THE CITIZENSHIP LAW OF PERIKLES, 451/0 B.C.

by

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Abstract

The idea for this paper originated from a seminar given on the restoration of democracy at Athens and the reconciliation agreement of 403/2 B.C.. The re-affirmation of Perikles' citizenship law in that year prompted me to explore the reasons for its introduction in 451/0 B.C., and, subsequently, to make it the subject of my Masters thesis.

I have divided the paper into three chapters. Chapter One functions as an introduction to the sources on Perikles' citizenship law and to the Athenian concept of citizenship. In Chapter Two, I consider the question whether there was a precedent for the law. Accordingly, I explore the evidence for the qualifications necessary for membership, most of which is indirect and involves an examination of the admission procedures of the phratry and deme. Finally, Chapter Three is devoted entirely to Perikles' citizenship law, to the effects it must have had on the admission procedures of phratry and deme, and to the reasons behind its introduction.
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List of Abbreviations

I. Ancient Sources


Aesch. Aeschines
And. Andokides
Ar. Aristotle
Arist. Aristophanes
Dem. Demosthenes
Eur. Euripides
Hdt. Herodotos
Hom. Homer
Is. Isaios
Isok. Isokrates
Lys. Lysias
Philo. Philochoros
Plut. Plutarch
Thuc. Thucydides
Xen. Xenophon

II. Modern Sources

ABSA Annual of the British School at Athens
AJAH The American Journal of Ancient History
AJP American Journal of Philology
CA Classical Antiquity
CQ Classical Quarterly
H Historia
Hignett HAC

Jacoby FGrH
Die Fragmente der griechischen Historiker. Berlin & Leiden, 1923-

JHS
The Journal of Hellenic Studies

Lambert Phratries

LCM
Liverpool Classical Monthly

MacDowell LCA

Meiggs Empire

ML

Ogden Greek Bastardy

Osborne Naturalization

Patterson PCL

Rhodes Commentary

Wade-Gery Essays

Whitehead Demes
Zeitschrift für Papyrologie und Epigraphik
Chapter One: Introduction

In 451/0 B.C., Perikles is said to have introduced a law pertaining to citizenship. There are only three ancient authors who have made reference to this law, the context and phrasing of which are given somewhat differently. AP 26.4 places the law in the context of other constitutional changes made during the 450's B.C., and phrases it as follows:

...ἐξὶ Ἀντιόπου διὰ τὸ πλῆθος τῶν πολιτῶν Περικλέους εἰπόντος ἐγνώσαν μὴ μετέχειν τῆς πόλεως θὰ ἄν μὴ ἐξ ἀμφίοιν ἀσταῖν ἡ γεγονός.

Plutarch's account focuses on the story concerning Perikles' return to public life and the exceptional admission into the citizen body of his νόθος-son by Aspasia, who had once been barred from citizenship because of the law.¹ He also connects the law to the Egyptian grain gift of 445/4 B.C., and simply gives what seems to be a paraphrase of it:

ἀκμάζων ὁ Περικλῆς ἐν τῇ πολιτείᾳ πρὸ πάνυ πολλῶν χρόνων καὶ παίδας ἔχων ὅσπερ ἐχθρητα γνησίως, νόμον ἔγραψε, μόνους Ἀθηναίους εἶναι τοὺς ἐκ δυσίν Ἀθηναίων γεγονότας.²

Aelian makes reference to the law three times in Varia Historia and discusses it in the context of Perikles' son by Aspasia being granted citizenship, as Plutarch does. He does not, however, link the law to the Egyptian grain gift, and his phrasing of it is different in all three passages. At 6.10, the phraseology of

¹Perikles 37.2-5.
²Plut. Perikles 37.3.
the law appears as follows:

Περικλῆς στρατηγῶν Ἀθηναίων νόμον ἔγραψεν, ἕπειτα τῆς τῆς ἐξ ἀμφότεροι ὑπάρχουν ἀστείων, τούτῳ μὴ μετείναι τῆς πολιτείας.

At 13.24, Aelian writes:

Καὶ Περικλῆς ἔγραψε μὴ εἶναι Ἀθηναίον, ὥς μὴ ἐξ ἀμφότερον γέγονεν ἀστείον.

And, in fr.68 (=Suda, s.v. δημοποίητος), the law appears as follows:

Περικλῆς γὰρ ὁ Σαντίππος, νόμον γράψας τὸν μὴ ἐξ ἀμφότερον ἀστυπολίτην μὴ εἶναι...

The phrasing of the law in 6.10 and 13.24 is close to that of AP 26.4, but that of fr.68 does not appear elsewhere. The three sources do, however, agree on the content of the law: in order to be an Athenian citizen, one had to be born of two Athenians.

The introduction of a law stipulating what seems to be a qualification for citizenship has raised serious questions concerning the reasons behind its enactment in 451/0 B.C., since none of the sources, except AP 26.4, offers a motive. AP's statement that the law was enacted διὰ τὸ πλῆθος τῶν πολιτῶν will be examined in Chapter Three along with the accounts of Plutarch and Aelian. The chapter will also examine theories offered by modern scholarship, and will attempt to offer a different perspective for its enactment by the Athenians at this point in their history.

The law, however, also raises more fundamental questions concerning Athenian citizenship. For example, was there a precedent for such a law? And, if not, what was it precisely that determined and distinguished an Athenian from a non-
Athenian? Furthermore, how was citizenship perceived by, and what did it mean to, an Athenian? The phrases μετέχειν τῆς πόλεως of AP 26.4 and μετέιναι τῆς πολιτείας of Aelian 6.10 refer to what we would term citizenship, and reveal something about the Athenian concept. The verbs μετέχειν and μετέιναι suggest that citizenship was perceived as membership in the polis-community, or in the politeia. And, if we consider citizenship in these terms, it is important to distinguish between what one needed to become a member of that community, and what one had once one was a member. That is, one must distinguish between the qualifications for, and the criteria of, membership.¹

The phrases μετέχειν τῆς πόλεως and μετέιναι τῆς πολιτείας, however, do not appear to be synonymous. Thucydides uses politeia most often to mean either "form of government" or "control of the state." At 2.37, Perikles calls the Athenian politeia a democracy, suggesting that politeia denotes "form of government".² At 8.74.3, Thucydides uses the phrase ξειν τῆν πολιτείαν of the 400 at Athens, suggesting that politeia here is to be understood as "control of affairs" or "control of the state."³ Phrases such

³I have borrowed this distinction from Lambert Phratries 26-27.

²The texts in which πολιτεία is used to denote the form of government are too many to examine here. See, for example, Thuc. 1.18.1, 8.97.2; Is.3.15; Ar.Pol.1275a26-27, 1289a16; AP 2.2; 9.2; 28.5.

⁴cf.Rhodes Commentary 244-245 on his interpretation of AP 20.1.
as "to give the politeia" (τὴν πολιτείαν παραδοῦναι) and "to have a share in the politeia" (μετέχειν/μετείναι τῆς πολιτείας) seem to be used in contexts concerning measures to grant, or take away, citizenship. For example, in referring to the grant of citizenship to the Plataians in 427 B.C., Demosthenes asks the Athenians to remember the circumstances in which they gave the politeia to them:

τοῖς οἷς ὅσιοι φανερῶς ἐνδεδειγμένοις τὴν εὐνοίαν τῷ δῆμῳ, καὶ προεμένοις ἅπαντα τὰ αὐτῶν καὶ παιδᾶς καὶ γυναῖκας, πάλιν σκοπεῖτε πῶς μετέδωτε τῆς πολιτείας.

Metéchein/meteinai tis politeia, however, is also used of "those who have political rights under a particular (especially a non-democratic) regime", and does not seem to denote citizenship in a strict sense. At 30.15, Lysias describes those Athenians who were not among the 3000 as ou metaschontas tis politeias and Xenophon, though using a slightly different phrase (μετέχειν τῶν πραγμάτων), seems to be describing the same situation: namely, only those among the 3000 are to be full citizens with political rights; those not among them are to be citizens without political rights. That the same phrase is used in one instance to denote citizenship and in another to denote political rights under a non-democratic regime reveals the reciprocal relationship between

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6 Dem. 59.104; cf. 105 and 106; Thuc.3.55.3; AP 13.5; 40.2; 42.1; Plut. Perikles. 37.3; and IG II^2 10 will be discussed later. See C. Mossè, La fin de la democratie athenienne. (Paris: Presses Universitaires de France, 1962) 141-144.

7 Rhodes Commentary 158.

8 Hell.2.3.8; Rhodes Commentary 448. Cf. Lys. 34.3.
politeia as citizenship and politeia as form of government. In the Athenian democracy, every male citizen could say μετέχω τῆς πολιτείας, that he participated in the form of government to some degree. His citizenship was defined by the fact that he was able to participate in the decision-making process, and it was his participation that defined the politeia as democratic. In contrast to this, during the rule of the 400, only the 400 could say that they μετέχουσι τῆς πολιτείας, since they were the only ones participating in the decision-making process, and it was their participation which determined and defined the type of politeia. Thus, those who were not a part of this body could not say that they μετέχουσι τῆς πολιτείας, since they did not participate in that particular form of politeia. This is not to say, however, that they were not citizens; they were citizens with no political power. To summarize, then, we could say that, when μετέχειν τῆς πολιτείας is used to denote citizenship, it has, principally, a political tone and implies participation in the decision-making procedures of the state. In other words, it denotes, above all else, the criteria of membership.

It has been suggested that μετέχειν τῆς πόλεως may be the older expression for μετέχειν τῆς πολιτείας and its cognates. The phrase

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9 If they had been registered, the 5000 would have, supposedly, been able to say this as well.

10 Rhodes Commentary 158-159.
certainly does appear in a law attributed to Solon by the AP;\textsuperscript{11} it does not, however, seem to carry the same political tone as does μετέχειν τῆς πολιτείας. Instead, it is used in a wider context, and appears to denote membership in the community as a whole, in its daily life and, particularly, in its religious cults and ceremonies. In Demosthenes 57, for example, the speaker, who is appealing a decision which denied him citizen status, says he will show that he is entitled to citizenship, and uses the phrase μετὰ τῆς πόλεως.\textsuperscript{12} Later in the speech, he uses τὸ προσήκειν μοι τῆς πόλεως to refer to citizen status.\textsuperscript{13} The speaker is not fighting against a decision to limit his political rights, for which he would have probably used a variant of μετέχειν τῆς πολιτείας; he is contesting a decision which denied him membership in the community as a whole. In a speech against Andokides, the speaker attacks him for his attempts to re-enter public life and, particularly, for his participation in the Eleusinian Mysteries:

\[ \text{Ανδοκίδης δὲ ἀπαθὴς τούτων τῶν κακῶν γενόμενος κοινὸν συμβαλὸμενος εἰς τὴν σωτηρίαν τῇ πατρίδι, ἀξίοι νυνὶ μετέχειν τῆς πόλεως, ἀσέβῳ ἐν αὐτῇ.}\textsuperscript{14}

Thus, though both μετέχειν τῆς πόλεως and μετέχειν τῆς πολιτείας mean citizenship, the former seems to refer to membership in the

\textsuperscript{11}AP 8.5, to be discussed below, 12.
\textsuperscript{12}Dem.57.1; cf.39.1.
\textsuperscript{13}Dem. 57.2.
\textsuperscript{14}Lys.6.48. cf.Dem. 59.111 where the speaker, Apollodoros, states that the most prudent of women would be angry if Neaira and her daughter were acquitted διότι ὁμοίως αὐτῖς ταύτῃ κατηχοῦσε μετέχειν τῶν τῆς πόλεως καὶ τῶν ἑτέρων.
community as a whole, whereas the latter to political activity in the community.

To what degree, then, could an inhabitant of archaic Attika say μετέχω τῆς πόλεως and μετέχω τῆς πολιτείας? In a society which is largely decentralized and aristocratic, as Attika of the seventh and early sixth centuries B.C. certainly was, it is difficult to find anything in which everyone participated. It is clear from Drakon's homicide law, however, that the fear of pollution was felt by all the inhabitants of Attika, who shared the same religious beliefs, and that it was felt to such an extent that laws concerning the proper procedures for avenging homicide were written.\(^{15}\) Lines 25-30 of the law reveal that the official name for those who would have been affected by the pollution was οί Ἀθηναῖοι, and also point towards a criterion of membership in that group: namely, having the right to have one's murder avenged.\(^{16}\) Furthermore, these same lines suggest that there was some way of determining and distinguishing one who was an Athenian from one who was not. Indeed, since the law provides that responsibility for avenging the murder of an Athenian, who had no relatives up to the degree of second cousin, falls only on ten members of the victim's phratry, it clearly implies that anyone who was

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considered an Athenian belonged to a phratry. One may infer from this that it was membership in a phratry which determined one's membership in the community as a whole.\(^\text{17}\)

From Drakon's homicide law, it seems that the phratry occupied that middle ground between individual oikoi and the polis-community, assuming the responsibilities of the family when necessary. Its role in early Athenian society and, in particular, its admission procedures will be examined in Chapter Two. As such, the chapter will also investigate the qualifications for membership, and will attempt to determine whether there was a precedent for Perikles' law.

AP 2 presents a picture of Athenian society before Solon as one divided between the gnorimoi and the poor, and attests to the existence of a group of individuals known as hektēmoroi. But, was the hektēmor included as a member of the community or, did he exist outside of it? The hektēmoroi were most likely "men in a feudal state of hereditary serfdom,"\(^\text{18}\) working the land and paying one-sixth of their produce to the local overlord in exchange for his protection. They were always at his mercy; if a hektēmor failed to pay the one-sixth, he and his family could be seized and sold into slavery, his land being at the disposal of

\(^{17}\)No other provisions are made by the law, implying that every Athenian at least had phrateres. See Stroud, Ibid 11. 13-20.

\(^{18}\)Rhodes Commentary 94.
the overlord. AP 2 does, however, imply that hektēmoroi were Athenian. Accordingly, they would have belonged to a phratry and, as such, would have been protected under the homicide law, provided that they had not been sold into slavery. For, if they had, they would have lost their membership in the phratry. One should emphasize, however, their dependent status and, in fact, the dependent status of other Athenians. If we accept AP 2, it seems that most Athenians were dependent economically on the gnorimoi, or had actually been enslaved for debt, since loans were taken on the security of the person before Solon.

Economic dependency, however, was not the only form of dependency. AP 2.1 describes the politeia of Athens before Solon's reforms as being oligarchic and, at 2.3, states that no one besides the gnorimoi had a share in anything, neither in the wealth of the land, nor in justice. There were no political criteria of membership in the community; all offices were held άριστινδην and πλουτινδην, and it is doubtful that there was any participation on the part of the plethos in the selection of these magistrates. Indeed, Solon's statement that some Athenians

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19 I have accepted the view of Rhodes, Commentary 90-95, contra A. French, "The Economic Background to Solon's Reforms." CQ 6 (1956) 11-25.

20 Dem. 57.18-23 provides an interesting view of this process. Euxitheos' father, he argues, had been taken prisoner and sold into slavery during the Dekeleian war; when he returned to Attika, he was received back into his family, phratry, and deme.

21 Plut. Solon 13.4-5.

22 AP 3.1.
had been enslaved legally, others illegally, indicates that there was no equal share of justice for everyone; most Athenians were at the mercy of the gnorimoi. Furthermore, one should emphasize that most Athenians probably felt a deeper sense of belonging in, and loyalty to, the locality where they lived and to their phratry than to the polis-community as a whole. But even in these areas the gnorimoi would have played a dominant role.

One would presume that, after Solon's reforms, every Athenian felt to a greater extent that he was a part of the polis-community. To be sure, Solon's cancellation of debts probably would have released the hektēmor from his obligation and other Athenians who risked enslavement. Furthermore, by forbidding loans to be taken on the security of the person, Solon, essentially, prevented Athenians from becoming slaves at the hands of other Athenians, thereby creating a legal boundary between slave and free, and defining to a greater extent the

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23 AP 12.4.

24 This is suggested by the fact that, in cases where a homicide victim was to be represented by ten members of his phratry, these members were chosen ἀφισὶνδην (text of R. Stroud, Drakon's Law on Homicide. (Berkeley: University of California Press, 1968) 11. 13-20), implying that there were members who were not aristoi.

25 AP 6.1; Plut. Solon 15.2-16.4. On the cancellation of debts possibly including the obligation of the hektēmoroi to pay a sixth of their produce, see Rhodes Commentary 126. I think that Rhodes must be correct in this, since we no longer hear of the hektēmor after Solon.
meaning of being a member of the *polis*-community.\textsuperscript{26} Under Solon, the political criteria of membership were significantly increased as well. Athenians were divided into four *tele* according to wealth, and each citizen's participation in the *politeia* was determined by the *telos* to which he belonged.\textsuperscript{27} Those who belonged to the highest *telos*, the *pentakosiomedimnoi*, were eligible for the archonship and other high offices; those who belonged to the lowest, the *thetes*, were, along with everyone else, to partake in the *ekklesia*.\textsuperscript{28} In addition to these political criteria, Solon granted the right for any Athenian who wished to bring suit on behalf of an injured party in order to encourage members to sympathize with one another and to regard themselves as a single body.\textsuperscript{29} Indeed, this attempt on Solon's part can also be seen in his law on stasis, which stipulates that anyone who does not take one side or another in times of civil

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\textsuperscript{27}It is probable that the *tele* were not a Solonian invention, but had existed before, as AP 7.3 states. R. Sealey, "Regionalism in Archaic Athens," in *Essays in Greek Politics*. (New York: Manyland Books, Inc., 1967) 14-15, argues that the importance of Solon was that he wrote down previously existing laws; cf. Rhodes, *Commentary* 137, who suggests that the *pentakosiomedimnoi*-class was created by Solon as the richest of the *hippeis* and that the *tele* were given "a precise definition and a political function" (137).
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\textsuperscript{28}AP 7.3-8; Plut. Solon 16.5-19.
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\textsuperscript{29}Plut. Solon 18.5.
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strife is to be declared an *atimos*, and ἀτιμίας πόλεως μὴ μετέχειν.\(^{30}\) The purpose of this law seems to have been to encourage Athenians not to be indifferent to the problems of the *polis*, but to take an active role and fight for the side they believed to be best for the community as a whole.\(^{31}\)

The degree to which every Athenian would have taken an active role in political life cannot be known for certain. Solon's admittance of the *thetes* to the *ekklesia* is probably one of the most important constitutional changes he made, and one which was to alter the fabric of society as a whole.\(^{32}\) But, the tele-system seems to have maintained the same inequality which had existed among Athenians before his reforms, and there seems to have been little attempt to alleviate the economic dependency felt by so many.\(^{33}\) To be sure, those who were economically dependent before his reforms would have still been so after and, as such, would have found themselves under obligation to a

\(^{30}\)AP 8.5. If *atimia* meant exclusion from membership at this time in Athenian law, it confirms the above interpretation of μετέχειν τῆς πόλεως (see 3-7).

\(^{31}\)Plut. Solon 20.1.

\(^{32}\)There is only one reference to a meeting of the *ekklesia*, which dates to the period shortly before Peisistratatos' rule (Hdt.1.59; AP 14). This does not necessarily mean, however, that the *ekklesia* was not assembled very often.

wealthy landowner again.\textsuperscript{34} Plutarch, however, states that Solon encouraged Athenians to turn towards tekhnai in order to stimulate trade and the economy, and it is possible that some did.\textsuperscript{35} According to Plutarch, he also permitted foreigners, who were either in permanent exile from their own country, or who had come to Athens epi tekhnē, to become Athenian citizens, presumably to stimulate trade and the economy. We shall return to these enfranchisements in Chapter Two.\textsuperscript{36}

To what extent, then, would an Athenian have considered himself a member of the polis-community after Solon's reforms? The law on stasis and the right of anyone who wished to bring suit on behalf of an injured party can be seen as attempts on Solon's part to create a sense of polis-spirit among Athenians. But, there was, essentially, no common bond felt by all; most probably still felt a stronger sense of belonging in, and loyalty to, their phratry and to those individuals who were most influential in the region in which they lived.\textsuperscript{37} It would not


\textsuperscript{35}Plut. Solon 22.

\textsuperscript{36}Ibid 24.4.

be until the rule of the Peisistratids that many Athenians felt a sense of belonging to the polis-community. Under their rule, the Athenians had enjoyed a period of relative peace, which had left the Solonian law code untouched, and had aided in the centralization of the government. The political criteria of membership granted by Solon would have taken root and probably would have been exercised by more individuals as the spirit of belonging to a polis was significantly promoted and established by the cultivation of important religious festivals, such as the Panathenaia, and by the development of the central space— the agora.

