

The past activities of a courtesan. Athens, 4th cent. B.C. (Apollodorus, Against Neaera, 18-42, 45-60, 72-3, 78-9, 85-7, 110-14, 122. Tr. K. Freeman. G)

This case, spitefully brought against the courtesan Neaera's pimp-lover Stephanus years after the facts described, when Neaera was in her seventies, concentrates not only on the legal issue of Neaera's citizenship, but on her past sexual activities.

(18) [Neaera] was one of seven little girls bought when small children by Nicarete, a freedwoman who had been the slave of Charisius of Elis, and the wife of Charisius' cook Hippias. Nicarete was a clever judge of beauty in little girls, and moreover she understood the art of rearing and training them skilfully, having made this her profession from which she drew her livelihood. (19) She used to address them as daughters, so that she might exact the largest fee from those who wished to have dealings with them, on the ground that they were freeborn girls; but after she had reaped her profit from the youth of each of them, one by one, she then sold the whole lot of them together, seven in all: Anteia, Stratola, Aristocleia, Metaneira, Phila, Isthmias, and the defendant Neaera.

(20) Now who were their respective purchasers, and how they were set free by those who bought them from Nicarete, I will explain in the course of my speech, if you wish to hear, and if I have enough time. But the fact that the defendant Neaera did belong to Nicarete and worked as a prostitute open to all comers-this is the point to which I wish to return.

(21) Lysias the professor of rhetoric was the lover of Metaneira. He decided that in addition to the other expenses he had incurred for her, he would like to get her initiated. He thought that the rest of his expenditure went to her owner, but whatever he spent on her over the festival and initiation ceremony would be a present for the girl herself. He therefore asked Nicarete to come to the Mysteries and bring Metaneira so that she could be initiated and he promised to instruct her himself in the Mysteries.

(22) When they arrived, Lysias did not admit them to his house, out of respect for his own wife, who was the daughter of Brachyllus and his own niece, and for his mother, who was somewhat advanced in years and lived in the same house. Instead, he lodged them-that is, Metaneira and Nicarete-with Philostratus of Celonus, who was still a bachelor and also a friend of his. The women were accompanied by the defendant Neaera, who was already working as a prostitute, though she was not yet of the proper age.

(23) As witness to the truth of my statements, namely that she was the slave of Nicarete and used to accompany her and was hired out to anyone willing to pay, I now call upon Philostratus himself.

Philostratus testifies ...

(24) On a later occasion, gentlemen, Simos the Thessalian brought Neaera here to the Great Panathenaic Festival. Nicarete also accompanied them, and they put up at the house of Ctesippus son of Glauconidas. The defendant Neaera drank and dined with them in the presence of a large company, as a courtesan would do.

(25) I now call witnesses to the truth of these statements. Please call Euphiletus son of Simon, and Aristomachus son of Critodemus.

They testify ...

(26) After that, she worked openly at Corinth as a prostitute, and became famous. Among her lovers were Xenoclide the poet and Hipparchus the actor, who had her on hire. For the truth of these statements, I am unable to put before you the deposition of Xenoclide, because he is debarred by law from giving evidence ... (28) But I now call Hipparchus himself, and I shall compel him to give evidence or else take the oath disclaiming knowledge of the facts, according to the law; otherwise I will subpoena him.

He testifies ...

(29) After that, she acquired two lovers, Timanoridas of Corinth and Eucrates of Leucas. These men found Nicarete's charges excessive, as she expected them to pay all the daily expenses of her household; so they paid down to Nicarete 30 minas as the purchase-price of Neaera, and bought her outright from her mistress, according to the law of that city, to be their slave. (30) They kept her and made use of her for as long as they wished. Then, being about to get married, they informed her that they did not wish to see the woman who had been their own mistress plying her trade in Corinth nor kept in a brothel: they would be glad to receive less money for her than they had paid, and to see her also reaping some benefit. They therefore offered to allow her, towards the price of her freedom, 1,000 drachmas, that is, 500 each; as for the 20 minas remaining, they told her to find this sum herself and repay it to them.

Neaera, on hearing these propositions from Timanoridas and Eucrates, sent messages to a number of her former lovers, asking them to come to Corinth. Among these was Phrynion, an Athenian from Paeania, the son of Demon, and the brother of Demochares, a man who was living a dissolute and extravagant life, as the older of you remember. (31) When Phrynion arrived, she told him of the proposition made to her by Eucrates and Timanoridas, and handed him the money which she had collected from her other lovers as a contribution towards the purchase of her freedom, together with her own savings, asking him to make up the amount to the 20 minas, and pay it to Eucrates and Timanoridas, so that she should be free.

