

FATHERS AND SONS IN ATHENIAN LAW AND SOCIETY

I. The State of the Art

There are not many studies specifically centered on fathers and sons in Athenian law and society. Although in recent years studies on family have multiplied, hardly any have done so by focusing on the family's internal relations. Greek law scholars, in particular, have given limited attention to these issues, in contrast to Roman scholars who have discussed for more than thirty years the characters, contents and duration of paternal powers and the consequences of these powers on intergenerational relations. The reasons for Roman lawyers' greater interest are linked to the peculiar structure of Roman *patria potestas*. As Gaius states in his *Institutes of Roman law*, "*fere nulli alii sunt homines qui talem in filios suos potestatem habent qualem nos habemus.*"¹

By claiming this, Gaius was not thinking specifically of the contents of *patria potestas*. Although the powers of the Roman *paterfamilias* extended to include even the *ius vitae ac necis* (whose existence in other systems, and particularly in the Athenian one is debatable) it was not this trait that made *patria potestas* unique. What made it unique was its duration: in Rome the authority of fathers over their descendants did not end when they reached the age of majority but continued as long as the *paterfamilias* lived, whatever might be the age of his descendants.² The only exception to this rule was when a father decided to emancipate them.

On the death of a *paterfamilias* only his immediate descendants (sons and daughters) were released from *patria potestas*, and the descendants of these (grand children and granddaughters) if the intermediate descendants had already died. All the others passed under the authority of the new *paterfamilias*, the surviving ascendant, who was the only one who had complete power over the household and

¹ Gai., 1, 55.

² Cfr. M. Kaser, *Der Inhalt der patria potestas*, in ZSS 58 (1938) 63 ff.; J. Crook, *Patria potestas*, in *Class. Quarterly* n.s. 17, 1 (1967) 113 ff.; D. Daube, *Roman Law. Linguistic, social and philosophical Aspects*, 1969, pp. 75 ff.; B. Albanese, *Le persone nel diritto privato romano*, Pubbl. Semin. Giurid. Univ. Palermo, Palermo, 1979; A. Mordekai Rabello, *Effetti personali della patria potestas. Dalle origini al periodo degli Antonini*, Milano, 1979; L. Capogrossi Colognesi, *Patria Potestas in Enciclopedia del Diritto*, XII, 1982, pp. 242 ff.; P.M. De Robertis, *I limiti spaziali al potere del paterfamilias*, in *Labeo* 29 (1983) 164 ff.; G. Lobrano, *Pater et filius eadem persona. Per lo studio della patria potestas*, Milano, 1984.

was the only owner of family property. No matter how old, a *filiusfamilias* could not be financially independent while his father lived. To put it more bluntly, an adult *filiusfamilias*, as David Daube wrote many years ago, did not possess one single penny that was his own. All he had was a certain amount of money, the *peculium*, given to him by his father, which he could administer freely and that was socially considered his own. But this fund legally belonged to the father, who could take it back if he wanted. And the situation was made even worse by the fact that while Roman law did not allow a *filiusfamilias* to hold private rights, it did allow him to have a public capacity once he reached the age of majority.

At majority a *filiusfamilias* not only possessed the right to vote but he could also hold public office and nevertheless be subject to his *paterfamilias*' power and be financially dependent on him. Finally, a son couldn't even count on any inheritance, because his father could disinherit him in his will.³

In light of these considerations, one can understand why in the last thirty years the relations among generations, and especially between fathers and adult sons (the ones I will deal with in this paper), have received great attention. The result has been two strongly divergent schools of thought. Scholars of the Anglo-Saxon school, as Richard Saller, argue that the strictness of legal rules was mitigated by the feeling that Romans called *pietas*: sons would naturally obey fathers and fathers would in turn exert their authority over their sons with sensitivity.⁴ In this line of thought some arrived to deny the existence of the *ius vitae ac necis*.⁵

By contrast scholars of the French school (as Paul Veyne and Yan Thomas) believed that the legal construct of *patria potestas* produced tensions and problems so strong that not only the crime of parricide was frequent, but the thought of parricide (as an often not confessed desire on the side of sons, and a feeling of uncertainty and fear on the side of fathers) was so diffused to be almost a national obsession.⁶

The recollection of the basic characters of Roman *paternal power* in Rome helps to explain why Greek lawyers have given less attention than Roman lawyers to this issue. The assumption is that in Athens paternal power did not produce father-son conflict so widespread and strong to become a social problem, as in Rome,

³ Gai., 2, 123-132.