The author of the AP informs us that, after the fall of the tyranny, the Athenians conducted a diapsēphismos because many individuals were participating in the politeia who should not have been, and identifies these men as the τοι γένει μη καθαροί in


38 Hdt.1.59.6.

39 Probably one of the most symbolic buildings of the unification of Attika under the Peisistratids is the Altar of the Twelve Gods, from which all distances in and around Athens were measured (J.M. Camp, The Athenian Agora: Excavations in the Heart of Classical Athens. (London: Thames and Hudson, 1986) 37-38). The importance of this altar is not only that it established the agora as the centre of the polis, but, perhaps, it also symbolized the unification of the traditional twelve poleis of early Attika (Philo. 328 F94); cf. Thuc.2.15. Also, Hipparchos was credited with the system of hermai in the network of roads which radiated from the agora.
Peisistratos' original following.\footnote{AP 13.5. This particular passage seems to associate the qualifications with the criteria of membership; it will be discussed in full in Chapter Two.} There are only two other such reviews of the citizen body attested in Athenian history. After the Egyptian grain gift in 445/4 B.C., the issue of who was and who was not an Athenian resulted in some type of scrutiny, though its exact procedure is not entirely clear.\footnote{Philo. 328 F119; Plut. Perikles 37.3-4.} The scrutiny of 346/5 B.C. is attested to have taken place within the demes to ensure that all its members satisfied the required qualifications, and is called a \textit{diapsēphisis}.\footnote{Androtion F52; Ath.1.77; Dem.57.26.} AP does not give any indication how and when, precisely, the \textit{diapsēphismos} after the fall of the tyranny was conducted, and seems to have thought that those deprived of membership were later enfranchised by Kleisthenes.\footnote{AP 21.4.} Aristotle also credits Kleisthenes with the enfranchisement of \textit{πολλοὺς ξένους καὶ δοῦλους μετοίκους} after the fall of the tyranny.\footnote{Politics 1275b34-39. For the mercenaries hired during Peisistratos' rule, Hdt.1.61, 1.64; AP 15.2-3, 19.5.} Efforts to identify these men have come to the conclusion that they must have been the immigrant craftsmen previously enfranchised by Solon, possibly also mercenaries enfranchised by Peisistratos, who had been denied their citizen status by the \textit{diapsēphismos}.\footnote{Rhodes Commentary 255-256.} AP's statement that Kleisthenes
brought the demos to his side by proposing ἀποδιδομὲς τῷ πλῆθει τὴν
πολιτείαν has led some to believe that he was proposing to give
back the citizenship to those who had lost it. But the author
of the AP seems to have thought that one of the purposes of
Kleisthenes' reforms was to hide those newly-enfranchised.
Clearly this interpretation is misguided. That the diapsēphismos
even had to be a purging of the citizen lists may be an
anachronistic assumption on AP's part; it could have merely been
an account of citizen numbers initiated by Kleisthenes for his
reforms. Rather, Kleisthenes' reforms, based on the
principle of isonomia, that is, of political equality, seem to
have been an attempt to ensure the participation of more citizens
in the decision-making process of the state. By dividing the
citizen body into ten tribes, composed of three trittyes, one
from each of the three regions of Attika (city, inland, coast)
and based on the local unit, the deme, the reforms not only had

46 AP 20.1; cf. P.B. Manville, The Origins of Citizenship in

47 AP 21.4.

48 P. Harding, Androtion and the Atthis. (Oxford: Clarendon
Press, 1994) 177; cf. J. Trail, The Political Organization of

49 M. Ostwald, Nomos and the Beginnings of the Athenian

50 Thus, I agree with Rhodes (Commentary 250) in interpreting
AP 21.2, specifically the words ἀναμείξαι βουλόμενος, ὡς μετάσχεσι πλείους
τῆς πολιτείας, to mean that Kleisthenes wanted to mix-up the citizens
in order to ensure that more existing citizens participated in the
decision-making process of the state.
the effect of "mixing up" the Attic population and countering regionalism, but they also brought the political life of the polis down to the local level.

What effect, then, did Kleisthenes' reforms have on the qualifications for citizenship? In his account of citizenship in his own day, the author of AP states that demesmen were responsible for the initial scrutiny and admission of new citizens in their deme, suggesting that Kleisthenes made the demes the caretakers of citizenship. Indeed, AP suggests that, even though Kleisthenes left the privileges of the phratries intact κατὰ τὰ πάροι, deme-membership became all-important. Membership in a phratry, however, seems to have remained important even down to the fourth century. In fourth-century speeches having to do with citizenship, membership in a phratry is given as proof of membership in the polis. In Attic decrees granting citizenship, however, phratry membership is not

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51 On Kleisthenes' reforms having the effect of "mixing-up" the citizen population of Attika, see AP 21.2, 21.3; on the reforms cutting across older networks of influence, see D.M. Lewis, "Cleisthenes and Attica" H 12 (1963) 22-40.

52 AP 42.1.

53 AP 21.6.

54 This is the main thesis of Lambert's Phratries; see, in particular, his Chapter One (25-57).

55 For example, Dem. 39, 40, 57, and 59.
always given along with membership in a deme and tribe. Thus, it has become necessary to consider the relationship between phratry and deme, and the role each played with regard to Athenian citizenship. In Chapter Two, therefore, I shall examine the qualifications and procedures for admission into the phratry and compare them with those of the deme.

\[56\] It should be noted that at least one decree granting citizenship to a man named Thrasyboulos does not mention membership in a deme, though it does mention membership in a phratry and tribe (decree D2 in Osborne Naturalization vol.II, 21).
Chapter Two: Citizenship Before 451/0 B.C.

The main objective of this chapter will be to determine whether there was a precedent for Perikles' citizenship law of 451/0 B.C., a law which seems to lay down a qualification for membership in the Athenian community.\(^1\) Given the position of the phratry in Drakon's homicide law, with its implication that anyone who was considered to be an Athenian belonged to a phratry,\(^2\) it will be necessary to examine its role in Athenian society and, in particular, its admission-procedures and the qualifications required for membership in it. Accordingly, it will also be necessary to examine the admission procedures of the deme and the requirements necessary for membership after the Kleisthenic reforms. Furthermore, the question of the relationship between these two institutions and the role each played with regard to membership in the community as a whole will also have to be considered.

Evidence for the function of the phratry in early Athens is virtually non-existent, but it is mentioned once in the AP and twice in the Iliad. AP fr.3, probably from the lost beginning of the work concerning Ion, is as follows:

\[\text{φυλάς δὲ αὐτῶν συννενεμηθήσατι ἦν, ἀπομιμησάμενοι τὰς ἐν τοῖς ἐνιαυτοῖς ὄρας, ἔκαστην δὲ διηρήσας εἰς τρία μέρη τῶν φυλῶν, ὅπως γένηται τὰ πάντα δώδεκα μέρη, καθάπερ ὁί μῆνες εἰς τὸν ἐνιαυτόν, καλεῖται δὲ αὐτὰ τριτὰς καὶ φατρίας· εἰς δὲ τὴν φατρίαν τριάκοντα γένη διακεκοσμήθησατ, καθάπερ αἱ}

\(^1\)See Chapter One 1-2.

\(^2\)See Ibid 7-8.
Thus, according to the fragment, the phratry was originally a subdivision of the four Ionian phylai, and was identical to the early trittys. There were three phratries/trittyes to each phyle, thus twelve in total, and each was arranged into thirty genë, which, in turn, contained thirty men each, resulting in a total Attic male population of 10,800. In addition, this organization of the male population of Attika was in imitation of the seasons, months, and days of the year: the four phylai in simulation of the four seasons; the twelve phratries/trittyes, of the twelve months; and the thirty genë, of the thirty days in each month.

The content of the fragment has given scholars many reasons to doubt its historical validity. Specifically, the view of the AP that there was a total male population of 10,800, as well as its connection of the early organization of Attika with the processes of nature appear too schematic and theoretical to be trusted. In addition, later evidence neither supports the idea that the genos was a subdivision of the phratry, nor that every Athenian belonged to a genos. A more serious concern, however, is the AP's assertion that the phratry was identical to the early trittys and, therefore, that it was a subdivision of the old Ionian phyle. For, as we shall see, one would never conclude, on

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3 Rhodes Commentary 68-73; Lambert Phratries 371-80.
4 Rhodes Commentary 69.
the basis of later evidence, that the phratry was either. Nevertheless, it is still necessary to consider carefully what the AP is telling us about the early history of the institution, instead of simply dismissing its author as confused or downright wrong.

One of the implications of AP fr.3 is that the phratry was once part of the political organization of Attika. Certainly, in Drakon's homicide law, the phratry appears to have a very important position within society. And, as stated earlier, it appears that anyone who was considered an Athenian belonged to one. But, is the AP correct in asserting that it was originally a subdivision of the old Ionian phyle and identical to the early trittys? At 8.3, the author of the AP does not mention the phratry in his outline of the type of politeia which existed in the time of Solon; he states that there were four phylai, each of which was divided into three trittyes and twelve naukrariai. And, in discussing the reforms of 508/7 B.C., he states that, while Kleisthenes re-organized the phylai, trittyes, and naukrariai, he left the phratries untouched, allowing them to retain their function κατὰ τὰ πάρτια. If the phratry was identical to the early trittys, as AP fr.3 asserts, it is highly improbable that it could have remained unaltered by the Kleisthenic reforms. Unless, of course, its function and relationship to

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5AP 21.1; 21.5; and 21.6.

the other formal divisions of the state had been altered previously, a possibility which, unfortunately, remains obscure.

Our ability to determine the accuracy of AP fr. 3 is hindered further by our incomplete knowledge of the early organization of Attika. More specifically, the above observation that the phratry is not mentioned at AP 8.3 does not, in itself, warrant the conclusion that AP fr. 3 is wrong, since we do not know exactly what the naukrariai were, and, furthermore, what their relationship to the phylai and trittyes was.⁷

When we turn to the Iliad, however, the phratry is mentioned again in connection with the phyle, as it is in AP fr. 3. At 2.362-3, Nestor advises Agamemnon κρίν’ ἄνδρας κατὰ φύλα κατὰ φρήτρας, ἡχάμεμνον, ὡς φήτρῃ φήτρῃν ἄρηγη, φύλα δὲ φύλοις. Thus, according to this passage, the context of which is a military one, the phylai are envisioned as somehow being able to be organized into phratries. Must one conclude from this that the phratry was, indeed, a subdivision of the phyle and, therefore, that the AP is correct? Not necessarily. For another interpretation is feasible. It is possible that the phratries were not, as AP fr. 3 states, a part of the official, state-organization; but, instead, were used in military organization as groups outside of the organization of

⁷See, for example, Hignett HAC 67-74. Thus, I do not agree with Lambert's vision of the early organization of Attika (see his final chapter, especially 251-61).
the state. As such, the marshalling of the army by phylai and by phratries in *Iliad* 2.362-3 could be something similar to the situation described in the Great Rhetra at Sparta, where the Spartans are to be organized by phylai and by obai. The obai, argued by W.G. Forrest to have been villages, were not subdivisions of the phylai, but, nevertheless, they were used in the organization of the Spartans. This should not be taken to imply that the Spartan oba was the same as the Attic phratry, but merely to suggest that it is possible, on the basis of the Spartan example, that the phratries were not subdivisions of the phylai, even though they could be used in military organization.

If it be permitted to make such a suggestion, the organization by phylai and by phratries envisioned in *Iliad* 2.362-3 need not cause difficulties; and, furthermore, the suggestion does shed some light on the association of the phratry with the trittys in AP fr.3. It has recently been proposed that

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8 Andrewes ("Phratries In Homer." *Hermes* 89 (1961) 129-40) has argued that the occurrence of the phratry in Homer is a later insertion and, therefore, could not have been an institution as early as the *Iliad* would have us believe. Instead, he argued that the phratry was a later creation of the aristocratic state as a means by which aristocrats could organize their dependents and retainers (accepted by Rhodes, *Commentary* 71; rejected by Lambert, *Phratries* 270-1). It should be noted, however, that Andrewes did not deny that the phratries did have a military function (140); his main purpose was to show that the phratries were not an extremely ancient institution.


the function of the early trittys may have been a military one.\textsuperscript{11} If this were the case, one could explain the identification of the phratry with the trittys in AP fr.3 as a misunderstanding on the author's part of the phratry's role in such an organization. If the phratry was ever part of the political organization of Attika, we do not hear of it in later evidence. It is more likely, as will be seen, that the character of the Attic phratries was something similar to the Spartan *syssitia* or to the Gortynian *hetaireiai*. For, when the phratry is mentioned again in the *Iliad*, it appears to be understood in terms quite different from those of AP fr.3 and *Iliad* 2.362-3.

At 9.63-64, Nestor describes a man who loves war among his own kind as being a man who is ἀφήνων, ἀθέμιστος, and ἀνέστιός. For Nestor, a man who loves war among his own kind is a man who no longer belongs to those institutions of society that define membership in it:\textsuperscript{12} he is a man who does not belong to the phratry; and, a man who does not belong to the family (*oikos*).\textsuperscript{13}

Later evidence for the Attic phratry, from Drakon's homicide law

\textsuperscript{11}Lambert *Phratries* 256-7. The evidence is based on the name of the trittys Leukotanoi, a name which means "white-ribboned" (see text of J.H. Oliver, "Greek Inscriptions." *Hesperia* 4 (1935) 21 no.2 31-43, and comments of Rhodes *Commentary* 68) and may be "a reference to distinguishing marks on spears" (Lambert *Phratries* 257), which would further suggest a military function.

\textsuperscript{12}In Aristotle's terms, he is a man who is ἀπολικαί, *Pol.* 1253a2.

\textsuperscript{13}This is suggested by ἀνεστίος; for the importance of the hearth as the centre of the religious existence of the family, see W. Burkert, *Greek Religion: Archaic and Classical* J. Raffan, trans. (Harvard: Harvard University Press, 1985) 255.
down to the fourth-century orators, suggests that the phratry played a fundamental role in individual oikoi and in their relationship to the polis-community as a whole. Indeed, one could argue that the phratry appears to have been the institution which linked individual oikoi to the community of the polis.

There is, however, a major difficulty in examining the role of the phratry in Athenian society which must be addressed here. As already stated, evidence for the role of the phratry in early Athenian society is virtually non-existent; and the evidence which does exist dates to the period after the introduction of Perikles' citizenship law. It is, therefore, questionable to what extent one may use this later evidence for an understanding of the role of the phratry before 451/0 B.C. Drakon's homicide law, however, indicates clearly that the phratry did exist at that time; that there was a fundamental link between being an Athenian and being a phratry-member, and that the phratry did have a relationship to individual oikoi. Furthermore, AP 21.6

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14Lambert (Phratries) sees the phratry as an extension of the family; Lacey (The Family in Classical Greece [London: Thames & Hudson, 1968]) discusses the phratry and its importance in relation to the oikos throughout his book; also, cf. Ar. Pol. 1252b16-1253a7, where the polis is described as being an amalgamation of a variety of κοινωνίαι, with the oikos being the smallest of those κοινωνίαι. According to Ar., the growth of these κοινωνίαι was κατὰ φύσιν and the end (telos) of this growth was the polis itself. Cf. Pol. 1262a6-13; 1280b29-81a1; and E.E. 1241b24-26.

15For the role of the deme and its relationship to the phratry and to the polis-community, see below 59-71.

16See above, 19.

17See Chapter One 7-8; cf. 19 above.
acknowledges the existence of the phratries before Kleisthenes. No evidence supports the idea that the phratry gained powers after Kleisthenes, rather the process seems to have been quite the reverse.\(^{18}\) Therefore, I think it is justifiable to use evidence which occurs after 451/0 B.C. for an understanding of what the phratry did before that year, though it goes without saying that one must proceed with extreme caution.

The phratry seems to have been an institution which occupied that middle ground between individual *oikoi* and the community of the *polis*. An examination of the literary evidence and of the admission procedures of the phratry suggests that, on the one hand, it was an institution which recognized and secured one's status (that is, whether one was γνήσιος and could share in the ἀγαθοτελεία) within an individual *oikos*, whilst, on the other, it was an institution which recognized and secured one's status within the *polis*-community.\(^{19}\) In other words, membership in an *oikos*--and the right to participate in its ἱερά and in the ἀγαθοτελεία--seems to have been dependent on membership in the phratry; while, at the same time, membership in the phratry seems to have secured one's right to μετέχειν τῆς πόλεως.

In his account of the life of Perikles, Plutarch states that Perikles wanted to have his son by Aspasia enrolled among the

\(^{18}\) See below, 59-71.

\(^{19}\) By status, I mean whether one was γνήσιος or not. For the position of women in the *oikos*, phratry and in the *polis*, see below, 44-6.
phrateres in order that his name and oikos would not become extinct. This suggests that, once his son had been admitted into the phratry, he would have been able to carry on Perikles' oikos and, thus, preserve it.\textsuperscript{20} In Aristophanes' Birds, lines 1646-70, Herakles' inability to share in the ἄγγιστεῖα and, thus, to have a share in the property and oikos of Zeus, is directly linked with his lack of membership in a phratry. At lines 1646-67, Peisthetairos tells Herakles that he will be unable to inherit because he is a νόθος, not γνήσιος, and, as proof of his inability to inherit and of his νόθος-status, Peisthetairos asks him whether σ' δ' πατήρ εἰσήγαγ' ἐς τοὺς φράττορας;\textsuperscript{21} the answer is negative and, thus, Herakles has no place to share in the ἄγγιστεῖα, nor to share in the oikos of Zeus. Furthermore, in fourth-century speeches concerning inheritance and/or adoption, membership in a phratry is often given as proof for belonging to the deceased's oikos and for having the right to share in the ἄγγιστεῖα. In [Demosthenes] 43, the speaker, Sositheos, argues that his son, Euboulides III, is the rightful heir to the estate of Euboulides II and, thereby, to that of Hagnias. As proof of this, Sositheos claims that he had Euboulides III introduced into the phratry of Euboulides II as his adopted son in order that the oikos of Euboulides II (and, thus, the oikos of Hagnias) would not become

\textsuperscript{20}Perikles 37.5; the context of this passage, that is Perikles' citizenship law, will be discussed in full in Chapter Three.

\textsuperscript{21}Line 1669.
extinct. Throughout the speech, Sositheos claims that Euboulides III belongs to the oikos of Euboulides II and of Hagnias, and is the rightful heir to the estate by virtue of the fact that he had been admitted into their phratry as an adopted son. Similarly, in Isaios 7, Thrasyllos II's membership in the phratry and genos of Apollodoros is given as proof of his adoption into, and membership in, Apollodoros' oikos. And, in Isaios 8, as evidence for their γνήσιος-status and for their right to inherit the property of their maternal grandfather, the speaker states that he and his brother had been introduced into the phratry and had always taken part in the religious festivals and sacrifices of the oikos of their grandfather. Conversely, the speaker of Isaios 3 argues that, because Phile's father had never introduced her into his phratry, she was not considered to be γνήσια and, therefore, had no claim to be ἑπίκληρος; if her father had considered her to be γνήσια, and not νόθη, the speaker states, he would certainly have introduced her into his phratry.

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22 [Dem.] 43.11-14. For other speeches in which appeal to the preservation/extinction of an oikos is made, see Is. 7.30; Dem. 44.15, 27, 33, 48.

23 See, for example, 43.12-14; 17; 81-2.

24 Is. 7.13, 26, 43.

25 Is. 8.19; 15-16. The position of women and their relationship to the oikos, phratry, and polis which this speech raises will be discussed below, 44-6.

26 Is. 3.73-6.
rather than adopt. Thus, in these passages, membership in a phratry is portrayed as the means by which membership in an oikos and, thereby, the right to share in the ἀγγελία, are secured.

In cases concerning one's membership in the polis-community, admission into the phratry is also emphasized. In Isaios 12, the speaker presents Euphiletos' membership in the phratry as evidence that he is an Athenian citizen. Similarly, in Demosthenes 57, in order to show that he is a citizen, Euxitheos stresses several times the fact that he was introduced and accepted into his father's phratry. The link between membership in the phratry and membership in the polis is also made in Demosthenes 59. At 59.38, Stephanos is said to have promised Neaira that he would make her sons citizens by introducing them to the members of his phratry as his very own children. Thus, membership in a phratry not only secured one's position in, and relationship to, the paternal oikos, but it also secured one's membership in the polis-community.

The passages discussed above also suggest that fundamental

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27 Is. 3.76.
28 Is. 12.3; 12.8.
29 Dem. 57.23; 57.24; 57.54.
30 Cf. Is. 3.37, where membership in a phratry is linked with the phrase ἐνέχειν τῆς πόλεως. For the significance of this phrase and its cognates, see Chapter One, 2-7.
31 Cf. the language of one's participation in the family and one's participation in the polis at Is. 6.25; 6.47; Dem. 39.31-2; 39.35; 43.51; 57.24-5; 57.28. See C.B. Patterson, "Those Athenian Bastards." CA 9.1 (1990) 56-7.
to one's acceptance into, and membership in, both oikos and phratry was that one be γνήσιος. The evidence for the admission procedures of the phratry indeed suggests that one of the qualifications necessary—and, in fact, probably the most important qualification—was that a candidate be recognized and accepted as γνήσιος by the members of the phratry.

Based on the surviving evidence, it is generally agreed that a male candidate for phratry-admission was presented two times to the phratry: the first time, in a ceremony known as the meion, usually conducted within the first few years of a child's life; and, a second time, in a ceremony known as the koureion, at some time during adolescence. Part of the difficulty in reconstructing the exact timing for these ceremonies, and for what exactly took place during each, is that the evidence for the admission procedures of the phratry from fourth-century speeches does not mention them explicitly, nor do the speakers seem to have been very concerned with the details of what took place at each. What seems to have been most important to the speakers' arguments was simply to show that they had been (or, likewise, their opponents had not been) admitted into the phratry; and, in order to prove such a point, all that was necessary was to

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32 Cf. Lambert Phratries Ch. One, esp. 31-43.

33 For explicit reference to the meion and koureion, see IG II2 1237, ll. 5-8; Σ Arist. Frogs 798; for the meion, see Harpokration, s.v. μείων καὶ μειωγής; Pollux 3.52; for the koureion, see Pollux 8.107; Is. 6. Cf. comments of Lambert Phratries 161-66.
mention a one-time event (or, in some cases, the absence thereof). It is, therefore, necessary to rely on hints or things implied in the speeches where admission into the phratry is mentioned in order to determine what ceremony is being referred to as well as to determine what precisely took place at each. IG II² 1237, otherwise known as the Demotionidai/Dekeleieis Decrees, however, does provide us with the best evidence for the admission procedures of that particular phratry; it will, therefore, be necessary to examine its procedures along with those mentioned in the orators.

Introduction of male candidates into the phratry appears to have taken place normally on the third day (Koureotis) of the annual festival of the phratry, Apatouria. Isaios 7.15 suggests, however, that it may have been possible to introduce candidates at other phratry-meetings. Thrasyllos II, the speaker, states that he had been introduced into the phratry and genos of Apollodoros during the Thargelia, not the Apatouria.

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34 Cf. comments of Lambert Phratries 166-7.

35 As will become clear during the course of examining the evidence for the admission procedures of the phratry, it seems that, even though every phratry essentially conducted the same procedures, the timing of certain elements of the procedures varied from phratry to phratry; see below, 41-2.

