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“*GEROTROPHIA*: A CONTROVERSIAL LAW” —
RESPONSE TO EVA CANTARELLA

1. *Gerotrophia* and generation conflicts¹

Anchisteia conceded the important right of claiming the heritage of a deceased family member; in exchange, it implied as well certain obligations respecting the dead. If death were caused by homicide, it would be up to the *anchisteis* to assure that justice should be done; family members also had ritualistic obligations, particularly regarding the cult of those who were no longer among the living. However, even before the progenitor’s death, there was another type of responsibilities that were to be provided by the *anchisteis*, especially by the son who would inherit the patrimony of his father and mother, as future *kyrios* of the *oikos*: to maintain his parents in old age, provide them shelter and food and take care of them in sickness. As is rightly underlined by E. Cantarella, those obligations would fall under the concept of *gerotrophia* or *geroboskia*, and their effects would remain binding even after the parents’ death, because a son should provide them a proper funeral ceremony and continue to honour their memory. At a time when the State was still far from creating a social security system, the possibility of granting protection in old age was, of course, a guarantee that parents would expect to receive from their children. On the other hand, it is reasonable to perceive

¹ I wish to thank Manuel Tröster, who read an earlier version of this paper and whose comments helped me to improve it, especially at the linguistic level. This work was developed under the project UID/ELT/00196/2013, funded by the Portuguese FCT – Foundation for Science and Technology.

gerotrophia as the natural counterpart of the effort that parents had made themselves by nurturing their young (*paidotrophia*).² Both attitudes are therefore directly interwoven by a principle of reciprocity: as a result, in a normal situation, a well-conducted *paidotrophia* represents a good investment and a security for the future. In fact, after coming to age, properly raised young adults can be expected to become responsible citizens and good parents in their turn, being receptive as well to the natural obligation of repaying what they have received, thereby protecting the older members of the *oikos*. Reality, however, does not always correspond to this idyllic portrait of life, and this is clearly visible in an author as early as Hesiod, who, in his Myth of the Five Ages, presents the lack of respect as a symptom of human degradation during the Iron Age (*Op.* 185-8):

αἴψα δὲ γηράσκοντας ἀτιμήσουσι τοκῆας
 μέμψονται δ' ἄρα τοὺς χαλεποῖς βάζοντες ἔπεσσι,
 σχέτλιοι, οὐδὲ θεῶν ὅπιν εἰδότες οὐδέ κεν οἷ γε
 γηράντεσσι τοκεῦσιν ἀπὸ θρεπτῆρια δοῖεν.

Soon as they grow old people will show no respect to their elders; harshly upbraiding them, they use words that are horribly cruel, wretches who don't acknowledge the face of the gods, and who will not pay back ever the cost of their upbringing to their old parents.³

Although in poetic form, Hesiod's lines provide some (proto)legal snapshots on the problem under consideration: as soon as the parents get older (*γηράσκοντας*), their young start dishonouring (*ἀτιμήσουσι*) them. This means that it is the elders who suffer a kind of *atimia* because of the way they are exposed to public inconsideration, and not that *atimia* is the penalty for the offender. On the other hand, Hesiod makes quite clear that the obligation of *gerotrophia* is a form of reward that should be given as a return for the previous investment in the rearing of children (*ἀπὸ θρεπτῆρια*). Failing to grant this is a complete annihilation of the basic principle of reciprocity behind this natural expectation. E. Cantarella is therefore right to argue that, when Solon enacted the law on *gerotrophia*, he was moving into the civic level the 'ideological function' of these old moral principles (later labelled "unwritten laws", *agrapta nomima*, because they are primordial and prior to any specific regulation of society"⁴), to which the legislator added as well a socio-economic aim, by connecting this law with the obligation of teaching a trade or a craft (a *technē*) as part of a well-conducted *paidotrophia*.

² On this see Leão (2011). Faraguna (2012), 134-5, rightly underlines that the principles of reciprocity implied by the concept of *eranos* could be applied as well to the image "del dare-avere che caratterizza il rapporto tra padri e figli". Cf. Euripides, *Supp.* 361-4; [Demosthenes], 10.40-41; Aristotle, *Pol.* 1332b35-41.

³ The English version is taken from the translation of Daryl Hine, available at "The Chicago Homer" project (<http://homer.library.northwestern.edu/>).

⁴ The quotation is taken from Fialho (2010) 108.

