

# Kinky stories from the rostrum: storytelling in Apollodorus' *Against Neaira*

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## *I. Forensic storytelling*

Modern citizens of Western societies are entangled in a paradox: while their rationalisations concerning the dispensation of justice lead them to assume that courts investigate the truth exclusively on the basis of solid evidence, at the same time they realise, or TV programmes suggest to them, that far from restricting themselves to evidentiary material concerning 'factual' reality, lawyers make abundant use of storytelling, which, in some cases, is designed to construct verisimilar approximations of truth.<sup>1</sup> Although there are many differences between the ancient and modern trials, both are agonistic environments in which opposing sides present jurors with competing stories about the same allegation. These stories are shaped by relevant laws, yet they usually offer diametrically opposed interpretations of the same incident. This happens because courtroom narratives, unlike other forms of stories, unavoidably orbit around either a guilty or a non-guilty verdict.

Some twenty years ago, storytelling attracted the attention of a number of scholars who ascribed themselves to a movement known as 'Law and literature'. Considerations of space do not allow me to offer an inclusive presentation of the relevant doxography here.<sup>2</sup> However, it would be useful to provide an outline of some pivotal conclusions concerning the function

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<sup>1</sup> On storytelling in American forensic practice, see Schragger 1999: 1-16; in modern trials, storytelling is, of course, regulated by rules of relevance, see Brooks 2002: 6-7. For a discussion of ancient criteria of relevance, see Lanni 2005; for a comparison with modern American jurisprudence, see Lanni 2006: 9, 45-6.

<sup>2</sup> For a critical presentation of the pivotal theses put forward by the representatives of this movement, see Brooks 2002 and 2005.

and significance of storytelling in forensic practice, and, where appropriate, draw parallels with Athenian logography.<sup>3</sup>

1. Stories can give meaning to the way in which we conceive the world; as Peter Brooks put it, ‘narrativity belongs to our cognitive toolkit’ (2005: 415).
2. Stories contextualise events; by means of this contextualisation apparently indefinable or meaningless actions acquire specificity. As a legal scholar claimed, legal stories offer a ‘wide angle’ (Scheppelle 1989: 2096).<sup>4</sup>
3. Competing stories predictably invest with radically different meanings any single action of legal significance. Be it here sufficient to mention in passing the difficulties of description involved in cases of rape.<sup>5</sup>
4. Storytelling enables lawyers to smoothen the legal or other complications of their cases and present jurors with simple yet often misleading questions. Lawyers often achieve simplification through the use of generic stories including recognisable patterns. As an American lawyer put it: ‘if you can explain it to your children, then you have finally acquired the skill to speak to a jury’.<sup>6</sup> This is especially important in our discussion, because most Athenian courts were manned by large numbers of non-professional jurors.
5. Lastly, legal stories are conditioned by considerations of timeliness, or what the Greeks labeled *kairos*. In the words of a student of legal storytelling, ‘like all professional storytellers... lawyers shrewdly orchestrate myriad elements to make a convincing story...the evidence [has to be] molded to fit potent cultural understandings’ (Schrager 1999: 8).

In this paper I propose to discuss Apollodorus’ storytelling in *Against Neaira*, a speech that a recent commentator justifiably described as a ‘fascinating novel’.<sup>7</sup> My aim is to determine the ways in which Apollodorus seeks to contextualise the case through the extensive narrative (*diegesis*) of the

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<sup>3</sup> For a stimulating discussion of the perspectives of applying ‘law in/as literature’ to the study of the Attic orators, see Gagarin 2003.

<sup>4</sup> This aspect of forensic narratives is especially pertinent to ancient forensic speeches, where speakers are always concerned with the background of their legal disputes; see Lanni 2006: 41, with n.22.

<sup>5</sup> See Scheppelle 1989 and Brooks 2002, esp. 4.

<sup>6</sup> This locution belongs to an American lawyer (cited by Schrager 1999: 7).

<sup>7</sup> Kapparis 2008.

speech,<sup>8</sup> thereby supplying the jurors with a suitable frame of mind to assess his prosecution. I argue that due to his lack of evidentiary material, Apollodorus fabricates a fascinating narrative that exploits Athenian anxieties concerning the integrity of the *oikos*. For this reason he includes a gripping story concerning the lives of Neaira and Phano, a woman that the speaker persistently presents as Neaira's daughter. The individual details of Phano's biography present striking similarities with the adumbration of Neaira earlier in the speech. These similarities enabled Apollodorus to project on Phano stereotypes concerning the jadedness and moral baseness of courtesans on the basis of which he underscores the threats posed to the city by Stephanus' cohabitation with Neaira. At the same time, our evidence from other forensic speeches, and especially Aeschines' *Against Timarchus*, makes it possible to argue that Apollodorus' decision to assimilate Stephanus' household with a brothel was shaped by current concerns about the moral integrity of the city's political figures. Lastly, since storytelling is a hallmark of Apollodorus' rhetoric, I hope that the present study will encourage a reappraisal of his argumentative skills.

## *II. The case*

The speech *Against Neaira* concerns a famous Corinthian courtesan. Theomnestus, who formally acts as prosecutor, is just a puppet figure in this case. The man who actually pulls the strings in Neaira's prosecution is Apollodorus, Theomnestus' brother-in-law and also the man who delivers the major part of the speech acting as a *synegoros*.<sup>9</sup> Apollodorus' decision to initiate legal action against Neaira is the product of his ongoing political hostility to and legal disputes with Stephanus, a minor politician like Apollodorus himself.<sup>10</sup> The charge that Theomnestus brought against Neaira was

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<sup>8</sup> It is particularly noteworthy that the speech does not include *pisteis* ('proofs'), no doubt because Apollodorus possessed no evidence to substantiate his allegation concerning the legitimacy of Neaira's children. This is why he appeals (123-124) to his opponent's alleged refusal to hand over Neaira's female slaves for interrogation under the threat of torture (*basanos*). It has also been noted (Trevett 1992: 82 n.6) that Apollodorus' speeches include substantially higher portions of narrative than the average use in Demosthenes.

<sup>9</sup> On the intricacies of *synegoria* in this speech, see Rubinstein 2000, esp. 132-135, who rightly observes that in the concluding paragraphs Apollodorus speaks of himself as the *grapsamenos*.