36 See Σ Arist. Acharnians 146 for an account of the three-day festival; IG II² 1237, 11. 28-9 for an explicit reference to Koureotis; Dem. 39.4, And. 1.126 for an explicit reference to the festival Apatouria during which introduction into the phratry took place.

37 Is. 7.15-7.
It is clear from the speech that the opponents of Thrasyllos II had contested his adoption; but, what is not clear is whether the contestation specifically involved his admission into the phratry and *genos* during the Thargelia. If it had, one would expect Thrasyllos II to have given a specific explanation for it.

Lambert has recently suggested that the phratry of Apollodoros held a regular meeting at the Thargelia,\(^{38}\) during which it was possible to conduct admissions, which could not be postponed until the Apatouria for special reasons.\(^{39}\) He suggests that the sense of urgency Apollodoros felt to adopt, as Thrasyllos II describes it, is a possible explanation for his admission to have taken place at that time.\(^{40}\) Indeed, this would make sense, if one considers that Apollodoros' only son had died in the month Maimakterion,\(^{41}\) the month following Pyanopsion during which the Apatouria was held,\(^{42}\) and that he did not want his other relatives to inherit his estate because of a long-standing enmity.\(^{43}\) It is not possible, however, to conclude from Isaios 7 that an arrangement such as the one envisioned by

\(^{38}\) Following the suggestion of Wilamowitz, Lambert has suggested that Apollodoros' phratry was the Achniadai, who appear to have had a cult of Apollo Hebdomeios (*Phratries* 283; IG II 4974) and, thus, would have met during the Thargelia.

\(^{39}\) *Phratries* 217.

\(^{40}\) *Ibid* 217.

\(^{41}\) Is. 7.14.

\(^{42}\) Cf. comments of Wyse 558.

\(^{43}\) Is. 7.6-8; 11-13.
Lambert was conducted in other phratries, since there is no evidence for it. It would be best, therefore, to assume that, given the nationalistic character of the Apatouria, it was most common (and, probably, most desirable in order to avoid possible contestations) to introduce a candidate for phratry-admission during it, rather than at other phratry-meetings.

Evidence from the orators suggests that, under normal circumstances, a candidate for phratry membership was introduced by his own father, who was himself a member of that phratry. In Isaios 8, for example, the speaker states Ὄ τε πατὴρ ἦμων, ἐπειδὴ ἐγενόμεθα, εἰς τοὺς φράτορας ἦμας εἰσήγαγεν. But, this does not appear to have always been the case. In Andokides 1, it is the relatives of the mother of the alleged child by Kallias who introduce the child to his phratry, and it is not even clear from the speech whether they themselves were members of that particular phratry. In cases of adoption inter vivos, the adoptee would be introduced by the adoptive father into his phratry; and, in cases of adoption by will, either the adoptee would arrange to

44 Is. 8.19; cf. Dem. 57.54; 59.59; and Is. 6.21.

45 And. 1.126; cf. Dem. 57.54, where Euxitheos begins by stating that his relatives took him to the phratry (μεθ'θεώς ἦγον εἰς τοὺς φράτερας), but ends by stating that his father introduced him and swore the customary oath (ἀλλὰ μὴν ὁ πατὴρ αὐτὸς ἦγον ὁμόσας τὸν νόμιμον τοῖς φράτεροι ὅρκον εἰσήγαγε με). On the oath sworn at phratry-introductions, see below, 35-6.

46 Is. 2.14-17, 44-5; 7.13-17, 24-7; 9.33; Dem. 39.4, 20-1, 29-30; 40.11; 59.55-9. It seems that Is. 6.21-6 and Dem. 59.59 may be cases of adoption inter vivos as well, though the speakers do not explicitly say so.
have himself introduced into the phratry of his adoptive father or, if he were a minor, his guardian would do so. In Demosthenes 43, a case of posthumous adoption, it is Sositheos, the natural father of Euboulides III, who introduces him into the phratry of Euboulides II as an adopted son, though he himself was not a member of that phratry.

Whether it was a case where the natural father introduced his son into his own phratry or a case of adoption, the procedures for admission into a phratry which follow appear to have been the same. Andokides describes the steps by which the introducer, in this case, the relatives of the mother of the alleged child by Kallias, introduces the child into Kallias' phratry. At 1.126, he states,

λαβόντες δὲ οἱ προσήκοντες τῇ γυναικὶ τῷ παιδίον ἦκον ἐπὶ τὸν βωμὸν Ἀπατουρλίοις, ἔχοντες ίερεῖον,

The ceremony described at 1.126 appears to be the meion. This is suggested by the fact that the child is referred to as τὸ παιδίον in 125 (soon after birth) and 126 (at the ceremony proper), but, later, when Kallias receives the mother back and accepts paternity, the son is described as τὸν παῖδα ἡδή μέγαν ὄντα (127).
where they are received by the phratriarch, Kallias, who asks them the identity of the candidate. When the relatives reply that Kallias himself is the father of the child, Kallias immediately takes hold of the altar and, on oath, denies paternity.

In most speeches, however, it is the introducer himself who swears an oath at this point in the procedures. In Isaios 8, possibly describing the meion, the speaker states that his father,

ομόσας κατὰ τοὺς γόμους τοὺς κεκέμενους ἢ μὴν ἐξ οὐσίας καὶ ἐγγνητής γυναικὸς εἰσάγειν.

Similarly, in Demosthenes 57, which also appears to be an account of the meion, Euxitheos claims,

ὁ πατὴρ αὐτῶς ἤδη ομόσας τὸν νόμιμον τοὺς φράτεραν ὅρκον εἰσήγαγε με, ἄστιν ἐξ ἃ οὐσίας ἐγγνητής αὐτὸς γέγενημένον εἰδὼς.

51 In IG II2 1237, both phratriarch and priest are mentioned, but it is not clear for what duties each was responsible. For other speeches where a sacrifice and/or the phratry altar is mentioned, see Is. 7.15, Dem. 43.14-15, 81-3, 57.54.

52 1.126.

53 That the ceremony is possibly the meion is suggested by the speaker's own comments at 19 that his father introduced his brother and him when they were born (ἐπεθύμη ἐγνώμεθα).

54 8.19; cf. the oath Kallias swore when he introduced his son into the genos, Kerykes (And. 1.127). The stipulation in this and the following two oaths, quoted in the above text, that the child being introduced be born ἐξ ἄστις cannot, of course, pre-date Perikles' citizenship law.

55 Like And. 1.126, Euxitheos refers to himself as τὸ παιδίον when he was introduced into the phratry of his father (57.54).

56 57.54.
In Isaios 7, a case of adult adoption, Thrasyllos II claims that, when Apollodoros introduced him into his phratry as an adopted son, he

επειθέναι πίστιν κατά τόν ἱερὸν ἢ μὴν ἡς ἀστής εἰσάγειν καὶ γεγονότα ὁρθῶς.57

In the Demotionidai/Dekeleieis Decrees, it appears that the introducer was to swear an oath at the preliminary scrutiny, or anakrisis, which possibly occurred at the koureion.58 In addition, this particular phratry required three witnesses to give evidence on the questions asked of them during the anakrisis and to swear the following oath to Zeus Phratrios:

μαρτυρῶ δὴν εἰσάγει ἡα/ντοῖς οὐν ἕνα τόσον γνήσιον ἐγ γαμετ/ῆς ἄλληθ' ἀρετή νῆ τὴν Διὰ τὸν Φράτριο/ν ἐθορκὼντι μέν μοι πολλα' καὶ ἴσαβα δὲν/[[αἰ, εἰ δ'],] ἐθορκοήν, τάναντία.59

From the speeches in which the admission procedures of the phratry are described, it appears that, after the introducer swore the oath, any phrater had the right to object openly to the introduction of a candidate. In Isaios 6, the only explicit

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5716; cf. 17.

58That an oath was sworn by the introducer is implied by the one sworn by the three witnesses (ll. 108-13). It is unclear when precisely the anakrisis took place; all that is indicated is that it is to happen ἐπὶ τῇ εἰσαγω/γεί τῶν παιδῶν (ll. 108-9), which could refer to either meion or koureion. Since, however, under Menexenos' proposal, the details about a candidate's parentage were to be posted in the first year following that in which the koureion was sacrificed (ll.116-21), and, under Hierokles' proposal, the regular diadikasia (scrutiny-examination) of candidates was to take place a year after the koureion was sacrificed, it seems most probable that the anakrisis occurred at the time of the koureion. See Lambert Phratries 132.

59ll. 108-113.
evidence from the orators for the koureion, Philoktemon objects to the introduction by his father, Euktemon, of Alke's elder son into the phratry by removing the sacrificial victim from the altar, an act which put an end to the proceedings and which was, effectively, a declaration that what was sworn in the oath by his father was not, in his opinion, true.  

There is evidence, however, that phratry members voted on the admission of candidates into the phratry, but it is not entirely clear whether the possibility for a member to object took place in the context of the vote by all phrateres; whether it was a separate part of the procedures for admission; or, whether a vote was conducted only if there was an objection.  

In Isaios 6, there is no mention of a vote by all the phrateres, either before or after Philoktemon objected to the introduction of Alke's elder son. Instead, the entire admissions procedure was stopped when he made the objection, and the matter was resolved privately by Philoktemon and Euktemon, the result of which was the admission of the son into the phratry at a subsequent meeting. In Isaios 8, the speaker claims that, since none of the phrateres objected or disagreed with their introduction into their father's phratry, they were, in effect, accepting the oath sworn by their father as true.  

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60 Is. 6.22; cf. 8.19, and 20.  
61 This last possibility is suggested by Lambert Phratries 173.  
62 Is. 6.22-5.  
63 8.19, cf. 20.
Isaios 6, there is no mention of a vote, but the speaker does state that the members of the phratry "examined such things (that is, the oath sworn by the introducer) exactly," suggesting that there was some type of formal method whereby the eligibility of a candidate for admission was examined and assessed. What the precise nature of the procedure was, and whether it was followed only if there was an objection by a phratry member, cannot be determined by the text.

In contrast to the speaker of Isaios 8, Thrasyllos II, in Isaios 7, stresses the fact that every member of the phratry (and genos) of Apollodoros had voted on whether to admit him or not, and he describes the voting process as part of the regular procedures for the admission of candidates into that particular phratry (and genos), not as a result of an objection. In Andokides 1, albeit an account of an admission into the genos Kerykes, it is not entirely clear whether the vote was conducted as a result of Kalliades' objection to the introduction of Kallias' son, or whether it was part of the regular procedures, as in Isaios 7. Sositheos' account of the admission of his son, Euboulides III, into the phratry of Euboulides II, however, suggests that it was possible for a phratry member to object

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64 Is. 8.19.

65 This seems to be hinted at by the speaker's equally vague comments on procedure at 8.20.

66 Is. 7.16, 17.

67 Cf. Dem. 59.59.
 openly to the introduction of a candidate while the whole phratry was in the process of conducting a vote on the matter. At 43.82, Sositheos states that

...ὅτε [Εὐβουλίδης] εἰσήγησε, οἱ μὲν άλλοι φράττες κρύβον τὴν ψήφον, οὗτος δὲ Μακάρτατος φανερὰ ψήφον ἐγγίσατο ὄρθως εἰσάγεσθαι Εὐβουλίδη νῦν τὸν παίδα τουτού, οὐκ ἤθελόν τις ἐγγίσασθαι τῷ ἱερεῖον ὁδ' ἀπαγαγεῖν ἀπὸ τοῦ βωμοῦ ὑπεύθυνον αὐτὸν ποιήσας,

suggesting that the vote was a normal part of the admissions procedures of this particular phratry, during which objections could be made openly by any member.68 It is possible, therefore, that such a procedure may have been conducted in the genos of Kallias, since Andokides does not stress that the vote was taken as a result of Kalliades' objection.

What procedure would have been conducted had Makartatos objected openly to the introduction of Euboulides III is not clear. As in Isaios 6, the way to object was to seize, or remove, the victim from the altar,69 an act, which brought an end to the admissions-procedures in Isaios 6. It seems that such an act would have brought an end to the voting process in Demosthenes 43 as well and, from the language of 43.82, specifically Sositheos' statement that Makartatos would have become ὑπεύθυνος, it appears that he would have been obliged to justify his objection.

The decrees of the Demotionidai/Dekeleieis offer more details for the way the phratry voted on the admission of a

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69 Cf. Dem. 43.82, quoted above.
candidate. Unlike the introductions into the phratry described in the orators, which portray the entire procedure as a single event, the Demotionidai/Dekeleieis appear to have waited a year after the koureion was sacrificed (during which, I suggested, the anakrisis was held) before conducting a vote concerning admission. Prior to all of the phrateres voting, it is stipulated in the second of the decrees that the members of the introducer's own thiasos are to vote secretly on the admission of a candidate. Once they have voted, the phratriarch is to count the ballots in the presence of all the phrateres and is to make the decision of the thiasos known. It is stipulated that, when the other phrateres vote on the admission of a candidate, the members of the introducer's own thiasos are not to vote again. If the thiasos votes for admission, but the rest of the phrateres vote against it, the members of the thiasos are fined one hundred drachmas, except for those who spoke against admission, or who appeared to be against it, during the diadikasia, which suggests that there was some form of debate in such circumstances. In cases where the thiasos votes against

70 11. 78-84. Cf. Dem. 43.82 quoted above (39), where Sositheos states that the members of Apollodoros' phratry were to vote secretly.

71 11. 84-8.

72 11. 103-6.

73 11. 88-94. The decree does not explicitly state that there is to be some form of debate if the thiasos votes for, but the other phrateres vote against, admission. The text merely states that the thiasotai are to be fined, πλὴν δοσι τῶν/θιασωτῶν κατήγοροι ἢ
admission; the introducer is permitted to make an appeal to the whole phratry; if he chooses not to, the negative decision of the thiasos stands and the candidate is denied admission. If the introducer decides to appeal and the phratry as a whole votes in favour of admission, the candidate's name is inscribed on the phratry register. If, however, the phratry casts a negative vote, the introducer is to pay a fine of one hundred drachmas.

There is no evidence in other accounts of the admissions procedures of the phratry that the voting process was organized in such a way as that found in the Demotionidai/Dekeleieis Decrees. As a result, we do not hear of cases in which an introducer could make an appeal to the whole phratry against a negative decision of a subgroup. Rather, there is evidence which indicates that a dike could be brought against a phratry or genos for refusing to admit a candidate. In such circumstances, one would presume, if a candidate was found to be denied admission wrongfully, the phratry would have been compelled to admit

\text{\textsuperscript{74}} 11. 94-5; 100-3.
\text{\textsuperscript{75}} 11. 96-8.
\text{\textsuperscript{76}} 11. 98-100.
\text{\textsuperscript{77}} Dem. 59.59-60.
him. Otherwise, the negative decision of the phratry was upheld by the court.

As indicated in the Demotionidai/Dekeleieis Decrees, a candidate's name was inscribed on the phratry register after successful completion of the diadikasia, which, as noted above, took place a year after the koureion ceremony. In Demosthenes 39, Mantitheos merely states that he was "enrolled among the phrateres as Mantitheos." But, Thrasyllos II, in Isaios 7, stresses the fact that his name was entered onto the phratry registers only after the phrateres had voted to admit him, not before. Conversely, Phano's son was not enrolled into the phratry of Phrastor because of the negative vote of the phrateres.

The picture of the admissions-procedures that emerges is one of variety from phratry to phratry. On the one hand, all phratries seem to have conducted their admissions procedures during the Apatouria, and, though the accounts of the orators suggest that there was only one ceremony for admission, the

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78 Cf. admission procedures of the deme.

79 Cf. Dem. 59.60, where Phrastor's refusal to swear that the son was indeed his own essentially upheld the decision of his genos

80 Dem. 39.3-4.

81 Is. 7.15-17.

82 Dem. 59.59.

83 A conclusion reached by Lambert as well (Phratries 161-85).

84 The one exception is Is. 8, discussed above, 31-3.
Demotionidai/Dekeleis show that there could be two. On the other hand, however, it seems to have been left up to the individual phratries to determine the details themselves. That is, whether there would have been an anakrisis, a diadikasia; whether witnesses were required to swear an oath in corroboration with that sworn by an introducer; whether there was a preliminary vote by a subgroup of a phratry, seem to have been issues which individual phratries decided and arranged independently. Thus, we have evidence that one phratry held an anakrisis and waited a year for a candidate to be admitted into the phratry upon successful completion of the diadikasia, a procedure which does not appear to have been followed by other phratries as described in the orators. One aspect of the procedures for admission into the phratry that remains constant in the evidence and which appears to have been common to all phratries, however, is the qualifications necessary for membership.

The oath sworn by the introducer for the admission of a candidate into the phratry reveals these most clearly. First and foremost, all of the examples cited so far suggest that a qualification necessary was that one be male.\(^5\) This immediately raises the question of the female's relationship to the phratry. Whilst it is true that the arguments of the speaker at Isaios 3.73-6--particularly his comment that, had Phile been

\(^5\) This is especially evidenced by the oath of the three witnesses in the Demotionidai/Dekeleis Decrees (11. 108-13); see also the cases discussed above, 33-40.
γυνήσια, her father would have introduced her to his phratry since this was their law\textsuperscript{86}--indicate that girls could be introduced into the phratry of their father, there is no evidence that they ever became veritable phrateres. In Demosthenes 57, for example, Euxitheos calls the phrateres of his mother's relatives to bear witness to the fact that she was an aste; nowhere does he give any indication that she herself was a phratry-member.\textsuperscript{87} Furthermore, it is not entirely clear from the speaker's arguments in Isaios 3 whether this phratry required that only daughters whom their father intended to be epikleroi be introduced, or whether all γυνήσια daughters were to be.\textsuperscript{88} Moreover, whether all phratries required that intended epikleroi or all γυνήσια daughters be introduced as a rule is uncertain. It seems most probable, however, that, given the importance of a woman's citizen descent after the passage of Perikles' law, in most phratries, if not in all, girls would have been received and recognized as γυνήσια as part of regular phratry-procedure, whether they were to be epikleroi, or not.\textsuperscript{89} Girls would not have become members of their father's phratry; but their status

\textsuperscript{86}Is. 3.76; cf. also 3.79.

\textsuperscript{87}Dem. 57.40; 60.

\textsuperscript{88}See Lambert's presentation of the problem (Phratries 178-81).

\textsuperscript{89}The question of whether girls were received by their father's phratry before 451/0 B.C., or whether this practice was instituted at the passage of the law, will be considered in Chapter Three (90-1).
as γνήσιως would have been recognized and accepted by the members of the phratry. Thus, in Demosthenes 57, the phrateres of Euxitheos' mother's relatives were able to give testimony that she was an aste, though she herself was not a member.

The relationship girls had to their father's phratry is revealed further by a consideration of the one women had to the phratry of their husband. Evidence from the orators indicates that women were received, and their status as γνήσιως (and, thus, their ability to bear children, who would also be considered to be γνήσιοι), was recognized by their husband's phrateres at the ceremony known as the gamelia. The gamelia, given by the groom to the members of his phratry in honour of the bride, marked the final stage in the marriage-process at Athens.\(^90\) Again, as in the relationship girls had to their father's phratry, women are not spoken of as becoming members of their husband's phratry in the cases where the gamelia is attested. Rather, the fact that the ceremony was celebrated is, in Isaios 8, given as proof by the speaker that his mother was considered to be γνήσιως\(^91\) and, in Demosthenes 57, it is given as proof by Euxitheos that his mother

\(^{90}\) For the procedures followed for marriage, see Harrison, LA 1.3-9, though I believe he rather underestimates the significance of the gamelia. Whether the gamelia was celebrated before the passage of Perikles' law or was celebrated by the phratry as a result of the law is difficult to determine based on current evidence. I will consider this question in Chapter Three (90-1) in conjunction with the effects the law must have had on the practices of the phratry.

\(^{91}\) Is. 8.18; 20.
was an *aste*. Conversely, at Isaios 3.79-80, the speaker uses the fact that his uncle, Pyrrhos, never gave the *gamelia* to the members of his phratry in honour of Phile's mother as evidence that Pyrrhos had never been married to her and, thereby, that Phile herself was not *γνήσια*. In none of these speeches, however, is it even hinted that the *gamelia* bestowed phratry-membership upon the woman.

In addition to being male, the oath sworn by the introducer points towards another qualification required for membership in the phratry. In Isaios 8, the speaker's father swore that the son he was introducing into the phratry was born ἐξ ἀστής καὶ ἐγγυητῆς γυναικὸς. Similarly, Euxitheos claims that, when he was introduced into his paternal phratry, his father swore that he ὁστὸν ἐξ ἀστής ἐγγυητῆς...γεγενημένον. The oath sworn by Kallias, as transmitted by Andokides, takes a slightly different form: Kallias swore that τὸν παῖδα ἐαυτοῦ ἦναι γνήσιον, ἐκ Χρυσίλλης γεγονότα. This oath recalls the one sworn by the three witnesses at the *anakrisis* in the second of the Demotionidai/Dekeleieis Decrees, which stipulates that the one being introduced into the phratry ἐκα/υτῶν ὦν ἦναι τότον γνήσιον ἐγ γαμετ/ης.

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92 Dem. 57.43; 68-9.
93 Is. 8.19.
94 Dem. 57.54.
95 And. 1.127.
96 IG II 1237, 11. 109-11.
In cases where the candidate was adopted, the oath sworn was slightly different from those of Andokides 1 and the Demotionidai/Dekeleieis Decrees with respect to the fact that the candidate was not the natural son of the introducer. The qualification indicated, however, is the same. In Isaios 7, Thrasylllos II states that Apollodoros swore that he ἔδειξεν ἐς ἀγέν καὶ γεγονότα ἀρθωκ. The oath sworn at the phratry admissions-procedures, therefore, points towards two qualifications required for membership. Namely, that a candidate be male and that he be γνήσιος, defined in these passages as one born from a citizen mother, who was married. One must also add to this definition what is implicit in the oath sworn by the introducer: namely, that the father, or adoptive father, had to be a citizen as well.