A very interesting aspect in E. Cantarella’s paper is the presentation of an inscription from Delphi, which is the sole surviving epigraphic document dealing with *gerotrophia*. As she argues, the reference to the fact that the offender ought to be kept in chains at the public prison may suggest that the idea would be to keep him there until the payment of a monetary penalty was made. Even if this cannot be taken as certain (because unfortunately the inscription is illegible afterwards), it remains a pertinent suggestion that could be taken as an alternative to the usual understanding that the punishment for failing to comply with the duties of *gerotrophia* was a penalty of *atimia* (as sustained by Diogenes, 1.55: ἔάν τις μὴ τρέφῃ τοὺς γονέας, ἄτιμος ἔστω = Fr. 104b Leão-Rhodes). This may be true for classical times, but seems a penalty too heavy for the time of Solon, when *atimia* was a harsher punishment, equivalent to outlawry (and not simply to the loss of civic rights), applicable to crimes of extreme importance that could put in danger the entire community.⁵ This is admittedly not the case of *gerotrophia*, which would essentially affect the domain of the *oikos*. It is therefore an interesting possibility to imagine that Solon may have fixed a fine for those who did not fulfil the duties respecting *gerotrophia*, because he did prescribe this kind of fines in other instances: e.g., one hundred drachmae for the man who seized a free woman and raped her (Plutarch, *Sol.* 23.1 = Fr. 26 Leão-Rhodes), or twenty for the one who procured a free woman (also Plutarch, *Sol.* 23.1 = Fr. 30a Leão-Rhodes). If this were the case, the penalty of *atimia* would be a later development and could express a deeper involvement of the *polis* in the way the question of *gerotrophia* was dealt with at the private level of the *oikos*. At any rate, this is an argument *ex silentio* and cannot be taken as certain, although it favours Cantarella’s pertinent suggestion that the apparent revival of this law during the final decades of the fifth century could be an attempt to contain the growing generational conflict deriving from the gradual democratization of institutions, stimulated by the sophistic education.

2. Is there a time limit to the obligations of *paidotrophia* and *gerotrophia*?

In a quick survey of literary works that approach the problem of confrontation between generations, E. Cantarella briefly evokes the case of Euripides’ *Alcestis* (presented in 438, thereby being his earliest dated play⁶), where the tension between Pheres and his son Admetus explores very impressively the limits and contradictions of the reciprocity ties deriving from *paidotrophia* and *gerotrophia*. It is Apollo himself, who was compelled by Zeus to serve (v. 6: θητεύειν) in the house of a mortal, despite being a god, who presents the guidelines of the plot in his opening monologue, which corresponds to the prologue of the play⁷ (vv. 1-28): in order to escape immediate death, Admetus had to find someone willing to die instead of him, but his father and mother refused, and so it was only his wife, Alcestis, who volunteered for the sacrifice.

⁵ See Leão & Rhodes (2015) 64 and 97.

⁶ Parker (2007) xix.

⁷ Besides the case of *Alcestis*, Euripides begins with a divine monologue in four other plays: *Hippolytus*, *Troades*, *Ion*, and *Bacchae*. See Parker (2007) 49.

Her decision was made when they were about to marry, but the gods allowed them some years of marital happiness and thereby *Thanatos* is about to claim her life when they have already had children, whom Alcestis wants to protect, before dying, from a would-be stepmother. The fact that they have descendants when the plot starts is an important point, often overlooked by commentators, because it undermines the argumentation of Admetus and Pheres, thereby exposing their selfish behaviour. In fact, if Admetus already has children, this means that the keeping of the *oikos* is now ensured and so he could in fact die himself instead of Alcestis without affecting the future of his house; on the other hand, even if Pheres highly praises his son's wife, the fact is that, in practical terms, she has already fulfilled her function of bearing him descendants, and up to a certain point is now expendable. In those circumstances, the arguments based on the need of safeguarding the *oikos*, or on the obligations deriving from the reciprocal ties of *paidotrophia* and *gerotrophia*, are simply outdated and used as an expedient to conceal the cowardice that they both represent.

Even so, it is legitimate to ask: is Admetus correct in demanding the sacrifice of his parents as an extension of *paidotrophia*, and does he have sufficient grounds to repudiate the duties of *gerotrophia*? On the other hand, is Pheres right in arguing that his obligations were complete at the moment when he succeeded in raising Admetus to be the master of the *oikos*, thereby not being obliged, in addition, to die for him? As he concisely concludes (vv. 703-4): νόμιζε δ', εἰ σὺ τὴν σαυτοῦ φιλεῖς / ψυχὴν, φιλεῖν ἅπαντας.⁸ To put it differently: is there a reasonable limit to the obligations of *paidotrophia* or *gerotrophia*?