<sup>10</sup> For a convenient presentation of the political skirmishes and previous legal disputes between Apollodorus and Stephanus, see Carey 1992: 4-8.

that she pretended to be in marriage with Stephanus, thereby fraudulently exercising privileges restricted to Athenian citizens.<sup>11</sup> In his short introductory speech (1-15), Theomnestus makes it plain that he seeks retribution for Stephanus' earlier prosecutions against Apollodorus which, as he says, could have ruined his family. If Neaira were found guilty, her property would be confiscated and she would have to spend the rest of her years in slavery. Stephanus would be liable to a fine of 1,000 drachmas. Yet, independently of the outcome of the trial, Apollodorus' vehement character assassination would have been enough to blacken Stephanus' reputation and marginalise him from the body of Athenian citizens on account of his alleged disrespect for fundamental civic and religious institutions of the city.

When Apollodorus decided to bring Neaira to the court, he undoubtedly knew that he had a very weak case. He possessed no substantive evidence showing that the old woman, who had been living in Athens for many years, was exercising the rights of an Athenian *aste*. In order to establish that Neaira violated the law, Apollodorus disputes the parentage of Stephanus' children. He claims, albeit somewhat inconsistently, that the three boys, Proxenos, Ariston, and Antidorides and their sister named Phano were the offspring of Neaira.<sup>12</sup> Given that at the time of the trial Stephanus' boys were adult citizens and their names figured in the citizens list (the *lexiarchikon grammateion*), Apollodorus wastes no time on their status.<sup>13</sup> By contrast, a large part of the speech is directed against the boys' sister, Phano. Athenians kept no official catalogues of women; consequently, Phano's civic status was more vulnerable to hearsay evidence than that of her brothers.

For lack of factual evidence showing that Neaira violated the law Apollodorus relies heavily on an extensive narrative including accounts of the lives of Neaira and that of Phano. This narrative aims to inculcate in the jurors emotions of hostility against Neaira, and her alleged husband, and more importantly create a suitable conceptual framework in the context of which Apollodorus invites the jurors to decide the case. Despite critics' complaints about the inefficiencies and digressiveness of Apollodorus' narrative technique, in my view the story that he tells adequately meets the demands of his argumentation and fills the legal gaps prompted by his groundless accusation.<sup>14</sup>

<sup>11</sup> On the legal aspects of the speech, see Kapparis 1999: 31-43 and 2005.

<sup>12</sup> However, Apollodorus' references to Neaira's children are highly inconsistent; see Kapparis 1999: 420-421.

<sup>13</sup> On this point, see Carey 1992: 105-106.

<sup>14</sup> For a convenient summary of scholars' complaints against Apollodorus' alleged inefficiencies, see Gilhuly 2009: 37-38 with n. 26-27.

Apollodorus' story, like all good lawyers' stories, aims at simplification. Since his opponent would no doubt produce witnesses ready to testify that Phano and the boys were his own legitimate children,<sup>15</sup> Apollodorus struggles to turn the jurors' attention to a different direction. He thus highlights the repercussions of Neaira's private life upon the institutions of the city. In addition, he exaggerates the importance of the jurors' verdict for the religious life of the city.

Apollodorus' intention is to ensure that by the end of the speech the jurors will be able to answer some simple questions: does Neaira pose a threat to the stability and the well-being of the city? Does her cohabitation with Stephanus harm the interests of the jurors' households? Or, to put it in Apollodorus' graphic way, would they like to see the prudent female members of their families who were betrothed according to the law have the same rights as a whore who spent her vagabond life in the symposia offering sexual pleasure to anyone ready to pay? Apollodorus, like modern xenophobic propagandists, tries to capitalise on oversimplifications and dilemmas concerning the integrity of the *oikos* and its significance for the procreation of legitimate children. His calculation was that by means of these dilemmas he would entice the jurors to decide the case on the basis of his own agenda.

### III. Neaira's career

Apollodorus' narrative is divided into three major parts. In the first part, he describes Neaira's career from its early stages at Corinth until her manumission and her arrival in Athens (18-49). In the second part (50-87), the speaker presents the life of Phano and pays special attention to her unhappy marriages with two Athenian men, Phrynion and Theogenes, both of whom ejected her as soon as they discovered that she was the daughter of an alien courtesan. The third part of his narrative is a long digression concerning the granting of Athenian citizenship to the Plataians in recognition of their services to the city.<sup>16</sup> My aim is to look into the first two major parts of Apollo-

<sup>15</sup> This line of defence is largely followed by Euxitheus in his appeal against his deme's decision in *Against Eubulides* ([Dem.] 47); his civic status was disputed during the *diapsephesis* of 346/5. On the procedure of *diapsephesis* and its possible bearing upon the speech under discussion, see section VI below.

<sup>16</sup> Although I fully recognise that this part of the narrative is vital to Apollodorus' line of argument, my concern in this paper is to focus on the ways in which the stories about Neaira and Phano enhance Apollodorus' argumentation. For discussion of the digression on the Plataians and its relationship to Thucydides (or other historiographers), see Kap-

dorus' narrative, which, in my view, present some striking similarities that have not received due scholarly attention.<sup>17</sup> The overall effect of these parallelisms is to hybridise the two female protagonists of the story, by the end of which they are practically indistinguishable. In Patterson's words (1994: 208), Apollodorus 'has created a fictional two-headed monster from the combined personae of Neaira and Phano'.<sup>18</sup> As we shall see, this lascivious, insatiable, and overused two-headed monster epitomises every Athenian man's marital nightmare.

In what follows, I propose to discuss Neaira's biography and then move on to examine Apollodorus' account of Phano's life in order to bring out the similarities that underlie these two stories. On the basis of these similarities, I argue that the inclusion of Phano underpins Apollodorus' rhetoric in ways that stretch well beyond his realistic calculations concerning the improvability of her status on account of her gender. In fact, Apollodorus seeks to project on Phano many of Neaira's characteristics, thereby transforming her into an effigy of her 'mother'.

