

**THE ATHENIAN FAMILY: A
SOCIOLOGICAL AND LEGAL
STUDY, BASED CHIEFLY ON THE
WORKS OF THE ATTIC ORATORS;
A DISSERTATION**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649503551

The Athenian Family: A Sociological and Legal Study, Based Chiefly on the Works of the Attic Orators; A Dissertation by Charles Albert Savage

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

CHARLES ALBERT SAVAGE

**THE ATHENIAN FAMILY: A
SOCIOLOGICAL AND LEGAL
STUDY, BASED CHIEFLY ON THE
WORKS OF THE ATTIC ORATORS;
A DISSERTATION**

THE ATHENIAN FAMILY
A SOCIOLOGICAL AND LEGAL STUDY

BASED CHIEFLY ON THE WORKS

OF

THE ATTIC ORATORS

A DISSERTATION

PRESENTED TO THE BOARD OF UNIVERSITY STUDIES OF THE
JOHNS HOPKINS UNIVERSITY IN CONFORMITY WITH THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

BY

CHARLES ALBERT SAVAGE

BALTIMORE
1907

Q. B. 155
S 263
C. 2



The Lord Baltimore Press
BALTIMORE, MD., U. S. A.

TABLE OF CONTENTS

	PAGE
BIBLIOGRAPHY	IX
PREFATORY NOTES	XI
CHAPTER I. INTRODUCTION	I
Materials for our Sketch—Isaeus the Delineator of Social Life—Isaeus the Jurist—Isaeus the Stylist—Isaeus' Unique Position.	
CHAPTER II. THE RELIGIOUS FEELING IN ATHENIAN PRIVATE LIFE	5
The Religious Feeling which pervades Greek Literature—The Feeling of the Greeks for the Dead—Outbreak of Feeling after Arginusae—Care of the Graves and Offerings at the Tombs—Sensitiveness of the Spirit of the Departed—Feeling for the Dead as seen in the "Antigone"—Influence of the Spirit of the Dead—Fear of a "Desolate Heritage"—Religious Duties of the Heir.	
CHAPTER III. THE ATTITUDE OF THE STATE TOWARD THE FAMILY AND THE RELIGIOUS CULT.....	17
Motives of the State in encouraging Religious Observances—Religious Feeling as seen in the "Antigone"—The State affected by the Neglect of Religious Rites—Political Motives of the State for preventing the Alienation of Inheritances.	
CHAPTER IV. THE POSITION OF ATHENIAN WOMEN DURING THE PERIOD OF THE ATTIC ORATORS.....	22
The High Position of Homeric Women—Reasons assigned for the Athenian Woman's Unenviable Position—Inferior Position of Athenian Women—Meagre Education of Athenian Girls—The Secluded Life of Athenian Girls—The Secluded Life of Athenian Women—Legal Incapacity of Athenian Women—Strict Seclusion not Universal—Greek Writers' Unfavorable Attitude toward Women—Attitude of the Philoso-	