⁴ R. Saller, *Patria potestas and the Stereotype of the Roman family*, in *Continuity and Change* 1 (1986) 15-20 and *Pietas, Obligation, Authority in the Roman Family*, in P. Kneissl and V. Losemann (eds.), *Alte Geschichte und Wissenschaftsgeschichte. Festschrift für Karl Christ zum 65. Geburtstag*, Darmstadt, 1988.

⁵ B.D. Shaw, *Raising and Killing Children: two Roman Myths*, in *Mnemosyne* sr. 4^a, 54 (2001) 31 ff.

⁶ See among others *L'Empire romain*, in Ph. Aries and G. Duby (eds.), *Histoire de la vie privée* I, ital. transl. *La vita privata nell'Impero romano*, Bari, 2000, pp. 22 ff. and Y. Thomas, *A Rome, Pères citoyens et cité des pères (II siècle avant J.C.-II siècle après J.C.)*, in C. Levy Strauss and G. Duby (eds.), *Histoire de la famille*, I, Paris, 1986, pp. 195 ff.

because it was less pervasive than the Roman, both in its scope and duration. What I intend to do, today, is discuss if these assumptions correspond to reality.

To tackle the first question we need to examine the nature and the length of the Athenian paternal power. At the time in which Greek law was not yet an autonomous science and all reconstructions of Greek institutions were modeled on Roman ones, Athenian paternal power was considered perennial.⁷ Only at a later age (not specified) would it become temporary for financial reasons. Beauchet's textbook states that an agricultural economy such as the Roman necessarily required children to be subject to paternal authority, while the Athenian economy later based on trade had the opposite exigency of granting legal capacity and freeing adult children from paternal authority in order to allow them to initiate commercial activities.

This hypothesis has its logic: perennial *patria potestas* is certainly a problem in a trade oriented economy. When Rome's economy developed in that direction, the praetor introduced a specific group of actions, the *actiones adiecticiae qualitatis*, through which a father could be sued for obligations contracted by his son.⁸ As a result a father could be condemned to pay the debts of his son even if for *ius civile* he was not liable. But in Athens there is no trace of such evolution and the hypothesis of a perennial paternal authority has long since been superseded. The only controversial aspect is the age at which sons were released from paternal power: if 17 or 18.

Aristotle (*Ath. Pol.* 42.1) claims that a son was freed *oktokaideka gegonotos*. But Demosthenes in the first oration *against Aphobus*, paragraph 4, relates that his father died when he was seven years old (*ept'eton onta*). According to the same oration he was a minor for the following ten years until he turned 18.

Even if it started a long debate, with different solutions,⁹ the contradiction does not exist: Demosthenes is speaking of the age of individuals, while Aristotle is considering an age-class, precisely the group of youths born between the registration

⁷ L. Beauchet, *Histoire du droit privé de la république athénienne* (1896), Amsterdam, 1969, II, pp. 74 ff.; J. Lipsius, *Das attische Recht und Rechtsverfahren* (vols.3, 1905-15), Hildesheim, 1966, pp. 499 ff.; W. Erdmann, *Die Ehe im alten Griechenland*, München, 1934, pp. 342 ff.

⁸ Gai., 4, 69-74.

⁹ Some scholars maintain that Aristotle made a mistake: paternal power ceased when a son reached 17 (R. Sealey, *On Coming of Age in Athens*, in *CR* 7, 1957, 195-197). Others maintain that the two sources are not contradictory: Aristotle and Demosthenes meant the same age: *oktokaideia gegonotos* would mean "in the eighteenth year", thus when one turns seventeen (J.M. Carter, *Eighteen Years Old?*, in *BICS* 14, 1977, 51-57). According to others between the moment in which Demosthenes was registered in 366 b.c.e. and when Aristotle wrote the *Athenaion Politeia* the age limit was changed from 17 to 18, following the reform of *epehebeia* soon after the Chaeronea battle, to increase the quality of the military (D.E. Welsh, *The Age of Majority in Athens*, in *CNV* 21, 1977, 77-85).

in the *deme* and the *dokimasia* before the *boule*. Since the ephebs were registered under the name of the archon and eponymous hero under whose year they were enrolled, military call-ups were made not by actual age, but by age-class. As M. Golden writes “all the boys born in the same archon-year would come of age on inscription into the deme register 18 archon-years later. Boys whose birthdays fell before the date of the inscription would be 18; a few others, like Demosthenes, would still be 17.”¹⁰ Be the coming of age 17 or 18, anyhow, what matters is that paternal power was temporary. If this was an advantage for Athenian fathers and sons, as it is often assumed, or if created personal and social problem on the two sides, is one of the issues that we will discuss.