According to Apollodorus, Neaira started her career at Corinth. She was one among the seven girls owned by Nicarete, a brothel-keeper and also an experienced talent-scout. Nicarete was a freedwoman and married to a certain Hippias, a cook and probably also a manumitted slave. Nicarete, who made her living from this profession, trained the girls skillfully. Being a typically exploitative brothel-keeper, she pretended that the girls were her own daughters and therefore the offspring of a free woman. Through this stratagem, Apollodorus says, she fleeced the clients who were interested to have sexual relationships with the girls:

προσειποῦσα δ' αὐτὰς ὀνόματι θυγατέρας, ἴν' ὡς μεγίστους μισθοὺς  
πράττειτο τοὺς βουλομένους πλησιάζειν αὐταῖς ὡς ἐλευθέραις οὔσαις  
(19).

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paris 1999: 375-388 and Pelling 2000: 61-67; for its argumentative value, see Patterson 1994: 209-211; Gilhuly 2009: 49-54.

<sup>17</sup> Glazebrook 2005: 173-181 offers a very useful comparison of Neaira with Phano and a number of women who appear in other forensic speeches; on the basis of this comparison, she shows that Apollodorus 'employs strategies commonly used against women... and anticipates a peculiar reaction from the jurors' (173).

<sup>18</sup> Gilhuly (2009: 48-49) rightly concludes that Apollodorus projects on Phano Neaira's negative qualities by way of 'suggest[ing] the shocking image of the *basilinna*-prostitute'.

‘She called them by the name of daughters, so that she could charge the maximum possible fees from men who wished to have relations with them, on the pretext that they were free girls’.

Later in the speech (29), we learn that Nicarete had made such outrageous demands on the men who wanted to enjoy Neaira’s sexual services that Timanoridas and Eucrates, two of her lovers in Corinth, decided to buy her for 30 minas.

One of the most salient characteristics of Apollodorus’ narrative is its digressiveness. This feature is depicted in the emphasis that he places on specific details, which *prima facie* appear to be irrelevant to the case. At the beginning of his story introducing Neaira for the first time (19-20), Apollodorus gives the names of all the seven girls who, as he says, worked for Nicarete, while he bypasses the details of their subsequent manumissions with a *praeteritio* implying that he possesses full knowledge about the girls’ subsequent careers.<sup>19</sup> Apollodorus’ list is perhaps fictive.<sup>20</sup> Most of the girls that he mentions later acquired panhellenic reputation and some of them appear in fragments of comedies; Anteia’s name in particular appears in the titles of three different comic plays.<sup>21</sup> It would therefore be tempting to assume, that Apollodorus expected some of the jurors to have living memories of productions of these comedies. On this hypothesis, the prosecutor hoped that his reference to the girls by name would not only boost the reliability of his account, but also inject into the speech generic elements of the comic presentation of courtesans.<sup>22</sup>

The description of the early stages of Neaira’s career is apparently irrelevant to the case. However, it serves a number of important purposes: first, it prejudices the jurors against Neaira through negative characterisation, since Apollodorus thus adumbrates her as an amatory young girl, eager to have sexual relationships with a number of men even when still too young.<sup>23</sup>

<sup>19</sup> προϊόντος τοῦ λόγου, ἂν βούλησθε ἀκούειν καί μοι περιουσία ἤ τοῦ ὕδατος, δηλώσω ὑμῖν, 20 (‘I shall inform you further on in my speech, if you wish to hear and I have water to spare’). All the translated passages of *Against Neaira* are from Carey 1992.

<sup>20</sup> This, however, by no means entails that the individual details concerning Nicarete’s girls are fictitious. By contrast, some of these girls were as famous as Neaira herself and therefore Apollodorus’ list seems to be the product of a parallel investigation concerning their identity and relationships with famous Athenians.

<sup>21</sup> For a discussion of the presentation of courtesans in Menander, see Traill 2008. Kapparis (1999: 208-210) provides discussion of the literary evidence.

<sup>22</sup> See McClure 2003: 107-125.

<sup>23</sup> The phrasing is elliptical and thus invites jurors to imagine the forms of sexual services that Neaira offered when still too young (and presumably still a virgin): σνηκολούθει δὲ

At the same time, it gives him the opportunity to paint in the person of Nicarete the portrait of a typical madam, exercising one of the most disgraceful professions in antiquity: Aeschines, for example, in his speech *Against Timarchus* takes it for granted that the jurors endorse feelings of hatred towards brothel-keepers.<sup>24</sup> Yet the most important motive behind Apollodorus' careful description of Nicarete's house lies in that it offers the appropriate basis for comparison that subsequently enables him to present Stephanus as a greedy pimp and his *oikos* as a Corinthian brothel. We will have to return to this point later.

After this account of Neaira's early steps, Apollodorus goes on to recount her life with some of her lovers. Being still a slave of Nicarete, Neaira visited Athens several times and offered sexual pleasure to numerous Athenians; eventually she became a celebrity and attracted many famous lovers. Most notably, when still in Corinth, two of them, Timanoridas and Eucrates, decided to buy her from Nicarete, because of the latter's extortionate demands. After an unspecified period during which they shared Neaira, the two men decided to marry. Instead of selling her to a Corinthian brothel-keeper – presumably because one of them was still in love with her or because they both fostered emotions of affection towards her – the two men offered to contribute to Neaira's manumission by allowing her a discount of 1,000 drachmas on the initial amount that they had spent on her purchase: all Neaira had to do was find 20 minas from her former lovers.<sup>25</sup> Neaira eventually collected some money and then approached one of her lovers, Phrynion, and asked him to pay the rest of the money to Eucrates and Timanoridas. Phry-

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καὶ Νέαιρα αὐτῇ, ἐργαζομένη μὲν ἤδη τῷ σώματι, νεωτέρα δὲ οὖσα **διὰ τὸ μήπω τὴν ἡλικίαν αὐτῇ παρῆναι**, 22-3 ('Neaira here accompanied them; she was already working as a prostitute, though she was too young **as she had not yet reached puberty**'). As I tried to show in an article under the title 'Liaisons dangereuses: Procopius, Lysias, and Apollodorus' (*Classical Quarterly*, forthcoming), Procopius' slanderous account of Theodora's early steps in the Hippodrome includes a similar phrase that is suggestive of the way in which he understood Apollodorus' present formulation concerning Neaira's sexual activity when she was still too young to have vaginal intercourse with her clients. Procopius' reading of the phrase indicates that he took Apollodorus' phrase to suggest that Neaira was offering oral and anal sex.