As pointed out by E. Cantarella, some categories of people were exempted from the responsibilities of *gerotrophia*: sons prostituted by their fathers, children born from a *hetaira* (and therefore *nothoi* who because of this were not entitled to the right of inheritance) and also those who had not been taught a *technē* by their fathers.⁹ Those restrictions have in common the idea that *paidotrophia* has not been well conducted by the father and hence that the descendants are not obliged to repay the progenitor's previous investment in their rearing. On the other hand, when comparing the prerogatives of the Roman *paterfamilias* with the Greek practices respecting the relations of fathers and sons, Dionysius of Halicarnassus mentions penalties that could be applied against sons by their fathers (*Ant. Rom.* II. 26. 2-3 = Fr. 142 Leão & Rhodes):

οἱ μὲν γὰρ τὰς Ἑλληνικὰς καταστησάμενοι πολιτείας βραχύν τινα κομιδῆ χρόνον ἔταξαν ἄρχεσθαι τοὺς παῖδας ὑπὸ τῶν πατέρων, οἱ μὲν ἕως τρίτον ἐκπληρώσωσιν ἀφ' ἧβης ἔτος, οἱ δὲ ὅσον ἂν χρόνον ἠίθειοι μένωσιν, οἱ δὲ μέχρι τῆς εἰς τὰ ἀρχεῖα τὰ δημόσια ἐγγραφῆς, ὡς ἐκ τῆς Σόλωνος καὶ Πιπτακοῦ καὶ Χαρώνδου νομοθεσίας ἔμαθον, οἷς πολλὴ μαρτυρεῖται σοφία· τιμωρίας τε κατὰ τῶν παίδων ἔταξαν, ἐὰν

⁸ 'Accept that, if you love your own life, everybody loves theirs.' English translation by Parker (2007) 191.

⁹ For more details, see Leão & Rhodes (2015) 92-7.

ἀπειθῶσι τοῖς πατράσιν, οὐ βαρείας, ἐξελάσαι τῆς οἰκίας ἐπιτρέψαντες αὐτοὺς καὶ χρήματα μὴ καταλιπεῖν, περαιτέρω δὲ οὐδέεν.

In fact, those who established the constitutions for the Greeks determined quite a short time for sons to be under the rule of their fathers: some until they reach the third year after puberty, others during the time they remain unmarried, and others until they enroll their names in the public records, as I learned from the legislation of Solon, Pittacus, and Charondas, in whom much wisdom is shown. They determined punishments for the children, in the case they disobey their fathers, but not very heavy: they allow [the fathers] to expel them from their home and to exclude them from their inheritance, but nothing beyond that.¹⁰

The text has a vague reference to Greek law and to paradigmatic legislators (Solon, Pittacus, and Charondas), and therefore it is not clear in which *poleis* those norms were enacted or whether they existed at all, because Dionysius’ goal is to underline that Greek practices were milder than those observed by the Romans, a fact that E. Cantarella points out as well in her opening considerations. Even so, in extreme circumstances a father could proclaim a separation (*apokeryxis*) from his son, expelling him from the *oikos* and even cutting off his part in the family property. This is probably what Dionysius has in mind, although sources suggest that *apokeryxis* was used only very seldom and more as a theoretical prospect than as a concrete reality.¹¹

A similar ambivalence towards the duties of *paidotrophia* and *gerotrophia* is implied by a passage from the *Nicomachean Ethics* (1163b15-27) on the honours owed to gods and parents (καθάπερ ἐν ταῖς πρὸς τοὺς θεοὺς τιμαῖς καὶ τοὺς γονεῖς). As underlined by E. Cantarella in quoting this passage, a father could disown his son but not the opposite, because a son is always a debtor to his father and cannot ever pay him back enough for what he has received. Just after this section, Aristotle makes a supplementary statement that may shed new light on the question under consideration (*Eth. Nic.* 1163b22-27):

ἄμα δ’ ἴσως οὐδεὶς ποτ’ ἂν ἀποστήναι δοκεῖ μὴ ὑπερβάλλοντος μοχθηρίας· χωρὶς γὰρ τῆς φυσικῆς φιλίας τὴν ἐπικουρίαν ἀνθρωπικὸν μὴ διωθεῖσθαι. τῷ δὲ φευκτὸν ἢ οὐ σπουδαστὸν τὸ ἐπαρκεῖν, μοχθηρῷ ὄντι· εὖ πάσχειν γὰρ οἱ πολλοὶ βούλονται, τὸ δὲ ποιεῖν φεύγουσιν ὡς ἀλυσιτελέες.

