

William Ben Worthington

Student number 1900221

Assignment 3

Title: Explain the Athenian Law on inheritance and its effect on elite families.

The aim of this brief essay will be to explain the Athenian law on inheritance and the said laws effect on elite families within Athenian society.

‘In the ancient Greek world the estate (*klēros*) of a deceased man was shared equally among his surviving sons’. ‘The older son might have had first choice, for instance, over ostensibly equal parcels of land, but that was the limit to their advantage’¹. Further evidence, however, taken from a dialogue of Plato’s suggests something different to that of the opening statement. Two men, the Athenian and Cleinias, are discussing the inheritance law as it was in Athens, ‘Anyone who settles his property by writing a will, should first, if he has had children, write down the name of that son who in his opinion deserves to be heir’. It goes on to state, in case the deceased in question had a second son, ‘his father is to distribute his property among them -excluding the estate- in whatever proportion he pleases.’² It is to be noted that, the opening statement observes Ancient Greek society as a whole, yet, we know, in fact, that the differing tribes of ancient Greece would have acted in accordance to their own individual laws and customs. ‘Sparta was in many respects the very antithesis of Athens, in political structure and constitution, society, economy and culture’³. We also have evidence to show that the issue of inheritance, as is the case today can become an unpleasant business. In the case against Aphobus brought to the courts by Demosthenes we have an example in what can go wrong if the trustees of the will do not comply ‘with the terms of the will, - and instead of investing the residue of the estate in the interest of the heir, they appropriated it to their own use, and squandered it’⁴. We can see from the evidence of this case that it was hard fought and that Demosthenes did in fact prevail and win his case that he brought before the courts but, ‘What amount he actually recovered is not known’⁵. It should be noted, however, that one would have had to have been skilled in rhetoric and well versed, in this case, in Attic Law if one was to stand any chance in being successful in the Athenian Courts. Marriage, was also a key issue in terms of inheritance, ‘Marriage in Greece was a process of transfer...for the procreation of children’⁶ this of course ‘affected inheritance of property and membership of the community’⁷.

Though this brief essay has only touched the surface of inheritance law in ancient Athens we can see from the evidence provided, both ancient and modern, that there were certain factors that affected inheritance greatly, two such factors being, education and marriage.

¹ ed. Gagarin, Oxford Reference online, 2010

² Saunders, 1982, p.465

³ Dillon and Garland, 1994, p.288

⁴ Murray, 1958, p.3

⁵ Murray, 1958, p.5

⁶ ed. Roberts, 2007, online

⁷ ed. Roberts, 2007, online

The inheritance laws of Athens would have had an impact of Athenian society, especially for the elite. Inheritance helped define and maintain the class divide of; Citizens, Metics, and Slaves.

Word count: 525

Bibliography

DeWitt, N.J. (1949) 'Demosthenes VII Funeral Speech with an English translation', The Loeb Classical Library, London, William Heinemann LTD.

Dillon, M. and Garland, L. (1994) 'Ancient Greece Social and Historical Documents from Archaic Times to the Death of Socrates (c. 800-399)', New York, Routledge.

ed. Gagarin, M. (online publication date 2010) 'The Oxford Encyclopaedia of Ancient Greece and Rome', Oxford University Press.

ed. Roberts, J. (online publication date 2007) 'The Oxford Dictionary of the Classical World', Oxford University Press.

Hignett, C. (1975) 'A History of the Athenian Constitution (to the end of the fifth Century B.C.)', Oxford, at the Clarendon Press.

Lamb, W.R.M. (1925) 'Plato V Lysis, Symposium, Gorgias with an English translation', The Loeb Classical Library, London, William Heinemann LTD.

MacDowell, D.M. (1978) 'The Law in Classical Athens', London, Thames and Hudson.

Murray, A.T. (1958) 'Demosthenes IV Private Orations with an English translation', The Loeb Classical Library, London, William Heinemann LTD.

Patterson, C. (1981) 'Pericles' Citizenship Law of 451-50 B.C.', United states of America, Arno Press Inc.

Saunders, T.J. (1982) 'Plato The Laws translated by T.J. Saunders', Middlesex, Penguin.

<https://www.oxfordreference.com/view/10.1093/acref/9780195170726.001.0001/acref-9780195170726-e-627?rskey=DWc0j5&result=6> Accessed on 25th September 2019.

<https://www.oxfordreference.com/view/10.1093/acref/9780192801463.001.0001/acref-9780192801463-e-1366> Accessed on 27th September 2019.