<sup>24</sup> Cp. Aeschin. 1.188, with Fisher 2001: 343; cp. also Ar. *EN* 1121b31-a3 and see Millett 1991: 182; Kapparis 1999: 228-229; McClure 2003: 15; Diggle 2004: 255.

<sup>25</sup> On the difficulties involved in understanding the exact status of freedmen/women, see Zelnick-Abramovitz 2005: 66. Detailed discussion of the relevant legal procedures and the motives that induced owners to free their slaves is offered by Kapparis 1999: 232-233. For a legal dispute concerning a manumitted courtesan, cp. Lysias 4 with Spatharas 2006.



nion agreed, paid the rest of the required amount, and took Neaira with him to Athens.

The events that Apollodorus includes in the episode of Neaira's life with Phrynion are indeed very important as far as individual characterisation is concerned. When Phrynion arrived with Neaira in Athens he treated her as a common prostitute, despite the fact that she was now a free woman. He took her with him to symposia and nightly revels and on some occasions insolently had sex with her in front of his friends. In one of these symposia, that of Chabrias on whom our sources foist a scandalous life, Neaira was so drunk as to have sex with an unspecified number of men, including the host's slaves. The graphic, or rather pornographic details about Chabrias' symposium are carefully placed immediately after Neaira's manumission; hence the narrator invites jurors to interpret her behaviour as that of a hired prostitute<sup>26</sup> who is so jaded as to respond with extreme apathy to or even invite the disgraceful advances of people with inferior status.

After a lapse of time, Neaira left Phrynion's house out of frustration for his barbarous conduct. Kapparis (1999: 45-46) points out that Apollodorus introduces Neaira's decision to escape with a phrase that clumsily betrays his emotional involvement in Neaira's maltreatment. Indeed, the phrase 'barbarously mistreated' (*πρὸς πηλακίζετο ἀσελγῶς*, 35) signifying the aggressive abusiveness revealed in Phrynion's gross sexual conduct would conceivably have made some of the jurors sympathise with Neaira.<sup>27</sup> However, we should not press this point too much. Neaira who is now free behaves like a cheap prostitute who abandons her abusive procurer. More importantly, at the time of her getaway from Phrynion's house, Neaira possesses considerable *sangfroid* to take with her some movable property and all the presents which Phrynion (and her previous lovers) had lavished on her.<sup>28</sup> This detail indicates the calculated premeditation of a self-serving person, while this characterisation is further emphasised by Apollodorus' third person omniscient

<sup>26</sup> Neaira's conduct in Chabrias' symposium exemplifies the meaning of the phrase *ἐμισθάσκει τῷ βουλομένῳ* (23), implying that she offered sexual services to anyone willing to pay (*boulomenos* also appears at 19, 20, 41). On the conflation of the terms *hetaira/porne* in rhetorical practice, see McClure 2003: 15; Miner 2003 discusses Apollodorus' deliberate conflation of the terms in the speech under discussion.

<sup>27</sup> Carey (1992: 103) and Glazebrook (2005: 170) are right to stress that Apollodorus aims to prejudice the jurors against Neaira rather than Phrynion.

<sup>28</sup> On the threats posed by the courtesans' lavishness to the well-being of the *oikos*, see Roisman 2005: 38-40 and cp. 21-22, where Apollodorus presents Lysias having a relationship with Metaneira, one of Nicarete's girls. Lysias is particularly tactful with the female members of his family, lest he offend them by the presence of a courtesan.

narration attributing Neaira's escape to Phrynion's reluctance to offer her all she desired (*οὐδ' ὑπηρετεῖ αὐτῇ ἂ ἐβούλετο*, 35). Finally, during their first encounter at Megara Apollodorus has Neaira explain to Stephanus that she was afraid of Phrynion, because *she* had wronged him (*φοβουμένη δὲ τὸν Φρυνίωνα διὰ τὸ ἡδίκηκεναι μὲν αὐτή*, 37). These details are designed to prejudice the jurors against Neaira rather than Phrynion, for they present her as an insatiable harlot prepared to show affection only as long as her lovers spend profusely on her.

Neaira then moved to Megara, where she had a difficult life, until Stephanus visited her as a client and promised to offer her a better future. Apollodorus tries to enhance the verisimilitude of his narration through a detailed description of Stephanus' discussion with Neaira which he gives in indirect speech purportedly conveying with accuracy their words. This conversation depicts Stephanus as a poor sycophant and a greedy procurer who covets the swag that Neaira possesses, but also as a man of unbridled impulse, unable to control his desire for her. Too ready to get emotionally involved in the courtesan's story about her miserable life with Phrynion, Stephanus impersonates a macho pimp prepared to do anything in order to attract Neaira's attention. He therefore advertises his intention to protect her from her abusive lover and promises that he will introduce her children into his phratry, thus offering them Athenian citizenship. Neaira, out of fear for Phrynion and willing to secure a better life for herself and her children, agreed to accept Stephanus' offer.

The fraudulent family thus came to Athens and started a new life, which was temporarily disturbed by an attempt on the part of Phrynion to abduct Neaira. These are the main contours of Neaira's biography.

#### *IV. Phano: 'the spit of her mother'.*

Phrynion's withdrawal marks Phano's dynamic appearance in the story (50). From this point of the speech Apollodorus focuses on Phano, while Neaira's role as an active courtesan subsides significantly;<sup>29</sup> she henceforth assumes

<sup>29</sup> Neaira's name is introduced again at paragraph 110, while at 108 she is referred to as a woman formerly owned by Nicarete. From this point to the end of the speech Apollodorus launches an unprecedentedly ferocious attack on Neaira. By doing so, he ensures that the jurors will turn their attention to his real target. Carey (1992: 140) argues that in the paragraphs following the excursus on the Plataians (105-108), Apollodorus deliberately omits to mention the names of either Neaira or Phano, in order to enhance the confusion between the two women. Miner (2003: 29), who endorses Carey's observation,

the role of Stephanus' accomplice in his abusive behaviour towards her 'daughter'. In this section, I discuss Phano's biography in comparison with that of Neaira, in order to locate the similarities that contribute decisively to the obfuscation of the two women's personae.