(32) Phrynion was delighted to hear this proposition of hers. He took the money which had been contributed by her other lovers, made up the deficit himself, and paid the 20 minas to Eucrates and Timanoridas as the price of her freedom and on condition that she would not practice her profession in Corinth. As a proof of these statements, I will call the man who then witnessed the transaction. Please call Philagrus of the suburb of Melite.

He testifies.

(33) When they arrived here at Athens, he kept her and lived with her in a most dissolute and reckless way. He took her out to dinner with him wherever he went, where there was drinking; and whenever he made an after-dinner excursion, she always went too. He made love to her openly, anywhere and

everywhere he chose, to excite the jealousy of the onlookers at his privilege. Among the many houses to which he took her on an after-dinner call was that of Chabrias of the suburb Alexonê, when the latter had won the victory at Delphi with a four-horse chariot team which he had bought from the sons of Mityls the Argive, and on his return from Delphi was celebrating victory down at Colias. On that occasion, many men made love to Neaera when she was drunk and Phrynion was asleep, including even some of Chabrias' servants. (34) In proof of this I shall produce before you the actual eye-witnesses.

Please call Chionidês and Euthetion.

They testify.

(35) However, finding herself treated with the most outrageous brutality by Phrynion, instead of being loved as she had expected, or having attention paid to her wishes, she packed up the goods in his house, including all the clothes and jewellery which he had provided for her personal adornment, and taking with her two servants, Thratta and Coccalina, ran away to Megara.

(36) This happened when Asteius was Chief Magistrate at Athens [13] during your second war against Sparta. Neaera spent two years in Megara; but her profession did not produce sufficient income to run her house, as she was extravagant, and the Megarians are mean and stingy, and there was no great foreign colony there because it was war-time, and the Megarians favoured the Spartan side, but you were in command of the seas. She could not go back to Corinth because the terms of her release by Eucrates and Timanoridas were that she should not practise her profession there.

However, peace came. [14] It was then that our opponent Stephanus visited Megara. He put up at her house, as that of a prostitute, and became her lover. She told him her whole life-story and of her ill-treatment at the hands of Phrynion. She longed to live in Athens, but was afraid of Phrynion, because she had done him wrong and he was furious with her. She knew the violence and arrogance of his character. She therefore made the defendant Stephanus her protector, and while they were still in Megara, he talked encouragingly and filled her with hope, saying that Phrynion would be sorry for it if he laid hands on her, as he himself would take her as his wife, and would introduce the sons she already had to his phratrysmen as being his own, and would make citizens of them. No one on earth, he said, should do her any harm. And so he arrived here at Athens from Megara with her and her three children, Proxenus, Ariston, and a daughter, who now bears the name of Phano. (39) He took her and the children to the little house which he owned, alongside the Whispering Hermes, between the house of Dorotheus the Eleusinian and the house of Cleinomachus, which now Spintharus has bought from him for 7 minas. Thus, the place was the whole of Stephanus' property at that time-he had nothing else.

He had two reasons for bringing her here: first, that he would have a handsome mistress without expense; secondly, that her profession would provide him with the necessities of life and keep the household, for he had no other source of income, except what he picked up by occasional blackmail.

(40) When Phrynion heard that she was in Athens and living with the defendant, he took some young men with him and went to Stephanus' house to get her. Stephanus asserted her freedom, according to law, and Phrynion thereupon summoned her before the Polemarch, under surety. [15] In proof of this, I will bring before you the Polemarch of that year ...

Please call Aietes.

He testifies.

(41) When she had thus been bailed out by Stephanus and was living with him, she carried on the same profession no less than before, but she exacted a larger fee from those who wished to consort with her, as having now a certain position to keep up and as being a married woman. Stephanus helped her by blackmail; if he caught any rich unknown stranger making love to her, he used to lock him up in the house as an adulterer caught with his wife, and extract a large sum of money from him (42)-naturally, because neither Stephanus nor Neaera had anything, not even enough to meet their daily expenses, but their establishment was large. There were himself and herself to keep, and three small children-the ones she brought with her to him-and two maids and a man-servant; and above all, she had acquired the habit of good living, as formerly it had been others who had provided her with all necessities ...

