

CLOSE-KIN MARRIAGES IN MENANDER

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БЛИЗКОРОДСТВЕНИТЕ БРАКОВЕ В ТВОРБИТЕ НА МЕНАНДЪР

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Abstract: The subject of this paper is the close-kin marriages in Menander's comedies. The normative preference for close-kin marriage was different in fourth-century B.C. Athens from modern societies. However, incestuous relations between full blood brother and sister, or parent and child were considered wrong, and were never a comic material in Menander's comedy which was concerned with realities of everyday life. I examine the comic purpose of introducing close-kin marriages in New Comedy, and I try to give explication on the cultural attitude towards endogamy. In order to explain these issues, I classify the close-kin marriages in three groups: (1) Brother-sister marriage; (2) First cousins marriage; (3) Marriage of the *epikleros*.

Keywords: Greek New Comedy, Menander, Athens, close-kin marriage, *epikleros*.

All our evidence for Athenian society is partial and sometimes contradictory. New Greek comedy is part of this evidence, especially Menander's comedy, which is valuable resource for social history, in particular for law and gender relations in fourth-century Athens. Why Menander's comedy? There are two main reasons: (a) because Menander is the only representative of this type of comedy from the Hellenistic period², from whom substantial text has survived, (b) New Greek New

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² I am careful not to use the term ‘Hellenistic comedy’, because it implies to Hellenistic type of drama, which formed in different circumstances and had distinguishing generic markers. Menander's comedy, on the other hand, was

Comedy is said to present reality. This opinion was supported in the antiquity as well, as Aristophanes from Byzantium said: “O Menander and Life! Which of you took the other as your model?”³ Nevertheless, no matter how realistic New Comedy is, in essence it reflects a comic reality, where many aspects of real life are idealized, such as the attitude towards marriage and love. Concerning the law though, one can be sure, that the comic vituperation of the facts is minimal – only where necessary for the dramatic technique, not for creating different reality. The existing law is applied in comic ambience, and it is safe to say that the relationship between law and comedy is mutually supportive in fourth century. As Adele C. Scafuro (1997, p. 25) has shown, the characters in the plays of New Comedy exhibit what may be called a “forensic disposition”. They call upon law easily, know it well, and use it adeptly to pursue their comic schemes. This pertains also to legal norms concerning family law and marriage especially.

New Comedy is all about marriage, which is about to happen, or to be resumed. The purpose of Menandrian comedy is the woman to become γαμέτη (legal wife), not παλλακή (concubine). For a marriage to be legally valid, there were some legal obligations that must be fulfilled, even in comedy. Even though there are many obstacles in New Greek Comedy for this goal to be achieved, the blood relations between the young ones were never considered an obstacle. This is because the normative preference for close-kin marriages amongst the Greek population in Menander’s times differs immensely from modern preference or even from the ancient Roman normative preference as a matter of fact. However, some close-kin relations were considered wrongful, such as sexual relations within the nuclear family: between full blood brother and sister or between parent and child; this ‘type’ of relations was never found in the Greek cultural contexts, nor was brought into New Comedy as an issue. This is not something that was explored for comic purpose. Real brother and sister in comedy never come close to have incest, because one of them becomes aware of their real identity before something irrevocable happens; the same applies to parent and child relationships.

part of the Athenian comic tradition; it was not a Hellenistic product, but Athenian comedy in the Hellenistic period.

³ ὦ Μένανδρε καὶ βίε, πότερος ἄρ’ ὑμῶν πότερον ἀπεμιμήσατο. (Men. test. 83 K-A)

There are three kinds of close-kin marriages found in New Comedy: (1) Brother-sister marriage; (2) First cousins marriage; (3) Marriage of the *epikleros*. The last type is not by definition close-kin. The concern of this text is to examine the comic purpose of introducing close-kin marriages, and to give explication on the cultural attitude towards endogamy.