At the same time, no doubt it is unlikely that a father ever would abandon a son unless the son were excessively vicious; for natural affection apart, it is not in human nature to reject the assistance that a son will be able to render. Whereas a bad son will look on the duty of supporting his father as one to be avoided, or at all events

¹⁰ The text and translation of Dionysius’ passage are those of Leão & Rhodes (2015) 191.

¹¹ See Cantarella (2010) 1-14, especially 5-7 on the right of excluding a son from inheritance by *apokeryxis*. See also Strauss (1993) 62-6; Mélèze (2010); Leão & Rhodes (2015) 191-2.

not eagerly undertaken; for most people wish to receive benefits, but avoid bestowing them as unprofitable.¹²

With these remarks in mind, it is now time to return to the reasoning of Admetus and Pheres. The former argues that the bonds of *anchisteia*, the necessity to grant the continuity of the *oikos* and, above all, the duties of *paidotrophia* should have convinced his father or mother to sacrifice their lives for their own son. However, Pheres claims that he has the right to appreciate life just the same way Admetus does, and especially that he has reared his son well and passed him already the rule of the house — therefore, the duties of *paidotrophia* no longer applied to him and it was now his turn to receive the benefits for this investment, through *gerotrophia*. Despite the fact that Euripides presents Pheres as a despicable character, in ethical and legal terms, it is also true that, from Hesiod down to Aristotle, his argumentation has firmer grounds than that of Admetus, whose cowardice becomes increasingly evident and unbearable even for himself after his wife's death. There is, however, another important factor in the play which in fact ends up bringing the final solution: the importance of *philia*. Apollo and Heracles both emphasise the quality of the bonds of *philia* and *xenia* stimulated by Admetus; besides that, the intense harmony existing between him and Alcestis is also repeatedly underlined. But Apollo, Heracles, and Alcestis are characters alien to the original *oikos*, and therefore Euripides seems to be stating clearly that *philia* is, in the end, more important and especially much more effective than *anchisteia* in providing a solution to this impasse: Alcestis sacrificed herself for Admetus, and Heracles restored her to life, thus rebuilding the *oikos* of his host, as Admetus clearly recognises (*Alc.* 1138).¹³

Finally, a small provocation, to try to answer the opening question of this section: is there a precise time limit to the obligations of *paidotrophia* and *gerotrophia*? The answer to this problem is not easy to give,¹⁴ neither in ancient Greece nor in modern times. In fact, recent years have shown this in a very bitter way, especially in those European countries severely castigated by the economic crisis: young people without stable jobs, who are unable to exert a *techné* and live on their own, constitute an open challenge to the general obligation to pay taxes for the *gerotrophia* of an increasingly older population.

¹² English version by H. Rackham, available at the *Perseus Digital Library*.

¹³ As Fialho (2010), 117, rightly points out, the solution to Admetus' problems is brought by two foreigners whose *philia* is more effective and stronger than the blood ties. Cantarella (2015), 26-27, calls attention to the fact that Plato, in the *Symposium* (179b-c), gives preference to Alcestis over Orpheus, because, in giving her own life to save Admetus, she did more for her lover, and because of that the gods allowed her to come to life, whilst Orpheus failed to recover Eurydice. In the same passage, Plato also underlines clearly that the *philia* and *eros* of Alcestis were much stronger than the family ties of Admetus' parents.

¹⁴ Fialho (2010), 116-17, building on the comments of the Chorus in Sophocles' *Electra* (1058-62), maintains that there is "an overlapping of both obligations, in a sort of timeless interaction".

Some parents, on the other side, like Pheres, stand up against the pressure of keeping their grown-up children at home, extending beyond the reasonable the obligations of *paidotrophia* and preventing themselves from enjoying the benefits of a peaceful retirement. In the end, we can feel tempted to ask ourselves: would Admetus face the risk of being called a “mammonē” by Pheres, had they lived in the 21st century?

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