

PHD DISSERTATION ABSTRACT

DOCTORAL CANDIDATE: Kypraiou S. Eirini

PROPOSED TITLE: The first speech of Isaeus: “*On the Estate of Cleonymus*”, Family and Inheritance Law in the Classical era.

SUPERVISOR: Amphilochios Papathomas, Professor of Ancient Greek Literature and Papyrology – President at the department of Philology, Department of Classical Literature, National and Kapodistrian University of Athens.

MEMBERS OF THE ADVISORY COMMITTEE:

Rosalia Hatzilambrou, Assistant professor of Ancient Greek Literature, Department of Classical Literature, National and Kapodistrian University of Athens.

Vasilios Lentakis, Associate professor of Ancient Greek Literature, Department of Classical Literature, National and Kapodistrian University of Athens.

THEORETICAL FRAMEWORK: FAMILY-INHERITANCE LAW

Within an "οίκος", human relations are governed by a separate set of rules of a legal nature; the Athenian family and inheritance law. One of the ways of succession in Classical Athens is the undivided succession. This was directly related to the priority of men over women and the preference of offspring over collateral relatives, in other words, the relationship of “*αγχιστεία*”. On the other hand, the inheritance succession from covenant concerned the Athenians who did not have a legitimate descendant. By Solon's law, they acquired the right to choose the heir and successor to their estate through adoption and covenant. In that way, the forced succession of relatives is essentially terminated, the position of which is taken over by the legal framework of artificial kinship. Lastly, the law of Classical Athens dealt with a number of inheritance issues, such as the nullity of wills and inheritance claims by collateral relatives.

ISAEUS AND THE ATHENIAN INHERITANCE LAW

Isaeus’ speeches are fundamental to our knowledge and understanding of Athenian inheritance law. The relationship between the orator and inheritance law is indisputable. The present study will engage in a comprehensive analysis of Isaeus’ first oration. It will attempt to strike a balance between Athenian law and the art of Isaeus’ rhetorical prose. Undeniably, his orations form a primary source of Athenian law, especially inheritance law, kinship and the social Athenian life.

Specifically, the oration of Isaeus “*On the Estate of Cleonymus*” (“*Περί του Κλεωνόμου Κλήρου*”), was delivered during a legal battle for inheritance (Procedure). The plaintiffs are the nephews of the deceased (one of them is delivering the speech). They claim the estate of their uncle, who died without issue, leaving a will

that bequeathed his property to some distant relatives, who were not his next of kin. The plaintiffs do not dispute the authenticity of the covenant; but rely on their uncle's wish to annul it, a desire that Cleonymus did not fulfill before his death, as they claim.

This oration, presents several issues of interest that will form the core of the present research. Among the issues that is the importance of “*αγγιστεία*” to succession of inheritance in Classical times; a question that Isaeus poses as the center piece of his arguments. The orator supports the plaintiff’s case with a plausible argument that seeks to place the judges in the following dilemma: *Decide in favor of the will or kinship?*

At the same time, Isaeus enforces his arguments regarding issues, such as guardianship, adoption, covenant, will validity and the role of witnesses. Such topics will be examined in this dissertation, not only with regard to their role in the speech under examination, but also by reviewing the above issues, afresh, on the context of the particular speech.

In addition, specific questions which are related to the difficulty that is presented in the interpretation of the rhetoric speech will be examined. Such points-questions, for example, are the following: *whether Cleonymus thought logically or not when he drafted the covenant and when he asked to call the “*ἀρχοντας*”;* *if the testator really wanted to bequeath his possessions to his nephews; the reasons he did not follow the usual adoption procedure; why he did not care to amend his will earlier, but decided to do so only at the end of his life.*

Finally, an attempt will be made to identify more precisely the, hitherto, unclear kinship relations between the parties and their names. At the speech is given a suspicion on the numbering of the procedures, which will be investigated in depth in the present study.

METHODOLOGY

With regard to the methodology of the present thesis, the first part, will engage in a theoretical analysis of the relevant rules of Athenian family and inheritance law. It will set out the rules of law to which Isaeus refers in his first speech, as they are of major importance for understanding the legal framework. Subsequently, it will focus on the analysis of selected sources on the first of Isaeus’ rhetorical speech “*On the Estate of Cleonymus*” where the aim is to highlight, as best as possible, some of the theoretical issues that have already been referred.

Ultimately, the central aim of this doctoral research, is a close reading of Isaeus’ first oration and the emergence [development] of a well-edited commentary, verse-by-verse. At the same time, in the context of the annotated edition, it will be an important attempt of translation from ancient Greek to Modern Greek.

It will also examine primary sources - texts written on papyrus and other ancient documents that provide information on the subject. The study of ancient handwritten tradition, as well as the study of the secondary material (bibliographic research), will ultimately contribute both to the qualitative analysis of the oration and to the writhing of an *apparatus criticus*.

The purpose of the research is the rhetorical analysis of Isaeus’ first oration, by using particular methodological tools. The commentary on Isaeus’ arguments will be based, among other ways on the Aristotelian Method of Rhetorical Criticism. Finally, in terms of intertextuality as Isaeus’ theoretical basis is undoubtedly based on a specific legal framework, which he has already studied and applied; in his other

orations as well, it is logical that the methodology of this research should include the overall linking of the orator's references to his speeches, in common legal issues.

ORIGINALITY

The originality of the subject lies primarily on the fact that there is no interpretative commentary, until today, which approaches the first speech of Isaeus, “On the Estate of Cleonymus”, in detail verse-by-verse, illuminating and examining the manifestations of the orator’s arguments and strategy.

At the same time, the originality of the research will be based on the history of Law. Through a literary study and a close reading of this important oration by Isaeus; that is dealing with the framework of inheritance law during the Classical period [mid-fifth and early fourth centuries BC], it is found that the fundamental principles of inheritance law, which have been maintained to this day, were basically laid down in the Classical age.

In conclusion, while some of Isaeus' speeches have been meticulously analyzed from a literary and interpretive point of view and the relevant literature is satisfactory; a detailed commentary of Isaeus’ first oration “*On the Estate of Cleonymus*”, which I will attempt in my thesis, has not been attempted so far and has not been proven satisfactorily. The rhetorical analysis of the speech becomes necessary because, among other things, it is a credible sample of Classical family and inheritance law.

However, in order to obtain the most complete understanding and interpretation of ancient Greek family and inheritance law, in regards to what will be studied in the rhetorical discourse, “*On the Estate of Cleonymus*”; the present research will also comment the rhetorical elements that are found in the above-mentioned discourse and the sophisticated–artful manner of presenting the legislative framework by the orator, compared to the legislative reality of the Classical era.