1. Brother-sister marriages

In Menander's *Georgos* (*Farmer*) (7–12), the young man, who has just returned home from travel, is surprised to find this situation at home:

κατιὼν ὑ]πὸ νύκτα γινομένους ἐτέρους γάμους
καταλαμ]βάνω μοι, τοὺς θεοὺς στεφανουμένους,
τὸν πατέ]ρα θύοντ' ἐνδον· ἐκδίδωσι δὲ
αὐτὸς ὁ] πατήρ· ὁμοπατρία γάρ ἐστί μοι
ἐκ τῆς <>] νυνὶ γυναικὸς τρεφομένη
[ἀ]δελοφῆ.

“I have just got back at dusk
To find another wedding is in train
For me; the gods are being garlanded,
My father's making sacrifice inside—
It's he himself who gives away the bride,
My own half-sister, who's the daughter of
His present wife.”

(transl. M. Balme 2001)

This type of marriage was obviously normative practice, or at least socially acceptable, because no one accuses the young man, or his father for trying to marry him with his half-sister. The young man is held responsible, though, for impregnating another girl, Hedeia, who is free-born, but comes from lower social stratum, but not marrying her. The young man, whose name remains unknown from the fragments (perhaps he was named Moschion as it is usual for this type of characters), explicitly says in the fragment above that he himself and the girl are ὁμοπάτριοι, born by the same father; they are not ὁμογάστριοι, born to the same mother, i.e. from the same stomach. This kind of close-kin marriages – where the marriage candidates only share the same father (ὁμοπάτριοι) – was not considered wrongful in the Greek cultural history. Hence, this kind of close kinship was not a marriage obstacle. But, how often it was practiced in reality, it is unknown. Although this comedy is preserved in small fragments, the marriage between the siblings surely didn't happen, not because they were siblings, but because love prevailed: the young man was in love with another girl. Usually in Menander's comedies the

legal obstacles between the young ones in love is surpassed and the marriage is accomplished. The old men in this comedy are presented as obstacle for the young ones to marry: the first is 'Moschion's' father, who wants his fortune to remain in the family; the second one is Kleianetos, the *georgos*, who is very much like Knemon in *Dyscolos*, he lives isolated in the village, and is injured by accident and was forced to change his attitude toward life. He gets help from Hedeia's brother, Gorgias, who is a decent young man, and works for Kleianetos. In order to thank him for the good deed, Kleianetos offers to marry Gorgias' sister Hedeia, as she was poor and without dowry. Accordingly, two incompatible marriages are being prepared, but none of them happens, because the mother of Gorgias and Hedeia, Myrrhine, recognizes Kleianetos as the father of her children. Incestuous marriage is being prevented. Since the girl Hedeia, now has a father and a dowry, she easily marries the boy who made her pregnant; her brother Gorgias, as the conventions go, probably marries 'Moschion's' half-sister.

Incest between full brother and sister is prevented in the *Perikeiromene* (*Shorn girl*). The personification Agnoia (Misunderstanding) in the *Perikeiromene*, narrates the prologue and reveals that recognition is about to happen because the brother might fall in love with his twin sister. The brother Moschion, doesn't know his real identity, hence he doesn't know that Glycera is his sister from the same father and mother. They were separated as infants. The boy was adopted by Myrrhine and her husband. Probably there was a close-kin marriage in this comedy, which happened between Moschion and his step-sister, the daughter of Myrrhine and her husband, who adopted baby Moschion, because they didn't have a son to inherit their property. Moschion's real sister, Glycera, on the other hand, was raised by an old woman, who recently died and revealed to her, her true identity. Glycera didn't have a κύριος, a man who would give her to someone for marriage, so she was παλλακική (concubine) to the soldier Polemon, responsible for her own deeds. The incest between the full brother and sister is stopped, but another brother-sister marriage is about to happen, which was a normative one: Moschion and his step-sister. This way, the property of Myrrhine's family is going to be inherited within the family. Their daughter is not going to become *epikleros*. "If it was clear that men [who] had no direct male descendants

they often chose to adopt a son during their lifetime, generally a male who was already adult, the point being to set up the appropriate links for the transfer of property and the recreation of a household. Often adoption was linked to a potential epikleros, so that a man might adopt a son to marry a biological daughter with no brothers (Lysias 32; Dem. 41). Adopted sons were often, but not always, close male relatives.” (Foxhall 2003: 1)