When at the beginning of the speech Apollodorus mentioned Nicarete, perhaps he expected that at least some of the jurors would unconsciously associate her with the only woman who was present in the court, namely Neaira.<sup>30</sup> At the time of the trial, the famous courtesan was already in her mid 50's and her appearance would have made such an association possible. Neaira therefore stands in the middle of a 'genealogy' of women stretching from Nicarete to Phano. Her coming to Stephanus' *oikos* signifies a mutual transposition of roles between the women of the speech.

This smooth line of succession entails transmission of habits that contravene imperatives of decency and prudence that popular morality (or rather masculine domination) imposed upon Athenian wives. Apollodorus's diction unflinchingly in the speech indicates that both Neaira's and Phano's deviance is the product of their bad upbringing: Nicarete, a brothel-keeper who feigned the role of the girls' mother brought them up (*θρέψαι*) in her whorehouse and undertook their training (*παιδεύσαι*) since they were still very young (*μικρῶν παιδίων*). Phano in her turn was brought up in an environment of analogous debauchery (*τεθραμμένη*, 51) and thus acquired the habits that her mother bequeathed to her (*ἔθη*, 50). In this connection, it is important to note that Apollodorus stresses Phano's young age when she first came to Athens with her mother (*παιδάριον* 50; cp. also 39); this reference to Phano's age not only aims to establish that she was Neaira's daughter, but also implies that she was brought up in an environment comparable to that in which Nicarete tutored the girls.

Apollodorus plays a clever game: since he has no evidence showing that Phano is Neaira's daughter, he highlights the moral features that she alleg-

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claims that 'Apollodorus gives the impression that he is slandering Phano, knowing that, once this impression has infiltrated the minds of the jurors, it would not be fully eradicated by the realisation that he is talking about Neaira'. But since in all likelihood Neaira was present in the court, the only possible referent of *haute* (107) would be she, rather than Phano; furthermore, in the same paragraph Apollodorus says that the person he is referring to made her living by offering sexual services throughout Greece and the only of the two women who is presented to have travelled from one city to the other in the speech is Neaira, rather than her 'daughter' who married twice in Athens.

<sup>30</sup> McClure (2009: 23) rightly observes that Apollodorus repeatedly in the speech points to Neaira through the use of deictics (cp. 44, 50, 64, 115); see also Glazebrook 2005: 167, showing that the use of deictics is designed to reveal the speaker's disrespect for Neaira.

edly shares with her as gleaned from her behaviour. Although Apollodorus never reaches the point of calling Phano an *ἑταίρα*, or indeed a prostitute (*πόρνη*), it is worth noting that two times in the speech he employs the feminine pronoun *τοιαύτη* (73, 81; cp. also *ἦτις*, 59) and the neuter *τοιαῦτα* (73, 85) to describe Phano and her deeds respectively, thereby insinuating that her character is the legacy of her mother's loose morals.<sup>31</sup> Furthermore, it is also remarkable that within the limits of her biography, Apollodorus repeatedly describes Phano with the periphrasis 'Neaira's daughter', while he refers to her by name only two or three times.<sup>32</sup> Apollodorus' frequent uses of the phrase 'Neiara's daughter' seeks to establish that Phano was the offspring of a courtesan, especially so because Athenian women were customarily introduced by the name of one of their male relatives.

As a result of her upbringing, Phano embodies salient stereotypes surrounding the Athenian courtesan, whose love for luxury and costly habits can prove to be extremely harmful to the prosperity of her lovers and their families. As we already saw, Nicarete's extravagance causes Timanoridas and Eucrates to buy Neaira from her in order to avoid paying the outrageous fees that she demanded (29). Neaira in her turn was accustomed to have others pay for her costly daily expenses and therefore, when she moved to Stephanus' humble house she was forced to sell her body, in order to be able to maintain her profligate lifestyle (42). Similarly, Phano considers her life with her first husband unbearable, because, as Apollodorus puts it, he was a man who 'amassed his resources by careful living' (51). This detail concerning the financial situation of Phrastor is no doubt designed to make the jurors, most of whom belonged to the same social class as Phrastor, identify with him. Finally, Phano's grouchiness towards Phrastor's frugal lifestyle parallels Neaira's dissatisfaction with her life in Megara which Apollodorus attributes to the proverbial stinginess of the locals (36).

Apart from these similarities in the two women's characters, Phano's biography includes a number of incidents or minor details which are reminiscent of the biography of Neaira. When Apollodorus recounts Phano's betrothal to Phrastor, he claims that Stephanus kept the civic identity of 'Neaira's daughter' secret from him (50). The poor man was thus deceived into a marriage with the daughter of a foreign courtesan. Stephanus' under-

<sup>31</sup> It is particularly significant that the use of *toioute* appears in contexts that refer to Phano's participation in the public rites of the city; on the use of *toioute* in the speech, see Glazebrook 2005: 168.

<sup>32</sup> On this, see Miner 2003: 27, who also pays due attention to the fact that Phano is presented to have adopted the habits of her mother; see also and Glazebrook 2005 166-167.

handed behaviour looks back to Nicarete, who, as we saw earlier, had made a practice of enticing and overcharging her clients by falsely presenting her girls as her own free daughters (18). As we shall see, Nicarete's stratagem proved to be useful to Stephanus too.

Earlier in the speech, we found Neaira employing Nicarete's scheme during the first years of her cohabitation with Stephanus. Due to the straitened circumstances of his opponent, Apollodorus says, Neaira continued to work as a prostitute in his house, but now charged her clients larger fees on account of her relationship with an Athenian citizen (41-42). Stephanus, who proved to be a more inventive, greedy and shady brothel-keeper even than professional Nicarete, took full advantage of this situation: for not only did he convert his house into a brothel, but also made frequent attempts to entrap Neaira's clients and imprison them privately, thereby treating them as adulterers (*moichoi*, 42).

An even more elaborate version of Stephanus' fiendish tactics appears in the episode that connects the stories of Phano's two unsuccessful marriages. The protagonist here is one of Neaira's former clients, a certain Epainetus from the isle of Andros (64-66). According to Apollodorus, Stephanus invited Epainetus to join him in a sacrifice; as Epainetus realised later, this invitation to the quietness of the countryside was a trap that Stephanus had set up in order to throw him into Phano's arms and arrest him for committing adultery with her. The motive behind this entrapment was Stephanus' poverty which prevented him from betrothing Phano after her first husband's refusal to return her dowry when he divorced her. He therefore underhandedly detained Epainetus, who, according to the law of adultery, would have to buy his freedom by paying ransom to Stephanus.<sup>33</sup> Stephanus obviously thought that Epainetus would panic, succumb to his blackmail, and pay the thirty minas that Phrastor withheld, thereby securing afresh Phano's lost dowry.