II. Law

As far as the extent of paternal power, as we have already stated, there are diverging opinions on the existence of *ius vitae ac necis*. The father’s right to expose the newborn at his entire discretion does not mean that automatically he also had the right of life and death over him.¹¹ Many scholars argue that paternal authority started only after a father introduced his son into the domestic cult during the ceremony of *amphidromia*,¹² about five days after the child’s birth. If this ceremony was not held the son did not become a member of the family. Therefore if a father abandoned him it was not as if he were exercising a personal power over him. Others believe that this power existed in archaic times, and would have disappeared when the paternal powers would have become temporary. As evidence for their hypothesis they quote a passage from the oration *against Timarchus*, where Aeschines, in order to blame Timarchus for his sexual misconduct, recalls an episode from ancient times when a father—to punish his daughter who had lost her virginity—closed her in an isolated house with a horse, who would of course kill her;¹³ but there is no evidence of cases in which *ius vitae ac necis* was exerted. Furthermore the so called *nomos moicheias*,¹⁴ referred to in pseudo-Demosthenes’ *Against Neaira* 87, says that the

¹⁰ M. Golden, *Demosthenes and the Age of Majority at Athens*, in *Phoenix* 33 (1979) 25-38.

¹¹ Cfr. Plat., *Theaet.* 160; Hesych., s.v. *enchutrizein*.

¹² It may be interesting to recall that this discussion finds a parallel in the discussion among Roman lawyers concerning the role of the rite *tollere liberos* considered by some as the moment when *patria potestas* started to exist. Discussion and bibliography in L. Capogrossi Colognesi, s.v. *Patria potestà* (diritto romano), in *Enciclopedia del diritto* cit. and *Tollere liberos*, in *Mélanges de l'Ecole française de Rome. Antiquité*, vol. 102, pp. 107-127.

¹³ Aesch. 1, c. *Tim.* 182.

¹⁴ Usually translated as “adultery”, *moicheia* has been traditionally considered as including any sexual relation of a woman (married or unmarried) with a man who was not her husband. In 1984, however, David Cohen maintained that it took place only in the case of intercourse of a married woman with a man different from her husband (*The Athenian Law of Adultery*, in *RIDA* 31, 1984, 147-165; but see also his *Law, sexuality and Society, the Enforcement of Morals in Classical Athens*, Cambridge, 1991) and the topic has been

condemned so called adulteress was not permitted to appear at public cult ceremonies, and if she appeared she would suffer “whatever may befall her, *apart from death*.”¹⁵ It is also worth to specify that those who could inflict the penalty of their choice were not the father or the husband, but *ho boulomenos* (as explicitly stated in par. 86). Finally, Plutarch, in Solon’s life, writes that if an unmarried woman had sexual intercourse, her father and her brother could sell her into slavery,¹⁶ but not even this minor power (if compared to the right of life and death) is ever documented in the sources. So much for the disciplinary powers. Let us address the father’s powers on family property.

Athenians could make a will only if they did not have male children.¹⁷ In time the rule’s strictness was mitigated and the old principle was strongly eroded. Logography attests it very well, I do not need to quote the many examples, suffice it to recall that a law stated that a man could make a valid will even if he had children, as long as he made dispositions in the case of his children dying before they reached majority.¹⁸ However a principle never changed: a father could not disinherit his children. The only possibility he had to exclude a son from inheritance was *apokeruxis*, but the references to this institution are scarce and uncertain. Demosthenes gives evidence of the existence of a law which allows parents not only the power to name their children but also to disown them and to *apokeruttein*.¹⁹ But beyond this reference we find such legal institution mentioned only in some stories concerning Themistocles and Alcibiades.

Themistocles, according to Plutarch, had such a violent temper that his father exercised his right to *apokeruttein* him, and his mother committed suicide out of despair.²⁰ “But I think—he adds—that this is not true.”²¹ As for Alcibiades, Plutarch

since very controversial. The great majority of scholars, however, accept today the traditional view, that I have myself endorsed in *Moicheia, reconsidering a Problem*, in M. Gagarin (ed.), *Symposion 1990, Papers on Greek and Hellenistic Legal History*, Köln, Weimar, Wien, 1991, pp. 289-296, and in *I reati sessuali nel diritto ateniese. Alcune considerazioni su moicheia e violenza sessuale*, in *Studi in onore di M. Talamanca*, Napoli, 2002, pp. 376-390. Same opinion, among others, in R. Omitowoju, *Regulating Rape: Soap operas and self-interest in the athenian Courts*, in S. Deacy and K. Pierce (eds.), *Rape in Antiquity: Sexual Violence in the Greek and Roman World*, London, 1997, pp. 1 ff.