In Roman law the adoption was a legal obstacle for marriage between the adoptee and the adopter, or anyone from the same agnate family no matter if they were blood related or not. Thus, the act of adoption in Roman law was legal obstacle for marriage arrangement between the adoptee and someone from the same family. Even if the adopted child was emancipated later, he/she couldn't marry anyone from the adopting family.

2. First-cousins marriages

First-cousins marriages are not very common in Menander's comedies. However, they were not uncommon amongst Greek population in antiquity⁴. There is hint only in one comedy, in the *Aspis* (*Shield*) (128–135), where the divine speaker, the goddess Tyche (Fortune) explains in the prologue:

ὄϊ κατέλιπεν ἐκπλέων
 ὁ μειρακίσκος τὴν ἀδελφήν· σύντροφοι
 αὐταὶ θ' ἑανταῖς εἰσιν ἐκτεθραμμένα.
 ὦν δ', ὄπερ ὑπέϊπα, χρηστός οὗτος μακροτέρων
 ὄρων ἐκείνῳ τὴν ἀποδημίαν τά τε
 οἰκεῖα μέτρια παντελῶς, τὴν παρθένον
 αὐτὸς συνοικίζειν νεανίσκῳ τινὶ
 ἔμελλεν, ὅῳ τῆς γυναικὸς ἦς ἔχει,
 ἕξ ἀνδρὸς ἐτέρου, προικὰ τ' ἐπεδίδου δύο
 τάλαντα· καὶ ποιεῖν ἔμελλε τοὺς γάμους
 νυνί.

When the young man [Kleostratos] sailed away,
 He left his sister in this uncle's care [Chairestratos];
 The girls have lived and been brought up as one.
 This uncle's a good fellow, as I said,
 And when he saw how long Kleostratos
 Would be away and that they're not well off,
 He planned the girl should marry his stepson,
 The child his wife had born her first husband;
 Two talents' dowry he was going to give,
 And meant the marriage to take place this day.

(transl. M. Balme 2001)

Kleostratos' sister is about to marry her step-cousin, Chaireas, and this was not considered a legal obstacle. They were both young and this is

⁴ The statistical analysis of tombstone inscriptions has generated new insights into marriage practices in the Graeco-Roman world. Endogamy within the polis, or within the family were commonly practiced for economic purposes.

not a material for comic ridicule. But, at the end of the *Aspis*, which is much damaged, two weddings are announced: one thing is certain – the two freeborn girls, Kleostratos’ sister and his first cousin, are getting married, but to whom? The first one to her step cousin Chaireas, but her first cousin, whose name is unknown as well, is probably marrying with the young man Kleostratos, who is her first cousin by blood, and she is his father’s brother’s daughter. The obvious choice for Chairestratos’ daughter is her first cousin Kleostratos, because there is no other young man mentioned in the fragments, which is usually a sign. No young man appears in comedy if he is not to be married. In a much corrupted fragment someone says:

[	γί]νεται διπλοῦς γάμος	Two weddings are about to happen,
[	τήν] ἑαυτοῦ θυγατέρα	(And the text is very corrupted henceforth:)
[	] τὴν ἀδελφιδῆν πάλιν	..... his daughter
[	] τὴν δὲ πᾶσαν οὐσίαν	..... the sister again
[	]τα πάνθ' ἔξει πέρας	..... the whole property
		..... and everything is going to end.