Γνήσιος, therefore, appears to have been the key issue in determining admission into the phratry. Such a definition of γνήσιος as the one described above cannot, however, be assumed to have been in place before the passage of Perikles' citizenship law in 451/0 B.C.. For, the evidence indicates that the terms γνήσιος/α and νόθος/η had earlier meanings quite different from those that pertained after the passage of the law in that year.

Before 451/0 B.C., it was not the case that both parents had to be Athenian citizens in order for their children to be

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97 Is. 7.16.

98 Cf. Dem. 46.18: ἰν ἐν ἐγγυήσει ἐπὶ δικαίως δόματα εἶναι ἡ πατὴρ ἡ ἀδελφος ὁμοπάτωρ ἢ πάππος ὁ πρὸς πατρός, ἐκ ταύτης εἶναι παιδὸς γνησίους.
considered γνήσιοι, not νόθοι. Kimon, for example, whose father, Stesagoras, was an Athenian, but whose mother, Hegesipyle, was Thracian, is not labelled in the tradition as having been a νόθος. Similarly, Kleisthenes was not considered a νόθος, though his mother, Agariste, was Sikyonian. Rather, as has often been remarked by modern scholars, it was quite common for families, particularly prominent ones, to create alliances with those from other city-states through marriage, the offspring of which were considered γνήσιοι.

At 46.18, Demosthenes quotes an early Athenian law, which, essentially, indicates who was considered γνήσιος:

quoted text

Thus, according to the law, γνήσιοι are those children born by a woman betrothed by her father, her brother of the same father, or...

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100 Hdt. 6.130.


102 The occurrence of the word δίαματι suggests that this is an early law (See Ogden Greek Bastardy 37-8).
by her paternal grandfather. Nothing is said here of the origins of the mother (that is, whether she is Athenian or not); one would presume, therefore, that non-Athenian women married to Athenian men by engye could bear children, who would be regarded as γυναικείοι.

Until recently, it was held that the term νόθος/η was simply the exact opposite of γυναικείος/α and, therefore, that it applied only to those children born out of wedlock. Patterson has, however, challenged this view. She argues that the term has a very specific, almost technical, meaning referring, in Homer at least, to "the recognized children of a man, typically a hero or king, and a woman other than his wife, typically a bought or captured pallake living within the household. The νόθος is part of his father's household, although generally with an inferior status reflecting the inferior status of his mother." As examples of this phenomenon, Patterson refers to Teukros, the νόθος son of Telamon; Medon, "νόθος son of Oileos, whom Rhene bore;" and to the many νόθοι of Priam, who lived in his household along with his γυναικείοι. She also suggests that Odysseus'

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103 See the comments of Ogden on epidikasia (Greek Bastardy 38).
106 Patterson Idem; Il. 8. 281-4; 2. 727-8; 4. 499-500; 16. 738; and, for Priam's νόθη, see 13. 173-6.
fictitious identity in Book 14 of the *Odyssey* is a description of who a νόθος was. At 14.203-10, the disguised Odysseus relates that his fictitious father had many γνήσιοι sons born to him by his wife, but that he himself was born by a pallake. Though reared and cared for by his father, he says, he did not receive the same inheritance as his γνήσιοι half-brothers. Patterson suggests that, even though Odysseus does not use the term νόθος to describe himself, he should be understood to be one.\(^\text{107}\) Children born to a woman as a result of adultery, rape, incest, or otherwise, Patterson argues, are not νόθοι. Rather, they are a different class of illegitimates altogether, with no paternal recognition.\(^\text{108}\) In contrast to them, the νόθος was "a paternally recognized child with a place in the father's household."\(^\text{109}\)

When considering the application of the term νόθος/η in Archaic and early Classical Athens, Patterson maintains that it was still Homeric. Thus, one can find traces, she suggests, of the old system in a clause of Drakon's homicide law, recorded at Demosthenes 23.53:

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"Εαν τις ἀποκτείνη ἐν θελοῖς ήκον, ἢ ἐν δόμῳ καθελὼν, ἢ ἐν πολέμῳ, ἀγνόησας ἢ ἐπὶ δόμαρτι ἢ ἐπὶ μητρί· ἢ ἐπὶ ἀδελφή ἢ ἐπὶ θυγατρί, ἢ ἐπὶ
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\(^{107}\)Patterson *Ibid* 47-8. She also suggests that Megapenthes was νόθος, since he was the recognized offspring of Menelaos and a slave. Since, however, he was Menelaos' only son, he was considered γνήσιος. (Patterson *Ibid* 48). On the position of the νόθος in the paternal oikos when there were no γνήσιοι, see below 55-9.

\(^{108}\)Patterson *Ibid* 50.

\(^{109}\)Idem.
According to Patterson's theory on the meaning of νοθεία, the pallakē kept "for the purpose of free children" in the passage above is the producer of free (as opposed to slave), νόθοι children, living within the paternal oikos. Support for Patterson's argument can perhaps be found at Herodotos 3.1-2, where Herodotos relates that the Egyptians believed the Persian Cambyses to be the νόθος son of Cyros, born to him by his pallakē, Nitetis. In Euripides' Andromache, not only is the son of Neoptolemos and Andromache often referred to as νόθος, but also the position of Andromache as the captured pallakē, who begets νόθοι children, is contrasted with that of Hermione, the lawful wife of Neoptolemos, and potential producer of γυνήσιοι.

Although Patterson's argument does find support in the evidence discussed thus far, there is some evidence to suggest that the term νόθος/η could, indeed, refer simply to children born out of wedlock, as earlier scholarship believed. In Euripides' 

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110 Patterson Ibid 54.

111 Patterson (Ibid 52 n.50) suggests "that Herodotos is [here] applying Greek terminology--and also perhaps attributing Greek custom--to the Persian court." For other occurrences of νόθος in Herodotos, see 5.94 and 8.103.

112 For the references to the son of Neoptolemos and Andromache, see 11. 634-40 and 1. 912; for the comparison between the statuses of Hermione and Andromache, see 11. 154-225; see also Hermione's words at 11. 927-8 and, especially, 11. 940-1. Cf. C.B. Patterson, "Those Athenian Bastards." CA 9.1 (1990) 66.
Ion, for example, when Ion believes he is the son of Xuthos and an unknown woman, he laments his status as Xuthos' ἥδος, suggesting that the term could apply to children born out of wedlock, not specifically to those born to a παλλακή, as Patterson argues. Also, when Ion learns that he is, in fact, Kreusa's son, he says that he is a ἥδος of a παρθενίος (unwed) woman. The Ion, therefore, does show that children born out of wedlock could be referred to as ἥδος. But, perhaps, in its early usage, the term did only signify children born by a παλλακή. At any rate, Patterson is correct, I believe, in asserting that the ἥδος was a paternally recognized child, with a position in the paternal οἶκος.

The social and legal position of the ἥδος in the paternal οἶκος, phratry (and, after Kleisthenes, the deme), and in the polis before 451/0 B.C. is a difficult and controversial question. Was he a full member in these institutions, or not? Though one cannot really speak of the legal position of the Homeric ἥδος in the phratry, deme, and polis, the poems do shed some light on his position within the paternal οἶκος and in the society the poems portray. In Homer, the ἥδος is portrayed as

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113 Ion 11. 589ff.
114 Ion 1.1473.
115 Cf. Ogden (Greek Bastardy 15-17), who cites other examples as well. In dealing with the Ion and other plays by Euripides (such as the Hippolytos, where Hippolytos is the ἥδος of Theseus), Patterson suggests that Euripides extended the meaning of the term. ("Those Athenian Bastards." CA 9.1 (1990) 51; 47-8).
free (as opposed to slave)\textsuperscript{116} and a member of his father's oikos,\textsuperscript{117} but, in comparison to his γυνήσιοι half-siblings, his membership is an inferior one. Thus, in the Iliad, we see νόθοι being charioteers for their γυνήσιοι half-brothers,\textsuperscript{118} or spearmen in scenes of warfare.\textsuperscript{119} But, it is in the issue of inheritance, in particular, that the νόθος appears to have been treated as an inferior member of the paternal oikos.

In Book 14 of the Odyssey, the disguised Odysseus states that, after the death of his fictitious father, his γυνήσιοι half-brothers gave him less of a share in their father's estate than they received, suggesting that he was not regarded as an equal shareholder.\textsuperscript{120} In contrast to this situation, Megapenthes' position within the oikos of Menelaos is indicative of cases in which γυνήσιοι did not exist. For Megapenthes, the son of Menelaos by a slave, but his only son, is treated as though he were γυνήσιος, receiving a wedding-feast and being sole heir to his father's estate.\textsuperscript{121} Thus, it appears that, when γυνήσιοι existed,

\begin{itemize}
  \item \textsuperscript{116} Cf. [Dem.] 23.53 (quoted above, 51)
  \item \textsuperscript{117} For example, Priam's νόθοι lived in his household, and Teukros lived in that of Telamon (50 and n. 106, above).
  \item \textsuperscript{118} Ili. 10.101-4; 16.737-9.
  \item \textsuperscript{119} Ili. 5. 69-74, 15.333-6; cf Teukros, who was a bowman (8.283-4).
  \item \textsuperscript{120} Od. 11.208-10.
  \item \textsuperscript{121} Od. 4.11-2. It should be noted, however, that Megapenthes is never referred to as a νόθος, but his origins (that is, as the recognized son of a slave and king) are comparable to those
\end{itemize}
νόθοι were considered to be inferior members of the paternal 
oikos, but, when there were no γνήσιοι, they were regarded as 
though they were their equals.\footnote{122}

This same principle appears in Herodotos' account of a 
Persian nomimon,\footnote{123} which stipulates that a νόθος son of a king 
does not proceed to the throne if a γνήσιος exists, and in a 
fifth-century inscription from Tegea, which outlines the order of 
succession to a temple deposit, beginning first with Xuthias, 
then to his γνήσιος and γνήσιοι, to his νόθοι, and, last of all, to 
his collateral relatives.\footnote{124} Thus, in both of these instances 
as well, the νόθος is excluded only by a γνήσιος.

The position of the νόθος at Athens is more complex and 
difficult to determine since what little evidence exists is often 
inconclusive and, therefore, open to interpretation. There is, 
however, general consensus among modern scholars who have dealt 
with this issue that, before Solon, the position of the νόθος 
within the paternal oikos was essentially Homeric, but that, 

\footnote{122}I hesitate to agree with C.B. Patterson's conclusion from 
these two passages that "against γνήσιοι, nothoi have no 
inheritance claim" ("Those Athenian Bastards." CA 9.1 (1990) 50) in 
Homeric society simply because the case of Odysseus in Book 14 
suggests otherwise. Cf. the position of the adopted son in cases 
of inheritance in the law code at Gortyn (Col. 10, 11. 39-52. Text 
& Co., 1967)).

\footnote{123}Hdt. 3.2.2.

\footnote{124}IG 5\sup{2} 159.
either during or after Solon's nomothesia, his position was altered. \(^{125}\) We know that by 403/2 B.C. at the latest νόθος δὲ μην ἔννοιαν ἄγχιστειάν μήθ' ἔρθών μήθ' ὀσίων; \(^{126}\) whether this law was in effect only from this time onwards, or was a reenactment of a previous one, will be considered below.

In Aristophanes' Birds, Peisthetairos claims to be quoting a law of Solon, which stipulates that

\[ νόθος δὲ μὴ ἔννοιαν ἄγχιστειάν παῖδων ὄντων γνήσιων. \]
\[ ἐὰν δὲ παῖδες μὴ ὄσι γνήσιοι, τοῖς ἐγγενεῖσί τε γένοις μετείναι τῶν χρημάτων. \(^{127}\) \]

Thus, according to the law, the νόθος has no claim to the anchisteia, even if there are no γνήσιοι, and, therefore, is excluded completely from sharing in the paternal oikos. The law, as presented in the Birds, appears to be an amalgamation of two distinct laws: one which permitted νόθος to inherit and, thus, share in the paternal oikos (ll. 1661-2); and the other, which barred them from participation (ll. 1663-5). \(^{128}\) It is difficult to determine which part of the law is Solonian, if, indeed, Patterson ("Those Athenian Bastards." CA 9.1 (1990) 54-7) argues for a post-Solonian change in the treatment of νόθος at Athens; Humphreys ("The Nothoi of Kynosarges." JHS 94 (1974) 90) argues that it was the work of Solon.

\(^{125}\) Dem. 43.51; cf. the phrasing of the law in Is. 6.47.

\(^{126}\) Ll. 1661-5.

either can be genuinely attributed to him. H.J. Wolff argued that the first part (ll. 1661-2), which is identical to the position of the νόθος in Homer and the inscription from Tegea discussed above, is a genuine Solonian law and, if read on its own, implies that there was "a provision giving νόθοι preference to collaterals if there [were] no γνήσιοι; the second part was added, he believes, to create a comic effect. Thus, in Wolff's opinion, Solon maintained the Homeric pattern, now confirmed by law, allowing νόθοι to share in the paternal oikos and to inherit when no γνήσιοι existed.

Though the interpretation offered by Wolff is plausible, it does not fit in well with another piece of legislation attributed to Solon by Plutarch. This is the law which relieved the νόθος of his obligation to support his parents in their old age. Wolff, and, most recently, Vernant, interpreted this law as confirming the inferior position of the νόθος in the paternal oikos. But the law, as transmitted by Plutarch, does not make the provision that the νόθος is relieved of his obligation only if there are γνήσιοι sons. If there were such a provision, the law would correspond with the first part of the law of Solon,

130 Plut. Solon 22.4.
quoted in the *Birds*, which, as Wolff argued, implies that νόθοι did share in the anchisteia in the absence of γνήσιοι, and which, as mentioned above, is identical to their position in Homer and fifth-century Tegea. Since, however, there does not appear to have been any such provision, the law suggests that any ties the νόθος had to the paternal oikos were severed at this time, even in the absence of γνήσιοι. Thus, I suggest that the second part of the law in the passage of Aristophanes' *Birds*, not the first, is Solonian. It appears, therefore, that it was Solon who altered the relationship of the νόθος to the paternal oikos, not only denying him participation in the anchisteia, but also relieving him of his obligations to it. Thus, from the time of Solon, νόθος δὲ μηδὲ νόθη μὴ εἶναι δικοστελαν μὴν ιερὸν μὴν ψάων.

This brings us to the question of the membership of the νόθος in both phratry and polis at this point in Athenian history. Given the inferior status of the νόθος in the paternal oikos and, given the close relationship between oikos membership and membership in the phratry discussed earlier in this chapter and the phratry's insistence upon γνησίωτης, it follows that the νόθος would not have been accepted into the phratry. He, therefore,

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132 Cf. the comments of Ogden Greek Bastardy 36 and 39.

133 Cf. Ogden Ibid 39-43. Ogden also suggests that it was at this time that the νοθεία (the portion given to the νόθος) was established (Ibid 38-9).

134 Dem. 43.51; cf. Is. 6.47.
would not have been a member of the polis-community, since membership in the polis was dependent on membership in the phratry at this time. Before Solon severed the relationship between the νόθος and the paternal oikos completely, however, it may have been possible that, in cases where an oikos had no γυνήσιοι or γυνήσια and the νόθος became successor, he was admitted into the paternal phratry, thereby being, effectively legitimated. If this was the case, it follows that he became a full-member of both the paternal oikos and the polis-community. After Solon, however, this was no longer possible, even in the absence of γυνήσιοι/α. In such cases, as Birds 1663-5 makes clear, the estate fell to the collateral relatives.

Opinion among modern scholars concerning the membership of the νόθος in the polis-community after the introduction of the deme-system in 508/7 B.C. is further divided, with some believing

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135 Cf. Rhodes Commentary 496-7; Ogden Greek Bastardy 41-3; and C.B. Patterson, "Those Athenian Bastards." CA 9.1 56-7, who, however, believes that Kleisthenes was responsible for the complete exclusion of the νόθος in the oikos, phratry, and polis (cf. H.J. Wolff, "Marriage Law and Family Organization in Ancient Athens." Traditio 2 (1944) 90-1).

136 Compare the account of Perikles' νόθος son, who was admitted into the phratry by special request because both of Perikles' γυνήσιοι sons had died (Plutarch Perikles 37.5; and 26-7 above). There is no mention in the passage, however, that this son was then admitted into the deme and accepted as a full-member of the polis. But we know from elsewhere that he was one of the generals at Arginusai and, therefore, must have been a member of the deme.
that he did become a member, others that he did not. The essential question one must ask is whether Kleisthenes made the requirements for membership in the deme different from those of the phratry, thereby changing the requirements for membership in the polis-community. At 42.1, the author of the AP describes the procedure for admission into the deme and the citizen body in his own day:

μετέχονσιν μὲν τῆς πολιτείας οἱ ἐξ ὀμοφόρων γεγονότες ἄστων, ἐγγράφονται δ' εἰς τοὺς δημόσιας ὀκτωκαίδεκα ἑτη γεγονότες. ὤταν δ' ἐγγράφονται, διαγράφονται περὶ αὐτῶν ὀμοσαντες οἱ δημόσιαι, πρῶτον μὲν εἰ δοκοῦσι γεγονόναι τῷ ἡλίκιαν τῷ ἐκ τοῦ νόμου, κἂν μὴ δόξωσι, ἀπέρχονται πάλιν εἰς παῖδας, δεύτερον δ' εἰ ἐλευθερός ἔστι καὶ γέγονε κατὰ τῷ ἄοις νόμον.

The absence of γνήσιότης as a requirement for admission into the deme has been the source of the modern argument that the deme did not require its members to be γνήσιοι. MacDowell, for example, points out that, apart from the stipulation that those who are to share in the politeia are those whose parents are both Athenian, there is only mention of the requirements that a candidate be eighteen years of age and that he be ἐλευθερὸς...καὶ γέγονε κατὰ τῷ ἄοις

MacDowell argues that γνησιότης cannot be assumed in the phrase γέγονε κατὰ τῶν νόμων, which he takes to refer back to the requirement of Athenian birth on both sides. He concludes from the AP's silence in this matter that the deme, unlike the phratry, did not require its members to be γνήσιοι and that, therefore, the νόθος was not excluded from membership.

MacDowell's argument, however, is faulty. As indicated in the examination of the requirements for membership in the phratry, γνησιότης, at least after 451/0 B.C., meant, by definition, birth from two Athenian parents. This stipulation is itself mentioned in AP's description of the requirements for membership in the deme, quoted above. One can only conclude from this that the deme did require γνησιότης on the part of its prospective members and, therefore, that the νόθος was not permitted admission, at least after the passage of the Periklean


139 Idem.

140 Idem. Cf. the argument of Sealey ("On Lawful Concubinage in Athens." CA 3.1 (1984) 114-6), who argues that the word ἐλεύθερος in AP 42.1 is the equivalent of "citizen." He then cites [Dem.] 23.53, in which the children of a pallake are described as ἐλεύθεροι, and argues that, since the word is used in AP as "citizen", and, since the children of a pallake are ἐλεύθεροι as well, such children were citizens. I believe, however, that such arguments are misleading and incorrect. (Cf. the view of Patterson on Sealey's interpretation of ἐλεύθερος ("Those Athenian Bastards." CA 9.1 (1990) 54.)
citizenship law.\textsuperscript{141} For the situation before 451/0 B.C., direct
evidence is non-existent. One is forced, therefore, to consider
what the intentions of Kleisthenes were in introducing the new
political organization of Attika. In other words, was
Kleisthenes concerned with the qualifications necessary for
membership in the polis-community and did he, therefore, alter
them?

In his account of the reforms of Kleisthenes, the author of
the AP seems to have thought that one of the purposes of the
reforms was the extension of citizenship. This is most evident
in his statement that Kleisthenes introduced the use of the
demotic in order to hide those newly enfranchised.\textsuperscript{142} One finds
Kleisthenes credited with mass enfranchisement in Aristotle's
Politics as well:

\begin{quote}
\textit{...κάθεiov \textcolor{red}{κατά τήν τῶν τυράννων ἐξβολήν...}
πολλοὺς γὰρ ἑφιλέτευσε ξένους καὶ δούλους μετοίκους. τὸ δὲ \textcolor{red}{ἡμιοιόθητιμα} πρὸς
tούτοις ἐστίν οὗ τίς πολίτης, ἄλλα πότερον ἅδικος ἢ δικαιος.}\textsuperscript{143}
\end{quote}

Some of those who accept this tradition regard citizenship (that
is, who should and who should not belong) as the main issue

\textsuperscript{141}He says that the AP's "silence [on the requirement of
γνησιότητις] must be significant" (CQ 26 (1976) 89). See the counter-
arguments of P.J. Rhodes, "Bastards As Athenian Citizens." CQ 28
(1978) 89; and cf. his remarks in Commentary 496-7, 499-500.

\textsuperscript{142}AP 21.4.

\textsuperscript{143}Ar. Pol. 1275b34-9; cf. 1319b21-2, where Ar. states that
more phratries are created when enfranchisements occur. It is not
clear, however, that he is referring to Athens.
behind the Kleisthenic reforms.\textsuperscript{144} As support for this view, its proponents turn to the \textit{diapsēphismos} conducted at the end of the Peisistratid rule, a scrutiny which, \textit{AP} states, arose because many were sharing in the \textit{politeia} who should not have been and, which, its author implies, caused many to lose their citizenship;\textsuperscript{145} and to the \textit{AP}'s statement that Kleisthenes proposed \textit{ἀποδιδὸς ἅπα πλῆθει τὴν πολιτείαν}, a statement which they interpret to mean that he proposed to give back the citizenship to those who had lost it on account of the \textit{diapsēphismos}.\textsuperscript{146}

I think one must concede that it is entirely possible, given the tradition, that some \textit{ἐννοι, δῆλοι, or even, νόθοι} "may have been registered as deme members in the canvassing of Attika necessary for the empanelling of Kleisthenes' new tribal council."\textsuperscript{147} But, to argue from this that the main issue behind the reforms was citizenship appears to me to be misguided. First of all, as indicated in \textit{Chapter One}, it has recently been proposed that the \textit{diapsēphismos} need not have been a purging of the citizen lists, as \textit{AP} seems to have thought. Rather, it may have been merely an accounting of citizen numbers required for the institution of


\textsuperscript{145}\textit{AP} 13.5; cf. \textit{Chapter One} 14-15.


