

Manipulating Marriage: The *epiklerate* in Menander's *Aspis*

This paper examines Menander's use of an Athenian system of inheritance, the *epiklerate*, to both add to the comedic irony of the play as well as to support the Athenian idea of the preservation of the *oikos*. In the brothers, Smikrines and Chairestratos, Menander employs a dichotomic characterization centering on the use and abuse of the *epiklerate*. Smikrines, in trying to obtain the *epiklēros* for himself, is portrayed as the typical comedic "blocking" character, creating the conflict with which the play deals; yet, he never oversteps the limits of the law. Conversely, Chairestratos, on the advice of Daos, the *servus callidus*, attempts to swindle Smikrines out of the inheritance by twisting the law to the extreme. Even as Chairestratos and Daos use the law in a deceitful manner, however, they reinforce the ideology the law represents.

To explore the full comedic role of the *epiklerate* in the *Aspis*, this paper begins by analyzing the function of the *epiklerate* within Athenian society. Scholars such as Stephen Todd and Raphael Sealey have explored the role of the *epiklerate* in Athenian society and have sought out the purpose of the law both by examining extant legal speeches and by comparing the Athenian *epiklerate* to its Cretan counterpart in the Gortyn Code. The results of their studies have indicated the intent of the law to be the preservation of the *oikos*, the basic family structure within Athenian democracy, providing a fruitful ideological backdrop for refining the role of the *epiklerate* in the *Aspis*.

Whereas Smikrines attempts to attain the *epiklēros* legally, as the rightful *ankhisteus* to Kleostratos' property, Chairestratos, with the help of Daos, tries to bend the law to prevent Smikrines from doing so by faking his own death. As far as can be told from the fragmented end of the play, Chairestratos succeeds in his scheme, creating a highly amusing spectacle for the audience. In typical comedic fashion, the blocking character, Smikrines, is thus foiled and Chairestratos' manipulation allows the happy ending.

However, even though the victory of the comedic society succeeds in overturning the laws of the more normative one, Menander allows for the subtle reinforcement of the values of the vanquished society. Although Chairestratos circumvented the letter of the law, his ultimate goal and the effect of his actions actually brought about the actual intent of the *epiklerate*: the preservation of the *oikos*. Conversely, Smikrines follows the law only for selfish motives. Therefore, through this subtle dramatic maneuver, Menander achieves two goals: the inversion of society for comedic effect and the reinforcement of Athenian values. Furthermore, the apparent emphasis placed on these values by Menander strengthens the viewpoint recently put forth by Susan Lape and others that portrays Menander as a playwright more cognizant of the socio-political situations of his day than had been previously thought. Although certainly not as abrasive in expressing his personal ideology through his plays as his fellow comedic playwright, Aristophanes, Menander should be seen as one who does engage in a certain amount of socio-political commentary, as can be seen in his use of the *epiklerate* in the *Aspis*.

Select Bibliography

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