¹⁵ The law states also that the husband who surprised his wife with a *moichos* was not permitted to keep her as a wife, and if did it, he would be *atimos*.

¹⁶ Plut., *Sol.* 23, 2.

¹⁷ Dem., *c. Steph.* II, 14; Plut., *Sol.* 21, 3. Cfr. L. Gagliardi, *Per un’interpretazione della legge di Solone in materia successoria*, in *Dike* 5 (2005) 1-5. I do not enter the debate concerning the relation between testament and adoption. Albeit very interesting, it is not relevant in the context of this discussion. Cfr. anyhow L. Rubinstein, *Adoption in IV. Century Athens*, Copenhagen, 1993.

¹⁸ Dem., *c. Steph.* II, 4 and 24.

¹⁹ Dem., *c. Beot.* I, 39.

²⁰ Plut., *Them.* 2, 6.

relates that when he was young he fled from home to go to one of his lovers. Alcibiades' father wanted to *auton apokeruttein* but Pericles dissuaded him. However Plutarch adds that these were calumnies.²²

The reading of Greek sources suggests that *apokeruxis* existed on paper, and even admitting fathers resorted to it, this must have happened very rarely. Should we take into account also Roman rhetoric sources (Seneca the Old, Quintilian, Calpurnius Flaccus), some doubt could arise, given the frequency of references to *abdication*, the word that indicates the act of chasing a son from the *domus* and the family. But the debate on the greekness or *romanitas* of the examples used by Roman rethors is still open, and some of the works specifically dedicated to the topic denies their greekness.²³

Finally, we must recall that a son could seek to protect his interests against his father through public and private actions such as a *graphe paranoias*, asserting that the father, for mental illness, was no longer competent to manage his affairs.²⁴ Even if scarcely documented, there were also a *dike manias*²⁵ and a *graphe argias*.²⁶ The rules that we have so far mentioned, then, seem to confirm the assumption that paternal powers were not such as to create strong conflicts between generations, as did the extreme power of the Roman father. But others sources attest the existence of rules that seem to consider the existence of difficult and conflictual family relations.

In Athens, a law (related by Aristophanes, *Birds*, vv.1355-57) imposed on the sons the duty to *gerotrophein*, that is to say to feed and harbour the fathers who had reached an old age. The correspondent right of the fathers to be fed and sheltered was guaranteed with the *graphe goneon kakoseos*, whose procedure was privileged in two ways. First: the accuser did not suffer the penalty fixed for those who submitted an indictment and did not proceed, or who failed to obtain one fifth of the votes.²⁷ Second: he was not subject to the usual time limits.²⁸ Sons condemned with a *graphe goneon kakoseos* suffered *atimia*. Further transgression of the prohibitions

²¹ Plut., *Mor.* 849. Referring to Themistocles, Val. Max. (6, 9 ex) speaks of *abdication*.

²² Plut., *Alc.* 3.

²³ F. Lanfranchi, *Il diritto nei retori romani*, Milano, 1938.

²⁴ There is a story that his son or sons brought such action against Sophocles, who defended himself successfully by reading passages of his last tragedy *Oedipus at Colonus*. See Plut., *Mor.* 785 A; Cic., *Sen.* 7, 22.

²⁵ Cfr. A. Maffi, *Padri e figli tra diritto positivo e diritto immaginario*, in E. Pellizzer and N. Zorzetti (eds.), *La paura dei padri nella società antica e medievale*, Bari, 1983, pp. 5-27.

²⁶ D. Leao, *Nomos argias*, in *Logo. Revista de retórica y teoría de la comunicación* 1 (2001) 103-108.

²⁷ Aristot., *Ath. Pol.* 56, 6. Listing the cases in which the archon conducted *anakrasis*, Aristotle says that these actions were *afemioi to boulomeno*.

²⁸ Isaeus, *Kir.* 32.

connected to *atimia* were punished with penalties reserved to the worst crimes, such as military shirkers: abusing one's own father was considered a serious threat to the polis.²⁹ Finally, an interesting rule related to the duty to *gerotrophein* was set by Solon who, according to Plutarch, considering that the city was getting full of people who were constantly streaming into Attica and that great part of the country was poor and unfruitful, and that seafaring persons did not want to import goods in places where people had nothing to give in exchange, encouraged citizens to the *technai*, and enacted a law that a son who had not been taught a *technē* should not be bound to support his father.³⁰ Athenian law on one side gave fathers a power that in length and extent should not have generated pathological tension; on the other side it previewed rules, institutes and legal actions in defense of the fathers that induce to think that conflicts between fathers and sons were far from being rare and were more serious than the normal, physiological conflicts between generations. Which were the reasons of such a situation, is a complicate question.