\textsuperscript{147}C.B. Patterson, "Those Athenian Bastards." \textit{CA} 9.1 (1990) 59.
Kleisthenes' deme-system; the AP's suggestion that it was not as such may be an inference informed by later practice.\(^\text{148}\)

Secondly, the AP's statement that Kleisthenes proposed \(\alpha\varphi\omicron\delta\nu\delta\omicron\varsigma \tau\omicron \\pi\lambda\acute{\theta}\epsilon\iota \\tau\iota \nu \\pi\omicron\omicron\iota\omicron\tau\omicron\epsilon\omicron\omicron \varsigma\) suggests, rather, that he proposed to give political power (that is, control of the state) to the plethos, not that he proposed to hand over citizenship, which, I suggest, was not at issue.\(^\text{149}\) Such a reading of this phrase conforms with the AP's later account of Kleisthenes' reorganization of the citizen-body and its institutions (that is, deme/trittys/phyle and boule).\(^\text{150}\) More specifically, it conforms with his statement that Kleisthenes \(\alpha\nu\alpha\mu\epsilon\epsilon\zeta\varsigma \beta\omicron\omicron\lambda\omicron\omicron\nu\omicron\varsigma, \\dot{\iota}\nu\omicron\varsigma \mu\acute{\epsilon}\alpha\sigma\varsigma\chi\omicron\varsigma \\pi\lambda\acute{\theta}\iota\omicron\varsigma \tau\omicron \\pi\omicron\omicron\iota\omicron\tau\omicron\epsilon\omicron\omicron \varsigma\) -- a statement which I would translate as Kleisthenes "wished to mix up [the citizens] in order that more [existing citizens] should have a share in the running of the state."\(^\text{151}\)

It also suits the historical context of the reforms, a context which Herodotos certainly suggests was marked by the struggle for political control of the state.


\(^{149}\)Thus, I am in agreement with Rhodes (Commentary 244-5); cf. Wade-Gery Essays 139 n.2, 147-8, 149 n.1; and Chapter One (3-5) on the meaning of politeia here.

\(^{150}\)AP 21.

\(^{151}\)AP 21.2; cf. Ar. Pol. 6; Rhodes' commentary to this chapter (Commentary 249-60, particularly 250, where he deals with this phrase); contra Manville's translation (*The Origins of Citizenship in Ancient Athens*). (Princeton: Princeton University Press, 1990) 185-90).
Tied into the question of the purpose of Kleisthenes' reforms is the issue of the relationship between phratry and deme. For, underlying the arguments of those who believe that Kleisthenes altered the requirements of membership is the assumption that membership in a phratry was no longer a necessary requirement for membership in the polis. One must consider, therefore, whether Kleisthenes intended to replace the function of the phratry vis-a-vis membership in the polis with the deme. Stated otherwise, after the Kleisthenic reforms, was it only necessary to belong to a deme to be considered a member of the polis-community?

The question is, indeed, a perplexing one. For, in his account of the procedure for μετέχειν τῆς πολιτείας, the author of the AP only describes the procedure for admission into the deme; he does not say anything about membership in the phratry. In addition, from the oratorical evidence for the admission procedures of the deme, it does not appear that a candidate had to prove membership in a phratry in order to qualify for membership in the deme. Rather, the process was separate. As with the admission procedures of the phratry, candidates for membership in the deme were introduced by their father to his demesmen; and, in cases of adoption, a candidate was

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152 AP 42.1.

153 See, for example, Dem. 39.21.
introduced by his adoptive father to his own deme. Unlike the phratry's two ceremonies for admission (the meion and koureion), there appears to have been only one ceremony in the deme, and this did not take place until the age of eighteen. Demesmen, as was the case for phrateres, appear to have been required to take an oath and vote on a candidate's eligibility for admission. Upon successful completion, a candidate's name was inscribed on the lexiarchikon grammateion. And, as AP indicates, those whom the deme voted to reject as not having the

154 See, for example, Is. 7.27; and Dem. 44.36-40. It is unclear when the deme held its admissions ceremony. Some have taken Lys. 31.1 as proof that all demes performed an annual ceremony early in the new year (Rhodes Commentary 497; The Athenian Boule. (Oxford: Oxford University Press, 1972) 172; Macdowell LCA 69). Whitehead does not regard this as sufficient proof (Demes 100). It is most likely, however, that, as with the phratries, which celebrated the Apatouria, all Attic demes held an annual ceremony for admissions at the same time.

155 AP 42.1 indicates that introduction to, and registration in, the deme took place when a candidate was eighteen years old. It is unclear whether this means that a candidate had to have already celebrated his eighteenth birthday, or if introduction took place in one's eighteenth year (that is, after his seventeenth birthday). Rhodes, however, has shown that it must be the former (Commentary 497-8). Cf. Whitehead Demes 101 n.78. No evidence from the orators or other literary sources can confirm the AP's statement (on Lys. 31.1 and Dem. 27.5, see previous note); all that can be said from this evidence is that introduction to the deme took place normally soon after introduction to the phratry. See, for example, Is. 7.13-17, 27-8; Dem. 39.3-5. One of the ways in which the speaker of Dem. 44 attempts to prove that his opponent is not the proper heir to the estate of Archiades is the irregularity with which Leochares was introduced to both phratry and deme. At 44.41-3 (repeated at 44), the speaker stresses the fact that Leochares was introduced to the demesmen of Archiades as his adopted son before he was introduced to his phratry. The implication here is that Leochares' adoption is suspect because he should have been introduced to the phratry before he was to the deme.

156 AP 42.1; Is. 7.27 (part of the deme oath); Dem. 57.26, 61, 64, which also records part of the oath.
proper qualification, could appeal to a jury court. Unlike those newly enrolled in a phratry, new demesmen had to undergo review by the Boule to ensure that each met the proper requirements, and, if any were found to be improperly enrolled, the demesmen were fined. The very fact that a central organ of the polis was responsible for confirming one's legitimacy for belonging to a deme, combined with the fact that one's admission into a deme was not dependent on prior admission into a phratry, would suggest that the state did not consider membership in a phratry a requirement for belonging to the polis.

In his account of the reforms of 508/7 B.C., however, the author of the AP states specifically that Kleisthenes τὰ δὲ γένη καὶ τὰς φρατρίας καὶ τὰς έποιήσεις ἔλαβεν ἕκαστος κατὰ τὰ πάτρια—-a statement which can only indicate that the phratry retained its function, including its function in regard to membership in the polis-community. In addition to this evidence, there is also that found in the orators, in which membership in both phratry and deme is linked to one's membership in the polis and in which the absence of membership in either institution gives reason to doubt


158 AP 42.1 suggests that the Boule considered only the age-requiment. As Rhodes argues, however, both Boule and jury court must have considered all of the qualifications (The Athenian Boule. (Oxford: Oxford University Press, 1972) 171-74; Commentary 500; 502).

the legitimacy of one's claim to belonging to the state; and that
found in citizenship grants where, for the most part, membership
in a phratry is given along with membership in deme, trittyes,
and phyle.¹⁶⁰

How is this apparently conflicting evidence to be
reconciled? Should one follow the example of such scholars as
MacDowell and Harrison by simply explaining the positive evidence
for the phratry away as an example of Athenian conservatism, and
suggest that membership in a phratry "was the normal thing, [but
it was not] indispensable?"¹⁶¹ Or, is Lambert's argument, that
membership in both phratry and deme were required, since each was
conceptually linked to being an Athenian, the more accurate one?
According to Lambert, it was through admission into both phratry
and deme that one became an Athenian citizen. He argues that
each institution performed different functions in belonging to
the polis: the phratry, with its two admissions ceremonies, was

¹⁶⁰I say for the most part because there are three decrees in
which phratry membership is not given and one in which the deme is
not given. (See Osborne Naturalization 2.21) Along with the above
evidence should be mentioned AP 55.3, where, during the archontic
scrutiny, prospective archons are asked, among other things,
whether they have a cult of Apollo Patroos. This cult was
associated particularly with the genos and phratry. The
implication here is not only that one had to be a member of a
phratry in order to become an archon (see Rhodes Commentary 618),
but also, I suggest, that one had to be a phrater in order to be an
Athenian as well.

¹⁶¹Harrison LA 1.64 n.1; MacDowell LCA 68. Views comparable to
that of Harrison and MacDowell can be found in the works of Wade-
Gery (Essays 151 n.2); Gomme (Essays 81); Andrewes ("Philochoros On
Phratries" JHS 81 (1961) 13); Osborne (Naturalization 3/4 171);
Whitehead (Demes 97 n.55); and Manville (The Origins of Citizenship
n.79, 63).
concerned primarily with matters of descent (that is, with ensuring that the proper qualifications be met, and with issues of inheritance and adoption); while the deme, though it too examined the qualifications of its candidates, was the institution through which most of the political and judicial criteria of membership were acquired. For Lambert, it was through membership in a phratry and through membership in a deme that one became an Athenian citizen.

Lambert's view, at any rate, describes the reality of the way in which citizenship was conceived in classical Athens. In the face of the literary and epigraphic evidence, in which membership in both institutions is attested for belonging to the polis, it is logical to accept that both were required. It is most likely, however, that Kleisthenes did intend that membership in the deme replace membership in phratry in regard to citizenship, just as the four Ionian tribes and the early trittyes were supplanted over time by the new.

It is necessary to consider, however, how much of the system of admission to the deme and review by the Boule, well attested in the fourth century, can be attributed to Kleisthenes. In her study of the Periklean citizenship law, Patterson has argued that "it is not justifiable to assume that the system of deme scrutiny, registration, review by the Boule, and possible appeal

\[162\] Lambert Phratries 31-43.

\[163\] Cf. AP's explanation for the use of the demotic over the patronymic.
to a dikasterion emerged full-blown from the head of Kleisthenes."\textsuperscript{164} In her opinion, the admission procedure of the deme was most likely modelled initially on that of the phratry, developing eventually, during the fifth century, into that described by AP and the orators, as the polis became more centralized. Thus, for Patterson, demesmen were left to determine their own procedures for admission into their group, just as, she believes, was the case for individual phratries.\textsuperscript{165}

In considering the view of Patterson, Whitehead has objected that

"the uniform procedures well documented in the second half of the fourth century must surely have had their roots in some basic regulations laid down, with the same end in view, by Kleisthenes. Thus,...we may indeed we must envisage from the start the two fundamental elements of scrutiny-examination (dokimasia) and registration-enrolment."\textsuperscript{166}

For Whitehead, Kleisthenes was responsible, at least, for the establishment of regularized deme admission procedure, as well as review by the Boule.\textsuperscript{167} It is necessary to recognize that the arguments of both scholars are from silence. For, there is no direct evidence to support either. Patterson's objection that it

\textsuperscript{164}Patterson PCL 27.

\textsuperscript{165}Patterson Ibid 27-8. Patterson also believes that the requirements for membership in the deme would have varied from deme to deme, just as, she believes, was the case for the phratries (PCL 22; 28). On the question of whether there was any polis-legislation on membership, see below 72-80.

\textsuperscript{166}Demes 35.

\textsuperscript{167}Cf. P.J. Rhodes, The Athenian Boule. (Oxford: Oxford University Press, 1972) 173, in whose opinion the dokimasia by the Boule was established by Kleisthenes.
is difficult to accept that the system of admission to the deme, possible appeal to a central jury court, and review by the Boule could have "emerged full-blown from the head of Kleisthenes".\textsuperscript{168} is, however, unconvincing. Admittedly, one must concede that some of the system attested in the fourth century was due to new developments and changes during the fifth.\textsuperscript{169} But, surely, the re-organization of the population of Attika into ten new tribes, each divided into three \textit{trittyes}, and based on the local unit, the deme, was itself revolutionary and the work of genius. It is not unrealistic, in my mind at least, to envision that Kleisthenes gave jurisdiction to the Boule to review those newly admitted to the deme. If this was, indeed, the case, it becomes clear that Kleisthenes intended membership in the deme to be the sole basis for citizenship. The role of the phratry, however, in matters of the family (that is, in descent, adoption, and inheritance) was, culturally, so entrenched in the very essence of being an Athenian, that its importance persisted well into the fourth century.\textsuperscript{170} The very fact that, in grants of citizenship by Athens to foreigners, membership in a phratry was given suggests that the state recognized the importance membership in

\textsuperscript{168}Patterson \textit{PCL} 27.

\textsuperscript{169}This may have been the case particularly for the right to appeal to a central jury court. The \textit{ephebeia}, as a national military service, was, I believe, a fourth-century institution.

\textsuperscript{170}Cf. Rhodes \textit{Commentary} 70.
that institution played for belonging to the polis.\textsuperscript{171}

If this is a correct interpretation of the evidence, it becomes clear that, though Kleisthenes did intend to make membership in the deme the sole basis for citizenship, he did not alter the requirements themselves for admission into the citizen-body. It follows, therefore, that the deme did require γνησίως on the part of its prospective members and, subsequently, that the νόθος was not admitted into the citizen body after the Kleisthenic reforms.

I would like to conclude this chapter by considering whether there was a precedent for Perikles' citizenship law of 451/0 B.C.. That is, was there a law of the polis, imposed by the centre onto phratry and, after 508/7 B.C., deme, on who could, and who could not, belong to the Athenian state?

In her recent study of Perikles' citizenship law, Patterson has argued that there was no law of the Athenian polis before 451/0 B.C. defining who could and who could not belong. Membership in the polis before that year was, she suggests, the business of individual phratries and, after the Kleisthenic reforms, the demes.\textsuperscript{172} In her view, the importance of Perikles'

\textsuperscript{171}It would be a mistake, however, to follow Lambert and suggest that the role each institution played was as clear-cut and distinct as he proposes (that is, that the phratry was important for matters of the family, whereas the deme was the vehicle for access to the political and judicial criteria of membership). For, there is evidence that the deme was also concerned with matters of the family, particularly in matters of burial ([Dem]. 43.57-8; cf. comments of Whitehead Demes 137-8).

\textsuperscript{172}PCL 8-28, especially 8.
citizenship law lies in that it set down a standard qualification necessary for membership in Athens. Thus, before 451/0 B.C., it was the responsibility of individual phratries and demes to determine what qualifications were necessary for membership in them and, thereby, in the polis as a whole. Accordingly, the qualifications for admission into phratry and deme would have varied before the introduction of Perikles' citizenship law.173

In our examination of the admissions procedures of the phratry, we saw that, indeed, individual phratries handled their admissions differently. In other words, we saw that the details of procedure varied from phratry to phratry. Can the same be said, however, of the qualifications necessary for membership? Did the phratries and demes determine by themselves who should be admitted and who should not?174 It would be useful here to follow Patterson's example and examine the evidence concerning state- legislation on membership, beginning first with Solon and then proceeding to Peisistratos and, finally, to Kleisthenes.

The following law is quoted in the Justinian Digest and is

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173 Most evident at Patterson PCL 113. Her suggestion (PCL 29 n.1) that, before 451/0 B.C., some Athenian phratries and demes were requiring birth from two Athenian parents seems to me farfetched. Cf. Whitehead Demes 99 n.63. Ogden (Greek Bastardy 47-53) makes an argument similar to that of Patterson, proposing that there were competing requirements for citizenship between the phratries and gene.

174 It should be emphasized that one of the implications of Patterson's argument that individual phratries and demes were left to determine what qualifications were necessary for membership in them is that the situation could arise where an individual was accepted into the phratry, but not into the deme. What would this individual's status have been? Would he have been an Athenian?
attributed to Solon:

εάν δὲ δήμος ἡ φροτερεὶς ἡ ἀρχῶν ὅρων ὁμοίων καὶ γεννηται ἡ σύσσιτοι ἡ ὁμόταφοι ἡ ἰδιοσωτείς ἡ ἐπὶ λέοντα σχιζόμενο ἡ εἰς ἐμπορίαν, ἡ τι ἡν τούτον διαθέτει πρὸς ἀλλήλους, κύριον εἶναι, ἢν μὴ ἀπαγορεῦσῃ δημόσια γράμματα.\(^\text{175}\)

As Whitehead has remarked, we have in this passage several "associations," which are here permitted "to issue sovereign enactments insofar as they do not contravene public law."\(^\text{176}\)

The authenticity of the law as presented in the Digest is in doubt because of the reference to demes, which did not exist as official groups before Kleisthenes, and to other associations, such as syssitioi, which are not believed to have been an Athenian institution.\(^\text{177}\) Andrewes noted that "the law as here presented may contain later accretions,"\(^\text{178}\) but did not doubt the attribution of the law to Solon. Patterson, on the other hand, has suggested that the law belongs to a period much later than Solon, and that it has been incorrectly "attributed to him as the founder of Athenian law."\(^\text{179}\) It should be made clear that Patterson's proposal that the law is not Solonian suits her main argument that there was no law of the polis on membership. For, if we accept that it is the work of Solon, the law suggests that there may have been a law of the polis before 451/0 B.C. on who

\(^{175}\) 47.22.4.

\(^{176}\) Demes 13.

\(^{177}\) A. Andrewes, "Philochoros On Phratries." JHS 81 (1961) 12 n.40; Patterson PCL 17-8; Whitehead Demes 13.

\(^{178}\) Ibid 12 n.40.

\(^{179}\) Patterson PCL 18.
could, and who could not, belong. The law, however, only suggests this; it does not confirm it, since it does not state specifically that there were δημόσια γράμματα on polis-membership. The law as presented here, then, cannot stand on its own as an indication that Solon legislated on who was to belong to the polis over and above the decision of individual phratries.

At Chapter 24 of his life of Solon, Plutarch credits him with the enfranchisement of foreigners:

παρείχε δ' ἀπορίαν καὶ ὁ τῶν δημοσίων νόμος, ὃτι γενεσθε πολίταις οὐ δίδωσι πλὴν τοῖς φεύγονσιν ἀείφυσιν τὴν ἑαυτῶν ἢ πανεσπείσ θήναζε μετοικιζομένους έπι τέχνη.

Plutarch goes on to explain that Solon did not restrict citizenship to foreigners who were in exile and to those who came to Athens to practice a trade in order to discourage others from coming to Athens, but simply to permit such foreigners to come with the assurance of becoming members of the polis. If the law is genuinely Solonian, it does appear to place restrictions on the decisions of the phratry on whom they could, and could not, accept. The law, however, sounds more like a one-time offer of asylum than a general policy, or law, on membership in the polis-community. I would suggest that the thrust of this law is similar to that of the amnesty law also attributed to Solon, and discussed below.

In a poem by Solon, quoted at AP 12.4, the law-giver claims

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180 Patterson prefers to date the law to the early fifth century (PCL 19).

181 See Patterson (PCL 18-19) on the difficulties of logistics.
to have restored the citizen-status of those Athenians who had been sold into slavery both at home and abroad.\textsuperscript{182} In addition to this, Plutarch purports to be quoting the eighth of Solon's laws from the axones when he writes:

\begin{quote}
'Ατιμον ουκ άτιμοι ἦσαν πρὶν ή Σόλωνα ἔρει, ἐπειτίμους εἶναι πλὴν ὅσοι ἐξ Ἀρείου πάγου ή θάνατος ἐξ τῶν ἑφετῶν ἐκ πρωτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνφ ἡ σφαγαῖσιν ἡ ἐπὶ τυραννίδι ἔθεαν ὅτε ὃ θεσμὸς ἔθαν ὅσε.\textsuperscript{183}
\end{quote}

Both of these acts of Solon must have, in effect, compelled the phratries to re-admit those who had been sold into slavery and those who had previously been deemed atimoi. Like the law on the enfranchisement of foreigners attributed to Solon, however, neither of these acts can be said to set up a general law on who is to belong to the polis-community. Rather, each re-confers a status upon such individuals, a status which they had previously held and which they had held by virtue of their prior acceptance into a phratry.

None of the laws cited so far, then, indicate that Solon legislated on who could, and who could not, belong to the polis-community. As we have seen, he is credited with having offered asylum to foreigners and with having re-conferred membership to those who had lost it because of slavery or atimia. But, these laws appear to have been one-time enactments and do not set up a general policy, or standard qualification, on membership.

The law of Solon, quoted at Aristophanes' \textit{Birds} and

\begin{flushright}
\textsuperscript{182}\textit{cf. Plut. Solon} 15.5.  \\
\textsuperscript{183}\textit{Plut. Solon} 19.3.
\end{flushright}
discussed earlier, however, does suggest that Solon legislated on who was to be a member of the polis.\textsuperscript{184} In dealing with this passage, Patterson argues that the law is only indirectly concerned with citizenship; its main concern is "with the property holding system of Attica."\textsuperscript{185}

And more important, the clearest evidence of legitimacy will have been membership in the (paternal) phratry. A son whom the phratry admits is grēsios. Essentially, Solon, by denying the nothos a share of his father's estate, prohibited a father from ignoring the decision of the phratry and from giving ta chrēmata to an illegitimate son....The traditional responsibilities of the phratry were reinforced by specific legislation drawing a distinct line between the position of legitimate and illegitimate members of Athenian families.\textsuperscript{186}

Patterson is certainly correct in her statement that the law is indirectly on membership in the polis. But, by excluding the voθoς from participation in the ἀγγέλεια, Solon, in turn, excluded him from belonging to the polis.\textsuperscript{187} Accordingly, the phratries were compelled to observe this law and deny voθoς admission, even in cases where no γνήσιος existed.\textsuperscript{188} Furthermore, Patterson's analysis begs the question "How did the phratries determine who was γνήσιος and was, therefore, to be admitted into their group?"

In her view, it was the phratries themselves who were to decide

\textsuperscript{184}\textit{11. 1660-66; for full discussion of this passage, see above, 55-8.}

\textsuperscript{185}Patterson PCL 17.

\textsuperscript{186}Idem.

\textsuperscript{187}Cf. Ogden Greek Bastardy 42.