Despite Stephanus' calculations, Epainetus prosecuted him for illegal imprisonment. He claimed that his sexual relationship with Phano did not qualify as adultery for the following reasons: because Stephanus was not her *kyrios*; because Neaira was aware of his affair with Phano; and lastly because Stephanus' house was a brothel.<sup>34</sup> For fear that a public hearing by a court of law would serve as sufficient proof that he was a brothel-keeper,

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<sup>33</sup> For a convenient overview of the legal regulations concerning adultery in classical Athens, see Todd 2008: 43-49 and 54-55.

<sup>34</sup> On using prostitution as an argument against allegations of adultery, see Scafuro 1997: 112.

Stephanus decided to settle his dispute with Epainetus through the intervention of arbitrators.

The story about Epainetus smoothly connects the sections of the speech narrating Phano's two marriages and presents Phano protracting the family's tradition by exercising her 'mother's' profession. In addition, it denigrates Stephanus and Neaira by presenting them as a couple of profiteering brothel-keepers who shamelessly exploit Phano. More importantly, it presents her as an adulteress, even though at the end of the episode Apollodorus intends his listeners to believe that she was a prostitute exploited by her own mother and her mother's unlawful husband. It is therefore the case, that when Apollodorus let the jurors see through a peephole into Nicarete's brothel and when later he informed them that in the first years of their unlawful marriage Stephanus frequently attempted to arrest Neaira's lovers, Apollodorus anticipated the episode with Epainetus. But there are more features that the biographies of the two women have in common. For a careful reading of the narrative implies that Apollodorus introduces a number of details that interweave the episode of Epainetus' alleged adultery with the details of Neaira's manumission.

If not the product of pure coincidence, the financial details of Epainetus' inauspicious relationship with Phano are so strikingly similar to Neaira's purchase by Timanoridas and Eucrates as to indicate that Apollodorus aims to confuse the jurors. According to the narrative, these two men bought Neaira for 30 minas; later they decided to marry and announced to Neaira their intention to help her buy her freedom; they thus reduced the amount of 30 minas that they had spent on her purchase by 1,000 drachmas (that is 10 minas) and suggested that Neaira should find the remaining 20 minas.

When we turn to Stephanus' private imprisonment of Epainetus, we discover that he *also* demanded from him to pay a ransom of 30 minas. In other words, the amount of Phano's dowry was the same as the amount spent by Eucrates and Timanoridas on the purchase of Neaira from Nicarete. This, of course, may be sheer coincidence. Yet accidental similarities accrue as we reach the end of the description of Epainetus' adultery with Phano. For Apollodorus claims, that during his reconciliation with Epainetus in the presence of arbitrators (69-70), Stephanus beseeched him to contribute 1,000 drachmas to Phano's dowry on account of his frequent visits to her in the past. Although the amount of 30 minas is not uncommon in sources referring to the manumission of courtesans or fathers dowering their daughters,<sup>35</sup> it is indeed surprising that *both* Neaira and Phano are offered the amount of

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<sup>35</sup> For relevant material, see Kapparis 1999: 268-269, with further literature.

1,000 drachmas by former lovers in cliff-hanging situations of their lives in return for their past services to them. Indeed, the specific nature of Phano's services to Epainetus is brought out transparently by the use of the suggestive word *κέχρησαι* that Apollodorus puts in Stephanus' mouth (70). In order to understand the verb, with which Apollodorus repeatedly refers to Neaira's services, we should turn our attention to a passage from the end of the speech, where Apollodorus calls the jurors to imagine all the possible ways in which Neaira satisfied her numerous clients:

ἦν δὴ ὑφ' ἑτέροις οὔσαν καὶ ἀκολουθοῦσαν τῷ διδόντι τί οἴσθε ποιεῖν;  
 ἄρ' οὐχ ὑπηρετεῖν **τοῖς χρωμένοις** εἰς ἀπάσας ἡδονάς; (108)

'And what do you expect a woman to do when she is under the control of different men and goes with anyone who pays? Surely **to serve** her customers in every type of pleasure?'

Apart from serving the purpose of denigrating Phano, the occurrence of this verb in the context of Stephanus' bargain with Epainetus also underlines his parasitic pettiness, all the more because he employs it as a vehicle of cajolement.<sup>36</sup>

Apollodorus' 'biographies' of the two women present striking resemblances. His aim is not only to prejudice the jurors against Neaira and inflict anger against a former prostitute who unlawfully secured Athenian citizenship for her children, but also to invest Phano with some of the typical characteristics of courtesans with which Apollodorus invested Neaira earlier in the speech. In addition, Apollodorus cleverly models the description of Phano's life in Stephanus' *oikos* on the story of Neaira's career as Nicarete's slave, thereby arousing suspicion concerning her civic status.

#### V. Phano and the mysteries

After her divorce with Phrastor, Phano was given into marriage again. This time, Stephanus' victim was a certain Theogenes, a man of noble birth, albeit poor and inexperienced in political matters. According to Apollodorus,

<sup>36</sup> For a comparison of Theomnestus' self-gratulatory description of his own family at the beginning of the speech with Apollodorus' account of Stephanus' *oikos*, see Gilhuly 2009: 36-7. I take it that Apollodorus' confusing presentation of Stephanus' economics also serves the purpose of adumbrating him 'as being constantly guilty of assimilating long-term transactions to the conventions of short-term exchanges' (Gilhuly 2009: 37), thereby posing serious threats to the city's norms regulating marriage and civic status.

Stephanus approached Theogenes when he was about to enter his office as king-archon, offered him practical assistance and subsidised him (72). In exchange, Theogenes who had started to trust Stephanus appointed him his assessor. Subsequently, Stephanus betrothed Phano to Theogenes in full awareness that he was violating a law prescribing that the king-archon's wife had to be an Athenian woman and also a virgin. This provision, Apollodorus says, was related to the religious duties undertaken by the archon's wife and especially her symbolic marriage with Dionysus during the festival of the Anthesteria.

