by lot into two groups; some of them remained and endured the siege, but the others, waiting for a night when there was rain and a heavy wind, climbed over the wall of circumvallation, unseen of the enemy, cut down the sentinels, and got safely to Athens, but in a desperate plight and beyond all expectation. As for those who remained behind, when the city was taken by storm, all who had reached manhood were killed and the women and children were made slaves--all, that is, save those who, when they saw the Lacedaemonians advancing, got secretly away to Athens.

104. Once more I would have you observe in what way you granted the right to share citizenship with you to men who had thus signally manifested their good will toward your people, and who sacrificed all their possessions and their children and their wives. The decrees which you passed will make the law plain to everybody, and you will know that I am speaking the truth.

(To the clerk.) Take this decree, please, and read it to the jury.

#### THE DECREE REGARDING THE PLATAEANS

On motion of Hippocrates it is decreed that the Plataeans shall be Athenians from this day, and shall have full rights as citizens, and that they shall share in all the privileges in which the Athenians share, both civil and religious, save any priesthood or religious office which belongs to a particular family, and that they shall not be eligible to the office of the nine archons but their descendants shall be. And the Plataeans shall be distributed among the demes and the tribes, and after they have been so distributed, it shall no longer be lawful for any Plataean to become an Athenian, unless he wins the gift from the people of Athens.

105. You see, men of Athens, how well and how justly the orator framed the decree in the interest of the people of Athens by requiring that the Plataeans, after receiving the gift, should first undergo the scrutiny in the court, man by man, in order to show whether each man was a Plataean and one of the friends of the city, so as to avoid the danger that many might use this pretext to acquire Athenian citizenship; and by requiring further that the names of those who had passed the scrutiny should be inscribed upon a pillar of marble and should be set up in the Acropolis near the temple of the goddess, to the end that the favour granted to them should be preserved for their descendants and that each one of these might be in a position to prove his relationship to one of those receiving the grant.

106. And he does not suffer anyone to become an Athenian in the later period, unless he be made such at the time and be approved by the court, for fear that numbers of people, by claiming to be Plataeans, might acquire for themselves the right of citizenship. And furthermore, he defined at once in the decree the rule applying to the Plataeans in the interest of the city and of the gods, declaring that it should not be permitted to any of them to be drawn by lot for the office of the nine archons or for any priesthood, but that their descendants might be so drawn, if they were born from mothers who were of Attic birth and were betrothed according to the law.

107. Is not this a monstrous thing? In the case of those who were neighbours and who had shown themselves of all the Greeks by common consent to have conferred the greatest benefits upon your state, you thus carefully and accurately defined regarding each one the terms on which they should receive the

gift of citizenship; are you then thus shamefully and recklessly to let off unpunished a woman who has openly played the harlot throughout the whole of Greece, who treats the city with outrage and the gods with impiety, and who is a citizen neither by birth nor by the gift of the people?

108. Where has this woman not prostituted herself? To what place has she not gone in quest of her daily wage? Has she not been everywhere in the Peloponnesus, in Thessaly and in Magnesia in the company of Simus of Larisa and Eurydamas son of Medeius, in Chios and most of Ionia, following in the train of Sotadas the Cretan, and was she not let out for hire by Nicarete so long as she belonged to her? What do you suppose a woman does who is subject to men who are not her kinsfolk, and who follows in the train of him who pays her? Does she not serve all the lusts of those who deal with her? Will you, then, declare by your vote that a woman of this stamp, who is known by everybody beyond all question to have plied her trade the whole world over, is an Athenian citizen?

109. What honourable deed will you say that you have done, when people ask you, or with what shame and impiety will you yourselves say that you are not chargeable? For up to the time when this woman was indicted and brought to trial, so that you all learned who she was and what acts of impiety she had committed, the crimes were her own, and the state was merely guilty of neglect; and some of you knew nothing of the matter, and others learning of it expressed their indignation in words but in fact had no means of dealing with her, seeing that nobody brought her to trial or gave an opportunity of casting a vote regarding her. But now that you all know the facts and have got her in your own hands, and have the power to punish her, the sin against the gods becomes your own, if you fail to do so.