\textsuperscript{188}Cf. Ogden Ibid 43.
this. I would suggest, however, that Solon's legislation on νόμοι included a clear and uniform definition of γνησιότης, to be followed by the phratries in their examination of candidates for admission into their group and, consequently, into the citizen body.\footnote{Cf. Ogden \textit{Idem}.}

That a law of the polis concerning membership existed is also assumed in a passage of the \textit{AP}, where its author states that a \textit{diapsēphismos} was held after the fall of the tyranny, \textit{πολλῶν κοινωνοῦντων τής πολιτείας οὗ προσήκον}.\footnote{\textit{AP} 13.5.} As stated in \textit{Chapter One}, this statement associates the criteria of membership with the qualifications necessary.\footnote{\textit{Chapter One} 14 n. 40.} Even if the \textit{diapsēphismos} were not a purging of the citizen-lists as the author of the \textit{AP} seems to have thought,\footnote{See \textit{Chapter One} 15-16 and 62-3 above.} but an account of citizen numbers required for the establishment of the Kleisthenic system, the association of the criteria of membership with the qualifications still implies that there were uniform standards set by the polis. Peisistratos is not believed to have changed the requirements of membership, and it is controversial whether he actually admitted foreigners into the citizen-body.\footnote{\textit{AP} 13.5 states that Peisistratos was supported by the των γένει μὴ καθαροῖ. It is unclear who these people were precisely. Rhodes (\textit{Commentary} 255-6) believes they were either those Solon is said to...}
membership, I agree with Patterson that he probably put "extra-legal" pressure upon the phratries" rather than institute any new laws. For, both Herodotos and Thucydides state clearly that he did not alter the laws of Athens during his rule.

When we turn to the reforms instituted by Kleisthenes, the issue of whether there was a law of the polis on membership becomes more complicated. I have already discussed the effect deme-membership had on the status of the νόθος, and concluded that there is no evidence to suggest that Kleisthenes altered the γυναικείος requirement to admit him into the citizen-body. I have also suggested that the view of the AP that Kleisthenes' system was a means to admit more people into the citizen-body is misguided. Rather, the reforms appear to have been instituted to ensure the participation of more existing citizens in the political criteria of membership. Thus, I do not believe that the qualifications for citizenship were at issue at this time. But, does the Kleisthenic deme-system itself imply that there were uniform qualifications necessary for membership already established by the polis?

The answer to this question lies in how much of the system have enfranchised (Plut. Solon 24) or mercenaries who supported Peisistratos.

194 Patterson PCL 23.
195 Hdt. 1.59.6; Thuc. 6.54.6.
196 See 59-72 above.
197 See Chapter One 15-16 and 61-4 above.
for admission into the deme and citizen-body, described at AP 42.1-2, can be attributed to Kleisthenes. Specifically, if Kleisthenes was responsible for establishing the practice of review by the Boule of those newly admitted into the deme, one must assume that there were uniform standards, which the demes were compelled to observe, and which the Boule was to ensure were met. I suggested earlier in this chapter that the view of Whitehead that the system of review by the Boule was the work of Kleisthenes is probably correct. It follows, therefore, that there was a law of the polis on membership. Since I do not believe that Kleisthenes altered the requirements, I propose that a law of the polis was already in effect before 508/7 B.C. That a law on membership existed is also implied by the uniform practice of the phratry of denying the ὑόθος membership. It is, admittedly, conceivable that this practice was simply a reflection of traditional standards set by the polis-community, and not the result of legislation. The evidence, however, that Solon excluded the ὑόθος completely from the paternal oikos, even in cases in which no γνήσιοι existed, not only suggests that the

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198 See above, 69-71.

199 It should be made clear, however, that, by making membership in a deme a compulsory component of membership in the polis, Kleisthenes did, in a sense, alter the requirements for citizenship. In other words, the very fact that after 508/7 B.C. one had to be a member of both deme and phratry in order to be considered an Athenian reflects a change in the requirements for membership in the polis-community. The requirement, however, is not in the same vein as the requirement of γνήσιος or as that of the Periklean citizenship law.
phratries were now compelled to refuse ἀνατεμμετρητικά admission under any circumstances, but it also suggests that Solon established, perhaps for the first time, a uniform definition of γνησίωτης to be followed by the phratries in their examination of candidates for membership. If this was the case, then Solon did legislate on who could belong to the polis-community, and, therefore, there was a law concerning membership at Athens before 451/0 B.C..

Before proceeding to the next chapter, a few words ought to be said about some odd bits of evidence concerning the phratriy. In the fourth book of his Atthis, Philochoros quotes the following law:

τὸν δὲ φράτορα ἔπαναγκες δέχεσθαι καὶ τοὺς ὀργέοντας καὶ τοὺς ὁμογάλακτας, ὅπες γεννήτας καλώμεν. (FGrH 328 fr. 35a)

According to the law, the phratries are compelled to receive into their group both the orgeones and the homogalaktes/gennetai.²⁰⁰

²⁰⁰I have taken gennetai as referring to homogalaktes only, as Philo. Fgrh 328 fr. 35b makes clear. On the identity of the orgeones and homogalaktes/gennetai, see Lambert Phratries 59-77, who argues that both were normally sub-groups of the phratry. I do not accept the arguments of earlier scholarship that both orgeones and homogalaktes/gennetai formed the entire body of phrateres, the former being the commoners, the latter the aristocratic minority. Nor do I agree with their interpretation that the purpose of the law was to protect and ensure the admission of the orgeones into the phratry against the discrimination of the elite gennetai. (See, for example, Wade-Gery Essays 86-134; Hignett HAC 61-2; 390-1; and the objections of Andrewes "Philochoros On Phratries." JHS 81 (1961) 1-2). That phratries had members who were aristoi is implied in Drakon's homicide law (see text of R. Stroud, Drakon's Law On Homicide. (Berkeley: The University of California Press, 1968) 11. 19-20.). It is not clear, however, that they were gennetai. Hammond (in "Land Tenure in Attica and Solon's Seisachtheia." JHS 81 (1961) 76-82) offers a view markedly different. He argues that both orgeones and gennetai homogalaktes (note that he does not take homogalaktes as a synonym of gennetai; rather, he understands gennetai homogalaktes to be a different
The precise date and context of the law are unknown. We know from other fragments of Philochoros' work that Book Three covered the year 464 B.C., and that Book Five covered 395/4 B.C.. It is believed, therefore, that the limits of Book Four, from which the above fragment comes, may have been 462/1-403 B.C.. Andrewes, and, most recently, Lambert, argue against earlier scholars, who believed that the law was part of a digression to the Archaic period, and propose that the law belongs to the Periklean era, when, they suggest, legislation concerning the phratries arose. Andrewes believed that fr.35a was part of the same law as Krateros fr.4, another piece of legislation concerning the phratries, which deals with those born from two xenoi who are members of a phratry, and which he dated to the mid-430's B.C.. He argued that legislation pertaining to admission to the phratries occurred in the mid-430's because it was at this time that those born just before the institution of Perikles' category of gennetai were groups of foreigners being enfranchised into the citizen body via the phratry. Philo. fr.35a is, therefore, a law which protected the admission of both of these groups into the phratry.

201 See Jacoby Intro. to Philo. 328 FGrH 252-4.

202 Andrewes "Philochoros On Phratries." JHS 81 (1961) 13-14; Lambert Phratries 46-9. Wade-Gery (Essays 86-134) and Jacoby (commentary to fr. 35) argued that the law was the work of Solon; Hignett (HAC 61-2; 390-1), that it was the work of Kleisthenes. Cf. Patterson on Philo. 328 FGrH fr.35 and Krateros fr.4 (PCL 107-14; cf. 19-22), who believes that both laws were instituted in the 440's as a direct result of Perikles' citizenship law (see below, 83-5).

citizenship law would have attempted to gain membership in the
deme. Lambert, like Andrewes, also connects Philochoros
fr.35a to Krateros fr.4, but argues that both laws "are closely
associated with [Perikles' citizenship law] and may be extracts
from it," dating the law, therefore, to 451/0 B.C.. He
suggests that Perikles' citizenship law "not only directly
affected phratries, but also made detailed provisions concerning
access to them, including specifying the form of action to be
taken against unqualified members and providing for automatic
entry into phratries for gennetai and orgeones."  

In Chapter Three, I discuss the effects Perikles'
citizenship law must have had on the admission procedures of the
phratry (and deme). I also discuss the association of Krateros
fr.4 with the citizenship law more fully, and argue against such
a connection. It is sufficient for our purposes here to make the
observation that the citizenship law, as it is preserved in the
sources, says nothing specifically about legislation concerning
admission into the phratry, or about the procedure to be followed
against unqualified members. Rather, all three sources suggest
that Perikles' law established a new qualification for membership
in the Athenian polis only.  

\[204\] Ibid 13.  
\[205\] Lambert Phratries 49; 45-9.  
\[206\] Ibid 49.  
\[207\] It should be emphasized that, if Lambert's argument is
accepted, one must acknowledge that our sources (particularly AP)
are misleading and incorrect, a step I am not willing to make.
Patterson, following the example of Andrewes, takes a more moderate stance on Philochoros fr. 35a than Lambert, suggesting that the law dates to the 440's B.C., and may be a reflection of procedural innovations caused by the citizenship law. ¹²⁰ "The law," she observes, "is apparently a grant of privilege to these groups; they are not required to undergo the normal phratry enrolment procedure." ²⁰⁹ Patterson suggests that the admission procedures of both orgeones and homogalaktes/gennetai were considered rigorous enough to exclude a second examination by the phratry, ²¹⁰ and she goes on to hypothesize that, even before 451/0 B.C., "some gene insisted on Athenian parentage on both sides." ²¹¹ Philochoros fr.35a is, therefore, in her opinion, a recognition, by the state, that the gene (and orgeones) required their members to possess qualifications, which were more exclusive than those of the phratry, and which the state itself now required. ²¹²

It should be clear by now, on the basis of earlier discussion, that I disagree with Patterson's idea of competing definitions of γνησίως and, hence, of competing qualifications

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²⁰⁸ Patterson PCL 113-4.
²⁰⁹ Patterson PCL 113.
²¹⁰ Idem.
²¹¹ Idem.
²¹² Ibid 113-14.
between various groups. I, therefore, also disagree with the idea that the genē (and orgeones) were more strict in their admissions than the phratries. If the law recorded at Philochoros fr. 35a does, indeed, provide the orgeones and gennetai with automatic admission into the phratry, it may be an indication that the state recognized that orgeones and gennetai demanded the same requirements of their members as the phratry, not that both groups were more rigorous.

213 Her suggestion that [Dem.] 59.104-106 (specifically the stipulation that the children of Plataians, who were granted citizenship, will be eligible for the archonship and priesthoods, which are ek genous, only if they are born from a married Athenian wife) is an indication that the genē were more exclusive in their admission of candidates, and that some even required double civic ascendance before 451/0 B.C. (PCL 114), is unconvincing. The requirement placed on the children of the Plataians is, I suggest, a reflection of the rules of Athenian citizenship, not the rules of genē. Any person holding the office of archon, or a priesthood, had to be an Athenian, defined after 451/0 as one born from two married citizens.

Cf. the comments of Ogden (Greek Bastardy 52; 115-17), who, however, makes the complete opposite argument of Patterson, suggesting that the genē were more careless in their admissions than the phratries.

215 It is not entirely clear, I believe, that the law allows the orgeones and gennetai to forego examination by the phratry, as all scholars have argued up to this point.

216 See, for example, the comments of the speaker at Is. 7.16 to the effect that the genē and phratries have the same laws for admission. I am not convinced by Ogden's argument that the admission procedures of the genē were more lax than those of the phratry (Greek Bastardy 115-17). He bases his argument on the evidence provided by forensic speeches, where, most often, the speaker glosses over the details of admission into the genē (and, I might add, the phratry). These speeches, I believe, must be treated with caution. As noted earlier in this chapter, the speakers, for the most part, only had to mention admission (or the denial of admission) into the phratry; the details were usually not necessary (see 30-1 above).
When would the Athenians have instituted such a law? The argument that the law is from the 440's or 430's seems to be made on the basis of the limits of Book Four of Philochoros' *Atthis*, which, as noted above, appear to have been 462/1-403 B.C..\(^{217}\) Unfortunately, the context of the law is unknown; equally unfortunate is the fact that there is no independent evidence for any similar legislation concerning the phratries. The law may have been instituted, as Patterson believes, a decade after the citizenship law was passed and, therefore, may be part of modernizations in procedure caused by the citizenship law. But, it is also possible that it was instituted much earlier and, accordingly, may be part of a digression in Philochoros' work.\(^{218}\) At any rate, whatever one makes of the date and historical context of Philochoros fr. 35a, the law, as argued above, should not be regarded as part of Perikles' citizenship law of 451/0 B.C., as Lambert maintains.

\(^{217}\)Patterson's argument for dating the law to the 440's is a bit more complex than that (see above 83-5).

\(^{218}\)This is the view of earlier scholars, such as Hignett (HAC 390-1) and Wade-Gery (*Essays* 86-134).
Chapter Three: Perikles' Citizenship Law

The examination of the previous chapter revealed that there was a precedent for Perikles' citizenship law. In other words, it showed that, before 451/0 B.C., a law of the polis on who could, and could not, belong was in place. Such a law, I suggested, is implied in the uniform practice of the phratry of denying the νόθος membership and of requiring γνήσιοτης on the part of its prospective members, a practice I believe to have been the result of polis-legislation. I also suggested that AP 13.5 and the Kleisthenic deme-system itself both assume that there was a law of the polis on the qualifications necessary for membership. In addition to this, the examination further indicated that, prior to the implementation of the Periklean citizenship law, the offspring of marriages between an Athenian man and a foreign woman were considered γνήσιοι and could μετέχειν τῆς πόλεως.

What, then, do the conclusions of Chapter Two initially tell us about Perikles' citizenship law and its effects? First of all, they indicate that, contrary to Patterson's main argument, the Periklean citizenship law was nothing new in that the polis had legislated previously on its membership. More importantly, however, the conclusions also show that the qualifications necessary for membership in the polis were altered by the law of 451/0 B.C.. Under the terms of the new law, descent from two Athenian parents had to be proven in order to be a citizen. This is clear not only from all three sources which mention Perikles'
citizenship law, but also from AP 42.1 and from the oath sworn by the introducer at the phratry admission ceremony.\(^1\) The law, as transmitted by the sources, does not appear to have been an exhaustive definition of the qualifications necessary for Athenian citizenship. For, as is clear from the admission procedures of the phratry and deme, examined in Chapter Two, there were other qualifications, such as birth from parents who were married, which were also required before, and after, 451/0 B.C..\(^2\) The law, therefore, should not be regarded as defining citizenship, but, rather, as laying down a further qualification necessary for citizenship.

The Periklean citizenship law, then, stipulated that those whose parents were not both Athenian were not citizens. Accordingly, along with this new qualification came a new definition of \(\gamma\nu\eta\sigma\omicron\omicron\nu\alpha\) and, it seems, of \(\nu\theta\omicron\omicron\alpha\). As stated in Chapter Two, \(\gamma\nu\eta\sigma\omicron\omicron\nu\alpha\), after 451/0 B.C., meant one born from two Athenian parents, who were married; while \(\nu\theta\omicron\omicron\nu\eta\) signified a child who had a non-Athenian parent, most frequently, one whose parents were not both Athenian.

\(^1\) See Chapter One 1-2; Chapter Two 34-6, 44-7, and 59-60.

\(^2\) That birth from two people who were married continued to be a qualification is evident from the oath sworn at phratry introductions (Chapter Two 34-6 and 44-7). Thus, the argument put forth by MacDowell ("Bastards As Athenian Citizens." CQ 26 (1976) 88-91) and Harrison (LA 1.63-5) that children born from two unmarried Athenians were \(\gamma\nu\eta\sigma\omicron\omicron\nu\alpha\) and, therefore, citizens, must be false. (Other scholars, who argue for the citizenship of \(\nu\theta\omicron\omicron\nu\) born of two Athenian parents, include Hignett HAC 343-5 and K.R. Walters, "Pericles' Citizenship Law." CA 2 (1983) 317-20) Cf. Patterson PCL 31 n.20; "Those Athenian Bastards." CA 9.1 (1990) 39-73; and Ogden Greek Bastardy 151-6.
mother was a foreigner. This is most evident in Aristophanes' 
Birds, where Herakles is considered a νόθος because his mother is a 
foreigner (that is, a mortal in relation to the gods), and in 
Aristophon's decree, which states that "whoever is not born of a 
citizen woman is a νόθος."  

Thus, however, seems to have 
retained its earlier meaning of "born out of wedlock."  
Thus, for example, the son of Perikles and Aspasia seems to have been a 
νόθος not only because his mother was non-Athenian, but also 
because his parents were not married.  

I shall discuss later in 
this chapter the question of whether the citizenship law made 
marrige between an Athenian man and a foreign woman illegal, or 
not. For now it is sufficient to make the observation that the 
term νόθος referred to children with a foreign mother either 
because mixed marriage had, in fact, been made illegal and, 
therefore, such children were born out of wedlock, or simply 
because such marriages were no longer recognized as productive of 
γνήσιοι children.

The citizenship law would have also affected the admission 
procedures of both the phratry and the deme. Henceforth, both 
groups were compelled to examine the origins of a candidate's

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3See Chapter Two 47-8.
4Arist. Birds 1651-2; Athen. 577b-c.
5See Chapter Two 49-52.
6This may, in fact, be the case of Herakles in the Birds. Cf. 
remarks of Ogden Greek Bastardy 35.
mother in order to determine that she was an Athenian, and to
deny admission to those who did not meet the requirements.⁷ In
the Demotionidai/Dekeleieis Decrees, this was done effectively by
posting the name of a candidate for admission, the name of his
father and his father's deme, as well as the name of his mother,
her father's name and deme.⁸ The phratry and the deme probably
would have examined the origins of the mother even before 451/0
B.C. to ensure that she herself was not born out of wedlock, and
that the candidate for admission was not either. After the
passage of the law, however, both groups would have been required
to make sure that she was an Athenian, or δοσθῇ, not a ἐγνη.⁹
Thus, the focus of the inquiry was altered by Perikles' law.

Another way in which the phratry may have been affected by
the citizenship law is in the frequency of the introduction of
girls, and in the celebration of the gamelia. As discussed in
Chapter Two, it is unclear whether phratries required all girls
to be introduced to its members, or only those intended to be

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⁷The question of the application of the law (that is, whether
it was applied retroactively or was to take immediate effect) will
be considered later in this chapter (104-108).

⁸IG II²1237 11. 116-21. In other phratries, as described in
the orators, it is the oath sworn by the introducer that reveals
the effect the citizenship law had on the examination procedures
of the phratry. In Is. 8, for example, the introducer was required to
swear that the candidate for admission was born ἐς δοσθῇ καὶ ἐγνη
γυναικὸς (8.19). Cf. Is. 7.22; And. 1.127; Dem. 57.54; and IG² II

⁹See Patterson (PCL Appendix 1 151-75) for the significance of
these terms.
It seems reasonable to suppose, however, that, after 451/0 B.C., most, if not all, phratries, would have at least recognized the birth of a girl to one of its members, thereby, essentially, accepting (or, in some circumstances, rejecting) her Athenian descent. The celebration of the gamelia was most likely an early institution; even before 451/0 B.C., it was essential in proving marriage. But, it may have become particularly significant (and more frequent) after that year as a method of accepting the Athenian origins of one's wife (and any offspring) by the members of the phratry.

This attention paid to the origins of women in the phratry and deme marked a new, if not radical, approach and attitude towards women, in general, after 451/0 B.C. Before that year, the distinction between women was probably that between free and unfree, γυνή and νώπη. After the passage of the citizenship law, however, a further distinction was made: namely, that between Athenian and non-Athenian, or ἀστι and ξένη.

It was a consequence of the law, whether intentional or not, that the criteria of belonging to the polis were defined for Athenian women, probably for the first time. In most studies of Athenian citizenship, the inequality of privilege between men and women is usually emphasized. Women, it is most often stated, did

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10 Chapter Two 44-5.

11 Thus, the phrateres of Euxitheos' maternal relatives were able to testify that she was Athenian ([Dem] 57.30-9).
not enjoy citizenship; they were rather dependent on a male.\textsuperscript{12} Whilst it is undeniable that women in Athens did not, by any means, enjoy the same privileges as men (particularly in the political life of the polis and in terms of ownership of property), it would be false to claim that they did not belong, both legally and conceptually, to the community, or that they themselves did not have a sense of belonging. Certainly, after 451/0 B.C., to be an Athenian woman carried specific privileges not open to non-Athenian women. Among these were participation in particular religious cults,\textsuperscript{13} participation in an Athenian oikos, and, more importantly, the capacity to bear children who themselves would be citizens.\textsuperscript{14} These privileges should not be diminished by emphasizing what Athenian women could not do, or by comparing them to the position of women in modern society. Rather, they should be regarded as the criteria of belonging to the polis-community, criteria which non-Athenian women could not enjoy by law.

The Periklean citizenship law, then, prohibited those not born from a citizen father and a citizen mother from becoming a citizen. Why would the Athenians have instituted such a law at this point in their history? Neither Plutarch, nor Aelian, gives

\textsuperscript{12}See, for example, Manville (The Origins of Citizenship in Ancient Athens. (Princeton: Princeton University Press, 1990)) who devotes two pages to women (12-13).

\textsuperscript{13}See, for example, the case against Neaira and her daughter, Phano (Dem. 59, especially 59.111.).

\textsuperscript{14}Cf. Arist. Lysis. 1. 63.
a reason for the enactment of the law; their accounts, rather, centre on the irony involved in Perikles' request that his νόθος son be permitted to be enrolled in his phratry and, thus, to be legitimized. The author of the AP, however, offers us what appears to be his own inference: he states the law was introduced διὰ τὸ πλῆθος τῶν πολιτῶν. This statement is usually interpreted to mean that the size of the citizen population at Athens had become too large, and immediately raises the question of the number of Athenian citizens in 451/0 B.C.