Phano's marriage with Theogenes did not obtain for long, because the members of the Areopagus decided to make a confidential enquiry concerning Phano's identity, or so Apollodorus says. Thanks to this enquiry, wide-eyed Theogenes discovered that Phano was a foreigner of loose morals. He thus divorced her immediately and begged the members of the Areopagus to forgive him,<sup>37</sup> because he had been deceived by Stephanus' knavery.

Under careful inspection, this story proves that Phano was the daughter of Stephanus:<sup>38</sup> if the most experienced body of Athenian jurors possessed evidence disputing Phano's legitimacy or even harboured suspicions about her, the least they would do was initiate legal proceedings against her by informing the appropriate archon. In all likelihood, the only misdemeanour that they detected was that, when Phano was betrothed to Theogenes, she was not a virgin and therefore not an appropriate wife for the king-archon. But Apollodorus draws significant rhetorical capital from this story, because it allows him to show that Phano's marriage is commensurate with an act of impiety. Later in the speech (87), Apollodorus brandishes at the jurors the law of adultery prohibiting women who had been involved in adulterous relationships to enter the public temples, thereby suggesting that Phano polluted the city.

The function of Phano's biography and the blurring of her identity with that of her mother can now be interpreted on more solid ground. In all likelihood, Phano and her brothers were Stephanus' own children from an Athe-

<sup>37</sup> Theogenes' response to the Areopagus is given in direct speech, and as Bers (1997: 160 n.71) points out 'his [sc. Theogenes'] declaration' is commensurate with an 'almost performative utterance': "ὅτι δὲ ἔφη 'οὐ ψεύδομαι, μεγάλῳ τεκμηρίῳ καὶ περιφανεῖ ἐπιδείξω ὑμῖν· τὴν γὰρ ἄνθρωπον ἀποπέμψω ἐκ τῆς οἰκίας, ἐπειδὴ οὐκ ἔστιν Στεφάνου θυγάτηρ ἀλλὰ Νεαίρας. κἄν μὲν ταῦτα ποιήσω, ἤδη πιστοὶ ὑμῖν ὄντων οἱ λόγοι οἱ παρ' ἐμοῦ λεγόμενοι, ὅτι ἐξηπατήθην· ἐὰν δὲ μὴ ποιήσω, τότε ἤδη με κολάζετε ὡς πονηρὸν ὄντα καὶ εἰς τοὺς θεοὺς ἠσεβηκότα.'" (82); Bers is right to maintain that 'the final phrase of the O[ratio]R[ect]a' is virtually a refrain in the speech (§§ 12, 13, 44, 77, 107)'.  
<sup>38</sup> On this point, see Kapparis 1999: 39.



nian mother who is unknown to us, although it is conceivable that Neaira's long-lasting relationship with Stephanus had prompted rumours surrounding Phano's identity. Since she was an Athenian *aste*, she was allowed to have access to the religious life of the city from which Neaira, being a foreigner, was excluded. It was indeed Phano's accessibility to the public realm that encouraged Apollodorus to give her such a prominent position in his narrative and associate her so closely with Neaira. Acting as a public prosecutor, he alerted the jurors against a polluted woman brought up by a former courtesan in a house that resembled more a Corinthian brothel than a decent Athenian *oikos*. This woman of loose morals posed a serious threat to the institutions of the city and its religious life. Before I conclude I would like to consider the reasons that motivated Apollodorus to compose a titillating narrative describing the debauchery of a now retired courtesan and launch an *ad hominem* attack against her alleged daughter.

#### VI. *Timeliness and simplification*

Although it seems that Apollodorus had not received formal rhetorical education,<sup>39</sup> his experience would have suggested to him that forensic speeches largely rely on competing stories. This entails that his line of argument was conditioned by serious consideration of his opponent's strategy. Apollodorus probably expected that Stephanus would attempt to overturn his allegations concerning the legitimacy of his children primarily on the basis of evidentiary material, especially through irksome testimonies of witnesses.<sup>40</sup> His gravitation towards substantive evidence would unavoidably result into a more fragmented and for this reason less charming speech. Consequently, Apollodorus' calculation must have been that the titillating details about Phano's adulterous relationships, the accounts of Stephanus' and Neaira's intrigues, and some voyeuristic glances at the orgies of the rich&famous would beguile the jurors into amused approval of his arguments. Furthermore, Apollodorus' speech eminently appeals to the jurors emotions: it ignites feelings of anger against Stephanus' family, envy against Neaira's wealthy lovers and their flamboyant lifestyle, and fear for the severe consequences of Athenians' rubbing shoulders with masqueraded foreigners who pollute the city. Apollodorus invested in mud-slinging tactics and kept his fingers crossed.

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<sup>39</sup> See Trevett 1992: 166.

<sup>40</sup> See n. 15 above.

There is however another important reason that probably actuated Apollodorus to attack Neaira with this sexually descriptive story, namely its timeliness. As a modern student of forensic narrative put it, ‘the struggle of attorneys to find the best accounts for their clients turns courtroom stories into excellent barometers of what is said and thought in a culture at any given moment of time’ (Ferguson 1996, 87). In what follows, I would like to argue that Apollodorus’ story fits Athenian worries of the second half of the 4<sup>th</sup> century.

The concluding paragraphs of the narrative culminate in a rampant personal attack that summarises, albeit with extreme viciousness, many of the features that Apollodorus attributed to Neaira and Phano earlier in the speech. It is after his opportune digression on the Plataians, who, as is well known, were rewarded with the privilege of Athenian citizenship that he presents Neaira as a *porne* (107). In this context, Apollodorus stresses with phenomenal cruelty that Neaira prostituted herself throughout Greece offering sexual pleasure to many men in all sorts of different positions. It is also here (108) that, if we are to follow Kapparis’ recent edition (2008), Apollodorus exclaimed with overt sarcasm, that, while the rest of the prostitutes made their living out of two holes, Neaira made full use of three holes. If Apollodorus ever employed this phrase,<sup>41</sup> his intention was to ridicule Neaira’s promiscuity by inviting the jurors to visualise her offering her body in all possible ways to groups of men. Later he calls them once more to ponder on whether they would like to see Neaira, a woman who spent her life having sex many times every day with many different men (114), have an equal share in the privileges restricted to the decent female members of their houses.