110. And when each one of you goes home, what will he find to say to his own wife or his daughter or his mother, if he has acquitted this woman?--when the question is asked you, "Where were you?" and you answer, "We sat as jury." "Trying whom?" it will at once be asked, "Neaera," you will say, of course, will you not? "because she, an alien woman, is living as wife with an Athenian contrary to law, and because she gave her daughter, who had lived as a harlot, in marriage to Theogenes, the king, and this daughter performed on the city's behalf the rites that none may name, and was given as wife to Dionysus." And you will narrate all the other details of the charge, showing how well and accurately and in a manner not easily forgotten the accusation covered each point.

111. And the women, when they have heard, will say, "Well, what did you do?" And you will say, "We acquitted her." At this point the most virtuous of the women will be angry at you for having deemed it right that this woman should share in like manner with themselves in the public ceremonials and religious rites; and to those who are not women of discretion you point out clearly that they may do as they please, for they have nothing to fear from you or the laws. For if you treat the matter with indifference or toleration, you will yourselves seem to approve of this woman's conduct.

112. It would be far better, therefore, that this trial should never have taken place than that, when it has taken place, you should vote for acquittal; for in that case prostitutes will indeed have liberty to live with whatever men they choose and to name anyone whatever as the father of their children, and your laws will become of no effect, and women of the character of the courtesan will be able to bring to pass whatever they please. Take thought, therefore, also for the women who are citizens, that the daughters of poor men may not fail of marriage.

113. For as things are now, even if a girl be poor, the law provides for her an adequate dowry, if nature has endowed her with even moderate comeliness; but if through the acquittal of this woman you drag the law through the mire and make it of no effect, then the trade of the harlot will absolutely make its way to the daughters of citizens, who through poverty are unable to marry, and the dignity of free born women

will descend to the courtesans, if they be given licence to bear children to whomsoever they please, and still to share in all the rites and ceremonies and honours in the state.

114. I would, then, have each one of you consider that he is casting his vote, one in the interest of his wife, one of his daughter, one of his mother, and one in the interest of the state and the laws and of religion, in order that these women may not be shown to be held in like esteem with the harlot, and that women who have been brought up by their relatives with great care and in the grace of modesty and have been given in marriage according to the laws may not be seen to be sharing on an equal footing with a creature who in many and obscene ways has bestowed her favours many times a day on all comers, as each one happened to desire.

115. Forget that I, the speaker, am Apollodorus, and that those who will support and plead for the defendant are citizens of Athens; but consider that the laws and Neaera here are contending in a suit regarding the life which she has led. And when you take up the accusation, listen to the laws themselves, which are the foundation of your civic life, and in accordance with which you have sworn to cast your votes, in order that you may hear what they ordain and in what way the defendants have transgressed them; and when you are concerned with the defence, bear in mind the charges which the laws prefer and the proofs offered by the testimony given; and with a glance at the woman's appearance, consider this and this only--whether she, being Neaera, has done these things.

116. It is worth your while, men of Athens, to consider this also--that you punished Archias, who had been hierophant, when he was convicted in court of impiety and of offering sacrifice contrary to the rites handed down by our fathers. Among the charges brought against him was, that at the feast of the harvest he sacrificed on the altar in the court at Eleusis a victim brought by the courtesan Sinope, although it was not lawful to offer victims on that day, and the sacrifice was not his to perform, but the priestess'. It is, then, a monstrous thing that a man who was of the race of the Eumolpidae, born of honourable ancestors and a citizen of Athens, should be punished for having transgressed one of your established customs; and the pleadings of his relatives and friends did not save him, nor the public services which he and his ancestors had rendered to the city; no, nor yet his office of hierophant; but you punished him, because he was judged to be guilty,--and this Neaera, who has committed acts of sacrilege against this same god, and has transgressed the laws, shall you not punish *her*--her and her daughter?

117. I for my part wonder what in the world they will say to you in their defence. Will it be that this woman Neaera is of Athenian birth, and that she lives as his wife with Stephanus in accordance with the laws? But testimony has been offered, showing that she is a courtesan, and has been the slave of Nicarete. Or will they claim that she is not his wife, but that he keeps her in his house as a concubine? Yet the woman's sons, by having been introduced to the clansmen by Stephanus, and her daughter, by having been given in marriage to an Athenian husband, prove beyond question that he keeps her as his wife.