In her study of the Periklean citizenship law, Patterson argues that the reason offered by the AP is correct, and that the size of the citizen body at Athens had perhaps doubled during the period from 480 to 450, due primarily to the enfranchisement of foreigners. She estimates that the number of adult male citizens had grown from about 25 000-30 000 in the 480's to 40 000-50 000 by the 450's. Her calculations for the approximate size of the male citizen population in 480 and in the mid-fifth century, and her argument for the cause of its growth, are generally accepted by modern scholarship.

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15 Plut. Per. 37.2-5; Aelian Varia Historia 6.10; 13.24; and fr. 68 (=Suda, s.v. δημοπολίτης).

16 AP 26.4.

17 Patterson PCL Ch. 2 (40-81).

18 Ibid 69-71.

19 Hansen, who agrees with her argument that the citizen population had doubled due to the enfranchisement of foreigners, actually argues that there were approximately 60 000 Athenian
Here to outline her calculations.

For her calculation of the size of the Athenian citizen population in the 480's, Patterson turns to the military figures offered by Herodotos for the battles at Artemision, Salamis, and Plataia, and to the Themistokles Decree. Herodotos reports that the Athenians provided 127 ships at Artemision, 180 at Salamis, and 8000 hoplites at Plataia. Patterson suggests that, of these three battles, Salamis was the only one which involved "virtually all fit Athenians of military age," since Athens had been evacuated at the time of the battle, and since the whole Athenian fleet was not at Artemision and a Hellenic force of 110 ships was at Mykale when the battle of Plataia took citizens at the beginning of the Peloponnesian War ("Three Studies in Ancient Demography." 14-28); see his "Demographic Reflections on the Number of Athenian Citizens 451-309 B.C." AJAH 7.2 (1982) 172-89 (esp. 184); Boegehold is also in agreement with Patterson ("Perikles' Citizenship Law of 451/0 B.C." in Athenian Identity and Civic Ideology. A.L. Boegehold & A.C. Scafuro, eds. (London: The Johns Hopkins University Press, 1994) 57-66. It is generally accepted that Hansen's calculations have superseded those of Gomme (The Population of Athens in the Fifth and Fourth Centuries B.C.. (Oxford: Basil Blackwell, 1933)). For a dissenting view, see the arguments of Ruschenbusch ("Epheben, Buleuten und die Bürgerzahl von Athen um 330 v. Chr." ZPE 41 (1981) 103-5.; "Noch einmal die Bürgerzahl Athens um 330 v. Chr." ZPE 44 (1981) 110-12; and "Zum letzten Mal: Die Bürgerzahl Athens im 4. Jh. v. Chr." ZPE 54 (1984) 253-69).


Hdt. 8.1; 8.43; and 9.28.

Patterson PCL 47.
place. She assumes, however, that the 8000 hoplites at Plataia probably represent most of the Athenian hoplite force, since Athens would have reserved as many as possible for that particular battle, but suggests that there may have been as many as 9000.

She then proceeds to calculate the number of Athenians of military age on the basis of the 180 ships Athens had provided at Salamis. She suggests that, even though Herodotos reports elsewhere that there were 200 men on board a trireme, he probably did not know the precise number and, therefore, simply applied the standard figure for the late fifth-century to the early fifth. Instead, Patterson suggests that Athens could have employed only 150 men per ship at Salamis, and of these not all would have been Athenian; there could have been metics.

\[23\textit{Ibid 47-8.}\]

\[24\text{The possibility of more Athenian hoplites exists because Athenian ships were engaged in the battle of Mykale, which Herodotos states, occurred on the same day as the battle of Plataia (Hdt. 9.90-100). There probably were, therefore, some hoplites on board those ships. Precisely how many ships Athens had sent is uncertain. Patterson suggests that they could have numbered sixty and, therefore, that the number of hoplites could have been approximately 600 (PCL 47-8), resulting in an estimated total Athenian hoplite force of 8600. She believes, however, that, since later sources for the battle of Marathon state that there were 9000 Athenian hoplites, there could have been that many (PCL 48). For the later sources on the battle of Marathon, to which Patterson refers, see her n.25 (74).}\]

\[25\text{Hdt. 7.184 (number of men on board the Persian ships at Artemision); 8.17 (number of men on Kleiniass' ship at the same battle).}\]

\[26\text{Patterson PCL 48.}\]
slaves, or anyone else available.\textsuperscript{27} She therefore estimates that, if there were 150 Athenians per ship, there would have been 27,000 fit Athenians of military age in 480 B.C., but, if there were only 125 per ship, there would have been 22,500.\textsuperscript{28}

These low figures are given some support by the Themistokles Decree, which purports to outline the provisions for the mobilization and manning of the Athenian fleet in 480 B.C.\textsuperscript{29}

Though the authenticity of the decree as a whole is questionable,\textsuperscript{30} it is possible that the number of men to be on

\textsuperscript{27}Idem.

\textsuperscript{28}Ibid 49.


\textsuperscript{30}See the comments of V. Gabrielsen, Financing the Athenian Fleet: Public Taxation and Social Relations. (London: The Johns Hopkins University Press, 1994) 37; and J.B. Bury and R. Meiggs A History of Greece to the Death of Alexander the Great, Fourth ed. (London: Macmillan Education Ltd, 1988) 172, 529 n.3. The decree differs from Herodotos' account concerning the timing of the evacuation of Attika, and the stationing of the Athenian fleet. In Herodotos, Attika is evacuated with urgency after the battle of Thermopylai; while, in the decree, the evacuation is provided for with foresight before the battle. Herodotos states that fifty-three ships joined the rest of the Athenian fleet, which was stationed at Artemision; but the decree provides for 100 ships to sail to Artemision, while the other 100 are to be stationed off the coast of Attika, near Salamis (11. 35-45). Another difference between the decree and other sources is the treatment of those recalled from ostracism (11. 45ff; cf. AP 22.8; Plut. Them. 11.1). In the decree, the recalled are sent to Salamis pending a decision of the Athenians, whereas AP and Plutarch suggest they were permitted to fight in the battle with other Athenians.
board each ship represents the figures of the original decree.\textsuperscript{31}

In this document, it is stated that to each of the 200 ships, there are to be 115 men, resulting in 23,000 men in total, including foreigners resident at Athens. Even if one does not accept the figures offered by the Themistokles Decree as authentic, the inclusion of foreigners in the manning of the Athenian fleet (evidenced both by the Themistokles Decree and by the battle of Artemision, in which the Athenians were helped in manning the 127 ships by the Plataiikans and had given twenty ships to the Chalkidians to use) suggests that Athens did not have enough male citizens of military age and, therefore, supports Patterson's estimates.\textsuperscript{32}

In trying to determine how many Athenian citizens there were in the 450's B.C., Patterson turns to Thucydides. She suggests that the high number of military events described in his Book One implies a great number of Athenians.\textsuperscript{33} In an attempt to

\textsuperscript{31}See the comments of ML 23, who argue for the restoration of \textit{δι
[εντόν in 1. 32, and ask whether it is "really credible that a forger's desire for verisimilitude would be so strong as to reconstruct a procedure calculated to put as many ships to sea as possible rather than simply use the normal number?" (23.51).

\textsuperscript{32}See Patterson PCL 48-9.

\textsuperscript{33}These events include the aid Athens sent to the Libyans in 460 or 459 B.C., when they revolted from Persia (1.104); the battle at Halieis against the Corinthians (1.105.1); the battle between Athens and Aegina, where Athens captured 70 Aeginetan ships (1.105.2; 1.108.4); the battle at Megara (1.105.3-6); the building of the long walls (1.107.1; 1.108.3); the battle of Tanagra (1.107.5-7); the battle at Oenophyta (1.108.2-3); the disaster at Egypt (1.109); the restoration of the exiled Thessalian king, Orestes, to Pharsalos (1.111.1); and the expedition of Perikles to Sikyon and Oeniadai (1.111.2-3). I have given here the order of
quantify the estimated size of the citizen population, Patterson uses the figures reported by Thucydides for the expedition to Egypt, the battle between Athens and Aegina, and the battle of Tanagra.\textsuperscript{34}

Thucydides reports that Athens sent 200 ships to Egypt and was aided by her allies. Patterson assumes that at least one third of the men on board these ships were Athenian and that, if there were 175 men on each, there would have been some 11 700 Athenians involved.\textsuperscript{35} Though Thucydides does not state how many Athenian ships were involved in the battle with Aegina, Patterson suggests that there could have been 100.\textsuperscript{36} If there were this many, assuming again that the Athenians were one third of the total number involved and that there were 175 men on board each ship, there would have been approximately 5 800 Athenians. The forces at the battle of Tanagra, Thucydides reports, numbered 14 000, including 1 000 Argives and an indeterminate number of other allies. Patterson suggests that the other allies could have numbered 1 000, thus, resulting in a total Athenian contingent of events according to Patterson's outline (PCL 62-4).

\textsuperscript{34}PCL 65.

\textsuperscript{35}Patterson PCL 65. She suggests that the Athenians numbered one third of the total based on the assumption that Athenian allies preferred to pay tribute rather than fight (PCL 64; Thuc. 1.99). Patterson does not explain, however, her reasons for assuming that there were 175 men on board each ship. For her calculation of the estimated number of Athenian citizens in 480 B.C., she assumed that there were 150, or as few as 125, men on board each ship.

\textsuperscript{36}She proposes this number of Athenian ships because Athens was able to capture 70 Aeginetan ships (PCL 65).
Adding these three figures together, Patterson arrives at 29,500 as an approximate number of Athenians engaged in military activities all at the same time in the 450's. She suggests, however, that, to this figure, should be added any light-armed troops involved at Tanagra, and other Athenians, who remained at Athens, either as magistrates or employed in the building of the long walls. She proposes, therefore, that 40,000 Athenians would be a minimum number for the total male citizen population in the 450's.

A comparison of the approximate figures for the Athenian citizen population of 480 and the 450's B.C. suggests that there was a growth of almost fifty percent over a period of about twenty years; a growth of 100%, Patterson suggests, is also possible. Patterson considers how such an increase could have occurred so quickly, and proposes that a possible explanation is "the admission or entry of non-Athenians into the demes and phratries, resulting in the creation of new Athenians" in the years following the battle of Salamis. Although her calculations for the size of the citizen population during the period from 480 to 450 are acceptable as a rough estimate, Patterson's argument for the cause of the increase in citizen numbers is groundless.

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37 Idem.
38 Idem.
39 Idem.
40 Ibid 68.
41 Ibid 70.
Recognizing that there is absolutely no evidence for such enfranchisements in any ancient text or extant document, Patterson considers the grant of Athenian citizenship to the Plataians and Samians in, respectively, 429 and 405 B.C., the enfranchisement of the rowers at Arginusai in 406, and the possible grant to those who helped restore the democracy in 403 as indications of the possibility that "Athenian demes, phratries, and tribes were willing to admit those who fought with Athenians in defence of Athens." But, as Osborne points out, the mass enfranchisements of the Plataians and Samians were made under extraordinary circumstances (both were threatened with the loss of their city) and, in the Plataians' case in particular, there was no intention of their staying on in Athens and exercising their newly-found citizenship. The case of the rowers at Arginusai was, likewise, an emergency measure, enacted because of a lack of Athenian manpower. And, as Osborne makes clear, these men (mostly foreigners and slaves) were offered

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42 The scholion to Thucydides 1.2 cannot, contrary to Patterson's belief (PCL 80 n. 98), be used as a reference to such enfranchisements since, as Ogden observes, Thucydides is referring to "the remote pre-historical period." (Greek Bastardy 68) I can find only one instance of a foreigner being granted Athenian citizenship for his aid to Athens before the mid-fifth century. This is the case of Menon of Pharsalos, who was given the franchise in c. 476 B.C. for his support to Athens during the siege of Eion. (See Osborne Naturalization 3.20-3) I do not think that, from this one instance, we can espouse a theory that such enfranchisements were so widespread as to lead to a population crisis in the 450's.

43 PCL 70.

44 Naturalization 2.11-16 and 25-6. Though some Plataians and Samians did remain in Athens, the majority did not.
citizenship as an incentive to fight in the battle, not because of any past display of aid to Athens.\textsuperscript{45}

The honours granted to those who helped restore democracy to Athens in 403 B.C. is a controversial subject, with modern scholarship divided between (1) those who believe that citizenship was given to all three groups of recipients listed in the decree IG II\textsuperscript{2}10;\textsuperscript{46} (2) those who believe that isoteleia was granted to all;\textsuperscript{47} and (3) those who believe that the first group was granted citizenship, the other two isoteleia.\textsuperscript{48} The crux of the matter lies in the restoration of lines 5-6 and 9. That is, proponents of (1) restore politeia in lines 5-6 and 9; those of (2) restore isoteleia; and those who uphold the view of (3) restore politeia in lines 5-6 and isoteleia in line 9.

It seems strange that citizenship (politeia) should even be considered a possible candidate for the honours granted to some or all of the men listed in IG II\textsuperscript{2}10. For, as is remarked by the proponents of (2), the recipients (at least those of the last two groups) are distributed among the ten tribes, but are not assigned to a deme.\textsuperscript{49} The absence of deme assignation should, I think, be regarded as decisive against the opinion that politeia

\textsuperscript{45}Naturalization 2.35.


\textsuperscript{48}Osborne Naturalization 2.32-35.

\textsuperscript{49}See text of IG II\textsuperscript{2}10 in Osborne Naturalization 1.37-41.
was granted. But, it has not been. This absence has led Osborne to suggest that the last two groups of recipients received an honour less than citizenship (that is, isoteleia), but that the first group did receive it. He defends his argument on the following two grounds: the fact that the first group is set apart from the other two; and the pleonasm of line 6, which, he argues, "makes sense only if citizenship is being granted." I find both of these arguments difficult to accept. The fact that the first group is set apart from the others does not necessitate the inference that they must have received citizenship; they could have merely received greater honour than the others for being the nucleus of Thrasyboulos' support. Likewise, Osborne's insistence concerning the pleonasm of line 6 is odd; quite frankly, I do not agree that it is synonymous with citizenship. At any rate, even Osborne cannot argue that restoration of the deme-assignation for the first group of recipients is possible simply because there is no room on the decree. This, as stated above, should be decisive.

In addition to this, the AP states quite clearly that

50This is in the main text of the decree (lines 4-6).
51Naturalization 2.33.
52Cf. the comments of D. Whitehead, "A Thousand New Athenians." LCM 9.1 (1984) 10, who, however, argues that there was no differentiation of awards between all three groups listed in the decree. Rather, he believes, as noted above, that all three groups received the same awards.
53Whitehead (Ibid) 8 accepts Osborne's interpretation of line 6.
Thrasyboulos' proposal to grant citizenship to those who helped restore the democracy failed because it was unconstitutional, and there is no evidence in the literary sources to suggest that he tried to have it passed a second time.

What were, then, the honours granted to these men? In his account of the events, Xenophon states that Thrasyboulos promised isoteleia to those xenoi who would help in the battle for democracy. Given this statement and the fact that isoteleia would fit, both physically and contextually, in IG II 10, it seems most probable that this is what was granted. And, since one of the duties of the isoteleis was military service, the assignation of the honourands to tribes, but not demes, makes sense. Was something more given to the men of the first group, since they do appear to be set apart from the rest? Most likely, yes. But this would not have been politeia. Rather, it would have been isoteleia and some other honours.

Patterson's attempt, therefore, to infer from later practice what occurred immediately after the Persian wars fades away when

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54 AP 40.2; cf. Plut. Moralia 835f-836a.
56 Hellenika 2.4.25.
57 Cf. the comments of Osborne Naturalization 2.33.
58 Harding ("Metics, Foreigners or Slaves? The Recipients of Honours in IG II 10." 67 (1987) ZPE 180; cf. Translated Documents of Greece and Rome, vol. 2: From the End of the Peloponnesian War to the Battle of Ipsus (Cambridge: Cambridge University Press, 1989) no. 3, p.9) suggests these other honours were the right to own land and a house in Athens.
one examines what these supposed grants of citizenship really were. It is possible that there was the occasional grant of citizenship to a non-Athenian in the first half of the fifth century; there is no evidence, however, that these were as extensive as Patterson suggests. The rapid growth in the number of Athenian citizens from 480 to the 450's could be attributable simply to long periods of good health. Certainly, even after heavy losses in Egypt and other expeditions during the mid-fifth century, Athens was able to replace such losses, and maintain approximately the same number of Athenians by natural, not unnatural, increase. It is conceivable, therefore, that the increase in the number of Athenian citizens was not caused by the mass enfranchisement of foreigners (for which, as stated above, there is no evidence), but, rather, by natural increase.

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59 See n.42 above.

60 That Athens had approximately the same number of citizens in 431 as in the 450's is Patterson's own argument (see PCL 66-8). On the basis of her own calculations for Athenian losses at Egypt alone (PCL 79 n.85), by 431 B.C., Athens was able to replace 5 700 men. There were, however, other Athenian losses during the course of the mid-fifth century (cf. ML 33), such as those at Tanagra (PCL 66), which were also replaced, according to Patterson, by 431 B.C. It is an inconsistency in Patterson's argument (in my opinion) that, while such losses were able to be replaced over the course of a little over twenty years (that is, from the 450's to 431 B.C.) by natural growth, it was not possible from 480 to the 450's.

61 If one compares Patterson's upper estimate for the size of the citizen population in 480 B.C. (30 000) with her lower estimate for the number of Athenians in the 450's (40 000), the difference is only approximately 10 000 citizens. If the losses at Egypt alone numbered approximately 5 700 (see n. 58 above), it is not inconceivable that Athens had lost close to 10 000 of its citizens in battle during the course of the mid-fifth century. If Patterson is correct in her calculations for the size of the citizen population in 431 B.C. (Hansen actually argues that there were 60
Despite the fact that the Athenian citizen population does appear to have grown significantly during the course of the first half of the fifth century, it is difficult to accept the argument that the citizenship law was aimed at reducing the number of existing Athenian citizens, when one considers that the law does not appear to have been enforced retroactively.

No ancient author tells us specifically how the law was enforced in 451/0 B.C.. In 403 B.C., when the citizenship law was re-enacted or re-affirmed, a clause was attached excluding those born before that year. But this does not, in effect, inform us as to how the law was enforced in 451/0; there is no such clause in the law, as it is transmitted by the sources.

In his account of the Periklean citizenship law, Plutarch links the effects of the law with the Egyptian gift of grain in 445/4 B.C.. He reports that the gift of grain caused some type of scrutiny, resulting in the conviction of a little less than 5 000 vo'oι. If Plutarch's account is accepted, it

000 in 431 B.C.), then Athens was able to replace 10 000 citizens in a little over twenty years.

Eumelos FGrH 77 fr. 2 (=scholion to Aeschines 1.39); Dem. 43.51; 57.30; Is. 6.47.

Plut. Per. 37.3-4.

Ibid 37.4. Plutarch states specifically that the scrutiny was caused by men, considered vo'oι under the citizenship law, who had escaped notice up to that time (Ibid 37.3). I agree with Patterson's argument concerning the figures offered by Plutarch. His statement that there were 14 040 men judged to be Athenian after the scrutiny does not necessarily mean that he thought there were only this many Athenians in 445/4 B.C.. It could mean that, of those who underwent examination, 14 040 were found to be
suggests that the law may have, indeed, been enforced retroactively. Philochoros, however, in dealing with the scrutiny of 445/4 B.C., does not refer to those who were convicted as ωδωι; rather, he states that they were xenoi pareggrammenoi, suggesting that the events of that year may not have had anything at all to do with the citizenship law and, therefore, that the law was not retroactive.\(^{65}\) In addition, neither Plutarch, nor Philochoros, refers to the event of 445/4 B.C. as a diapσφισμος or diapσφισις, the terms normally used for a full-scale scrutiny of the citizen body.\(^{66}\) Furthermore, the case of Kimon's status is usually cited against the idea that the law was to apply to those who were already citizens. For, Kimon, although his mother was a foreigner, remained a citizen even after the introduction of Perikles' law. The case of Kimon, as pointed out by Whitehead, can hardly be decisive in determining how the law was applied; an exception could have been made against the rule for him.\(^{67}\) But, given the fact that there is no evidence that Athens conducted a scrutiny of the citizen-body in 451/0 B.C., or soon thereafter, I accept the

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Athenian (PCL 122-3 n. 63).

\(^{65}\) Philo. FGrH 328 fr. 119; cf. the remarks of Jacoby (commentary ad loc).

\(^{66}\) Cf. Chapter One 14-15.

The preponderance of modern opinion that the law was not retroactive.\(^\text{68}\)

How was the law, then, enforced? A plausible theory has been proposed most recently by Patterson. Following the example of Humphreys, Patterson suggests that the law was to take immediate effect in the phratries (and demes?) and was, therefore, to exclude those not yet enrolled.\(^\text{69}\) A difficulty of this theory is whether an individual with a foreign mother, who was a member of the phratry in 451/0, but not yet of the deme, would have been excluded from citizenship.\(^\text{70}\) The solution to this problem depends largely on the question whether the phratry, or the deme, was the basis for citizenship in the mid-fifth century.\(^\text{71}\) I argued in Chapter Two that membership in both groups constituted Athenian citizenship.\(^\text{72}\) I also tried to show, however, that an individual's acceptance in the deme did not depend on prior admission into the phratry. Rather, the two processes appear to have been independent.\(^\text{73}\)

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\(^\text{68}\)See, for example, Hignett HAC 345; D. Whitehead, Ideology of the Athenian Metic. (Cambridge: Cambridge Philological Society, Supplement 4, 1977) 149-51; Patterson PCL 95-6; and Rhodes Commentary 332-3. Lambert (Phratries 43-4 n. 81) believes the matter cannot be resolved on the basis of current evidence.


\(^\text{70}\)Cf. S.C. Humphreys, Ibid 92 n. 12.

\(^\text{71}\)Patterson (PCL 122 n. 62) believes membership in the phratry was still the basis for citizenship.

\(^\text{72}\)Chapter Two 64-71.