The reconstruction of Balme (2001) is as follows: “‘A double wedding’s taking place; Chairestratos is giving his own daughter to Kleostratos and his niece to Chaireos.’ ...’he intends to leave all his property to them ... and in the end he’ll have the lot (? ...’.”

Does this have a comic value? No. The marriage is the ultimate goal – to accomplish a socially acceptable marriage between two young people. The other option for Kleostratos’ sister is her older paternal uncle, the villain, Smikrines, who wants to marry her and has legally right. He is an old man, first of all, and he has flaws in his character. This is enough for comic use. On the other hand, first – cousins marriages are not exploited for comic purpose, because the marriage candidates are both young, and they are not getting married for money, as in *Georgos*. This is comically appropriate.

3. Marriage of epikleros

Menander, as well as his contemporaries, comedigraphers who belong to the period of New Comedy, have written comedies titled

Epikleros. Obviously the institution *epikleros* was comically productive, because it gives opportunity for the comic characters to develop their flaws. Unfortunately, nothing substantial is preserved from these comedies; the more substantial evidence for *epikleros* is the already mentioned comedy of Menander, the *Aspis*.

Before I examine the comic purpose of the *epikleros*, it is inevitable to explain what *epikleros* is in the Greek cultural context.

The women in the Greek legal system were not allowed to produce legal consequences on their own⁵, i.e. they had no capacity to undertake legal actions. They were subjected to a master (κύριος), who was a man with factual dominion and power over them. Even in the inheritance law the women were handicapped. The Athenians had the institution *epikleros*, which was probably established by Solon, as Aristotle informs (*Ath. Pol.* 9)⁶. Aristotle thinks that Solon couldn't give clear definition of the laws, which is opposite to the public opinion that Solon didn't give clear laws, in order for the court to decide on its own. The court are the people of Athens; hence Solon gave the power to the people. According to Aristotle (*id.*), this is modern view of the subject. From later logographers and other

⁵ In the Roman legal system the ability of an entity to produce legal consequences on its own is called *capacitas agendi*. Both women in Greek and Roman historical context were deprived of this capacity, as well as of the legal capacity (*capacitas iuridica*).

⁶ ἔτι δὲ καὶ διὰ τὸ μὴ γεγράθηαι τοῦτ' νόμους ἀπλῶς μηδὲ σαφῶς, ἀλλ' ὥσπερ ὁ τῶν κληρῶν καὶ ἐπικληρῶν, ἀνάγκη [πο]λλὰς ἀμφισβητήσεις γίνεσθαι, καὶ πάντα βραβεύειν καὶ τὰ κοινὰ καὶ τὰ ἴδια τὸ δικαστήριον]. οἴονται μὲν οὖν τινες ἐπίτηδες ἀσαφεῖς αὐτὸν ποιῆσαι τοὺς νόμους, ὅπως ἢ τῆς κρίσεως [ᾧ] δῆ[μος κ]ύριος, οὐ μὴν εἰκός, ἀλλὰ διὰ τὸ μὴ δύνασθαι καθόλου περιλαβεῖν τὸ βέλτιστον· οὐ γὰρ [δ]ί[κ]αιον ἐκ τῶν νῦν γιγνομένων, ἀλλ' ἐκ τῆς ἄλλης πολιτείας θεωρεῖν τὴν ἡκείνου βούλησιν.

“And also, since the laws are not drafted simply nor clearly, but like the law about inheritances and heiresses, it inevitably results that many disputes take place and that the jury-court is the umpire in all business both public and private. Therefore some people think that Solon purposely made his laws obscure, in order that the people might be sovereign over the verdict. But this is unlikely – probably it was due to his not being able to define the ideal in general terms; for it is not fair to study his intention in the light of what happens at the present day, but to judge it from the rest of his constitution.” (translated by H. Rackham 1952).