III. Ideology and Society

In the Athenian ideology of relationships, the one between father and son was a knot of contradictions. Sons had to be legally subordinated to their father till majority (as well as daughters till marriage, after which they were subordinated to their husband), and were morally and socially bound to respect and obey them whatever their age.

Aristotle explains the type of this subordination when he exposes his model of family relations. After the famous definition of man as "political animal" (*politikon zoon*), he writes that every *polis* is composed of *oikiai*, and explains that *oikiai*, in their turn, are built around three associations between individuals: owner and slave, husband and wife, father and son³¹. The latter, according to him, was similar to the relation of a king with the persons governed. The father, he writes, rules his children like a king. He has on them an authority that, as that of the king, is not despotic. The king is not a tyrant, tyranny is a degeneration of reign: the tyrant is concerned with his personal welfare, while the king takes care of the welfare of his subjects, exactly as the father does for his children.³² According to Aristotle, therefore, father/son relationship, albeit certainly very affectionate, is characterized by a form of subordination that the philosopher compares with a political form of dependence.

This was the fact that created potential conflicts. Women's (daughters and wives) subordination was not in contrast with Athenian public ideology (as well, of course, the subordination of a slave to their master). But things were different for male children. A son had not only to love and respect, but also to obey his father for

²⁹ See A. Scafuro, *Parents abusers, military shirkers, and accused killers: the authenticity of the second law inserted at Dem., 24, 105*, in R. Wallace and M. Gagarin (eds.), *Symposium 2001*, Wien, 2005, pp. 51-69.

³⁰ Plut., *Sol.* 22.

³¹ Aristot., *Pol.* I, 1253 b 2-8.

³² Aristot., *Eth. Nic.* VIII, 1160 b-1161 a.

his entire life. But a son who was too obedient run the risk to appear too subordinate, and subordination of a free man to another men was exactly the opposite of the egalitarian democratic principle.

The relation father/son was potentially problematic from the ideological point of view, and many sources show that conflicts were not only potential, among them anecdotes, a literary genre whose interest is independent from the truth of the facts that it tells. Although they probably do not describe facts that really took place, anecdotes describe situations that are inherently plausible, and some of them describe situations of strong intergenerational conflict.

Plutarch, for example, tells that Xanthippus, Pericles' eldest legitimate *gnesios*, was naturally prodigal and extravagant, lived beyond his means and was much displeased at his father's exactitude in making him but a meager allowance, paid little by little.

Accordingly, he got money from one of his father's friends, pretending that Pericles ordered him to do so. When the friend afterwards demanded repayment of the loan, Pericles not only refused to pay back the money, but *diken auto proselache*. Xanthippus, very irritated, fell to abusing his father, and in order to make fun of him publicized the discourses which he held with the sophists.³³ Also the above quoted anecdotes relating Themistocles' and Alcibiades' relations with their respective fathers are particularly significant. These relations were so tense that their fathers were compelled to expel them (or to think of expelling them) from the *oikos*. True or false, such stories are surely plausible.

The most interesting author on this matter, anyhow, is certainly Aristophanes. *Clouds*, performed in 423 b.c.e., presents the misadventures of a father worried for the debts he had to undertake to satisfy his son's passion for horses.³⁴ The story is very well known: to make fun of the sophists (who teach how to make a bad argument look good even when it is wrong) Strepsiades convinces his son to join Socrates' school (the philosopher is ludicrously considered a sophist). Son Pheidippides is so well prepared by his teacher that when the creditors demand payment he confuses them, making them return defeated to their houses. Strepsiades' happiness does not last long. During the banquet organized by his father to celebrate his victorious son, Pheidippides beats him brutally. Pheidippides calmly explains to Strepsiades that he beat him for his own good: as his father had a right to beat him when he was a child to correct him, today Strepsiades is old and since *dis paides gerontes*, Pheidippides has the right to beat him to correct him.

³³ He squandered one entire day, Xanthippus said, discussing with Protagoras the case of an athlete who had hit a man with a javelin accidentally and killed him: was it the javelin, or rather the one who hurled it, or the judges of the contests that "in the strictest sense" ought to be held responsible? See Plut., *Per.* 36, 2-3.

³⁴ *Clouds* vv. 838-839: "you squander my stuff as if I were already dead".

Obviously satire by definition presents an emphasized reality, sometimes a caricature, but Aristophanes represents certainly a tension that was felt as a serious social problem, as is confirmed by the return of the same theme in *Wasps* and *Birds*.