\(^\text{73}\)Ibid 62-9.
considerations, I venture the suggestion that an individual not yet enrolled in the deme in 451/0 B.C., though already a member of a phratry, may have been denied admission and, therefore, citizenship. Accordingly, in order for there to have been a substantial cut in the number of Athenians, there would have had to have been a significant number of ἐπιτροξενοί at Athens, either reaching the age of admission in 451/0 B.C., or not having reached it yet, a factor, which, unfortunately, remains uncertain.

At any rate, whether one agrees with Patterson's estimates for the size of the citizen population after the Persian Wars and for the cause of its growth or not, the reason adduced by the AP for the introduction of Perikles' citizenship law (and argued for by Patterson) does not, at bottom, explain why the law took the form it did. Still less does it explain the re-enactment or re-affirmation of the law in 403 B.C., when Athens had suffered great losses during the Peloponnesian War. Indeed, Patterson is forced to argue that Krateros fr. 4--the law which essentially denies the offspring of two ἐξωνi membership in a phratry--is

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74 If any part of Plutarch's account concerning the gift of grain in 445/4 B.C. can be salvaged, it may be that cases against individuals believed to be νέων arose because, though members of a phratry in 451/0 B.C., they had not been enrolled in the deme in that year.

75 For example, if indeed there were too many politai, why did the Athenians not send out more colonies--the traditional method employed in antiquity to reduce population?

76 A point made by Rhodes (Commentary 333-4).
part of, or akin to, the citizenship law of Perikles. It is true, as Patterson remarks, that the formulation of Krateros fr. 4 is strikingly similar to that of the citizenship law as it appears in the AP and Plutarch. Is this enough, however, to warrant the suggestion that it belongs to the Periklean legislation on citizenship? What, in fact, does Krateros fr. 4 tell us?

The law, recorded in Krateros' fourth book, is as follows:

>Εὰν δὲ τις ἔξω τῶν ἐννοίων γενονδὲ φρατρίτης, διάκειται εἶναι τῷ βουλομένῳ Ἀθηναίῳ, ὅς δίκαια ἐκεῖ φαγκάνειν δὲ τῇ ἐννη καὶ νέα πρὸς τοὺς ναυτοδίκας.(=Harpokration s.v. ναυτοδίκαι)

Simply put, the law recorded here permits any of the Athenians who wishes to prosecute someone born from two ἐξωτικῷ who belongs to a phratry. The period covered by Book Four is difficult to determine. Most scholars believe that it included the year 451/0 B.C. This dating, however, is largely based on the assumption that the law is somehow related to Perikles' citizenship law. Surely, this is circular logic.

It is odd that this law should even be associated with the citizenship law of 451/0 B.C.. For, as Ogden indicates, it "explicitly debars those born of two ἐξωτικῷ from the phratries,

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77 PCL 108-115; cf. Lambert (Phratries 45-6), who believes that Krateros fr. 4 is actually part of Perikles' citizenship law (see Chapter Two 81-2, above).  
78 ATL 3.9-12; A. Andrewes, "Philochoros On Phratries." JHS 81 (1961) 13; Patterson PCL 108; Lambert Phratries 45.  
79 Ogden Greek Bastardy 50; see, in particular, the arguments of the authors of ATL 3.9-12.
which implies that those born of a single alien may indeed belong to a phratry—in certain circumstances at any rate.\(^{80}\) Krateros fr. 4, in short, must be earlier than 451/0 and, therefore, is not part of the Periklean citizenship legislation.\(^{81}\) The principal question, then, still remains—why did the law restrict citizenship to the offspring of two Athenian parents?

Hignett, having recognized the inherent problem with AP's explanation, argued that the law was enacted because of the Athenians' desire to preserve their racial purity.\(^{82}\) He believed that, with the expansion of empire and the influx of foreigners into Attika, many Athenians became alarmed either at the increasing number of their group marrying foreigners, or at the possibility of such marriages taking place.\(^{83}\) As preposterous and anachronistic (one is reminded of Nazi Germany) as this may sound,\(^{84}\) Hignett is not without his adherents. Both Loraux and, most recently, Ogden argue that the law was motivated

\(^{80}\) Ogden Greek Bastardy 50.

\(^{81}\) If one accepts Patterson's argument regarding Krateros fr. 4 and its relationship to the citizenship law, one would have to conclude that the account of the AP vis-à-vis the provisions of citizenship law is incorrect, a conclusion not justified by the evidence. See the remarks of Ogden Greek Bastardy 68.

\(^{82}\) HAC 345.

\(^{83}\) Cf. Gomme (Essays 86), who suggests the law was enacted to restore what was regarded as normal. That is, that Athenians did not marry foreigners. Also, cf. Rhodes Commentary 334.

by the Athenians' belief in their autochthony; by their belief that they, the same people, generation after generation, had always inhabited the same land. The Periklean citizenship law, according to this view, is simply an extension of this Athenian myth and collective identity, and was instituted in order to maintain, and preserve, the body of autochthons. In other words, Perikles' legislation on citizenship is ideology made into law.

On the surface, the myth of autochthony is probably the most powerful explanation for the reasons behind the enactment of the Periklean citizenship law. Not only does it explain the form the law took--no one is to μετεξείν τῆς πόλεως unless he is born from two Athenians--, but it also appears to offer a plausible solution to the question why the Athenians would have limited their citizenship in such a way. There is, however, a gaping hole, so to speak, in this argument, and it is namely for the following reason that it becomes unconvincing.

The reason is, quite simply, that autochthony, as a part of the Athenian identity and ideology, is not attested prior to 451/0 B.C.. From about the 420's down to the time of Isokrates

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and Demosthenes, autochthony appears in its ideological form. As such, it is inextricably linked to citizenship and to democracy. But, there is no evidence of autochthony in its ideological sense in the literature that has survived from before 451/0 B.C.. Ogden, recognizing the lateness of the evidence for the ideology of autochthony and, therefore, the problem with pushing it all the way back to the 450's, argues that, by the 420's, "the ideology [sc. of autochthony] is already in such a richly developed form that it must have been around for some time." As support for his argument, Ogden appeals to the epitaphios (the genre in which the idea of the autochthonous Athenians is most often found expressed) and suggests that, even though none of the epitaphioi before that of Perikles has survived, they, too, would have presented the myth of autochthony. The argument, however, is one from silence;
there is no verification for it. We cannot be certain, therefore, that the ideology of autochthony was present in early examples of the funeral oration.

A counter-suggestion to the relationship between Perikles' citizenship law and the myth of the autochthonous Athenians is, however, possible. Though equally an argument from silence, I suggest that the myth, in its fullest ideological sense and as a breed of Athenian nationalism, is the result of the citizenship law rather than the other way around, as both Loraux and Ogden argue. One of the effects of the citizenship law was "to create an endogamous city-state, an enclosed community whose members [could] be produced only by other members."⁹¹ I propose that it is, in part, because of this effect of the law on the citizen-body that we find autochthony a component of Athenian consciousness and collective identity in the late fifth and fourth centuries B.C.. The myth may have been appealed to shortly after 451/0 B.C. as a justification for the introduction and implementation of the citizenship law; I do not think, however, that it is correct to adudge the Athenians' belief in their autochthonous origins as the cause of it. Furthermore, it is possible that the myth of the autochthonous Athenians played a significant role in 403/2 B.C., at which time the citizenship law was re-introduced.

None of the extant literary sources tells us why precisely

the law was re-affirmed in 403/2 B.C.. There is evidence, however, that, in the restored democracy, there was some discussion about citizenship and who should, and who should not, belong. Lysias, for instance, informs us that in that year Phormisios proposed that the politeia should be limited to those who owned land, a measure which, Dionysios of Halicarnassos states, would have disfranchised 5000 Athenians. At the same time, the author of AP reports that Thrasyboulos tried to have those who helped in the restoration of the democracy enfranchised, an attempt which was successfully attacked as unconstitutional by Archinos. Both of these proposals indicate that the question of who should, and who should not, belong to the Athenian polis became a heated issue in the restored democracy. In the end, the Athenians chose to re-introduce Perikles' citizenship law. Whether they chose to do so because of their belief in their autochthonous origins, or because Perikles' citizenship law was regarded as defining the traditional requirements for citizenship, is unclear. It is more credible, however, given the abundance of references to autochthony in the literature of the late fifth and fourth centuries, that it was appealed to in 403/2 rather than in 451/0

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93 AP 40.2; cf. IG II²10, which, as discussed above (100-02), remains controversial.
Hignett's argument, discussed earlier in this chapter, that the cause of the movement towards racial purity was due to Athenians' marrying foreigners or metics at Athens, needs further consideration. For, many scholars have followed this as their main premise, but have developed different theories as to why it was a problem for Athenians. Gomme, for example, argued that the law was an effort to restore what was regarded as normal since, in his opinion, "it was in accord with average sentiment."  

Humphreys saw in the law an attempt to stop the aristocratic practice of creating alliances with families from other city-states through marriage, since such unions "created sympathies and loyalties which might obstruct rational policy both towards Athens' subjects and towards her rivals."  

Lacey, on the other hand, suggested that the law was enacted on behalf of Athenian marriageable women, who found themselves unable to wed because their Athenian male counterparts were contracting marriages with foreign women; while Sealey and Rhodes believe that the law was aimed at stopping the practice of Athenian women marrying metics.

As stated above, what all of these theories have in common

94 Gomme Essays 86.
is the idea that Athenians were marrying foreigners. This immediately raise several questions. Did the law have anything at all to do with marriage? Was it primarily aimed at mixed marriages? Were they made illegal under the law? What was the frequency of Athenians marrying foreigners? In dealing with such questions, Patterson denies any direct relationship between the law and marriage on the basis of there being nothing about the institution in the law as transmitted by the ancient sources. Rather, she argues that the citizenship law was only indirectly concerned with marriage (in the sense that it would have made mixed marriages less desirable since any offspring would not have been eligible for citizenship under its terms) and, therefore, that they were not made illegal. In addition to this, Patterson questions the frequency of marriages between foreigners and Athenians in the mid-fifth century and suggests that "Athenians usually married other Athenians."

I think it is unquestionable that the Periklean citizenship law was concerned with marriage directly. For, given the formulation of the law as evidenced by the AP, it seems to me that one can only assume two things: (1) there was a significant number of offspring with one Athenian parent; and,

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98 PCL 95.

99 PCL 29 n.3; cf. 130.

100 PCL 106; cf. Gomme Essays 86.

101 It should be noted that it is only on the basis of this assumption that Patterson's main argument--that the law was an attempt to reduce the number of citizens--is viable.
consequently, (2) marriages between foreigners and Athenians were more frequent than Patterson is willing to admit. Consequently, marriages between foreigners and Athenians were more frequent than Patterson is willing to admit. 

Unfortunately, it is impossible to gauge at what rate Athenians and foreigners were marrying. Nor is it possible to say with any certainty whether such marriages were made illegal under the law, since the two laws quoted at [Dem] 59.16 and 52 concerning unions between foreigners and Athenians cannot be dated.

But, perhaps, to ask whether the law made inter-marriage illegal or not is to approach the relationship between the citizenship law and marriage in the wrong way. It is without a doubt, as mentioned earlier, that one of the effects of the law was "to create an endogamous city-state, an enclosed community whose members [could] be created only by other members." Approached from this perspective, the law would have brought an end to inter-marriage, whether it made it outright illegal or not. The institution of epigamia would help illuminate further the relationship between the citizenship law and marriage.

At some point between 446 and 403 B.C., Athens granted epigamia (the right of inter-marriage) to select cities in

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102 I find Patterson's argument awkward. Why formulate a law calling for two Athenian parents if the main cause of the growth of the citizen population is the admission of foreigners into the citizen body? Her response—that Krateros fr. 4 should be regarded as part of or akin to the citizenship law—is, in my mind, false and misleading. See above 108-109.

103 Patterson suggests they were a fourth-century measure (PCL 129-30; cf. Harrison LA 1.26; Lambert Phratries 182 with n. 209.

Euboia. In essence, what this grant did was to recognize the offspring of marriages between Athenians and Euboians as γυνήσιοι and Athenian by initially recognizing the marriages themselves. Stated otherwise, the Athenian grant of epigamia to the Euboians recognized marriages between Athenians and Euboians as productive of citizen offspring. As such, it does not necessarily follow from this that inter-marriage had been hitherto prohibited by law. What it indicates is that, under the terms of the citizenship law, marriages between Athenians and foreigners would not have been recognized as productive of citizen offspring and, in this way, would have eventually put an end to the practice.

Was the law, then, instituted, as Hignett and Gomme argued, because Athenians did not want other Athenians to marry metics or foreigners, because most Athenians simply did not like such unions? Was the law instituted because there was a plethora of unwed Athenian women, as Lacey believed? Or, was it because inter-marriage caused divisions in loyalty? All of these are plausible theories, but they fall short of explaining fully the enactment of the law. This last theory, for example, proposed by Humphreys, fails to take into account the institution of

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105 Lys. 34.3. The exact date of this grant is unknown, but, since an Athenian klerouchy was established there in about 450 B.C., a date closer to 446 is favoured by scholars. See, for example, Hignett HAC 343; ATL 3.294-7; Meiggs Empire 121-3; Harrison LA 1.29; and Ogden Greek Bastardy 69-71.

106 Cf. Xuthos' position in Euripides' Ion.
proxenia, which persisted well into the fourth century. As Hermann makes clear in his study, proxenia was just as important as marriage in forging bonds of friendship and loyalty between individual Athenians and members of other city-states.\(^\text{107}\) It is difficult, therefore, to accept the argument that the purpose of the citizenship law was to stop Athenians from making such bonds with foreigners through marriage when there was a method, just as effective and still in place, whereby such bonds could be forged.\(^\text{108}\)

A final theory concerning the reasons behind the enactment of the law needs to be addressed before proceeding any further. This is the theory of Jacoby, who argued that the law was introduced by Perikles as a political weapon to be used against his adversaries, principally Kimon and Thucydides, son of Melesias.\(^\text{109}\) According to Jacoby, despite the fact that the law was not enforced retroactively, it nevertheless posed a threat of potential graphai xenias. Although this is a possible conjecture, there is no evidence in the surviving literature to support the idea that the law was ever used for political purposes. In fact, when Plutarch recounts the story about Perikles's request to have his νομικός-son admitted into his phratry, he does not say anything about his adversaries employing

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\(^{108}\)Cf. Patterson PCL 100.

\(^{109}\)Jacoby FGrH 477-81.
the request against him. Rather, as noted earlier, Plutarch focuses on the inherent irony of the request, which suggests that the law was not tied into Athenian politics at all.\textsuperscript{110}

Most discussions concerning the causes which led to the introduction of the citizenship law regard the issue as a domestic one. That is, in trying to determine why the law was enacted, most scholars turn to what was happening at Athens itself. Thus, for example, Hignett argued that the introduction of the law was due to Athenians marrying metics, while Patterson regarded it as caused primarily by a population problem due to the admission of foreigners into the citizen ranks. Whilst it is undeniable that citizenship itself is a domestic issue, it is still possible that the events which culminated in the citizenship law of 451/0 B.C. were not events happening solely at Athens. In other words, it is my belief that the introduction of the Periklean citizenship law was precipitated by external events, events having to do with the increasing power and position of Athens as an empire.

It is a well-known and often observed fact that one of the methods employed by Athens to control trouble spots of the empire was to settle Athenians in those parts, either in the form of a garrison, klerouchy, or colony.\textsuperscript{111} Since colonists "were sent to land either wholly or partially dispossessed",\textsuperscript{112} and, in so

\textsuperscript{110}Plut. Perikles 37.2-5; cf above 91-2.

\textsuperscript{111}See Meiggs Empire 205-19; and comments of ATL 3.284.

\textsuperscript{112}ATL 3.289.
doing, gave up their Athenian status, it is the garrisons and klerouchies that are of interest here. As early as 453/2 B.C., Athens had established a garrison in Erythraia to ensure the protection of loyal Erythraians after a revolt against Athens had been successfully quashed. It is to be expected that the Athenians stationed there would have interacted with the local Erythraians, some, perhaps, even contracting marriages with local women. Since, unlike colonists, the Athenians stationed in garrisons remained, as did klerouchs, Athenian citizens, any children born from such unions would have been considered Athenian. Accordingly, such children would have to be accepted and enrolled into the relevant groups, namely the paternal phratry and deme. The difficulty in determining and accepting the validity of such marriages, and, subsequently, any offspring born from them, back at Athens would have been enormous. It, therefore, does not seem to be mere coincidence that the citizenship law—with its stipulation that an Athenian is one born from two Athenians—was introduced in 451/0 B.C..

The situation at Erythraia serves only as an example of the possible difficulties involved in monitoring the relations between Athenians and members of the empire and, thus, in

\[113\] ML 40; Meiggs *Empire* 112-15, 117; ATL 3.254-55.

\[114\] It is important to compare here the Athenian grant of *epigamia* to cities in Euboia at some point between 446 and 403 B.C. after the establishment of an Athenian klerouchy. This grant was made to benefit the klerouchs rather than the Euboians. (See Ogden *Greek Bastardy* 70). It is probable, therefore, that Athens made the grant on the basis of the experience of Athenian klerouchs marrying local women before the year 451/0 B.C.
monitoring who was, and who was not, an Athenian. It is without a doubt, in my mind at least, that the increasing contact of Athenians with members of other city-states, due to the position of Athens as leader of an empire, contributed to the difficulties. At any rate, whether this was an existing problem with which Athenian phratries and demes were faced, or one which was foreseen by Athens, is an impossible question to answer. The connection, however, between the citizenship law and the stationing of Athenians in foreign parts of the empire cannot be easily dismissed when one considers that, in 450 and during the 440's B.C., Athens began to send out klerouchies with more frequency than ever known before. In 450 B.C., for example, Athens established klerouchies in Andros and, probably, Naxos; and, between 450 and 446, klerouchs were settled in select cities of Euboia, in the Chersonese, Lemnos, and Imbros. It is important to emphasize once again that these people did not give up their Athenian citizenship by going abroad; they remained Athenians even though they did not live in Athens.

If the choice of a wife for these Athenians living abroad was not limited to Athenian women, it would have resulted in the expansion of Athenian citizenship in small pockets of the Mediterranean world. By limiting citizenship to the


\[116\] For example, the male offspring of Athenian family (A), living in Andros as klerouchs, marries into Andrian family (X), instead of marrying the female offspring of Athenian family (B), also living as klerouchs in Andros. The male offspring of Athenian family (B) also marries into Andrian family (Y). Assuming that the
offspring of two Athenian parents and, thus, in essence, limiting an Athenian's choice of a wife, Athens, in effect, contained the number of people eligible to share in Athenian citizenship.

I believe that it is in this sense that AP 26.4 must be understood. It is not necessary, as Patterson has done, to argue that the size of the citizen population at Athens had doubled due to the enfranchisement of foreigners and that Athens was teeming with métroksenoi. For, even as Patterson herself recognizes, the law does not appear to have been retroactive. What the citizenship law did was to contain for the future the number of Athenian citizens. Specifically, it prevented the expansion of Athenian citizenship in parts of the empire, as more and more Athenians were sent to live abroad as klerouchs, members of garrisons, or as political representatives.

Such an interpretation also hints at a possible reason as to why the citizenship law was not aimed specifically at metics residing in Athens, as Hignett believed, and why it was laid down as a general principle. If Athens had wanted only to stop the practice of metics marrying Athenians, it would have been necessary merely to amend the rights and obligations of the metic status. As a practical measure and general principle, the citizenship law, therefore, was not instituted because of Athenian female offspring of families (A) and (B) marry other Athenian klerouchs, the result would be a doubling in any offspring from such marriages and, thus, a doubling in the number of Athenian citizens.

I am thinking here of the formulation of the law as it appears at AP 26.4.
Athenian racism, nor was it instituted to remedy an existing population problem at Athens. Rather, as suggested above, the law was enacted as a means to prevent the possibility of a significant increase in the number of people sharing in Athenian citizenship.

A possible difficulty with the theory proposed above, however, needs to be addressed before concluding. It might be objected that the Periklean citizenship law had nothing at all to do with Athenian klerouchs marrying local women. Epigamia, it could be argued, was created because Athens had not foreseen the problem klerouchs and other Athenians living abroad would face in getting married. In other words, one might contend, the grant of epigamia was devised as a means to bypass the citizenship law altogether. A logical consequence of this argument is that the introduction of the law was not caused by, or targeted against, Athenian klerouchs, or members of a garrison, marrying local foreign women, and, therefore, that the citizenship law was established for some other reason.

Against such an objection, I would point out that we do not know for certain when, precisely, epigamia was granted by the Athenians for the first time. If the initial grant occurred years after the establishment of the citizenship law, one could still contend that the law was introduced originally to prevent Athenians living abroad from contracting marriages with local women. But, even if epigamia was granted for the first time shortly after the introduction of the citizenship law, the
connection between Perikles' law and Athenian klerouchies and garrisons is still tenable. For, it is conceivable that epigamia was created as a means to control the relations between foreigners and Athenians living abroad. That is, Athens would itself decide when its citizens living abroad could marry local women and, therefore, when any children born from such unions would be Athenian, by awarding epigamia. The Athenian practice of granting the right of inter-marriage to some of its klerouchs is, therefore, not at odds with the theory concerning the citizenship law proposed above.

To summarize, then, I suggest that the introduction of Perikles' citizenship law was prompted by the need to control the interaction and relationships between Athenians, stationed in foreign parts of the empire, and the local inhabitants of those areas. More specifically, the law appears to have been an attempt to stop such Athenians from marrying local foreign women, an attempt which may, I propose, have been instigated by the circumstances at Erythraia, where an Athenian garrison was established in 453/2 B.C.. The law was also an effort by the Athenians to prevent the expansion of their citizenship in parts of the empire as more Athenians were sent to live abroad with increasing frequency. Accordingly, Perikles' citizenship law was not an attempt to reduce the number of existing citizens. Rather, it was, as AP seems to have thought, an attempt to preclude a significant increase in the number of people sharing in Athenian citizenship.
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