Apollodorus’ dismissive vocabulary describing Neaira’s sexual life is carefully juxtaposed with words designating normative values surrounding the seemliness of Athenian wives. More importantly, Apollodorus repeatedly emphasises that Neaira’s usurpation of Athenian privileges is commensurate with an action of impiety (*asebeia*), a word that appears no fewer than twenty times in the speech. The most notable example derives from paragraph 109, that is immediately after the passage referring to Neaira’s use of her three holes; Apollodorus asks the jurors to consider the consequences of the defendant’s acquittal by repeating three times in one single paragraph the word *asebeia*. Far from betraying flabby style, this repetition indicates emphatically that Neaira’s immorality is enough to cause divine anger.

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<sup>41</sup> On this point, see Spatharas forthcoming (n. 23 above).

As is expected, Apollodorus' attempt at simplification reaches a climax towards the end of the narrative. The implications of the various incidents of Neaira's and Phano's lives are now codified into simple questions that jurors will have to answer to their wives should they venture to acquit Neaira (110-111). He therefore invites jurors to view the trial as an assertion of the city's fundamental values and as a vehicle through which they can uphold and preserve their civic privileges. It remains to show that these questions comply with concurrent Athenian concerns.

A few years before Apollodorus' prosecution of Neaira, which we must place between 343 and 340,<sup>42</sup> the Athenian demes conducted an extensive examination of the civic status of their members. This examination, which is known as *diapsephesis*, happened in 346/5, according to a decree proposed by a certain Demophilus. Apollodorus says nothing about the *diapsephesis*, although such a reference would aptly exalt the city's concern for the privilege of Athenian citizenship. The reason for this omission is obvious. Apollodorus alleges that Neaira came to Athens with Phano and her boys, whom Stephanus unlawfully registered in his own deme. If Apollodorus was able to show that after the *diapsephesis* the boys were expelled from their demes, he would undoubtedly have done so. But he has not. The reason for this is that no one disputed their status during the *diapsephesis*. However, it is likely that when Apollodorus prosecuted Neaira, the issue of legitimacy still dominated the social life of Athens and determined the agenda of political debates and legal disputes. It is also imaginable that some appeals against the demes' decisions were probably still being heard by Athenian courts months after the *diapsephesis* of 346/5 and as a result arguments concerning the significance of civic status were common currency of the day.<sup>43</sup>

In this socio-political frame, Neaira was a convenient bogey man to offer sufficient fostering to Apollodorus' xenophobic rhetoric; thus the emphasis of the speech on the utmost importance of the *oikos* in the preservation of Athenian identity. As Apollodorus claims in a piece full of exaggerated *deinosis* aiming to impart emotions of fear (113), if the young men of the city fall prey to the charms of such prostitutes as Neaira, the jurors' daughters, and especially those among them who are less well-off and less attractive, will be unable to find a husband. The most abhorrent repercussion of the whores' expansionism, the speaker says, will be that it will soon force decent

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<sup>42</sup> On the date of the speech, see Trevett 1992: 48-49; Carey 1992: 3; Kapparis 1999: 28-31; Wallace (2000: 591) concludes that the speech was composed 'earlier rather than later in the 340's'.

<sup>43</sup> See Carey 1992: 12.

Athenian girls to become prostitutes themselves. No doubt, this is a dangerous reversal of roles caused by the know-how of such professional sex workers as Neaira.

Another important element that must be taken into account is that at the time of the trial Athenian society exhibits a growing interest in matters of morality and political decency. This is clearly depicted in Aeschines' successful prosecution of Timarchus, which, according to Nick Fisher (2001: 63), probably encouraged Apollodorus to gravitate towards a speech emphasising with graphic realism the consequences of sexual licence. In this connection, it is notable that both Aeschines' and Apollodorus' personal attacks on the private lives of Timarchus and Neaira include retrospective and indeed gossipy accounts of 'events' that took place at least three decades before the trials were heard. More importantly, in both speeches the prosecution endeavours to determine the boundaries between the protagonists' private lives and the public life of the city by stressing the repercussions of debauchery upon its institutions. In Neaira's case, the penetration of the private into the public realm is emblematically depicted in Apollodorus' story concerning Phano's marriage to Theogenes that supposedly caused the intervention of the Areopagus.

It seems that by the time of the trial this traditional court had started to assume responsibilities that perhaps extended to the supervision of moral issues.<sup>44</sup> The growth of the Areopagus' authority during the 4<sup>th</sup> century and its accruing interventionism are symptomatic of the city's nostalgic gaze at its glorious past and its growing conservatism. In *Against Timarchus* delivered a few years before *Against Neaira*, Aeschines sung the praise of the Areopagus and emphasised its prominence in matters of civic decency (192). In his speech *Against Neaira*, Apollodorus had some members of the Areopagus discover the unlawfulness of Theogenes' marriage to Phano. Perhaps the moral condemnation that Phano allegedly received from the members of the Areopagus who, as the speaker says, described her dismissively as 'a women of this sort' (*toiaute*, 81) was enough to encourage some of the jurors cast their vote against 'her mother'.

## VII. Conclusion

When the historical person named Neaira found herself in the court listening to Apollodorus in silence, she would have been unable to identify herself

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<sup>44</sup> On this point, see Fisher 2001: 64-65, with further literature.

with the Neaira of his story. Apollodorus' Neaira, and, of course, Apollodorus' Phano are fabrications epitomising the reversal of the city's ideological assumptions concerning such fundamental institutions as marriage and civic legitimacy. Furthermore, the unseemly behaviour of these two women is recurrently described as commensurate with impiety deserving immediate punishment. For lack of serious substantive evidence, Apollodorus' merciless attack focusing on aspects of Neaira's sexual life aims to determine the criteria upon which jurors will have to cast their vote. In his speech *Against Timarchus* delivered only a few years earlier, Aeschines advanced Rumour to the status of a goddess in order to show that his opponent had been a male prostitute. Given that Neaira was a famous courtesan, Apollodorus' case required less impressive acrobatics. It seems that all it required was to fabricate a good story that could have begun with the phrase 'once upon a time...'<sup>45</sup>

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