texts that mention this phenomenon, as well as from the etymology of the name, ἐπίκληρος (ἐπὶ κλῆρον = “on the property”) is named the daughter, when her father dies and she doesn’t have male siblings. She was not a real ‘heiress’, i.e. she didn’t inherit the property directly, but only transmitted her father’s property to her progeny⁷. There are few conditions: this woman’s father had no son – direct male heir, and she therefore inherited his property when he died, giving her considerable leverage in her relationship with her husband. Her function is not to inherit her father’s property, but to transfer it to her son. She can do that if she marries her closest to kin from male side in order of seniority, namely her uncle, her closest blood relative from father’s side. If the closest of kin didn’t want to marry her⁸, he was obligated to find her a suitor, usually to pass the epikleros to the second in rank. If she didn’t have any male relatives, the court (the archon) was entitled to find her a husband. When her son was born, he became the legal heir of the property. This law on female inheritance, except in Gortyn (and probably in Sparta) where it is known as *patroiokos*, is not found in other Greek cities.

Two questions arise from this information: Why was this institution established? Why the epikleros was obligated to marry her uncle? First, this institution was established not to diminish the role of the woman in Greek society, but to protect the free-born woman, who otherwise would be left alone in the world, to take care of herself. Women, outside the *oikos* (family establishment with male figure in charge) were not protected. Second, the uncle, or any other male relative from father’s side was considered the most reliable and suitable to protect the epikleros and to keep the property in the family.

In Greek comedy, the girl-epikleros, who later becomes woman-epikleros, can be presented either as **(1) victim**, until the marriage is accomplished, because someone old wants to marry her and the negative side of that character is used for comic purpose; or as **(2) villain**, when the epikleros is married to someone inferior, with lower income, so she

⁷ Lin Foxhall proposes the term *epikleros* to be translated as “in charge of the inheritance/estate” (Foxhall 2003: 3–4)

⁸ If the uncle was already married, he could divorce his wife, in order to marry the epikleros. The same goes for the epikleros if she was already married, and had not yet had a son that could inherit the grandfather’s estate.

treats the husband as tyrant. The victim is the husband. This couple is old, and already married.

1) The epikleros as victim is Kleostratos's sister in the *Aspis* (348–355):

{(Δα)}

ἐπίκληρος ἡ θυγάτηρ ὁμοίως γίνεται
ἢ σὴ πάλιν τῇ νῦν ἐπιδίκωι παρθένωι·
τάλαντα δ' ἐστὶ σοὶ μὲν ἑξήκοντ' ἴσως,
ταύτηι δὲ τέτταρ', ὃ δὲ φιλάργυρος γέρων
ἀμφοῖν προσήκει ταυτό –

{(Χα)}

νυνὶ μανθάνω.

{(Δα)}

εἰ μὴ πέτρινος εἶ. τὴν μὲν εὐθὺς ἄσμενος
δώσει παρόντων μαρτύρων τρισχιλίων
τῷ πρώτῳ αἰτήσαντι, τὴν δὲ λήψεται –

DAOS.

Your daughter then becomes an *heiress* too,
Just like the girl whose case is in dispute.

But you're worth sixty talents more or less,
And she's worth only four. Old greedy guts
Enjoys the same relationship to both—

CHAIRESTRATOS.

Ah, now I understand.

DAOS.

You must, unless

You're thick. He'll gladly give her to the first
Who asks before three thousand witnesses,
And take your daughter—

(transl. M. Balme 2001)

Kleostratos' slave Daos, who brought his master's shield, who is mistakenly presumed to be dead, is speaking to Chairestratos, the boy's paternal uncle. They are trying to save the epikleros by framing Chairestratos death. Because Chairestratos is much richer than Kleostratos, they presume that Smikrines will go for his other niece, who then becomes epikleros as well. In the meantime the first epikleros is going to marry her step-cousin, as it was planned. Chairestratos's stepson has similar position as Moschion in *Perikeiromene*. He is not going to marry his half-sister since they are *homometrioi*, but his step-cousin. In Greek society even full blood first cousins were allowed to marry, especially father's brother's daughter, so this type of endogamy was permitted.