In *Wasps* (422) son Bdelykleon has sequestered his old father (Philocleon) in a house covered by a net and guarded by two slaves. All considered the seclusion was conducted for a good reason: the old man derives from jury service his pay, spends all his day giving verdicts, is very happy and proud of his role and of the advantages that it gives him. Bdelykleon tries to convince him that jurors get paid only a little share of the city's revenues, while the greater part of the revenues goes into the private treasuries of corrupt politicians, and shuts him home. Once again a problematic and very interesting relationship, on which we will come back later.

In *Birds* (414) Pisthetaerus and Euelpides, disgusted with life in Athens, create in the sky, helped by birds, a new city, named "Cloud-cuckoo-land" (*nephelokokkygia*). One day some men arrive to join the new city with the aim of making it similar to a city on earth. Among the unwelcome visitors there is a parricide (*patraloias*), who declares he intends to strangle his father to get his property and since the birds' law allows a son to strangle his father, he wants to live there (vv. 1347-1352). The rebellious youth is very irritated when Pisthetaerus tells him that even among clouds *gerotrophia* exists (vv. 1352-1359). What makes these verses particularly interesting is the set of visitors in whose company the parricide arrived to *nephelokokkygia*: a poet, a sycophant, and a ditirambographus, three characters chosen not randomly by Aristophanes. They were clearly those who, in the eye of the comedian, contributed to render Athens unlivable. If a parricide is conceivable in this group it seems inevitable to deduce a rather tense father-son relation. The desire to kill one's father was a ghost that although confined to the world of thought, must have produced friction and conflict also in Athenian society.

Probably this thought was not so diffused to generate a national obsession, as it was in Rome according to Paul Veyne's hypothesis, but it existed. Tensions father/son, far from remaining potential, became very real with a frequency that made of them a serious social problem. Which were the occasions for their conversion from potential to real?

The main and more frequent was the fact that sons continued to depend economically from their fathers for a certain number of years after they had reached majority. To that we could add the possibility of sexual competition between fathers and sons (we do not now how frequent, but certainly existing), due to the presence in the house of a young step mother: on second marriages, Athenian men married often women younger than their first wife, deceased or divorced.³⁵ It would be very interesting to know how frequent these conflicts were, and I intend to analyze this problem in a future part of my research. This paper is part of a work in progress, and

³⁵ Interesting considerations on the topic in B.S. Strauss, *Fathers and sons in Athens. Ideology and society in the age of Peloponnesian War*, Princeton, 1993.

this specific aspect deserves to be elaborated. However, even assuming that sentimental and sexual competition were not rare, they were certainly not as generalised as the economic ones.³⁶ Even if a father had taught his children a *techné*, as it was his duty to do, several years had to pass by before the children would be economically independent. For a father it was no little problem. Maintaining children was expensive.³⁷ For this reason, when children reached majority the fathers who could afford it tried to limit the time in which they still had to entertain them, by helping them to start an activity, giving them the necessary financial means.

A famous case is related by Isocrates' Trapeziticus: Sopeus (Athenian citizen resident in Pontus) had started his son, a client of Isocrates, to the familial activity—sea trade of grain—furnishing him with ships full of wheat and with money to enable him to have financial relations with the Greek cities, especially Athens, where he settled as metic. A similar case is presented in Hyperides, *Athenog.*, 26. Epikrates mentions the field given to him by his father to initiate an activity that would make him financially independent.³⁸

Some fathers took more drastic and generous measures. To avoid children from having to wait until their death to be completely independent, these fathers divided their assets among their sons when still alive and remained living with them. Lysias, speaking of the dispositions taken by Conon and Nichophemus on their property, observes: "You have to consider that, even if a man had distributed among his sons a patrimony that he has inherited from his father, not acquired personally, he does not keep for himself only the smaller part, because everybody would rather be courted by his children as a man of means, than beg of them as a needy person."³⁹

The passage demonstrates that even the situations just described were not ideal, as confirmed by the (fictional) story of Philokleon, who in *Wasps* had the bad idea of transferring his property (or just its management) to his son Bdelykleon, with the afore mentioned consequences. Not to speak of Pheidippides' behavior against his father Strepsiades in *Clouds*. Albeit the existence of the duty of *gerotrophein*, to deprive oneself of all property had its risks. Even a father who had economically helped his son to start an economic activity, or who had been so generous to transfer to him his patrimony or its management, even this father had a complex and tense relationship with his sons.

³⁶ See M. Golden, *Children and Childhood*, *cit.*, pp. 105-106.