(45) To continue: Phrynion began his law-suit against Stephanus, on the grounds that Stephanus had robbed him of the defendant Neaera and made a free woman of her, and that Stephanus had received the goods of which Neaera had robbed him when she left. However, their friends brought them together and persuaded them to submit the dispute to arbitration. The arbitrator who sat on Phrynion's behalf was Satyrus of Alôpece, the brother of Lacedaemonius, and on Stephanus' behalf, Saurias of Lampra; they chose as umpire Diogeiton of Acharnae. (46) These three met in the temple, and after hearing the facts from both the litigants and also from the woman herself, they gave their judgment, which was accepted by the litigants: namely, that the woman should be free and her own mistress, but that the goods which Neaera had taken from Phrynion when she left should all be returned to Phrynion, except the clothes and jewellery and maid-servants which had been bought for Neaera herself; further, that she should spend the same number of days with each of them; but that if they agreed to any other arrangement, this same arrangement should hold good; that the woman's upkeep should be provided by the person with whom she was living at the time; and that for the future the litigants should be friends and should bear no malice. (47) Such was the settlement brought about by the decision of arbitrators in the case of Phrynion and Stephanus, concerning the defendant Neaera. In proof of this, the Clerk will read you the deposition. Please call Satyrus of Alôpece, Saurias of Lampra, and Diogeiton of Acharnae.

They testify.

The following were the terms of settlement between Phrynion and Stephanus: that each shall keep at his house and have the enjoyment of Neaera for an equal number of days per month, unless they come to some different agreement.

(48) When the business was over, the friends of each party, those who had assisted them at the arbitration and the rest, did as I believe is usual in such cases, especially when a mistress is in dispute: they went to dine with each of them at the times when he had Neaera with him, and she dined and drank with them as mistresses do ...

(49) I have now outlined the facts about Neaera, and have supported my statements with evidence: that she was originally a slave, was twice sold, and practised the profession of a prostitute; that she ran away from Phrynion to Megara, and on her return to Athens was summoned before the Polemarch under surety. I now desire to prove to you that Stephanus himself has given evidence against her, showing that she is an alien.

(50) The daughter of the defendant Neaera, whom she had brought as a little girl to Stephanus' house, was in those days called Strybele, but now has the name Phano. Stephanus gave this girl in marriage, as being his own daughter, to an Athenian citizen, Phrastor, together with a dowry of 30 minas. When she went to live with Phrastor, who was a hardworking man and who had got together his means by careful living, she was unable to accommodate herself to his ways, but hankered after her mother's habits and the dissolute ways of that household, being, I suppose, brought up to a similar licence. (51) Phrastor observed that she was not well-behaved nor willing to be guided by him, and at the same time he found out for certain that she was not the daughter of Stephanus, but only of Neaera, so that he had been deceived on the first occasion when he was betrothed to her. He had understood that she was the daughter of Stephanus and not Neaera, the child of Stephanus' marriage with a freeborn Athenian lady before he began to live with Neaera. Phrastor was most indignant at all this, and considering himself to have been outrageously treated and swindled, he turned the young woman out of his house after having lived with her for a year and when she was pregnant; and he refused to return the dowry.

(52) Stephanus began a suit against him for alimony, lodged at the Odeon, according to the law enacting that if a man divorce his wife, he shall pay back the dowry, or else be liable to pay interest on it at the rate of 18 per cent per annum; and that her legal guardian is entitled to bring a law-suit for alimony at the Odeon, on the wife's behalf. Phrastor also brought an indictment against Stephanus before the Thesmothetae,[\[16\]](#) that Stephanus had betrothed to him, an Athenian citizen, the daughter of an alien woman, pretending that the girl was his own daughter, contrary to the following law. To the Clerk: Please read it.

The Clerk of the Court reads out the following law:

If any person give in marriage an alien woman to an Athenian citizen, pretending that she is related to him, he shall be deprived of his citizen status, and his property shall be confiscated, the third part to go to the person securing the conviction. The indictment shall be brought before the Thesmothetae, by any person so entitled, as in the case of usurpations of citizenship.

(53) The Clerk has read out to you the law followed by the Phrastor when he laid an indictment against Stephanus before the Thesmothetae. Stephanus, realising that if convicted of having sponsored the betrothal of an alien woman he ran the risk of incurring the severest penalties, came to terms with Phrastor, giving up the claim to the dowry and withdrawing the suit for alimony; and Phrastor likewise withdrew his indictment before the Thesmothetae. In proof of this I shall call Phrastor before you, and shall compel him to give evidence according to the law.