119. I think, therefore, that neither Stephanus himself nor anyone on his behalf will succeed in proving that the charges and the testimony are false--that, in short, this Neaera is an Athenian woman. But I hear that he is going to set up some such defence as this--that he is keeping her, not as a wife, but as a mistress, and that the children are not hers, but were born to him by another woman, an Athenian and a relative of his, whom he will assert that he married at a earlier date.

120. To meet the impudence of this assertion of his, of the defence which he has concocted, and of the witnesses whom he has suborned to support it, I tendered him a precise and reasonable challenge, by means of which you would have been enabled to know the whole truth: I proposed that he should deliver up for the torture the women servants, Thratta and Coccaline, who remained loyally with Neaera when

she came to Stephanus from Megara, and those whom she purchased subsequently, while living with him, Xennis and Drosis;

121. for these women know perfectly well that Proxenus, who died, Ariston, who is still living, and Antidorides the runner, and Phano, formerly called Strybele, who married Theogenes, the king, are children of Neaera. And if it should appear from the torture that this man Stephanus had married an Athenian wife and that these children were borne to him, not by Neaera, but by another woman who was an Athenian, I offered to withdraw from the case and to prevent this indictment from coming into court.

122. For this is what living with a woman as one's wife means--to have children by her and to introduce the sons to the members of the clan and of the deme, and to betroth the daughters to husbands as one's own. Mistresses we keep for the sake of pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children and to be faithful guardians of our households. If, therefore, Stephanus had previously married an Athenian woman, and these children are hers and not Neaera's, he could have shown it by the most certain evidence, by delivering up these women servants for the torture.

123. To prove that I so challenged him, the clerk shall read to you the deposition regarding these matters and the challenge.

(To the clerk.) Read the deposition and then the challenge.

#### THE DEPOSITION

Hippocrates, son of Hippocrates, of Probalinthus, Demosthenes, son of Demosthenes, of Paeania, Diophanes, son of Diophanes, of Alopece, Deinomenes, son of Archelaus, of Cydathenaeum, Deinias, son of Phormides, of Cydantidae, and Lysimachus, son of Lysippus, of Aegilia, depose that they were present in the agora, when Apollodorus challenged Stephanus, demanding that he deliver up the women servants for the torture in regard to the charges preferred against Stephanus by Apollodorus concerning Neaera; and that Stephanus refused to deliver up the women servants: and that the challenge was the one which Apollodorus produces.

124. (To the clerk.) Now read the challenge itself which I tendered to this Stephanus.

#### THE CHALLENGE

Apollodorus tendered this challenge to Stephanus in connexion with the indictment which he preferred against Neaera, charging that she, being an alien, is living as wife with him, a citizen. Apollodorus is ready to receive for examination by the torture the women servants of Neaera, Thratta and Coccaline, whom she brought with her from Megara, and those whom she subsequently purchased while living with Stephanus--Xennis, namely, and Drosis--women who have accurate knowledge regarding the children of Neaera, that they are not by Stephanus. These are Proxenus, who died, Ariston, who is now living, Antidorides the runner, and Phano. And if they agreed that these children are Neaera's, I demanded that Neaera be sold as a slave in accordance with the law, and that her children be declared aliens; but if they agreed that the children are not hers but were born of some other woman who was an Athenian, then I offered to withdraw from the action against Neaera, and if the women had been injured in any way as a result of the torture, to pay for the injuries sustained.

125. On my tendering this challenge to Stephanus, men of the jury, he refused to accept it. Does it not, then, appear to you, men of the jury, that a verdict has been given by Stephanus here himself that Neaera is guilty under the indictment which I preferred against her, and that I have told you the truth and

produced testimony which is true, whereas whatever Stephanus may say to you will be wholly false, and he will himself prove that he has no sound argument to advance, inasmuch as he has refused to deliver up for the torture the women servants whom I demanded of him?

126. I therefore, men of the jury, as an avenger of the gods against whom these people have committed sacrilege, and as an avenger of myself, have brought them to trial and submitted them to be judged by you. It is now your duty to render the verdict which justice demands, knowing well that the gods, against whom these people have acted lawlessly, will not be unaware of the vote each one of you shall cast. It is your duty to be avengers in the first place of the gods, but also of your own selves. If you do this, you will be held by all men to have given an honourable and just decision on this indictment which I have preferred against Neaera, charging that she, being an alien, lives as his wife with an Athenian citizen.