³⁷ We read in Plut., *Sol.* 2, 6 that Solon, visiting Miletus, asked Thales why he had no children. Thales answered telling him a story concerning a young man, who had died while his father was traveling. Solon thought that he was the father of the deceased, and started acting in desperation. And then Thales said: "These things keep me from marriage and having children, they are too important for even your constancy to support; however, do not worry, the story is a fiction."

³⁸ Epikrates, however, chose an activity (a perfume shop) different from the one desired by his father (agriculture): clearly, the paternal desire was not binding.

³⁹ Lys., *Aristoph.* 36-37.

According to Mark Golden, however, we should keep in mind that only a small percentage of Athenians would have had their father living when they reached majority.⁴⁰ At the basis of this statement he quotes the results of the demographic calculations made by Richard Saller, according to which only one or two out of ten adult sons were still under paternal power. As a consequence, according to Saller, conflicts depending on filial dependence were not widespread to the point to be a serious generalized social problem.⁴¹

Leaving aside any other consideration and the fact that these calculations have been contested, the problem is that they are based on documents (namely funerary inscriptions) coming from the Roman Empire in second century c.e. The extension of Saller's results to fifth century Athens, therefore, is at least very debatable. The problem of how many Athenians had still a living father when they reached majority is an open problem, and to solve it, in the absence of demographical specific calculations, of course we must turn to Athenian sources.

IV. The Age Gap between generations

Aristotle, in *Politics*, discussing the problems related to inheritance, writes that the difference in age between fathers and sons should not be too large: parents excessively aged when they beget children do not have the chance to profit of their sons gratitude and can not help them. Age difference, however, should not be too short. In that case fathers and sons have a relation too similar to the relation between persons of the same age, sons do not respect parents as they should, and this creates conflicts in the governance of family matters. In his opinion women had to marry at about 18 and men at about 37, so that they could have their first child at 38. In this way children would reach majority when fathers were around 60.⁴² But according to the majority of scholars Athenians married younger, about 30 (as assumed recently, for example, by Golden and Davidson).⁴³ In that case when they reached majority their fathers were about 55. Probably the number of fathers still alive at that age was sufficient to make of their conflicts with their sons a reason for serious troubles not only personal but, and to be connected with political life.

The possibility of these connections is suggested by a very interesting passage from Plato's seventh autobiographical letter: "When I was a *neos*, I thought that if I

⁴⁰ M. Golden, *Childhood in classical Athens*, cit., p. 111.

⁴¹ R. Saller, *Men's Age at Marriage and its Consequences for the Roman Family*, in *Class. Phil.* 82 (1987) 21-34. Earlier, on the structure of the family, see his *Familia, domus and the roman Conception of the family*, in *Phoenix* 38 (1984) 336-355. On women's age at first marriage see B. Shaw, *The Age of Roman Girls at Marriage: some Reconsiderations*, in *JRS* 77 (1987) 30 ff.

⁴² Aristot., *Pol.* 1334 b-1335 a.

⁴³ M. Golden, *Children and Childhood in classical Athens*, Baltimore, 1990; J. Davidson, *Revolutions in human time: age-class in Athens and the Greekness of Greek Revolutions*, in S. Goldhill and R. Osborne (eds.), *Rethinking Revolutions through ancient Greece*, Cambridge Mass, 2006, pp. 29-67.

were to take control of my property soon, I would straightway play a part in community affairs” (Plat., *Ep.* 7, 324 B). Plato is very explicit. Exiting from the number of *neoi* is not only a chronological milestone, for him. He connects his political ambition, when he was a *neos*, with coming into his inheritance. This suggests two further problems. The first is the meaning of *neos* and more in general the relevance in Athenian society of age classes. The second is the connection between age classes, political life and economical independence.

The first problem has been recently discussed by James Davidson.⁴⁴ In his opinion the Athenian sequence of age classes—wrongly underestimated by classicists—was the following: *paides* were boys under 18; *meirakia* were those who had been assigned to the class of 18 (that is to say, not sent back to *paides*). After the *ephebeia*, at 20, *meirakia* (and/or *neaniskoi*)⁴⁵ became *andres*, started to be part and protagonists of political life, and as such they were divided into *neoi* (till 30) and *presbutai*, two groups—as Davidson rightly recalls—whose tension is one of the main feature of Aristophanes’ comedies, to which it is worth go briefly back for some new considerations.⁴⁶

The central scene of *Wasps* is the *agon* between Philokleon and Bdelykleon, who tries to convince his father that he and his fellow judges do not have any power; on the contrary are exploited by the men who govern the polis (vv. 526-735). Clearly, the *agon* does not oppose two persons, but two age classes. Philokleon acts as a representative of the *presbutai*, Bdelykleon is a *neanias*, and in order to prove his thesis reminds his father that when he goes to court, is bossed around by a *synegoros*, who threatens him, saying that he will not get his pay if he will be late; but the *synegoros*—who in the case (a comic exaggeration) is not even a *neos*, but a *meirakion*—will anyway get paid, and more than Philokleon will be (vv. 686-691). The victory that *Wasps* ironically concede to the *neaniai* prospects a reversal of age classes roles, that in Aristophanes opinion is the consequence of the sophistic teaching, as clearly demonstrated by *Clouds*.