(55) Now let me put before you another piece of evidence, derived from Phrastor and the members of his phratry and family, to prove that Neaera, the defendant, is a foreigner. Not long after Phrastor had repudiated Neaera's daughter, he fell ill. His condition became serious, and his life was in grave danger. He had for a long time been at variance with his relatives, and he regarded them with resentment and dislike. Besides, he was childless. Thus he was seduced during his illness by the attentions of Neaera and her daughter, (56) who went to him while he was ill and had no one to nurse him, bringing all the things necessary for his complaint and looking after him; and you know yourselves, of course, the value of a woman's presence during illness, as nurse to a sick man. and so he was persuaded to take back the child which Neaera's daughter had borne after being turned out of

Phrastor's house during her pregnancy-which happened when he found out that she was the daughter, not of Stephanus, but of Neaera, because of his resentment at the deception-to take it back and to accept it as his legitimate son. (57) His reasoning was human and natural; he was ill and had not hope of recovery, and so in order to prevent his relatives from getting his property, and himself from dying childless, he adopted the child as his legitimate son and took him into his house. He would never have done this if he had been well, as I shall show you by a weighty and undeniable piece of evidence.

(58) As soon as Phrastor got up after this illness, and recovered his health and strength, he took as wife an Athenian woman according to law, namely the legitimate daughter of Satyrus of Melite, the sister of Diphilus. This, then, is a proof for you that his acceptance of the child was not voluntary but the result of pressure; his illness, his childlessness, their nursing and this enmity towards his relatives, whom he did not wish to be his heirs if anything happened to him. But this will be shown more clearly by what happened next.

(59) When Phrastor during his illness presented the child, his son by Neaera's daughter, to his phratry and to the Brytidae, to which family Phrastor belongs, the members of his family, knowing, doubtless, who the woman was whom Phrastor had originally taken to wife, namely Neaera's daughter, and knowing of her divorce by him, and also that it was his illness which was the cause of his consenting to take back the child, voted against the child's acceptance and refused to register him as one of themselves. (60) Phrastor began a lawsuit against them for refusing to register his son. The members of his family then challenged him before an arbitrator to swear by the sacred victims that he did verily and truly believe the child to be his son by a free Athenian woman, legally married to him. On the issue of this challenge to Phrastor by the members of his family before the arbitrator, Phrastor defaulted and did not take the required oath. ...

(72) Yet the defendants Stephanus and Neaera had reached such a pitch of impudence that they were not content with merely declaring [Phano] to be a free-born Athenian woman. They noticed that Theogenes of Cothocidae had been chosen by the lot as King-Archon, a man of good family, but poor and without business experience; so Stephanus supported him at his examination, and helped him out with his expenses. When he entered upon office, Stephanus wormed his way in, and having bought from him the office of assessor, he gave him this woman, Neaera's daughter, as wife, guaranteeing her to be his own daughter: such was his contempt for you and for the laws! (73) So this woman Phano performed for you the secret sacrifice for the safety of the state; she looked upon mysteries which she, as an alien, had no right to behold. This was the sort of woman who entered into the holy place where no other of all the great Athenian people can enter-only the wife of the King-Archon. She administered the oath to the reverend priestesses who officiate at the sacrifices; she went through the ceremony of the Bride of Dionysus, and carried out the ancestral religious duties of the state, fulfilling numerous sacred and mysterious functions. How can it be in accord with piety that things which the rest of the community are not allowed even to hear spoken of should actually be done by any woman chosen by chance, especially such a woman as this, and one who is guilty of such actions? ...

(78) I should like to call before you the sacred Herald, who attends upon the wife of the King-Archon when she administers the oath to the revered priestesses when they are carrying their baskets at the altar, before they touch their sacred victims. This is in order that you may hear the oath and the words spoken insofar as it is permitted to hear these, and may know how holy and ancient is the customary rite.

The sacred herald comes forward and reads the oath administered to the priestesses by the wife of the King-Archon before they are permitted to officiate at the sacrifices.

Oath of the reverend priestess

I practice chastity, and am pure and undefiled of all things which bring impurity, including intercourse with men; I perform the sacrament of the wine-festival and the holy Bacchic rites according to the ancestral usage and at the appointed times.

(79) You have now heard the oath and the ancestral usage, in so far as it is permitted to hear them; and how the woman whom Stephanus betrothed to Theogenes the King-Archon as his own daughter performed these sacrifices and administered the oath to the reverend priestesses, when it is forbidden even to the women who look on at them to repeat these mysteries to any other person.

The Magistrates investigate the identity of Theogenes' wife, and Theogenes divorces her.