The villain in the *Aspis* is Smikrines, who is described by the divine speaker in the prologue as someone who cares for money and wealth rather than people (117–20, 123). He wants to marry the girl despite the fact that she is promised to someone else, someone younger. But, he has the legal right, not an obligation, to marry her. When he finds out that his

other niece became epikleros, whose father was much richer, he decides to drop the intention of marrying Kleostratos’s sister and marry the other girl. His character is ultimately bad. There is no other character in Menander’s comedies that is absolutely negative. Usually Menander presents the characters with nuances, even if they are negative in the comic tradition. The contrast between marriage for love and marriage for money is not so much exploited in this comedy, as it is usually suggested⁹, but the contrast between young and old.

2) The epikleros as villain (Menander’s *Plokion*)

In comedy, when someone marries a girl who is richer, like epikleros, the traditional relationship between man and woman in the marriage is corrupted. The woman is presented as dominating, which is by default a negative characteristic, and she becomes a villain. The husband hates her, as is obvious from Menander’s fr. 297, from *Plokion* (*The Necklace*):

{<A>} ἔχω δ' ἐπίκληρον Λάμιαν· οὐκ εἶρηκά σοι τουτί γάρ.	(Laches) I'm married to an heiress ogre. Haven't I told you about this? (B.)
{} οὐχί.	No. (Laches) We have a mistress over our house, our fields, and † everything
{<A>} κυρίαν τῆς οἰκίας καὶ τῶν ἀγρῶν καὶ † πάντων ἀντ' ἐκείνης † ἔχομεν.	in place of her †. (B.) Apollo! How difficult that is! (Laches) As difficult
{} Ἄπολλον, ὡς χαλεπόν.	as it can be. She makes trouble for everyone, not just me—for my son in
{<A>} χαλεπώτατον. ἅπασι δ' ἀργαλέα 'στιν, οὐκ ἔμοι μόνου· ὄϊι πολὺ μᾶλλον, θυγατρί.	particular, and my daughter. (B.) You're describing an impossible situation. (Laches) I'm well aware of that.
{} πρῶγι' ἄμαχον λέγεις.	(transl. Olson 2007)
{<A>} εὖ οἶδα	

In Menandrian comedy, when the future marriage is based on economic interest, it is crooked, and it is not allowed to happen. Yet, there are some old couples, who already are in loveless, economically based marriages. Usually the husband is the poorer (cf. Aristophanes’ *Clouds*, where the husband is poor, and the woman is rich and spoiled), and this is a basis for vituperation of the traditional role, which produces comic effect.

⁹ “Thus the marriage plot is framed as a contest between competing matrimonial motivations of love and money.” (Lape 2004: 107)

So, close-kin marriages are only part of this economically based marriage union, which are comically valid not because they are close-kin, or epikleros, but they allow the negative characters to reveal their nature, or become obstacle for the love-marriage to be realized. They are unwanted only if the male relative is old, or if the woman is epikleros with more money from the husband. Therefore comically close-kin marriage means nothing, because it was a historical reality.

* * *

All three types of close-kin marriages found in Menander's fragments are socially acceptable and legal. None of them is full blood. Their purpose, though, is not to make comic abuse of this type of endogamy per se, but to exploit the comic potential of the characters with flaws who want to prevent the love-marriage between the young couples. Close-kin marriage is potentially non-accepted if it was to happen between incompatibles: young and old, or if this union was to be formed only for economic purpose (sc. *Georgos*), or both. At the end, the couple in love is united or resumes their marriage, since these obstacles are resolved in a comic manner. Susan Lape (Lape 2004: 95) observes that although Menander proposes egalitarianism, the rich to marry poor without dowry, and the poor boy to marry rich excepting dowry, in reality, this concept was not respected. Therefore, endogamy was a social reality in order to stop the fragmentation of the estate. In comedy, endogamy was accepted only if love was the connection.

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