⁴⁴ J. Davidson, *Revolutions in human time cit.*, pp. 31 ff.

⁴⁵ According to Davidson, *neaniskoi* is frequently a synonym for *meirakia*, almost always referred to elite youth, often in the Gymnasium. Many years ago, discussing this problem, I reached a different conclusion, and I still think that *neaniskoi* (at least in a paederastic context) were older than *meirakia*; but I will not enter this specific problem, discussed in E. Cantarella, *Neaniskoi, Classi di età e passaggi di status nel diritto ateniese*, in *MEFRA* 102 (1990) 37-51.

⁴⁶ As well known, the Athenian age class terminology is very detailed and very complicated, especially because more than one term is used for people of the same class. *Neos*, for example, is at times used as synonym of *meirakion*. *Meirakion*, is “from thirteen to fourteen” for B. Strauss (*Fathers and sons cit.*, p. 94); for S. Todd “in his late teens” (s. *Lysias, The Oratory of classical Greece*, II, Austin, Texas, 2000, p. 42 note 2); others maintain that Cimon, described by Plutarch as *meirakion*, is “someone about or just under 20 years old” (A.J. Podlecki, *The Political background to Aeschylean Tragedy*, Ann Arbor, 1966, p. 35).

The effects of sophistic discourse are central in *Clouds*, where, again, the *agon* between Righteous and Unrighteous Discourse is an *agon* between personifications of age grade speeches, and of course Unrighteous Discourse wins over Righteous. Sophistic discourse had reversed the traditional idea that *neoi* are stronger in physical force and *presbutiai* in counsel and speech, as proved by Pheidippides, who uses the new education that Socrates has taught him to discuss Solon's law on repayment of debts.⁴⁷ It has endangered also the old principle that *neoi* should wait for their turn to enter the political arena. Given the importance of age-classes in Athens, a change in education of the youth has produced political implications: "The talk about "new education" as a revolutionary inversion—concludes Davidson—is not just a trope of Aristophanes...By creating a new type of New Man, sophists like Protagoras and Socrates had indeed upset the social and political order."⁴⁸

Fathers/sons relationships were at the crossing of the boundaries between public and private, they were a problem that did not concern only *oikoi*, it concerned the polis. Paternal power, albeit not perennial as the Roman one, generated nonetheless problems that created equally strong social problems. Of course, the reasons of these problems was different from the Roman ones. In Athens they were generated by the lack of coincidence between law and society. As Barry Strauss points out, "by recognising a boy's manhood and politico-juridical independence at age eighteen, instead of putting off that turning point until the boy was in charge of his patrimony, Athenian culture created an opening for potential father-son conflict. Both property and appearance, both interest and emotion were ground for conflict between Athenian father and son."⁴⁹ In addition to that, the democratic ideology that a man could not be subordinated to another exacerbated the relations father/son and transformed the potential into real, sometimes even physical conflicts. Moreover, the effects of sophistic teaching made of these problems a politically relevant issue.

Of course, this overview of fathers/adult sons relationship is incomplete. As I said this paper is part of a work in progress, other sources are still to be examined, in the first place tragedy. The above sketched considerations are not final conclusions, they are rather the basis for further future reflections.

⁴⁷ Strepsiades is afraid of the *Ene kai nea*, the day when *tokoi* matured, and his creditors would deposit the surety against him (v. 1178). As the Greeks called "the old and the new day" the last day of the lunar month, Strepsiades immediately reassures him: one day can not be two days, he says (vv. 1181-1182), exactly as a woman can not be on the same day old and young (v. 1184). However, this is Solon's law, objects Strepsiades. And Pheidippides: "Then Solon stated that that *kleseis* had to take place in two days, the old and the new, so that writ on summons would be deposited with the new moon" (vv. 1189-1191).

⁴⁸ J. Davidson, *Revolutions cit.*, p. 62.

⁴⁹ B. Strauss, *Fathers and Sons cit.*, p. 101.