(85) To the jury: You will see from this that it was proper for her [Phano] as a woman of such a character and such activities, not only to keep away from all these rites, from seeing, from sacrificing, from performing any of the ceremonies laid down by ancestral usage for the safety of the state: she should have been debarred from all public occasions at Athens. The law decrees that where a woman is found with an adulterer, she is forbidden to attend any of the public sacrifices, even those which the laws permit an alien woman or slave to attend for the purpose of worship and prayer.

(86) The only class of woman forbidden by law to attend the public sacrifices is the woman caught in adultery; if she attends and breaks the law, the law allows any person who wishes to inflict upon her with impunity any punishment short of death, the right of punishment being legally granted to any chance person. The reason why the law permitted the infliction with impunity of any ill-treatment upon her except death, was to avoid any pollution or sacrilege in the temple; it holds out for women a threat terrifying enough to deter them from unrestraint or any sort of misbehaviour, and compel them to carry out their duties at home, teaching them that if anyone misbehaves in this fashion, she will be banished not only from her husband's house but from the public places of worship. (87) That this is so will be clear to you when you hear the law itself read out ...

Law on adultery: If the husband catch the adulterer in the act, he (the husband) shall not be permitted to continue cohabitation with the wife. If he continues cohabitation, he shall be disfranchised. It shall not be lawful for the woman to be admitted to the public sacrifices, if she has been caught with an adulterer. If she gains entrance, she shall be liable to suffer any ill-treatment whatsoever, short of death, and impunity ...

From the summation of the argument

(110) What would any one of you say if, having acquitted Neaera, you went home to your wife, or daughter, or mother, and she asked you, 'Where have you been,' you would answer, 'We have been trying a case'. She will then ask, 'Whose,' and you will of course answer, 'Neaera's'. She was accused of living with an Athenian citizen as his wife, although she herself is an alien, and this is illegal; she was also accused of giving her daughter, a prostitute, in marriage to Theogenes the King-Archon, so that this girl performed the secret sacrifices for the safety of the state and went through the ceremony of being given as bride to Dionysus'; and you will enumerate the rest of the charges against Neaera, saying how well, accurately, and carefully they were stated by the prosecution. (111) You womenfolk,

hearing this, will say, 'Well, what did you do?' and you will reply, 'We acquitted her'. Then will not the indignation of all the most decent women be excited against you, because you have judged Neaera no less deserving than themselves of a share in public life and public worship? And the foolish women will have received a clear mandate from you to do as they like, since you and the laws have granted them impunity; for you will have shown by your lax and easygoing attitude that you yourselves are in sympathy with this woman's way of life.

(112) It would be much better that this trial had never been held than that you should vote for acquittal, for there will then be complete liberty to prostitutes to live as wives with whom they please, and to claim as the father of their children the man they happen to be with. Your laws will lose their force and the ways of harlots will be supreme. You should therefore also look to the interests of the women of this city, and see to it that the daughters of the poor are not deprived of the chance to marry. (113) At present, even if a man is in straitened circumstances, the law decrees a suitable dowry for his daughter, if nature has given her looks which are at all tolerable. But if this law is trampled upon by your acquittal of this woman, and its force is annulled, then the profession of the prostitutes will spread to all daughters of citizens whose poverty prevents their being given in marriage; and the prestige of free-born women will pass to the prostitutes, if they are granted impunity and license to produce children as they please, and to take part in religious worship and the rites and privileges of the State. (114) Each one of you must believe, therefore, that he is giving his vote in defence of his wife, or his daughter, or his mother, or on behalf of the state, the laws, and religion-to prevent respectable women from acquiring the same standing as the prostitute, and to protect those who have been reared by their families in every propriety and with every care, and given in marriage according to law, from having no better position than this woman, who with every sort of licentious behaviour surrendered herself dozens of times a day to dozens of men, whenever anyone asked her.

(122) This is matrimony: when a man begets children and presents his sons to his phratry and deme, and gives his daughters, as being his own, in marriage to their husbands. Hetaerae we keep for pleasure, concubines (pallakai) for daily attendance upon our person, but wives for the procreation of legitimate children and to be the faithful guardians of our households. So that if he had formerly married an Athenian woman, and these children are hers and not Neaera's, he could have proved it by the most accurate testimony, that of the female slaves handed over for examination by torture.

Notes

13. 373/2 B.C., thirty years or more before the present trial.

14. The next year.

15. Until it could be determined whether she was slave or free. The polemarch was the archon in charge of suits involving foreign residents.

16. The [Thesmothetae](#) were magistrates in charge of courts and juries.