	PAGE
phers—Attitude of the Dramatic Poets—Mahaffy's Optimistic Views—Attitude of the Lyric Poets—Our General Impressions of the Situation—Effect upon Society of Woman's Secluded Life.	
CHAPTER V. THE ATHENIAN MARRIAGE.....	46
Restrictions in Marriage—Marriage between Relatives—Age for Marriage—Social Position in Marriage—Marriage from the Man's Standpoint—Marriage of the Heiress with the Nearest of Kin—The Father chooses his Son's Wife—The Father gives the Daughter in Marriage—Brothers betroth Sisters—A Dying Husband betroths his Wife—The Betrothal—Gloomy Aspects of the Athenian Marriage—Frequency of Divorce—Husbands give their Wives to Others—Inheritance Laws sometimes terminate Marriages—Double Moral Standard of the Athenians—Divorce easily accomplished—Status of the Widow—The Dowry—The Dowry originally Purchase Money—Objects and Advantages of the Dowry—Concubinage—Difficulties of the Problem—Buermann's Theory—Motives and Ideals in Marriage—Ignoble Marriage Ideals—Ideals of Marriage as seen in Comedy—Impressions derived from the Orators—Attitude of the Philosophers—Higher Ideals also found—Ideals as seen in the Lyric and Tragic Poets—Story of Acontius and Cydippe—Concluding Reflections.	
CHAPTER VI. THE RELATIONS OF PARENTS AND CHILDREN.....	88
Limitations of the Athenian Father's Power—Acknowledgment and Repudiation of Children—Infanticide—The Mother's Oath—The Son's Inheritance Rights—Duties of the Son—Attitude of the State as to the Son's Duties—Father and Daughter—The "Heiress" and her Son—Disinheritance—Legitimate Children—Illegitimate Children—No Legal Affinity between Mother and Son—The Stepmother.	
CHAPTER VII. THE ADOPTED SON AND HIS RELATIONS TO HIS ADOPTIVE FATHER.....	115
Difference between the Ancient and the Modern Family—The Beneficent Influence of Adoption—Contrast between Adoption at Athens and at Rome—Motives for Adoption—Restrictions in Adoption—Marriage of Daughter and Adoptive Son—Limitations of Adoptive Son's Power—Adoption under a Will and "Inter Vivos"—Posthumous Adoption—Adoption not always perpetually Binding—The Adopted Son and his Original Family—The Adopted Son and the State—Adoption of Relatives—Adoption of Daughters—Ceremonies of Adoption.	

TABLE OF CONTENTS

VII

	PAGE
CHAPTER VIII. LEADING ASPECTS OF THE ATHENIAN INHERITANCE SYSTEM	128
Leading Ideas in Athenian Succession—Preference for Males—No "Melancholy Succession" among the Athenians—Inheritance Rights of Collaterals—General Characteristics of Athenian Succession—Recklessness of Athenian Tribunals.	
CHAPTER IX. CONCLUSION	134
Leading Aspects of Athenian Family Life—Our Final Impressions.	

BIBLIOGRAPHY

- BECKER, W. A. *Charicles—Private Life of the Ancient Greeks.* London, 1895.
- BLASS, F. *Die attische Beredsamkeit.* Leipzig, 1887.
- BLÜMNER, H. *The Home Life of the Ancient Greeks.* London, 1895.
- BUERMANN, H. *Drei Studien auf dem Gebiet des attischen Rechts, Jahrb. f. cl. Philol., 1877/8, Supplementband 9, pp. 569 ff.*
- CAMPBELL, L. *Religion in Greek Literature.* London, 1898.
- DICKINSON, G. L. *The Greek View of Life.* New York, 1906.
- GARDNER & JEVONS. *Manual of Greek Antiquities.* London, 1898.
- GILBERT, G. *Greek Constitutional Antiquities.* London, 1895.
- GROTE, G. *History of Greece, Vol. 2, (Part 1), Chap. xx; Vol. 3, (Part II), Chap. x, XI.* New York, 1857.
- HERMANN, K. F. *Lehrbuch der griechischen Antiquitäten.* Freiburg, 1889.
- HRUZA, E. *Beiträge zur Geschichte des griechischen und römischen Familienrechtes.* Leipzig, 1892.
- JEBB, R. C. *Attic Orators from Antiphon to Isacus.* London, 1893.
- JEBB, R. C. *Selections from the Attic Orators.* London, 1888.
- JEBB, R. C. *Sophocles—The Antigone.* Cambridge, 1900.
- JONES, W. (SIR WM.) *Works.* London, 1799.
- KELLER, A. G. *Homeric Society.* New York, 1902.
- LUBBOCK, J. *Origin of Civilization.* New York, 1882.
- MAHAFFY, J. P. *Social Life in Greece.* London, 1894.
- MAHAFFY, J. P. *Greek Life and Thought.* London, 1896.
- MAINE, H. S. *Ancient Law.* London, 1894.
- MCLENNAN, J. F. *Studies in Ancient History (Comprising Primitive Marriage, Kinship in Ancient Greece, Bachofen's "Das Mutterrecht").* New York, 1886.
- MEIER & SCHÖMANN. *Der attische Process.* Berlin, 1887.
- MORGAN, L. H. *Ancient Society.* New York, 1877.
- MOY, L. *Étude sur les Plaidoyers d'Isée.* Paris, 1876.